

BREAKING THE CHAINS 2: THE PRESCHOOL-TO-PRISON PIPELINE EPIDEMIC

Equal Justice Society

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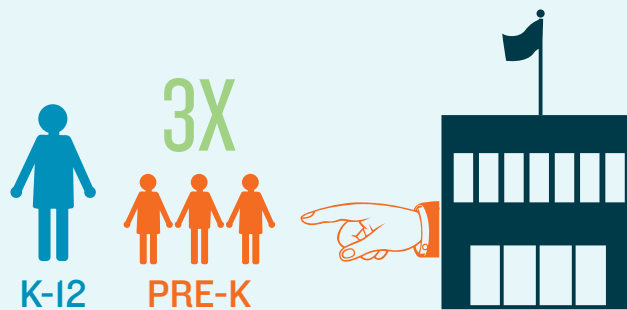
INTRODUCTION

Thousands of American students are suspended and expelled each year, placing them on a path that leads closer to prison than a diploma—and young children are no exception. Data from the 2016 National Survey of Children's Health found that 50,000 preschoolers were suspended at least once and another 17,000 were expelled. On average, that means that 250 preschoolers are expelled or suspended every school day.¹ In fact, they are disciplined more than their older peers. Children in pre-K are expelled at 3 times the rate

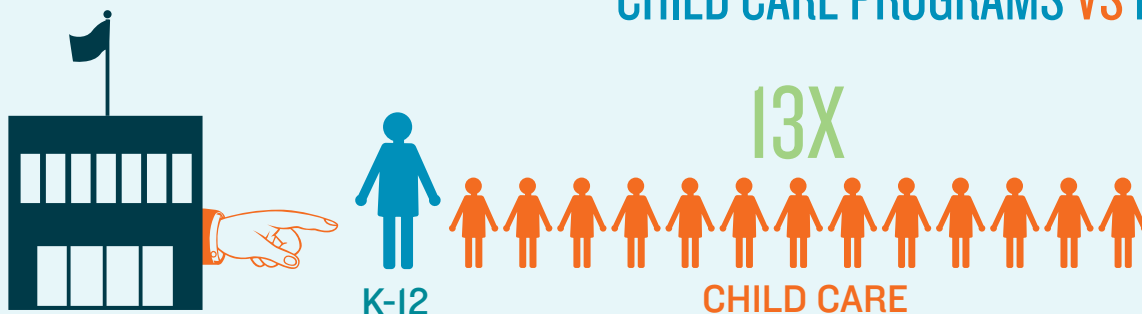
of K-12 students, while children in child care programs are expelled at 13 times the rate of K-12 students.² Overwhelmingly, preschoolers and K-3 students who are disciplined resemble the adults we see behind bars: they are students of color, male students, students with disabilities, students living in poverty, and homeless students. For example, in 2014, Black children represented only 18% of nationwide preschool enrollment, yet comprised 42% of suspended students.³

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PRE-K VS K-12



CHILD CARE PROGRAMS VS K-12



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WHY SHOULD WE CARE ABOUT DISCIPLINING YOUNG CHILDREN?

The increasing trend of suspending students is part of a phenomenon known as the school-to-prison pipeline ("STPP"). Equal Justice Society's previous publication, "Breaking The Chains," explains the STPP as the process by which at-risk high school and middle school students are pushed out of learning environments and into the juvenile justice system.⁴ Our report aims to broaden the scope of this inquiry by detailing how disproportionate discipline in preschool through 3rd grade can inhibit a child's social development and academic success.⁵ Here we will refer to disproportionate discipline in early education that pushes students out of school as the preschool-to-prison pipeline ("PTPP"). While the pipeline metaphor suggests that students are transferred directly from the classroom to a jail cell, the path to prison is far more complex. Relatively few youth are arrested in schools; instead, most who are disciplined are given out-of-school suspension, in-school suspension, or other school punishment.⁶ These consequences increase the likelihood of dropping out, which in turn increases the likelihood of incarceration--about one in every 10 male high school dropouts is in jail or juvenile detention, compared with one in 35 young male high school graduates.⁷ In this report, we consider the mechanisms that lead to the harsh discipline of preschoolers and K-3 students in addition to examining the effects this discipline has on students' future academic success.

Preschool has the power to orient children on successful academic and social trajectories. Neuroscientists and child development experts have determined that the first 5 years of life, and especially the first 3 years, are the most critical for brain development and have the strongest possibility of paving the way for long-term health and learning.⁸ Their work demonstrates that brain development is cumulative, and that a child's earliest experiences are the source of future growth and development.⁹ In other words, very young students, especially those vulnerable to disruption and instability in a variety of social contexts,¹⁰ require support. Preschool allows children the opportunity to build strong teacher-student and peer-to-peer relationships, develop listening and

learning skills that will help them later in school, and engage in social emotional learning (such as sharing and taking turns, playing games, and coping with a range of emotions).¹¹

Preschool lays a strong foundation for future academic success. Children's relationships with their kindergarten teachers can predict academic performance and behavioral outcomes through 8th grade.¹² Attentive teachers build trusting relationships with their students and create an environment of care and respect in the classroom. When teachers are given time to attend to the specific needs of their students, they can help

those who struggle most in school adapt to the learning environment and build social skills. For most children, preschool is a crucial time to begin the process of learning to read. Students who do not receive early literacy skills can have a harder time keeping up in elementary school. Elementary school literacy levels predict high school literacy,¹³ and high school literacy levels predict graduation rates.¹⁴ Students

who cannot read at grade level by 3rd grade are 4 times more likely to drop out than their peers who can.¹⁵

Early education is a critical time for the development of socio-emotional behaviors and academic attitudes that stay with students as they grow older.^{16,17} Peisner-Feinberg and colleagues (2001) found preschool quality has a long-term impact on children's "receptive language ability, math ability, cognitive and attention skills, problem behaviors and sociability through the end of the second grade."¹⁸ As such, they conclude that "children with positive early experiences with non-parental caregivers learn a pattern of interacting that facilitates their relationships with future teachers, as well as their ability to utilize experiences provided in these environments to further their development."¹⁹ Such positive experiences include the celebration of young students' achievements, and the acknowledgment of each student's unique talents and personalities.

Fourth, early education can positively impact a child's long-term, overall health. This was shown in the

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famous Abecedarian Project. In the Project, a randomly selected group of children received full-time, high-quality educational intervention in a childcare setting from infancy through age 5, known as the "Abernathy group".²⁰ Measuring the health of participants in their mid-30s compared to their untreated peers, the project researchers determined that those who received high-quality early care and education were far healthier 30 years later than those who did not receive the same care and education.²¹ Specifically, males in the Abecedarian group had lower incidences of hypertension in their mid-30s and less frequently exhibited combinations of obesity and hypertension. Moreover, none of the participants in the Abecedarian group later exhibited the cluster of conditions known as "metabolic syndrome," which is associated with greater risk of heart disease, stroke, and diabetes.²² The Abecedarian group was also less likely to report depressive symptoms than their control group peers. These findings are consistent with studies showing that life expectancy increases the more education an individual has; for example, lacking a high school diploma can be as deadly as cigarette addiction.²³

Children require strong academic foundations if they are to succeed and lead healthier lives, but early experiences with school discipline dramatically affect their future academic and social success.²⁴ When students are suspended or expelled from preschool, they are denied the opportunity to gain important skills and interact positively with their peers and teachers. School becomes a place where they are neither welcomed nor supported; their health and safety is jeopardized.²⁵ For young students in particular, exclusionary discipline, like suspension and expulsion, can be confusing and frustrating. Some young children may not have a thorough understanding of what a suspension means, undermining any potential learning opportunities about what constitutes inappropriate classroom behavior.²⁶ On top of that, they miss crucial class time. For other students, suspension or disciplinary exclusion can harm their self-image as students and they may internalize their roles as "troublemakers" or as "unwanted." As it is difficult to unlearn internalized self-images, these early formations can set a standard for a future of troubled relationships with authority figures and educational locales.²⁷

The damage of harsh discipline compounds as a child continues school. Evidence shows that expulsion or suspension early in a child's education is associated with expulsion or suspension in later school grades, which could result in cumulative hours of missed

instruction and learning delays.²⁸ Students suspended or expelled in preschool through third grade are as much as 10 times more likely to drop out of high school, fail and repeat grades, struggle academically, and be incarcerated than those who do not experience exclusionary discipline.²⁹ Suspension and harsh discipline begin a long process of school push-out that often ends in dropout and an increased likelihood that a student will eventually serve time in prison.³⁰

We believe that children should be held accountable for their misbehavior. Challenging behavior during the preschool years constitutes one of the strongest predictors of later, more serious "problem" behaviors including delinquency, aggression, antisocial behavior, and substance abuse.³¹ As such, adults must interrupt challenging behavior as early as possible; not through harsh discipline, which exacerbates the problems, but through care.

The students being disciplined and excluded from preschool are often those who have the greatest need for care. For the most at-risk students, early education has the potential to instill in them a sense of trust and confidence they might not otherwise experience.³² Quality early child care and education are critical, stabilizing factors for young students who are at a higher risk of struggling socially and academically due to differential treatment because of their race, gender, socioeconomic status, and ability. However, as we will discuss in the following sections, exclusionary practices and policies systematically push out at-risk students, drawing them further into the PTPP and potentially resulting in collateral consequences individually, interpersonally, and to our society as a whole.

