

Helping Teachers, Helping Kids: Ending the School-to-Prison Pipeline Summary
By The Bennington College Incarceration Taskforce (BCIT)

Policy Recommendations:

In order to create safer, more positive schools, we call on the legislature to define suspensions and expulsions as last resort tactics. The evidence suggests that even minor changes in the statute can drive down rates of exclusionary discipline. The AOE should work with school administrators to increase the implementation of evidence-based programs like PBiS that focus on positive behavior interventions.

The Problem:

Many Vermont students are excluded from school:

- Over 1 in 23 Vermont public school students are suspended out of school each year¹

Suspensions lead to destructive choices:

- Regardless of socioeconomics, suspension is shown to increase antisocial behaviors like crime, alcohol use, dropout, and drug use
- Increased antisocial behavior should be expected to produce increased contact with the criminal justice system
- Until recently, 90% of incarcerated Vermonters 22 and younger were high school dropouts, though the number has recently been falling

This is expensive:

- A high-school dropout will earn \$400,000 less and pay \$60,000 less in taxes over a lifetime.
- Vermont annually spends \$49,502 per inmate, but about \$16,000 per student

The Solution:

Taking students out of school should be a last resort:

- Defining exclusion as a last resort tactic in statute or guidelines is a successful strategy
 - D.C. cut suspensions by 20% and expulsions by 50% in one year
 - CO cut suspensions by 17.5% and expulsions by 36.5% in two years
 - Maryland's largest school district cut suspensions by 36% in half a year

Widen the use of evidence-based positive behavior programs:

- Programs like PBiS teach students how to behave instead of punishing those who misbehave
 - In Vermont, exemplar PBiS schools suspend three times fewer students out of school than the average Vermont school.
 - That is 1 in 70 vs. 1 in 23
- 44% of VT schools have PBiS but only 11% of schools that serve 9-12 graders

¹ Underlined ("each year") is a correction. The 2013-2014 VTPBiS Annual Report contained an error that the BCIT passed on in this report. We apologize for the error and we have made every effort to send this correction to all relevant parties.

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Goal:

In order to create safer, more positive schools, we call on the legislature to define suspensions and expulsions as last resort tactics. The evidence suggests that even minor changes in the statute can drive down rates of exclusionary discipline. We also recommend wider implementation of evidence-based programs like positive behavior interventions and supports (PBIS).

Why:

Many Vermont students are excluded from school:

- Over 1 in 23 Vermont public school students are suspended out of school each year.^{2,3}
- Students with disabilities are almost 3 times as likely to be suspended or expelled than students without disabilities.⁴

Why this Happens:

- The current law is too broad, allowing exclusions for any student that harms the “welfare of the school.”⁵ That phrase is too vague.
- Nationally, most students are kicked out for minor violations.^{6,7}

Being Out of School Hurts Students’ Opportunities:

- Nationally, getting taken out makes a student 10 times more likely to drop out of high school.⁸
- Students who have been suspended or expelled are twice as likely to repeat their grade compared to students from similar backgrounds.⁹
- Regardless of important factors like socioeconomic status, schools with high rates of student exclusions are worse off academically.¹⁰

² Underlined (“each year”) is a correction. The 2013-2014 VTPBiS Annual Report contained an error that the BCIT passed on in this report. We apologize for the error and we have made every effort to send this correction to all relevant parties.

³ VTPBiS State Team. “VTPBiS Annual Report: 2013-2014” (2014)

⁴ U.S. Department of Education Office for Civil Rights. Civil Rights Data Collection: Data Snapshot (School Discipline). (2014)

⁵ 16 V.S.A. § 1162

⁶ Fabelo, Tony, et al. "Breaking Schools' Rules: A Statewide Study of How School Discipline Relates to Students' Success and Juvenile Justice Involvement." (2011).

to Students' Success and Juvenile Justice Involvement." *Council of State Governments Justice Center* (2011)

⁷ [Remarks of U.S. Secretary of Education](#) Arne Duncan at the Release of the Joint DOJ-ED School Discipline Guidance Package The Academies at Frederick Douglass High School, Baltimore, MD (January 4, 2014)

⁸ American Academy of Pediatrics Committee on School Health. (2013). “Out-of-School Suspension and Expulsion.” *Pediatrics*, 131(3), 1000–07

⁹ Fabelo, Tony, et al. "Breaking Schools' Rules: A Statewide Study of How School Discipline Relates to Students' Success and Juvenile Justice Involvement." (2011).

