



EDWARD W. HAZEN FOUNDATION

**GROWING UP WITH
INJUSTICE:**

**A CASE STUDY ON
SCHOOL DISCIPLINE**

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“One thing that was very interesting is I think that oftentimes people assume that we’re seeing more and more kids removed from the school campus because essentially the state law requires the removal of that student because they’ve done something particularly serious. So for example, bringing a gun onto school campus or selling drugs, state law in Texas and in most states mandates that that person be immediately removed from the school campus. What we found, though, was that 97 percent of the actions in Texas taken, or suspensions and expulsions, were not pursuant to this, mandated by state law, but in fact were discretionary decisions made by local school authorities.”

Michael Thompson, Director of the Council of State Governments Justice Center and Co-author of “Breaking Schools’ Rules: A Statewide Study of How School Discipline Relates to Students’ Success and Juvenile Justice Involvement” a report by the Council of State Governments.

Over the past five years, school districts, researchers, philanthropic partners, and state and federal education departments have all begun to turn their attention to school discipline. Inspired by statistical data at all levels showing that punitive discipline policies, including the increasingly infamous “Zero Tolerance,” affect a strikingly large number of students (one Council of State Governments study, for example, showed that almost 60% of Texas middle and high school students had been suspended or expelled), these diverse stakeholders are calling for a rethinking of school discipline policies. As California Superintendent of Public Instruction, Tom Torlakson, acknowledged, “It’s important to explore options that keep students in class and learning.”

The Edward W. Hazen Foundation has been supporting grassroots efforts to change these harsh policies for more than a decade. For Hazen, the quest didn’t begin with the recent research findings of the Civil Rights Project at UCLA, the Council of State Governments, and others. Instead, it emerged from the insights of members of their grantees: the Youth Justice

Coalition’s Veronica M., for example, who noted that, “When I was locked up, I didn’t see any white people or Asians. And my grandparents [who came to court for her] didn’t see them in court.” Or Albany Park Neighborhood Council’s Victor A., who “saw a lot of friends getting into trouble, getting suspended for little things that could have been handled differently,” and, he thought, for white students, *were*. Then he saw an old friend, who was not white, get expelled: “He was very smart,” Victor remembers, and “the school could have handled it differently.” Instead, it pushed him out.

Hazen grantees, such as Albany Park, CADRE, Padres y Jovenes Unidos, the Youth Justice Coalition, Southern Echo, and many others, recognized early on that disciplinary policies express and sustain deep racial injustice. They also recognized that the racial injustice was linked to educational injustice: schools that work send their students to college, not to jail. A young member of L.A.’s Inner City Struggle told Lori Bezahler, president of the Hazen Foundation, almost a decade ago,

“L.A. schools have four tracks: the college prep track – and we’re not on that track; the military track; the low-wage work track, and the penitentiary track.”

Hazen grantees have played a key role in bringing other stakeholders to the table, through accessing and analyzing the quantitative data, demonstrating the racial disparities, examining the (in)effectiveness of harsh policies as a way of improving school safety and climate, and identifying positive behavior practices that keep students in class and make sure that all students in those classes can learn.

Discipline as an Issue of Racial Justice

Hazen grantees first identified discipline policies as an issue of racial justice simply by looking around. Maisie Chin talks about what it looked like from the parent perspective in Los Angeles in 2001, as CADRE began a process of going out and talking to parents, one-on-one. What they saw was “[T]hat kids were going to schools and ending up in jail. We saw a real disdain for Black parents and kids.” Pam Martinez of Denver’s Padres y Jovenes remarks that, when the organization first began looking at the issue, the phrase “schoolhouse to jailhouse” had not become common, but everyone “knew” that there were more suspensions in poor neighborhoods. And the young people noticed that, when kids got suspended, they fell behind in school. Many couldn’t catch up, and the process ended with them pushed out of school. Members “saw in their schools – they were pushed out for really minor reasons.” Jenny Arwade of Albany Park says it often

started with the young people being labeled “gang-affiliated” by the police in Chicago schools. The young people, she remembers, felt the label was because of their race, not their actions, and they began to talk about ways to document the injustice and change it.

Hazen grantee Southern Echo in Mississippi and members of the Mississippi Delta Catalyst Roundtable it helped found were among the first to focus organizing on this issue and to call it a “schoolhouse to jailhouse track.” Having grasped the racial dimensions of these policies, other Hazen grantees too took on the challenge of changing them. Most focused initially on learning more: several engaged in participatory research and statistical analysis to document the disparate impact. Like Albany Park, which partnered with the Advancement Project, most also began to document that the policies were ineffective, undermining rather than helping to achieve educational goals.