WHAT CAUSES SUCH HIGH NUMBERS OF SUSPENSIONS AND EXPULSIONS?

HIGH TURNOVER AND UNDER-RESOURCED SCHOOLS

Experts agree that the quality of teachers matters more than any other factor of the school system for student success.³³ Schools in low-income neighborhoods and schools with a majority of students of color often experience high teacher turnover rates that negatively impact overall teacher quality. Teacher turnover harms student-teacher relationships and low teacher morale and contributes to harsh discipline practices.³⁴ Overworked, under-supported, stressed-out teachers are more likely to opt for quick fixes-- like suspension or expulsion-- rather than working with a student to create personalized solutions for troubling behavior.³⁵

In the majority of states, the median annual earnings for a child care worker, including those who have credentials and graduate degrees, is below the poverty line for a family of three.³⁶ Preschool teachers are the lowest paid: in 2015, the median annual wage for preschool teachers was \$28,570, roughly half of what kindergarten and elementary school teachers earn (\$51,640 and \$54,890, respectively). Low pay makes it difficult to attract and retain more experienced staff with higher levels of education.

In the past two decades, turnover rates have decreased significantly, but the number of those leaving their programs remains high.³⁷ Over 10% of the 3.4 million public school teachers in the U.S. either transfer between schools (227,016) or abandon the profession altogether (230,122) each year.³⁸ About 90% of the nationwide demand for teachers is created by teachers leaving the profession.³⁹ Two-thirds of the teachers that leave the profession are motivated by reasons other than retirement, such as lack of administrative support, low salaries, and poor teaching conditions.⁴⁰ When teachers leave, students' social-emotional and behavioral development is impacted.⁴¹

In addition, low wages – particularly those that keep early educators and providers at or near poverty levels – undermine wellness, which adversely affects the quality of classroom instruction.⁴² A recent study conducted by Yale University's Edward Zigler Center in Child Development and Social Policy found that with preschool teachers who reported high job stress, 14.3% also reported one or more expulsions in the last year, while 4.9% of teachers with low job stress reported

expulsions.⁴³ The expulsions were also linked to high student-teacher ratios: 12.7% of teachers reported an expulsion in classrooms with 12 or more children per adult, compared with 7.7% of teachers who reported an expulsion when there were fewer than eight children per adult. Teachers who had students in extended-day classes (eight or more hours) were also more likely to recommend expulsion for students. The study concluded that long workdays and excessive workloads seem to impact preschool teachers' abilities to manage a classroom and deal effectively with children who misbehave or have difficulty following classroom rules.

Teachers also suffer from policies that result in underfunded schools. When crafting solutions to the preschool-to-prison pipeline, supporting teachers must be a top priority because teacher health impacts student health. Recent research found that students had higher levels of cortisol (the "stress hormone") if their teachers reported higher burnout levels. "Teachers who experience higher levels of burnout report to be more stressed, less effective in teaching and classroom management, less connected to their students, and less satisfied with their work."⁴⁴ Teacher burnout may thereby contribute to harsher school discipline for students. Policymakers and advocates need to support teachers to help break this burnout-harsher discipline cycle. This support may include evidence-based professional development training on classroom management and other practices, resources in terms of support staff or additional school mental health counselors or aides, and strengthening the school climate around helping teachers succeed.

Furthermore, discipline issues are greatly exacerbated by the fact that teachers often lack training on the developmental psychology of youth, including the effects of chronic trauma and toxic stress on children's learning.⁴⁵ Moreover, teachers rarely receive proper training on how to effectively manage conflict with students in culturally competent ways.⁴⁶ Even experienced teachers often fail to recognize trauma or disabilities, leading them to suspend "misbehaving" students without first attempting to determine the cause of this behavior. According to a Learning Policy Institute study, 31 states had at least 82,000 positions filled by underqualified teachers.⁴⁷

Teachers lacking certain training might also misdiagnose students with behavioral disorders and refer them to special education classes⁴⁸ when their behavior may be caused by developmental delays or

Adverse Childhood Experiences (ACEs). ACEs include abuse, neglect, and household stress, such as domestic violence, parent mental illness, substance abuse, or divorce.⁴⁹ Trained teachers and those who use support services—such as mental health consultants who are skilled in managing child behavior—are half as likely to report expelling a child.⁵⁰ In a 2015 California Teachers Association online poll, 9 out of 10 teachers surveyed said they need more training and support of school psychologists and counselors if they are to successfully retreat from "zero tolerance" discipline practices, in which even minor infractions may result in a student being sent home for a day or more.⁵¹

Underfunded schools hire "a disproportionately large share of first-year teachers" and have the lowest retention rates.⁵² Students of color and low-income students are hurt the most: 11% of Black students, 9% of Latinx students, and 7% of Native American or Alaskan Native students attend schools where more than 20% of teachers are in their first year of teaching, compared to 5% of White students and 4% of Asian students.⁵³ Although there is little national data on low-income students, states like Massachusetts have reported data that suggests low-income students study in severely underfunded schools. According to the Massachusetts Department of Elementary and Secondary Education, as of the end of 2013, high poverty schools and the lowest performing ("Level 4") schools had the lowest retention rates, with only 58% retained for their first year, and just 42% retained for two years.⁵⁴ Moreover, first-year teachers were "more likely to be assigned students who are academically behind, when compared with students assigned to more experienced teachers."⁵⁵ The Office of Civil Rights data show that districts serving children of color are four times more likely to be assigned to uncertified teachers.⁵⁶ The data also supports the finding that low-income students, students with disabilities, and English learners are more likely than other students to be taught by underqualified teachers.⁵⁷ Therefore, students most in need of experienced teachers are least likely to have them."⁵⁸

RACIAL DEMOGRAPHICS & IMPLICIT BIAS

Implicit bias plays a significant role in the PTPP. The implicit biases of decision-makers – including teachers, administrators, school board members, classified staff, school police, and school officials – influence the high numbers of suspensions and expulsions and the harsh treatment of youth of color.

WHAT IS IMPLICIT BIAS?

Though one might assume we are in constant control of what we think and how we behave, this is a false assumption. Scientists suggest that we have "conscious access to only 2% of our brains' emotional and cognitive process" and that we "process 11 million bits of information at a time but have the capacity only to be aware at best of 40 bits."⁵⁹ This means that the majority of our conduct is directed by the 98% of our brain that is working subconsciously.⁶⁰

Though recent studies have shown that under some conditions, implicit and explicit cognition are reliably connected, the fact remains that much of our cognition and brain processing is not in our control.⁶¹ A great deal of our behavior occurs without our conscious perception. In order to function in a complex world as humans, we must create categories or "schemas" into which the concepts around us fit.⁶² This is a useful and positive part of our cognitive process when it comes to a category like "technology." If a sign suggests that you "take all technology out of your bag before proceeding through the metal detector," most people know what the sign is referring to.

However, this over-efficiency of the brain creates problems when we categorize other humans (e.g. man, woman, teenager, elderly) based on an internalized stereotype.⁶³ When a person interacts with someone from an identity group different from their own (i.e., individuals from different racial, socioeconomic, or gender groups), they may experience implicit negative neurological reactions.⁶⁴ For example, when the other group has been frequently portrayed or associated with negative, violent, or threatening images (e.g., in popular media or culture), a person's implicit associations may trigger a similar cognitive pattern to the innate fight or flight response one might experience when seeing tigers, snakes or spiders.⁶⁵ Most of our thoughts and actions may be driven by learned stereotypes that operate automatically—and therefore unconsciously—when we interact with other people.

HOW IMPLICIT BIAS IMPACTS TEACHING AND SCHOOL DISCIPLINE

School decision-makers, such as teachers, administrators, or police, may not question how their unconscious belief systems influence their reactions to situations. In a disciplinary situation, if an authority figure has unconsciously categorized a student as threatening based on the student's race, gender, sexual identity, disability status or other factor, the authority figure may respond more harshly than empathetically.⁶⁶ This adult may experience a fight or flight response that involves a release of stress hormones and increased heart rate.⁶⁷

conduct and students' intentions, often entangled with racialized stereotypes, leading to highly biased punishment and consequences.⁷² In one study, Black students were 31% more likely to be disciplined than White or Latinx students when discipline was discretionary.⁷³ By contrast, there was less racial disproportionality in punishment for more severe and objective infractions that required disciplinary action, such as weapons possession by students.⁷⁴

Discipline categories such as "willful defiance" and "disruption" are highly subjective categories susceptible to implicit bias. These categories are wide-sweeping; they allow suspensions for actions like "not paying attention, failing to do homework, [and]

DESPITE THE RACIAL DIVERSITY OF YOUNG STUDENTS IN THE UNITED STATES, THE MAJORITY OF TEACHERS OF 3- AND 4-YEAR-OLDS ARE WHITE (78%).