¹⁰ American Psychological Association Zero Tolerance Task Force. "Are zero tolerance policies effective in the schools?: an evidentiary review and recommendations." *The American Psychologist* 63.9 (2008): 852.

When Students are Excluded from School Our Communities are Less Safe:

- Nationally, a student who is taken out of school is 10 times more likely to drop out of high school.¹¹
 - Nationally, dropouts are 6 times more likely to be arrested than high school graduates.¹²
 - Until 2013, 90% of incarcerated Vermonters 22 and younger were high school dropouts.¹³
The number has recently been falling¹⁴, though we're not sure how much. According to our most conservative estimates it is at least 41%.¹⁵
- More than socioeconomic background or risk-status, being excluded from school is shown to increase crime, delinquency, violence, alcohol and drug use.^{16,16, 17}
 - The landmark Texas Study showed that suspended students were 3 times more likely to have contact with the juvenile justice system.¹⁷
 - Tobacco use rises.^{18,19} One high quality study showed that students are almost 2 times more likely to use tobacco within 12 months of a suspension.²⁰
 - Students at schools that used suspensions for drug violations were 1.6 times more likely to use marijuana within a year.²¹
 - Students who are suspended are 1.5 times more likely to engage in violent behavior within a year of suspension.²²

This is Expensive:

- Exacerbated antisocial behavior should be expected to increase the chances of a young person to have contact with the criminal justice system.

¹¹ American Academy of Pediatrics Committee on School Health. "Out-of-School Suspension and Expulsion." *Pediatrics*, 131(3), 1000-07 (2013).

¹² Sum, Andrew, et al. "The consequences of dropping out of high school." *Center for Labor Market Studies Publications* (2009).

¹³ CHSVT "Annual Report" *Community High School of Vermont* (reports from: 2008-2009; 2009-2010; 2010-2011; 2011-2012)

¹⁴ 2014 Joint Legislative Corrections Oversight Committee Annual Report

¹⁵ Vermont DOC, "[Facts and Figures 2014](#)" *Annual Reports, VT DOC* (2014). There are 553 people under DOC custody who are between the ages of 18-25, and 231 without high school diplomas in custody ages 18-23 served by CHSVT

¹⁶ Costenbader, V., & Markson, S. (1998). School suspension: A study with secondary school students. *Journal of School Psychology*, 36(1), 59-82; and American Academy of Pediatrics Committee on School Health. (2003). "Out-of-School Suspension and Expulsion." *Pediatrics*, 112(5):1206-9.

¹⁷ Fabelo, Tony, et al. "Breaking Schools' Rules: A Statewide Study of How School Discipline Relates to Students' Success and Juvenile Justice Involvement." (2011).

¹⁸ Hemphill, S. A., Toumbourou, J. W., Herrenkohl, T. I., McMorris, B. J., & Catalano, R. F. (2006). The effect of school suspensions and arrests on subsequent adolescent antisocial behavior in australia and the united states. *Journal of Adolescent Health*, 39(5), 736-744

¹⁹ Sutherland, I., & Shephard, J. P. (2001). Social dimensions of adolescent substance use. *Addiction*, 96(3), 445-458

²⁰ Hemphill S. A., Heerde J. A., Herrenkohl T.I., Toumbourou J.W., Catalano R.F.. The impact of school suspension on student tobacco use: A longitudinal study in Victoria, Australia and Washington State, United States. *Health education & behavior : the official publication of the Society for Public Health Education*. 2012;39(1):45-56. doi:10.1177/1090198111406724.

²¹ Evans-Whipp, T. J., Plenty, S. M., Catalano, R. F., Herrenkohl, T. I., & Toumbourou, J. W. (2015). Longitudinal effects of school drug policies on student marijuana use in washington state and victoria, australia. *Journal Information*, 105(5).

²² Hemphill, S. A., Smith, R., Toumbourou, J. W., Herrenkohl, T. I., Catalano, R. F., McMorris, B. J., & Romanuik, H. (2009). Modifiable determinants of youth violence in australia and the united states: A longitudinal study. *Australian & New Zealand Journal of Criminology*, 42(3), 289-309.