This neurobiological response will in turn inhibit that authority figure's ability to use higher-order brain function;⁶⁸ in the school discipline context, teachers may be inhibited from strategizing and finding the best course of disciplinary action for the individual student. Educators' implicit biases and subsequent lack of ability to strategize in disciplinary situations can have devastating effects on students of color, students with disabilities, and students affected by trauma. Implicit bias manifests most visibly when educators have discretion over the type of disciplinary action they impose. This discretionary discipline leaves room for variation based on subjective perception of students and thus has noticeably disproportionate effects on students of color.⁶⁹

A 2011 Texas study of 7-12th graders found that only 2.7% of the nearly 5 million disciplinary actions surveyed were required to be imposed by law.⁷⁰ This means that the other 97.3% of suspensions, expulsions, and other disciplinary measures were discretionarily-imposed based on a school policy or an administrator's decision. Nearly 5% of those actions surveyed (over 240,000 disciplinary actions) were not even official violations of the school conduct code, but were wholly based on teacher reaction.⁷¹ Discretionary discipline involves subjectively assessing the severity of student

talking back.⁷⁵ In California during the 2012-2013 school year, over one-third of out-of-school suspensions were for disruption.⁷⁶ This statistic was the impetus for Assembly Bill 420, which eliminated willful defiance and disruption as a reason to expel students in California for grades K-3.⁷⁷

Implicit bias impacts even the earliest stages of education,⁷⁸ especially because of the racial makeup of early education professionals. Despite the racial diversity of young students in the United States, the majority of teachers of 3- and 4-year-olds are White (78%), followed by Black (10%) and Hispanic or Latinx (6%).⁷⁹ Only 1% of teachers are Asian or Pacific Islander, and less than 1% (.85%) are Native American or Native Alaskan.⁸⁰ Cultural differences between educators and students can cause both parties to hold biases about the other. When teachers possess biases about their students, it can lead to disproportionate disciplinary practices, whether or not the teacher is conscious of them.⁸¹

Implicit bias is especially pernicious when it comes to young Black students. In the case of White instructors' interactions with Black boys, teachers' implicit biases render them more likely to view Black boys as more aggressive and older than their actual ages.⁸² Moreover,

we can extrapolate that if a child is viewed as older, teachers may believe that he or she may be able to understand the consequences of their actions and may thus punish them more harshly. This is despite the fact that young children do not understand the correlation between punishment and action in the first place.⁸³

White teachers are likely to punish or reprimand Black boys for normal toddler behavior and will escalate their disciplinary responses to Black children over time.⁸⁴ In addition, they may pathologize the child: White teachers may perceive Black boys' behavior to be disordered⁸⁵ and unnecessarily place these students in special education programs.⁸⁶

Any teacher's implicit biases may cause them to commit microaggressions against students of color, making students feel excluded or withdrawn from the classroom, and therefore causing them to act out or be less willing to follow teacher instructions.⁸⁷ Teachers may also implicitly assume that students of color are raised in a culture with poor values.⁸⁸ This can cause teachers to lower their expectations for the student, form a more distant relationship with the student, or display condescension when interacting with the student. Students perceive and internalize these low expectations and often perform worse knowing that they are not expected to succeed.⁸⁹

A teacher's biased discipline can contribute to a cycle of harm that involves other young students. As Nathaniel Bryan observed in his research, young White children internalize the power dynamics they see displayed by their White teachers.⁹⁰ Bryan argues that White children learn how to dehumanize Black male students, particularly as they observe how their White teachers disproportionately target them for minor and subjective school disciplinary infractions.⁹¹

In states like California, until very recently, teachers in elementary schools had the sole power to suspend a student for an entire day without consulting a higher-level administrator.⁹² We must address implicit bias in early education instruction. In our "Recommendations" section, we outline several avenues for interventions that can address the split-second decision-making that often determines a student's academic trajectory.⁹³ However, interventions aimed at reducing implicit racial bias among educators, even if successful, only address a portion of the school-to-prison and preschool-to-prison pipelines. The PTPP is a large social issue that requires a comprehensive response from political, legal, educational, and community stakeholders.

OVERREPRESENTATION OF LAW ENFORCEMENT IN SCHOOLS

The movement from playground to police car is not unidirectional; as the PTPP grows, so does the presence of law enforcement officers on school campuses. According to the 2013-2014 Civil Rights Data Collection, 24% of elementary schools have a sworn law enforcement officer on campus. Their presence increases the likelihood that police intervention will be a first step rather than a last resort.

Students, teachers, and staff should all be and feel physically safe. However, research demonstrates that law enforcement in schools is not the best way to achieve this safety.⁹⁴ In fact, on-campus police presence is counter-effective to safety, increasing punishment while failing to reduce crime and misbehavior.⁹⁵ For example, in Massachusetts, schools with School Resource Officers (SROs) have 5 times more arrests for disorderly conduct than those that do not, despite the fact that the schools have no significant difference in crime rates.⁹⁶ An analysis of the 1993 National Household and Education Survey, School Safety and Discipline component found that the presence of security guards in schools did not decrease school violence,⁹⁷ and the 1995 School Crime Supplement to the National Crime Victimization Survey found that security guards in schools may actually lead to more violence.⁹⁸ This may be true because SRO presence contributes to a mentality of criminalization and puts students on edge.

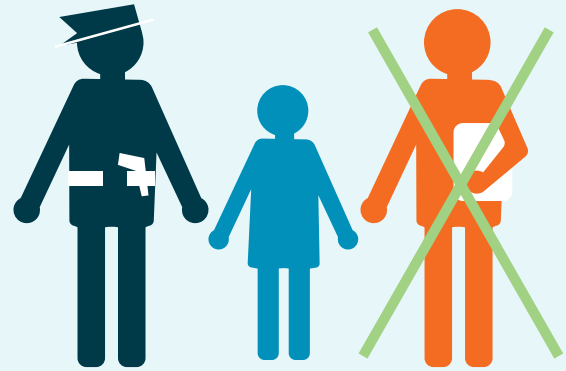
Moreover, SROs are sometimes violent actors on campus. In 2015, a video of an SRO in North Carolina flipping a Black student out of her chair and dragging her across the floor garnered national attention.⁹⁹ Also in 2015, a Florida school police officer was arrested and charged with child abuse in June for slamming a 13-year-old student to the ground and twisting his arm.¹⁰⁰ In August 2015, the American Civil Liberties Union sued a Kentucky sheriff after the deputy was caught on camera handcuffing disabled children who did not follow directions.¹⁰¹ In September 2015, a federal judge ruled that school police in Birmingham, Alabama had used unconstitutional and excessive force when they routinely pepper-sprayed children for minor disciplinary infractions, including a pregnant student whose offense was crying in a hallway.¹⁰²

In 2015, an SRO in Kentucky cuffed an 8-year-old Black special needs boy above the elbows. "You can do what we ask you to or you can suffer the consequences," the SRO said to the boy in a video that prompted a lawsuit

over his use of restraint.¹⁰³ When the boy complained of pain, the Officer said, "It's your decision to behave this way. If you want the handcuffs off, you're going to have to behave and ask me nicely."¹⁰⁴ This interaction underscores something we address below: that Black boys are treated with adult severity even when they are too young to fully comprehend their actions.¹⁰⁵

Nationwide, 1.6 million students attend a school with a sworn law enforcement officer but no school counselor.¹⁰⁶ Urban schools have the most SROs; New York City's school police force is larger than the entire Boston Police Department.¹⁰⁷ SROs typically come from law enforcement backgrounds with experience interacting with adults.¹⁰⁸ But adults and young people are different: children are often more impulsive and have different understandings of cause and effect.¹⁰⁹ SROs are not consistently trained to adjust to school settings.¹¹⁰ Only 12 states require specialized training programs for school-based officers. These one-week programs, led by the National Association of School Resource Officers (NASRO), suggest—but do not require – that officers complete 40 hours of training before being placed in schools.¹¹¹ Most officers said they receive fewer than 10 hours of juvenile-justice interview and interrogation training over their entire careers, according to an International Association of Chiefs of Police survey.¹¹² Moreover, SROs are disproportionately staffed in schools with majority Latinx and Black enrollment than schools with majority White enrollment, contributing to the pervasive, false belief that youth of color are prone to criminal conduct and must be monitored aggressively.¹¹³ SROs are not immune from implicit bias, and may contribute to the fact that Black students are more than twice as likely as their White peers to receive discipline through law enforcement, despite comprising 16% of the national student body.¹¹⁴

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USE OF EXCLUSIONARY DISCIPLINE AND ZERO TOLERANCE POLICIES?

Exclusionary discipline operates on the premise that removing disruptive students will result in a better environment for others. This can be confusing and frustrating for young students who do not understand the correlation between punishment and action in the first place.¹¹⁵ Studies have found a negative relationship between the use of exclusionary discipline and school-wide academic achievement, even when controlling for demographics such as socioeconomic status.¹¹⁶ The American Psychological Association found that schools that opt for exclusionary discipline have "less satisfactory ratings of school climate and less satisfactory school governance structures."¹¹⁷ Moreover, instead of reducing classroom disruption, exclusionary discipline predicts higher future rates of misbehavior and expulsion. In fact, studies of school suspension show that 30 to 50% of those suspended will be suspended or expelled again, leading researchers to conclude that "for some students, suspension functions as a reinforcer rather than a punisher."¹¹⁸

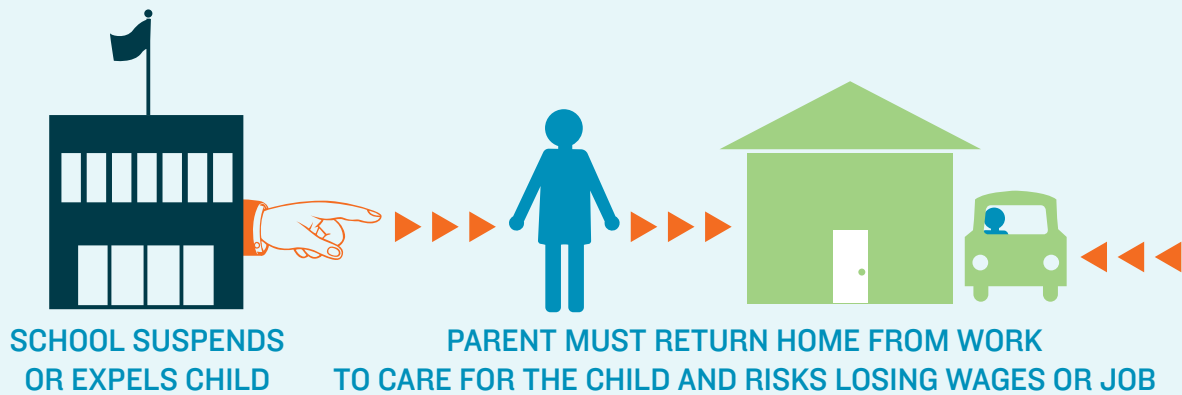
Zero tolerance policies are a form of exclusionary discipline that mandate automatic suspension or expulsion when a student commits a particular act. These policies became popular in the 1990s with the national implementation of the Gun-Free Schools Act of 1994, which mandated that all public schools expel students who bring a firearm or deadly weapon to school. Over time, more districts have adopted the zero tolerance model and broadened the policy to include expulsion for non-violent offenses.¹¹⁹ Although such policies were intended to protect schools from substance abuse and violence, they only succeeded in increasing the number of students suspended or expelled for minor offenses.¹²⁰ Under zero tolerance policies students have been suspended or expelled for unknowingly bringing a pocketknife to school,¹²¹ bringing toy guns to school,¹²² or pretending to play with weapons.¹²³ Other policies require officials to expel students for sharing "controlled substances" on school grounds but often students expelled under these rules have not done anything drastic, violent, or criminal. For example, in 2012 a middle school student in Denver was expelled when she lent her inhaler to a peer who needed to treat her asthma.¹²⁴

Students in preschool through third grade also feel the effects of zero tolerance policies.¹²⁵ For example, an 8-year-old girl was suspended from class for two days because she brought a pair of cuticle scissors to

open the wrapper on her lunch.¹²⁶ In our community work, we also learned of a 2nd grade student who was suspended for taking an extra piece of banana bread in the cafeteria line.

Zero tolerance offers a one-size-fits-all solution to complex issues, and subsequently amounts to punishing students for natural developmental behavior. Student aggression, even violence, is normal; peaks in aggression typically occur in the toddler and preschool years and is not always a cause for concern.¹²⁷ But because zero tolerance requires that all aggressive behavior – even normal toddler interactions – be punished, these policies hurt young students, resulting in harm to their family, communities, and our society as a whole.

There is no evidence that zero tolerance policies improve behavior.¹²⁸ Like other school discipline efforts, zero tolerance policies and exclusionary discipline disproportionately impact Latinx and Black students whose behavior is often perceived as more violent than their White peers.¹²⁹



THE HIGH COST OF EXCLUSIONARY DISCIPLINE

Exclusionary discipline is not only emotionally, developmentally, and academically costly for students, but it is also financially burdensome for parents and school districts. Parents may lose wages or jobs from having to return home to care for their child who has been suspended or expelled.

Cities, meanwhile, spend millions on grade retention (the process of K-12 students repeating the same grade due to failing it the previous year) and crime control targeted toward young people¹³⁰ (California alone spends more than \$200,000 annually on each youth in its state juvenile facilities¹³¹). Efforts toward inclusive and restorative practices are far less costly than the public costs of exclusionary discipline, including educational remediation, school failure, child protection, criminal justice expenses, and health and mental health expenses from harm associated with exclusionary practices.¹³² In short, it is far more cost-effective to invest in at-risk students than expel them.

IN SHORT, IT IS FAR MORE COST-EFFECTIVE TO INVEST IN AT-RISK STUDENTS THAN EXPEL THEM.

A 2014 study of the state of Connecticut illustrates that investing in students over discipline makes financial sense. Connecticut spends about \$2,000 per child annually through the Early Childhood Consultation Partnership and upwards of \$14,000 extra for grade retention.¹³³ These savings are also long-term: appropriate preschool education can serve as an ameliorating factor for children at risk of developing challenging and/or criminal behaviors. Not only does this help the most at-risk youth from being pushed into the prison-industrial complex, it also lowers crime rates and provides substantial economic savings to the community.^{134,135}

WHO IS MOST AFFECTED BY HARSH SCHOOL DISCIPLINE?

Put broadly, the victims of the PTPP mirror its causes. Low-income students are at risk because of the likelihood that they attend an under-resourced school; students with disabilities are at risk because schools are not often properly equipped to address their needs and provide them with adequate support; children of color are at risk because of implicit bias and racial anxiety of school staff (and a lack of representation in school staff of people who look like them). Students at the intersection of these identities likely have negative experiences and disadvantages that are compounded. While we highlight those identities here, and in some instances their intersection, we acknowledge and caution that this information is limited and is, at best, a starting point for further research and discussion.

BLACK STUDENTS

Black children are disciplined at massively disproportionate rates compared to their White peers. In the 2013-2014 school year, Black children made up 19% of national student enrollment but represented 47% of the preschoolers who received suspensions or expulsions.¹³⁶ Black students are nearly 4 times more likely to be suspended from public school than White students, even in preschool.¹³⁷

The discrepancy between Black children and their peers is engendered in part by the subjective nature of school discipline. Black children are punished disproportionately compared to their White peers. This is due in part to the multiple implicit and explicit biases that teachers and other school officials may have against them. In an analysis of middle school disciplinary referrals, school officials referred White students to the office more frequently for observable, objective offenses (e.g., smoking, vandalism), while referring Black students more frequently for behaviors requiring subjective judgment (e.g., disrespect, excessive noise). Researchers Skiba and Williams

found that racial differences in reasons for suspension are most common for behaviors that do not threaten safety, such as "defiance," where issues of racism and implicit bias are more pronounced.¹³⁸ What is seen as defiance in Black children might be praised as assertiveness in White children.

BLACK BOYS

The U.S. Department of Education Office of Civil Rights (2014) reported that starting in preschool Black males are suspended more than any other racial group. While this cohort represents only 9% of kindergarten classes, they make up **at least half** of all suspensions.¹³⁹ Nearly 40 years of research has conclusively found that Black students – Black males specifically – are overrepresented in the use of exclusionary discipline, such as out-of-school suspension, and expulsion.¹⁴⁰

Because of how they are perceived, young Black boys in academic and institutional settings are often treated with adult severity and experience adult consequences. Black boys are often presumed to be guilty, and can be seen as responsible for their actions at an age when White boys still benefit from the assumption of childhood innocence.¹⁴¹ Black boys are also perceived to be older and more threatening; researchers found that Black children may be viewed as adults when they are just 13 years old.¹⁴² This over-estimation holds true for even the youngest Black children. In fact, another study found that merely seeing the face of 5-year-old Black boy triggered automatic threat perception stimuli in White adults.¹⁴³

BLACK GIRLS

Black girls have been largely excluded from the school discipline discussion, although a number of recent studies aim to fill this information gap. For example,

IN THE 2013-2014 SCHOOL YEAR, BLACK CHILDREN MADE UP 19% OF NATIONAL STUDENT ENROLLMENT BUT REPRESENTED 47% OF THE PRESCHOOLERS WHO RECEIVED SUSPENSIONS OR EXPULSIONS.

Kimberlé Crenshaw's 2015 study focused on Black girls in Boston and New York. She argued that because Black girl students are understudied, educators and policymakers may remain unaware of the "distinctly gendered dynamics of zero tolerance environments that limit their educational achievements."¹⁴⁴ She enumerated the ways in which discipline is tied to the regulation of Black femininity, citing a study that revealed that teachers may exercise disciplinary measures against Black girls as an impetus for the girls to adopt more "acceptable" qualities of femininity, like quietness and passivity.¹⁴⁵ Crenshaw also found that Black girls are punished more than other girls, and race may be a more significant factor for females than it is for males.¹⁴⁶ That is, the relative risk for suspension is higher for Black girls when compared to White girls than it is for Black boys when compared to White boys. Nationally, considering all grades, Black girls were suspended 6 times more often than their White counterparts, while Black males were suspended more than 3 times as often.¹⁴⁷ Crenshaw's results do not focus on early education, but they nevertheless provide important context for the disparate treatment of Black girls.

In addition to Crenshaw's work, a recent study by Georgetown Law's Center on Poverty and Inequality found that adults view Black girls as less innocent and more adult-like than their White peers, beginning at the age of 5, in a process called "adultification."¹⁴⁸ The report's authors trace "adultification" back to chattel slavery, when Black children were forced to work even as toddlers. These toddlers were rarely allowed time to play and were punished for normal, childlike behavior.¹⁴⁹

"Adultifying" leads adults to "place distinct views and expectations on Black girls that characterize them as developmentally older than their White peers, especially in mid-childhood and early adolescence."¹⁵⁰ Consequently, Black girls may receive less attention than their peers in early education because they are perceived as more socially mature and self-reliant. This lack of attention can result in "benign neglect," which dampens aspirations, thereby diminishing academic engagement in both high- and moderate-achieving Black female students.¹⁵¹ Adultification also has implications for Black girls in the child welfare system. Because Black girls are viewed as more mature and self-reliant, welfare authorities "may assign them different placement or treatment plans from White girls."¹⁵² Inadequate treatment plans may exacerbate emotional issues and lead to school problems.