- A high-school dropout will earn \$400,000 less and pay \$60,000 less in taxes over a lifetime.⁶
- Vermont annually spends \$49,502 per inmate,²³ but about \$16,000 per student.²⁴

The Solution:

- Implement smart, evidence-driven programs like Positive Behaviors Interventions Supports (PBiS).
 - These programs focus on positive encouragement and tiered approaches to learning.^{6,8}
 - In Vermont, exemplar PBiS schools suspend three times fewer students out of school than the average Vermont school.²⁵
 - 1 in 70 vs. 1 in 23
 - 44% of VT schools have PBiS (133 schools).²⁶
 - Only 11% of schools that serve 9-12 graders (13 of 115 public schools who serve 9-12 graders).^{27,28}
 - The AOE and Legislators should work with school administrators to increase implementation of PBiS training.
- Students improve when being taken out of school is a last resort.^{6,13,29}
 - D.C. limited school exclusions for students who “pose a reasonable threat of death or serious bodily harm to themselves or others,” or bring firearms to school.³⁰
 - In one year, the bill led to a 20% reduction in suspensions, and a 50% reduction in expulsions in public charter schools.^{31,32}
- But, more moderate approaches have also been shown to be effective.
 - Colorado restricted school exclusions to “habitually disruptive students” who “CAUSED a material and substantial disruption” more than 3 times in a school year.³³
 - In two years, suspensions were down by 17.5% (15,675 fewer suspensions), and expulsions were down by 36.5% (734 fewer

²³ Vera Institute. “The Price of Prisons, Vermont: What Incarceration Costs Taxpayers Fact Sheet” (2012)

²⁴ Diaz, Jay, Esq. “Kicked Out! Unfair and Unequal Student Discipline in Vermont’s Public Schools” *Vermont Legal Aid*, January 2015

²⁵ VTPBiS State Team. “VTPBiS Annual Report: 2013-2014” (2014)

²⁶ VTPBiS State Team. “VTPBiS Annual Report: 2014-2015” (2015)

²⁷ VTPBiS State Team. “VTPBiS Annual Report: 2014-2015” (2015)

²⁸ Vermont Agency of Education, “Vermont Public School Dropout and High School Completion Report” *AOE Reports* SY 2012-2013 (2013)

²⁹ U.S. Department of Education. “Guiding Principles: A Resource for Improving School Climate and Discipline.” January 8, 2014

³⁰ DC Code § 38–235. (2014)

³¹ Michael Alison Chandler. “[Suspensions and expulsions down in D.C. charter schools](#)” Washington Post, (Sep. 4 2014)

³² District of Columbia Public Charter School Board, “[SY 2013-2014 Discipline and Attendance Briefing](#)” (2014)

³³ CO H.B. 12-1345 (2012)

expulsions).³⁴ Graduation rates went up 3%.^{35,36}

- Maryland's State Board of Education changed its guidelines to define school exclusions as last-resort options restricted to students who risk physical harm to others or who, after all possible positive interventions have been tried, still create a "chronic and extreme disruption of the educational process."³⁷
 - 6 months after the change, Montgomery County (the state's largest school system) dropped its suspension rates by over 36%.³⁸

³⁴ Colorado Department of Education, "State Suspension and Expulsion Incident Rates and Reasons" (2014)

<http://www.cde.state.co.us/cdereval/suspend-expelcurrent#sthash.qknGtGZI.dpuf>

³⁵ U.S. Department of Education, ED Facts/Consolidated State Performance Reports (2014)

³⁶ Nicholas Garcia, "[Colorado's high school graduation rates in five graphs](#)", *Chalkbeat Colorado* January 22, 2015

³⁷ MD State Board of Education Regulations, Title 13A subchapter 08 (changed 2014)

³⁸ Donna St. George, "[High school suspensions plummet in Montgomery, falling nearly 37 percent](#)," *The Washington Post*, July 31, 2014

Notes on Other Relevant School Discipline Bills:

- Maine, L.D. 1503 (2012) required that a school's discipline code "Focus on positive and restorative interventions that are consistent with evidence-based practices rather than set punishments for specific behavior and avoid so-called zero-tolerance practices unless specifically required by federal or state laws, rules or regulations."³⁹ Maine went from suspending 7,857 students the year before the bill was passed to 2,581 students two years after the bill passed.⁴⁰ That's a **67% reduction in suspension, or 5,276 fewer students** in three years. However, the Maine DOE is unsure if there is any connection between the drop in suspensions and the reforms passed.
- Illinois S.B. 100 (2015) limits "Out-of-school suspensions of 3 days or less may be used only if the student's continuing presence in school would pose a threat to school safety or a disruption to other students' learning opportunities."⁴¹ Bill was passed too recently to know its impact
- Massachusetts HB 4332 (2012) mandates schools "to limit the use of long-term suspension as a consequence for student misconduct until other consequences have been considered and tried as appropriate."⁴² SY 2014-2015 was the first year this law was implemented and so we can not assess its impact yet.⁴³
- Florida S.B. 1540 (2009) restricted expulsions and referrals to law enforcement. The language was watered down and didn't deal with suspensions however, and data on its impact is ambiguous.
- California A.B. 420 (2014) removed "willful defiance" as grounds for a suspension or expulsion. California discipline code is detailed, and still includes many minor violations as grounds for an exclusionary disciplinary action. The bill was also passed too recently for us to assess its impact.
- Rhode Island H. 5383 (2015) did not pass but has language that would restrict out-of-school suspensions only to violations that threaten other students' "right to to a safe school." That definition includes the vague phrase, "conducive to learning."
- Washington State H.B. 1541 (2015) did not pass but has language that would restrict out-of-school suspensions and expulsions only to property damage, violence, carrying weapons in school or bringing illegal drugs to school.
- Indiana H.B. 1635 (2015) put grant money for PBIS, required that evidence-based positive behavior interventions should be used before resorting to exclusionary practices. The bill was also passed too recently for us to assess its impact.
- Louisiana S.B. 67 (2011) prohibited exclusionary practices to be used for dress code violations and tardies. It also mandated new evidence-based guidelines for improving school climate. The bill passed with bipartisan support but was vetoed by Governor Bobby Jindal.

³⁹ ME Title 20-A §1001 (15-A (B))

⁴⁰ Numbers taken from Maine Department of Education, [Data Warehouse](#), "Discipline" from SY 2010-2011 through SY 2013-2014

⁴¹ IL S.B. 100 (2015), Section 10-22.6 (b-15).

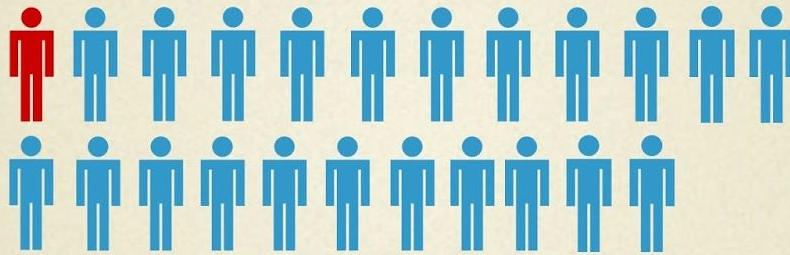
⁴² 603 Mass. Code Regs. 53.01 (2014)

⁴³ Taylor, Joanna, et al., "[Not Measuring Up: The State of School Discipline in Massachusetts](#)." *Lawyers' Committee for Civil Rights and Economic Justice* (2014)

U.S. School to Prison Pipeline

1 in 23

Vermont public school students is
suspended from school every
year



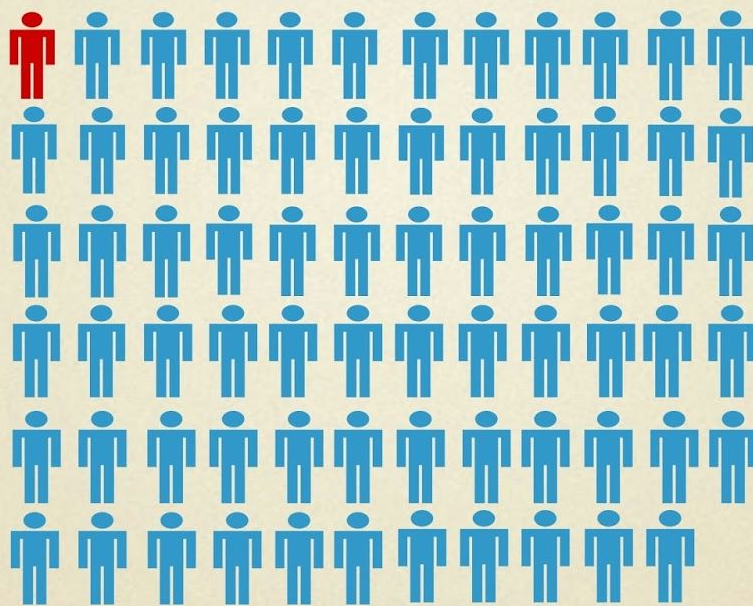
Source:

VTPBiS State Team. "VTPBiS Annual Report: 2013-2014" (2014)

U.S. School to Prison Pipeline

Compare that to only 1 in 71

Students suspended in schools
with PBIS

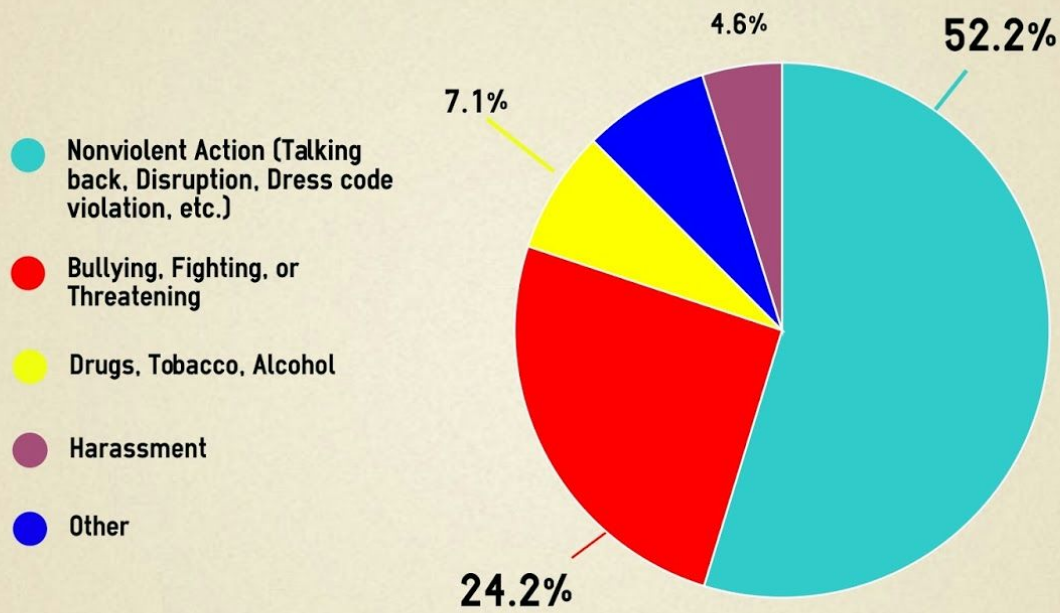


Source:

VTPBiS State Team. "VTPBiS Annual Report: 2014-2015" (2015)

U.S. School to Prison Pipeline

A majority of students are taken out of school for minor violations



Source

Vermont Agency of Education, "Exclusionary Discipline Response to written request of Senate Committee on Education" January 2016. (Data is for SY 2013-2015 on page 30 of the report)

U.S. School to Prison Pipeline

**Expelled and Suspended Students are
10x More Likely to Drop Out**



Source:

American Academy of Pediatrics Committee on School Health. "Out-of-School Suspension and Expulsion." *Pediatrics*, 131(3), 1000–07 (2013).

U.S. School to Prison Pipeline



Nationally, 1 in 16

High School Dropouts is Arrested



Compare that to 1 in 100

High School Graduates Arrested



Sources:

Puzzanchera, C. and Hockenberry, S. National Disproportionate Minority Contact Databook. Developed by the National Center for Juvenile Justice for the Office of Juvenile Justice and Delinquency Prevention (2015)

Sum, Andrew, et al. "The consequences of dropping out of high school." Center for Labor Market Studies Publications (2009)

Vermont School to Prison Pipeline

This costs taxpayers too much money



\$16,000 per VT student a year



\$ 49,502 per VT inmate a year

Sources:

Vera Institute. "The Price of Prisons, Vermont: What Incarceration Costs Taxpayers Fact Sheet" (2012)

Diaz, Jay, Esq. "Kicked Out! Unfair and Unequal Student Discipline in Vermont's Public Schools"
Vermont Legal Aid, January 2015