The story of 5-year-old J'aeisha Scott illustrates teachers' tendencies to adultify. In 2005 J'aeisha threw

a temper tantrum at her school in Florida after a jelly bean counting game.¹⁵³ She was taken to the principal's office, where three police officers pulled her out of her seat, forced her arms behind her, and handcuffed her before leaving her in the back of a police cruiser for hours.¹⁵⁴ J'aeisha's story is sadly not uncommon. In 2012, 6-year-old Salecia Johnson, a Black girl from Georgia, was handcuffed, arrested, and suspended for 5 months after having a temper tantrum.¹⁵⁵ In 2013, 8-year-old Jmiyha Rickman, a Black student with special needs, was handcuffed at her school in St. Louis and held in a police car for nearly two hours after she threw a temper tantrum.¹⁵⁶ All of these girls were perceived to be violent and dangerous, likely due to the "adultification" they experience along with their Black male counterparts.

LATINX STUDENTS

Many studies have shown that high school age Latinx students are at a high risk of entering the school-to-prison pipeline. However, there is little information available regarding patterns of discipline of Latinx students in early education. One study of the Massachusetts school system suggested that they are disproportionately impacted, showing that Latinx kindergarteners made up 35% of suspensions but only 10% of the student body.¹⁵⁷

We do know that 1 in 3 Latinx babies are born into poverty,¹⁵⁸ and that only 17% of Latinx 4th graders are reading at grade level.¹⁵⁹ Reading comprehension and income level are both predictors of whether a student will be disciplined,¹⁶⁰ although more research must be done to definitively say that Latinx preschoolers and elementary students are disproportionately disciplined nationwide.

INDIGENOUS STUDENTS

Although there is no data specifically regarding indigenous children in preschool through third grade, there is data about Native American high schoolers. This information is worth considering because it provides context for the educational shortcomings that young Native American children are likely experiencing. When the U.S. government stripped Native Americans of their lands, it signed treaties with various tribes¹⁶¹ pledging to provide myriad public services, such as education, to tribal members in perpetuity.¹⁶² However, the U.S. government has fallen far short of fulfilling these pledges, merely providing institutionalized

assimilation rather than funding for indigenous education, incentives for Native teacher training, and other resources.¹⁶³ These failures on the part of the U.S. government have resulted in enormous disparities in discipline and educational achievement.

Native American students have the highest rates of attending underfunded schools. The United States Congress has, for decades, allocated money to "enhance the learning opportunities for Native students,"¹⁶⁴ who number amongst the poorest in America.¹⁶⁵ However, that funding is tenuous; it is "declining on a per-pupil basis"¹⁶⁶ and there remains little oversight and accountability to ensure proper allocation and spending. The Johnson O'Malley program, created in 1934 to fund basic educational needs of Native students, disperses money based on the number of enrolled tribal members attending public school. However, Congress has failed to complete the requisite population survey for the last 23 years.¹⁶⁷ This failure is simultaneous with the growth of Native student enrollment by approximately 4% per year.¹⁶⁸ Thus, the money authorized in 1994 must cover 92% more children. In 1995, the federal government allocated \$125 per Native student compared to \$63.80 in 2016.¹⁶⁹ In 2015, Senator Heidi Heitkamp (D, North Dakota) introduced a bill that would update the survey.¹⁷⁰ This bill became Public Law No: 114-244 on October 14, 2016.¹⁷¹

Upwards of 90% of Native American students attend public schools. The remaining 10% attend schools administered by the Bureau of Indian Education, which have some of the lowest graduation rates and test scores in the country.¹⁷² Some states have begun to fight back. In June 2017, the Tribal Executive Board of the Fort Peck Indian Reservation in Montana filed a "formal complaint with both the U.S. Department of Education and the Department of Justice alleging that a school district in rural Montana discriminates against students who are citizens of the Assiniboine and Sioux nations."¹⁷³ The complaint alleges that the district mismanages the Native-specific federal funding that is allocated by Congress to support Native students and fulfill treaty obligations.¹⁷⁴ This money is crucial for Native students. Without this funding, students in Putnam City, Oklahoma, might not have access backpacks, calculators, or caps and gowns at graduation.¹⁷⁵ Meanwhile, other districts use the funds to sponsor Native American clubs, powwows, and Native music or language classes, which are crucial for student health and success.¹⁷⁶

Nationwide, Native American and Alaskan Native students are more likely to be suspended than any

other racial group besides Black students. In a study conducted in 2015 (using data from earlier years), Native students were suspended and expelled nearly twice as often as their White peers.¹⁷⁷ For example, in Jefferson County 509J School District in Oregon, nearly 40% of Native American students in grades 6-12 were suspended at least one time in the 2015-16 school year.¹⁷⁸ They make up 2% of all school arrests and 3% of all incidents referred to law enforcement by school staff, yet only 1% of the student population.¹⁷⁹ Native American/Alaskan Natives are also at high risk of experiencing other factors that are known to contribute to disproportionate discipline. Native American/Alaskan Native children experience high rates of poverty (27.3%, almost twice the national poverty rate of 14.2%¹⁸⁰) and mental health issues like anxiety and ADHD¹⁸¹, all of which can jeopardize their school success if not addressed in an inclusive, effective, and holistic manner and in turn impact their levels of discipline.

IN 1995, THE FEDERAL GOVERNMENT ALLOCATED \$125 PER NATIVE STUDENT COMPARED TO \$63.80 IN 2016.

A recent comprehensive study of Utah's public school system provides insight into the disciplining of Native American and Alaskan Native students. The study found that 55 Native American students in kindergarten through 6th grade were referred to law enforcement in 2011, while not a single White student in elementary school received this action.¹⁸² In high school, Native American students in Utah are 7.5 times more likely to be expelled compared to White students. They are also the most likely student population in Utah to be referred to law enforcement – 3 times more likely than all other students of color and almost 8 times more likely than White students.¹⁸³ Finally, Native American students are the single most likely student population in Utah to be arrested at school. They are almost 4 times more likely to be arrested than all other students of color and more than 6 times more likely than White students.¹⁸⁴ A follow-up study, published in 2017, confirms that these disparate patterns of



Eileen Quintana, a school equity administrator in Utah, provides an example of just how beneficial Native cultural education can be. Quintana has provided Ute dance classes and mentorship to students and is credited with raising Native American graduation rates in her district from 37% when she began her teaching 20 years ago to a full 100% in 2016.¹⁹²

discipline have persisted throughout Utah's school system.¹⁸⁵

These high rates may stem, in part, from the sense of alienation felt by Native American students. The American school system has few Native American teachers overall and limited teachings on Native American history and culture—and when the teachings do exist, they may not be accurate or positive.¹⁸⁶ Writings on Black student discipline suggest that high disciplinary rates can stem from a lack of cultural understanding among teachers, thereby underscoring the necessity of diverse curricula and teaching staff. A 2017 study of 100,000 Black students found that if they had at least one African-American teacher between third and fifth grade, their chances of dropping out declined by 29%.¹⁸⁷ To this end, the 2017-18 Senate Bill 458, known as the Native Educator Support and Training Act ("NEST") Act, aims to create incentives, including loan forgiveness and scholarships,

A 2017 STUDY OF 100,000 BLACK STUDENTS FOUND THAT IF THEY HAD AT LEAST ONE AFRICAN-AMERICAN TEACHER BETWEEN THIRD AND FIFTH GRADE, THEIR CHANCES OF DROPPING OUT DECLINED BY 29%.

for teachers who work in schools with a large Native student enrollment.¹⁸⁸

Research indicates that Native American students are more likely to succeed academically and socially if they are taught about their culture, heritage and language.¹⁸⁹ Certain states, including Washington, have begun to recognize the importance of educating Native American students on their heritage. These states have begun to encourage or mandate that Indian Education Programs be implemented for all students at all grade levels.¹⁹⁰ As an aid to this kind of teaching, the Smithsonian's National Museum of the American Indian recently released "Native Knowledge 360," which is a free online resource that includes interactive lessons and educational material for teachers of different grades and subjects.¹⁹¹

The U.S. government expanded its responsibility under President Barack Obama. In 2016, the Obama administration signed a landmark law requiring school districts to engage in "timely and meaningful consultation [with tribes] on issues affecting Native American and Alaskan Native students" or risk losing federal aid.¹⁹³ As a result, the Chickasaw Nation of Oklahoma now "receives notification from the school district when students are truant, triggering a tribally led process to contact families and provide wraparound services for the students to keep them in school".¹⁹⁴ It remains to be seen whether the Trump administration will undo this progress, and certainly more government efforts are needed to make up for the failures of the past.

LOW-INCOME STUDENTS

Children in low-income families are more likely to attend poorly resourced preschool programs with teachers who are ill-prepared to respond to behavior management issues and more prone to opt for suspensions.^{195,196} This bleak reality affects a significant number of young children: 23.9% of American children under age 5 live in poverty,¹⁹⁷ and nearly 6 million students under the age of 5 are likely to receive substandard instruction and care.¹⁹⁸ Indeed, Locasale-Crouch and colleagues (2007) found that children from higher poverty preschools serving higher proportions of students of color were less likely to be exposed to practices associated with social, emotional, and academic gains.¹⁹⁹ Racial disparities remain constant even when controlling for poverty. While Black students in poverty are more likely to be suspended than poor White students, middle and upper class Black students are also more likely to be suspended than their peers at the same economic level.²⁰⁰

As with preschool programs, the quality of first grade has been found to be substandard in low-income areas.²⁰¹ Additionally, there is a higher proportion of low quality first grade classrooms serving low-income children and a corresponding higher proportion of high quality first grade classrooms serving middle-income children.²⁰²

In addition to an overall lower level of quality, many preschool settings serving low-income children are not equipped to deal with the broad range of social and emotional issues that often produce challenging behaviors.²⁰³ Knowledge of how to address these issues is crucial, since the trauma of poverty impacts cognitive development; children who grow up with the chronic stress of poverty (child-family separation, violence, family turmoil, noise, crowding, and poor housing quality) have disrupted brain activity in the areas of the brain responsible for emotional regulation, anxiety, and memory.²⁰⁴ This means that if a child suffering from chronic stress or severe trauma is disruptive in class, it is more likely related to a medical condition, rather

than from a conscious, deliberate action of defiance. To effectively address the behavior, the response needs to be medically (i.e. psychologically) informed.

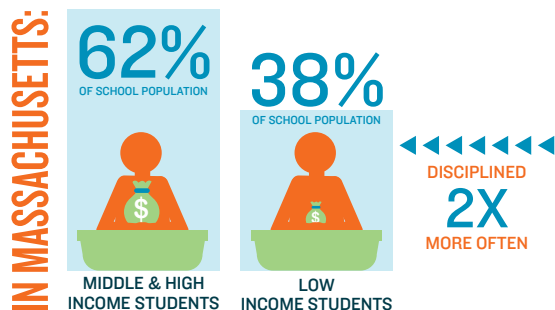
Data support the assertion that low-income children are disciplined more harshly than their middle- and high-income peers. In Massachusetts, during the 2012-13 school year, students receiving free or reduced-price lunch were disciplined at a rate almost twice as high as their enrollment (they represented only 38% of students enrolled but 73% of students disciplined²⁰⁵). Despite being heavily affected by these harsh disciplinary policies, there is no national data on the out-of-school suspension rates of low-income students.²⁰⁶

CHILDREN OF INCARCERATED PEOPLE

Of the nearly two million minor children in the United States with currently incarcerated fathers, the majority are under the age of 12.²⁰⁷ These children inherit the mental scars of systemic oppression and often bear the costs of the trauma inflicted on their parents, experiencing poverty, homelessness, and violence.²⁰⁸ Studies focused on theories of trauma²⁰⁹ emphasize the difficulties that result from parent-child separation due to incarceration and have found social and behavioral problems that result from this disruption as well as the subsequent reunification following release.²¹⁰ When children are left to make sense of and deal with the absence of a parent, often without explanation or understanding, parental incarceration can lead to feelings of worry, confusion, loneliness, ambiguous loss, anger, depression, sleep problems, or even developmental regressions.^{211,212} It therefore comes as no surprise that these students are more likely to struggle academically.

Because of the stigma attached to incarceration, many families keep it secret.²¹³ If a teacher does not know about an incarcerated family member, a teacher may misinterpret the intentions and needs of a student exhibiting problematic behavior.

Experiencing the incarceration of a caretaker is enormously detrimental to the healthy development of children in early and middle childhood—from birth until approximately the age of 12. Children of parents who have been incarcerated are more prone to learning disabilities and are 48% more likely to have attention deficit hyperactivity disorder (ADHD) than children with non-incarcerated parents.²¹⁴ They are 23% more likely to suffer from developmental delays and are 43% more likely to suffer from behavioral problems.²¹⁵ These



differences show up in comparisons of otherwise similar children, even those who experience other disruptive events like parental divorce or death, and after accounting for other characteristics that are generally understood to cause learning disabilities.²¹⁶

Research that controls for other variables suggests that paternal incarceration, in itself, is associated with more aggressive behavior amongst boys²¹⁷ and an increased likelihood of being expelled or suspended from school.²¹⁸ Further research indicates that children whose parents serve time have more difficulty in school than those who do not. One study found that 23% of children with a father who has served time in a jail or prison have been expelled or suspended from school, compared with just 4% of children whose fathers have not been incarcerated.²¹⁹

Studies show that Black students are hurt the most by parental incarceration: estimates suggest that cumulatively, 1 in 25 White children and a staggering 1 in 4 Black children born in 1990 had experienced parental imprisonment by their 14th birthday.²²⁰ On any given school day, approximately 10% of Black schoolchildren have a parent who is in jail or prison, more than 4 times the share in 1980.²²¹ The criminal justice system is yet another factor contributing to the achievement gap in schools.

HOMELESS STUDENTS

California has 12% of the nation's population of homeless families with children and had one of the nation's largest increases in homeless families from 2016 to 2017, with 1,000 more families on the streets.²²² California has also reported the largest number of unaccompanied homeless youth, which includes any individual under the age of 25 who does not live with a family member. Overall, 58% of the nation's unsheltered homeless youth resides in California.²²³ Homeless children suffer high rates of victimization^{224,225,226} and exposure to infectious disease,²²⁷ have little access to health care, run high risks of abuse,²²⁸ suffer mental health problems,²²⁹ and are at elevated risk of mortality relative to housed children. These harrowing factors can make keeping up in school immensely challenging for homeless children.²³⁰ Additionally, residential instability can cause students to transfer between schools frequently, putting them at a heightened risk for academic difficulties and social adjustment problems.²³¹

STUDIES SHOW THAT BLACK STUDENTS ARE HURT THE MOST BY PARENTAL INCARCERATION

1 IN 25 WHITE CHILDREN HAD EXPERIENCED PARENTAL IMPRISONMENT BY THEIR 14TH BIRTHDAY



1 IN 4 BLACK CHILDREN HAD EXPERIENCED PARENTAL IMPRISONMENT BY THEIR 14TH BIRTHDAY

TRAUMA-EXPOSED STUDENTS

Studies show that violence-exposed children suffer from anxiety, irritability, stress and hypervigilance.²³² Stressful home and neighborhood environments disrupt children's prefrontal cortex activity, sympathetic nervous activity, and metabolic system, causing diminished cognition and deterioration in mental and physical health.²³³ For example, children living in constant stress often develop anxiety, depression, or PTSD.^{234,235}

These conditions impact classroom behavior, resulting in increased discipline referrals.^{236,237} For example, a study of elementary-age school children in Spokane, Washington showed that children who experienced trauma were 2-4 times more likely to skip school, act out, or bring other problems to school.²³⁸ Exposure to violence may also determine the way students grapple with conflict or the threat of violence in school. Young people who have experienced a negative external event or series of events have difficulty with responding to social cues and situations with the usual coping and defensive mechanisms.²³⁹ The adaptive behaviors that children may have learned in order to survive traumatic experiences and environments, such as dissociation or aggression, become maladaptive in the school setting and can often be misinterpreted by school staff as ill-intentioned misbehavior.²⁴⁰ Students may become aggressive, or put up a "tough front" to prevent future victimization when they feel threatened.²⁴¹ According to research, children who have suffered three or more traumatic experiences are more than twice as likely to be suspended from school.²⁴²

STUDENTS WITH DISABILITIES

Students with disabilities are particularly vulnerable to school discipline. The Center for Civil Rights Remedies researched school districts with at least 100 elementary students with disabilities and at least 1,000 students enrolled and found that more than 25% of students with disabilities were suspended in 37 different school districts.²⁴³ Another study found that students with an emotional disturbance or with significant learning disabilities had the highest risk for suspension among students with disabilities.²⁴⁴

Part of the problem is that students' disabilities are often undiagnosed, and therefore their behavior is misunderstood. This is especially true for Black students, non-Black students of color, and low income students.^{245,246} Because of implicit bias and racial

stereotypes, teachers and school administrators may attribute a student's "bad" behavior to their race/ethnicity rather than an addressable disability.²⁴⁷ Moreover, "expulsion and suspension practices may also delay or interfere with the process of identifying and addressing underlying issues, which may include disabilities or mental health issues."²⁴⁸ If exclusionary discipline is always the first tactic, students with undiagnosed disabilities are unlikely to receive the evaluations or referrals required to obtain treatment or services.

At the same time, Latinx, Native American and Alaskan Native, and Black children are over-represented in special education programs.²⁴⁹ Teachers will perceive developmentally appropriate misbehavior in children of color as abnormal, and refer their students to special education programs unnecessarily or impose unnecessary and unproductive discipline.²⁵⁰

Ultimately, students of color with disabilities are disciplined most harshly. Black male students with disabilities are the most affected by the STPP, with 1 in 3 being suspended at least once during their time in school.²⁵¹ More than 1 out of 5 American Indian or Alaska Native (23%), Native Hawaiian or other Pacific Islander (23%), Black (25%), and multiracial (27%) boys with disabilities served by the Individuals with Disabilities Education Act (IDEA) received 1 or more out-of-school suspensions, compared to 1 out of 10 White (10%) boys with disabilities served by IDEA.²⁵²

On a national level, students with disabilities are disproportionately suspended. In Massachusetts, students with disabilities are suspended at nearly 3 times the national rate. Though children with disabilities make up about 20% of Boston Public School students, they accounted for 47% of the suspensions and expulsions in 2014, showing that "schools are responding to children with disabilities – children who are disproportionately Latin[x] or Black – punitively rather than therapeutically."²⁵³ A 2014 report by the Lawyer's Committee for Civil Rights and Economic Justice noted that "students with disabilities were disciplined at a rate (37%) double their enrollment (18%), and were suspended out-of-school at 3 times the rate (8.5%) of their non-disabled peers (2.8%)."²⁵⁴ In contrast, 13% of students with disabilities received at least one out-of-school suspension nationally, compared to 6% of their non-disabled peers.²⁵⁵

SUCCESS STORIES

Some states and school districts are taking steps toward reimagining school discipline. We include these stories here to highlight what advocates and policymakers might push for in their states.

Arkansas

Arkansas' "Better Chance" program mandates that "No child shall be dismissed from the program for behavior without prior approval from the Arkansas Department of Human Services/Division of Child Care and Early Childhood Education." This eliminates total teacher authority and reduces the likelihood of suspension because it is a multi-step process. They have also doubled early childhood mental health consultations; developed tools such as sample policies and self-assessment tools for administrators; launched a new suspension/expulsion data tracking and technical assistance system; and provided tools to measure early education classroom quality.²⁵⁶

Massachusetts

Massachusetts legislators have taken steps to implement restorative justice practices and decrease suspensions. In 2011, the state Senate passed SB 41, which required school communities to use restorative justice practices in carrying out school discipline.²⁵⁷ Further, in 2012, the state legislature passed Chapter 222 of the educational code, which decreased suspension time and required principals to try other disciplinary options before suspending students.²⁵⁸ Currently, schools are required to report statistics of their suspension and expulsion rates to the Department of Elementary and Secondary Education (DESE).²⁵⁹ Schools with high rates are then provided with resources and strategies for getting their numbers down.

Michigan

Michigan's school discipline laws were exceptionally harsh until lawmakers passed a package of bills in 2016 titled HB 5618-5621.²⁶⁰ The state previously followed strict zero tolerance policies for violent offenses and possession of weapons. The enforcement of zero tolerance policies led to high expulsion rates, including expulsion for nonviolent offenses. In August 2017, HB 5618-5621 went into effect, ending state-mandated expulsions, with the exception of expulsions for bringing firearms to school with the intention of harm.²⁶¹ The law now requires teachers to use restorative justice practices as an alternative discipline measure before suspending or expelling a student.²⁶²

School districts are also required to consider a series of factors before suspending or expelling a student, including the student's disability status, disciplinary history, and the seriousness of the behavior.²⁶³

Chicago

In 2014, Chicago Public Schools revised its Student Code of Conduct to establish a no-suspension policy for children in preschool to 2nd grade.²⁶⁴ A no-expulsion policy was already in place. They also restructured their data system to provide school personnel with real-time tracking of behavior data, intervention usage, and suspensions. They allocated social-emotional learning specialists to each school, who assist staff in behavior management and social and emotional development, regularly check suspension data in schools, and follow up if data are concerning.²⁶⁵ These measures have been successful: the year before the policy was implemented, 1,800 children preschool-2nd grade had been expelled. A year later, the number decreased to 94 – none of whom were preschoolers.²⁶⁶

Colorado

In June 2017, the Denver School Board voted unanimously to limit suspensions and expulsions of preschool to third grade students.²⁶⁷ The policy recognizes that removing a child from instruction during early education has a detrimental impact on their overall social well-being and educational success.²⁶⁸ The policy reserves suspension from school for only the most severe behaviors impacting staff or student safety and does not support expulsion for preschool through third grade students except if the child brings a gun to school.²⁶⁹

According to Denver public school officials, \$11 million from a recent voter-approved tax measure is earmarked to help schools support students' mental health, providing holistic rather than punitive interventions.²⁷⁰ Of the \$11 million, district-run elementary schools will receive approximately \$47,000.²⁷¹ To help implement more effective interventions, the Denver School-Based Restorative Practices Partnership works as a coalition of racial justice, education, labor and community groups to implement restorative practices in Denver Public Schools.²⁷²

Washington

Washington is one of the first States in the nation to work on addressing expulsion and suspension through policy and prevention efforts in both public preschool

and child care.²⁷³ After a 2005 policy report revealed an alarming number of expulsions in the earliest years of education, Washington implemented policies that banned the use of expulsions and provided supports to teachers to increase alternative reactions to student behavior. For example, teachers had the opportunity to opt into a coaching program that provides them with one-on-one training in positive behavior support. The state partners with the University of Washington to offer trainings that emphasize social-emotional development, behavior management, and family engagement.²⁷⁴ Additionally, the state has made strides in applying child psychology to schools. Washington supports a statewide network of infant/toddler specialists, which include mental health consultants to support early childhood teachers and providers.²⁷⁵

California

Until a few years ago, California's school discipline code allowed teachers and principals to suspend or expel students who committed an act of "willful defiance" against authority. This vague phrase was cited as a reason to discipline nonviolent students. According to a 2014 UCLA study, acts of "willful defiance" caused over half of total suspensions in a single academic year. Additionally, the discipline gap between Black and White students was far wider for suspensions caused by "willful defiance" than for suspensions related to other offenses.²⁷⁶ The CA legislature passed AB 420 in 2014, mandating that students between kindergarten and 3rd grade could not be suspended for "willful defiance."²⁷⁷

In 2017, California passed three additional bills addressing school discipline. AB 752 addresses preschool discipline specifically. The Assembly's bill analysis cited data from the U.S. Department of Education Office for Civil Rights, finding: "Black children were determined to represent 18% of preschool enrollment, yet constituted 48% of all preschool children receiving more than one out-of-school suspension."²⁷⁸ AB 752 sought to remedy this disparity, as well as the overall negative consequences of preschool discipline, by "prohibit[ing] a contracting agency from expelling or unenrolling a child from a state preschool program because of a child's behavior unless the contracting agency has expeditiously pursued and documented reasonable steps to maintain the child's safe participation in the program and determines, in consultation with specified parties, that the child's continued enrollment would present a continued serious safety threat to the child or other enrolled children, and has referred the parents or legal guardians to other potentially appropriate

placements, the local child care resource and referral agency, or any other referral service available in the local community."²⁷⁹ California also passed AB 667²⁸⁰ – requiring that during an informal conference the principal must inform the pupil of the other means of correction that were attempted prior to the suspensions – and AB 1360, ensuring due process in student discipline practices at charter schools.²⁸¹

In June 2016, the California Commission on Teacher Credentialing ("CTC") revised statewide standards for teachers and administrators.²⁸² The new standards require teachers and administrators to provide an education that serves the specific needs of "all students."²⁸³ The standards call for teachers to "promote students' social-emotional growth, development and individual responsibility using positive interventions and supports, restorative justice, and conflict resolution practices to foster a caring community." They also require teachers to develop "culturally responsive" learning environments and to provide resources for students who have experienced trauma²⁸⁴ To help teachers meet this standard, the CTC is working with schools and partner programs to implement implicit bias training and trainings on socio-emotional learning.²⁸⁵ This progressive standard takes steps towards countering implicit bias in the classroom and providing education that fits the needs of the most disadvantaged students.

Districts in the San Francisco Bay Area have also implemented programs and policies aimed at lowering disparity in and overall occurrences of suspensions and expulsions. In 2014, the San Francisco Unified School Board signed an agreement with the Police Department, limiting School Resource Officers' interventions only to the most serious criminal cases, such as those involving weapons or serious bodily harm.²⁸⁶ That same year, the San Francisco Unified School District ("SFUSD") adopted The Safe and Supportive School Policy to address disproportionality and disparities in school discipline and provide teachers with resources, including "professional development (PD) for Restorative Practices, working with students impacted by trauma, de-escalation techniques, cultural competency, relationship building, communication skills, working with students with special needs, and prioritizing schools with the highest behavioral needs."²⁸⁷ In May 2015, the Oakland Unified School Board also voted unanimously to eliminate "willful defiance" as a reason to suspend any student. In addition, the Board voted to invest at least \$2.3 million to expand transformative justice practices in the district's schools.²⁸⁸

RECOMMENDATIONS

Throughout this paper, we have addressed the causes and effects of exclusionary discipline policies and practices in early education. Our foremost recommendation is that all stakeholders work together to provide equitable access to high quality early education for all young children.²⁸⁹ A high quality early childhood program is one that is inclusive of children of all races, genders, abilities, family structures, and income levels, and that crafts policies and practices that promote student safety, belonging, and participation. Quality education ensures that students accomplish both academic and social-emotional goals.²⁹⁰ It also ensures that teachers have the resources, professional development training, and support they need to promote a nurturing and non-punitive environment for their students.

We believe all children should have access to high quality preschools and the early care that they need. Policymakers, administrators, and educators must take steps to expand educational opportunities and include students who have been systematically pushed out. The following recommendations provide specific steps that leaders can take to provide equitable access to high quality education.

FOR POLICYMAKERS

Advocate for Laws Eliminating Suspensions and Expulsions for Preschool and Elementary School Students

The best way to prevent students from entering the Preschool-to-Prison Pipeline is to keep them in school. By making it illegal to suspend or expel preschool and elementary school students, lawmakers can prevent thousands of kids from missing out on crucial learning time and falling behind. A key part of this policy effort must happen by tackling zero tolerance policies or other policies that mandate suspensions and expulsions. New laws in California, Michigan, and Massachusetts are examples of legislative efforts to significantly decrease suspensions and expulsions.

Collect Data on Suspension, Expulsion and Harsh Discipline Practices

Local and state governments should set race-conscious goals to reduce disparities in exclusionary discipline and reduce the total number of suspensions and


expulsions. To keep track of progress, districts should be required to collect annual data on demographics and discipline patterns, and disaggregate the data by gender, race, income level, specific disabilities, and the type of infraction. Such data must be made accessible to educators, advocates, and parents, as it is crucial to identifying and addressing structural disparities. Data collection helps identify the sources of the pipeline and helps us understand the nature of students' encounters with exclusionary discipline and the juvenile justice system. Disaggregated data helps identify disparities in discipline that may be a result of explicit or implicit biases. This is especially important in understanding the treatment of Latinx, Indigenous, and Black female students-- three highly vulnerable populations about which there is a dearth of data on harsh discipline. Tools such as those provided by the Center for Civil Rights Remedies are readily available for administrators who want to track and understand their schools' data.²⁹¹ The Massachusetts Department of Elementary and Secondary Education is also an exemplar for data collection, since it gathers and reports on discipline data from every school in the state.²⁹²

Advocate for Pre-educational Care Services For Disadvantaged Students

Although behavioral issues become pronounced in the classroom, they primarily take root before school even begins. Many students enter preschool with preexisting developmental or behavioral issues and/or unstable home lives, which harm their academic chances and should be addressed before entering preschool, if possible. Policymakers should therefore advocate for a range of pre-educational care services, especially in low-income communities. Such care services can include quality day care centers, full time counselors in every school, and health care services that identify and properly address Adverse Childhood Experiences (ACEs).²⁹³

The Center for Youth Wellness ("CYW"), led by Dr. Nadine Burke Harris, works to transform pediatric medicine and effectively respond to kids who have been exposed to Adverse Childhood Experiences (ACEs) and toxic stress.²⁹⁴ Toxic stress refers to the long-term changes in brain and organ systems that develop after untreated, extreme, and prolonged stress.²⁹⁵ Early adversity harms the developing brains and bodies of children,²⁹⁶ and research shows that

children carry the effects of childhood experiences into adulthood.²⁹⁷ The CYW looks for ACEs, which include physical and emotional abuse and neglect, domestic violence, parental mental illness, substance abuse and separation/divorce, in order to help young people treat toxic stress and prevent the development of long-term health problems. In partnership with Bayview Child Health Center, the CYW screens every young person for ACEs. They work to heal children's brains and bodies by piloting treatments for toxic stress and sharing their findings nationally – their goal is to prevent toxic stress by raising awareness among those who can make a difference in the lives of young children.²⁹⁸



Early adversity harms the developing brains and bodies of children, and research shows that children carry the effects of childhood experiences into adulthood.

Develop Statewide Teaching Standards that Require Schools to Create Inclusive Learning Environments

We strongly encourage policymakers to create progressive statewide standards for teachers. Students must feel both physically and emotionally

safe to learn.²⁹⁹ And safe environments must be free of stereotype threat³⁰⁰, microaggressions, harassment, and exclusion.³⁰¹ For excellent examples of progressive statewide standards, we refer to the standards that are currently being implemented by the California Commission on Teacher Credentialing.³⁰²

FOR ADMINISTRATORS AND SCHOOL DISTRICTS

Implement Restorative Justice Practices in Preschools³⁰³

Thousands of schools have begun to move away from exclusionary discipline and toward restorative justice practices. Restorative justice is a method of responding to conflict by facilitating growth and healing after harm. Restorative justice practices seek to hold wrongdoers accountable to repair the harm they caused in a way that does not exclude or ostracize them from community who may need their support.³⁰⁴ For specific suggestions on implementing restorative justice practices, we refer readers to the guidebook provided by the Illinois Criminal Justice Information Authority.³⁰⁵

Implement Positive Behavioral Intervention Supports (PBIS) in Preschools

Positive Behavior Intervention Supports (PBIS) is a system for resolving conflict that aims to reward positive behavior rather than punishing misbehavior. This is done with the belief that modeling and encouraging positive behavior is more effective in reducing and preventing misbehavior than exclusionary discipline. PBIS has been proven to reduce disciplinary incidents, increase school safety, improve attendance, and support students' academic endeavors.³⁰⁶ For more information on how to implement PBIS, we direct readers to resources provided by the U.S. Office of Special Education through their PBIS technical assistance center.³⁰⁷

Better Training and Preparation for Preschool Teachers

Teacher education programs should include training on classroom management practices that allow for discussion regarding academically at-risk students.

This recommendation is consistent with most teachers saying they wish they had better classroom management training and skills.³⁰⁸ Even a brief intervention at the beginning of the year can have a dramatic effect on teachers' ability to resolve conflict later on. As social scientists have found, asking teachers to explain their own belief in empathic discipline made them more likely to use such discipline with their students and cut suspension rates in half.³⁰⁹

Implement Anti-Bias Curricula For All Early Education Professionals

To prepare teachers for creating inclusive, safe learning environments, administrators should provide anti-bias training. Anti-bias training should require teachers to learn from students and parents and engage in dialogue regarding identity, power, and bias so that they may come to understand and honor multiple perspectives.³¹⁰ For an in-depth guide on anti-bias education, we recommend Teaching Tolerance's report titled, *Critical Practices for Anti-bias Education*.³¹¹

Increase Wages for Early Education Teachers

Teachers must be supported, both emotionally and financially, by their schools to reduce burnout and turnover, increase morale, and encourage the attainment of higher training and certifications.

Review and Modify Resource Allocations

Many districts spend a significant amount of money on School Resource Officers ("SROs") that could be directed toward other services or programs, such as training for teachers, student counselors, and psychologists, as well as the hiring of culturally responsive psychologists. We encourage districts to invest in student well-being, not exclusionary discipline. For further information on decreasing punitive discipline and using SROs more effectively, we refer to the recommendations offered by Justice Policy Institute, found in their report titled, *Education Under Arrest: The Case Against Police in Schools*.³¹²

Recruit Teachers of Color

As discussed earlier in this report, teachers' internal biases may cause them to perceive students with different backgrounds as less intelligent.³¹³ Additionally, White teachers may not understand the cultural context or lived experiences of students of color,

causing them to misinterpret these students' behaviors and discipline them inappropriately.³¹⁴ Studies show that Black teachers rate Black students as less disruptive and suspend Black students less often than teachers of a different race.³¹⁵ Black students also benefit from having teachers who look like them that they can admire and feel supported by.³¹⁶ Based on this evidence, school districts should develop outreach plans and programs, including loan forgiveness and scholarships, to recruit teachers of color into early education.

FOR TEACHERS

Employ Culturally Sensitive and Relevant Teaching Practices and Materials

Classroom comfort and a sense of belonging are achieved when students feel that they are reflected in the material, history, books, toys, and classroom decorations. Teachers can use the power of representation to make all of their students feel safe and empowered. Moreover, teachers can talk to their students about race and hate speech. The Equal Justice Society's talktokids.net is a great resource for doing so. Additionally, Teaching Tolerance has created Perspectives for a Diverse America (teachperspectives.org), an online anti-bias curriculum designed to help teachers provide culturally responsive instruction.³¹⁷

Employ Developmentally Appropriate Discipline with a Culturally Responsive Outlook

Children under 5 years old display a wide range of developmental differences. Programs must take this into account when evaluating the appropriateness of behavioral standards and consequences for difficult behavior. Behavioral expectations may also differ for children from different backgrounds.³¹⁸ In a report on school-based interventions for reducing discipline disparities, Gregory et al., provide possible interventions that teachers can use to make their classrooms more inclusive.³¹⁹ Such interventions include inquiring into the cause of conflict, using problem-solving approaches to discipline, recognizing student and family voice, and reintegrating students after conflict.³²⁰

Focus on Empathic Discipline and Improving Teacher-Student Relationships

As discussed earlier, teacher-student relationships have a tremendous impact on student success.³²¹ Students' challenging behavior, combined with teachers' implicit biases, can create poor relationships that are difficult to resolve and get worse over time.³²² We encourage teachers to focus on empathic communication with students, as opposed to punitive discipline. Although taking time to resolve conflict can be immensely difficult under strenuous circumstances, empathic interventions can help build trust and lead to better behavior in the future.³²³

Include Families and Communities in Creating an Inclusive Classroom

To better understand how to create an inclusive classroom environment that is responsive to each child's needs, teachers can involve the families of their students. Teachers can learn about their students by developing trusting relationships with family members, such as inviting parents to discuss their own concerns and challenges, in addition to discussing a student's needs and their life outside of school. Ideally, the

opportunities to meet with teachers would also include availability at different times of day so that working parents are not excluded. This sets a collaborative foundation and reassures parents that teachers are committed to the success and well-being of their child.

Ongoing Reflection and Learning

We appreciate and admire the work that teachers do. We encourage those who serve young students to continue their efforts toward making classrooms inclusive of all students. In addition to the resources provided in this report, teachers can participate in community groups, online blogs, professional development workshops, and further education.³²⁴ Teachers can familiarize themselves with their options regarding exclusionary discipline, and exercise discretion when disciplining young students. Some examples are creating behavior contracts, creating class norms, asking students to participate in community service, or following up with students in a one-to-one conference. All of these options strengthen relationships between student and teacher while curbing aggressive disciplinary policies.³²⁵

CONCLUSION

America is facing the undeniable issue of over-disciplining children in early education. Excessive punishment leads to higher dropout and incarceration rates and has a negative psychological impact on students. We call for bold intentionality to move away from this punitive model. School districts throughout the United States are working to change their disciplinary codes and educate their staff members, but more work remains. Parents, teachers, administrators, and policymakers must join forces to eradicate the epidemic of suspension and expulsion in early education for the benefit of students and society.

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