CADRE was in the forefront of identifying and naming the issue: it stated clearly that black students were not “dropping” out of school, they were being pushed out. And, CADRE argued, they were pushed out by deliberate and intentional policies. The organization began conducting participatory action research into a broad range of issues in 2003. “What we heard, again and again,” said one parent, “was about kids being suspended.” Maisie Chin, co-founder and executive director of CADRE, notes that discipline policies had not been a typical focus for parent organizing. For a parent organization to take on this issue back then was, as she puts it, “groundbreaking.” To figure out why they were

hearing about so many suspensions, CADRE continued to research – and to reflect on that research.

The stories it gathered led CADRE to submit a public records access request in 2006 for data on the district's disciplinary policies and practices. Those data made clear the disparate impact of these policies on students of color. African American students made up 24% of the school population, yet they made up 44% of the students who were suspended. Their rate of suspension was almost twice as high as their rate of enrollment in the district. CADRE's findings showed disproportionate numbers of black and Latino students being pushed out.

While they were analyzing the data, CADRE learned that the district itself was becoming concerned that its policies were failing to make schools safer and more conducive to learning. CADRE parents began to meet with administrators, school board members, and the local teachers' union, to build widespread support for discipline policies that would address the particular issues of each student's case and also help build within schools a sense of trust and concern for students that would foster learning. Among CADRE's demands was that parents be engaged early in the discipline process, enabling them to monitor and ensure its appropriateness.

The meetings culminated in a "People's Hearing" in 2006, which shone a bright light on the district's unjust and exclusionary discipline practices as well as on policies and practices that were both less punitive and more effective. CADRE and community allies pressed for change from the outside, putting pressure on the unions, board members, and administrators who also recognized the problem to press for – and deliver

– change from the inside. In 2007, LAUSD unanimously approved a district-wide policy that called for parent involvement and mandated school-wide positive behavior support interventions rather than harsh, "zero tolerance" discipline policies.

LAUSD's new code became a model for other districts, especially other districts in which community engagement was strong. It also contributed to other important changes in LAUSD policies. One example is changes in the policies that allow police to ticket and fine students for "violations." A range of allies including the Labor/Community Strategy Center, Youth Justice Coalition, and Public Advocates, demanded – and won – changes in these ticketing policies. The community organizations that fought for discipline and ticketing reforms, including CADRE, have monitored their implementation. Among their findings: under the new policies, South Central LA, CADRE's focus, has seen a 25% reduction in suspensions. And, tickets citing (and fining) Black students for violations have fallen by half throughout the district. Community power in action!

Padres y Jovenes similarly found solid evidence of racially disparate impact in Denver public schools and, as it expanded its gaze, throughout Colorado. Colorado public schools regularly referred students to the police for school violations. Working with the Advancement Project, Padres y Jovenes youth documented that 60% of those police referrals were for non-criminal and, in fact, minor – often subjective – violations and that Black, Latino, and Native American students were three to four times more likely than white students to be referred to police for the same offence.

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Padres y Jovenes began its analysis of Denver Public Schools discipline policies and practices in 2004, looking first at the role of police in the schools. By 2008, its intergenerational struggle had won significant reforms, including passage of a model code of conduct and a memorandum of understanding between Denver Public Schools and the Police Department, limiting police activities in the schools. Following that victory, Padres y Jovenes continued to monitor practices in Denver schools, but turned its organizing attention to the state legislature, seeking to achieve across the state what it had achieved in Denver. In spring 2012, Colorado passed legislation calling for an end to zero tolerance in school districts and an increase in positive behavioral supports, including adequate training for teachers in implementing these techniques. In winning this battle, Padres y Jovenes marshaled its strong organizing capacity to support legislative action.

Both groups – having achieved district-wide success and winning state-wide support for their policies (the California legislature in 2012 also passed state-wide policies calling for increased positive behavior supports and less reliance on harsh and exclusionary punishments) – attribute their success to the organized power and leadership of their members. The motivation of CADRE and Padres y Jovenes members and their allies built strong and persistent campaigns that policymakers could not ignore.

In discussions, leaders of both organizations point out that winning policy victories is much easier than ensuring that the new policies achieve their goals. As

Pam Martinez puts it, “Accountability is really hard!” Recently, the organization has developed campaigns focused on accountability. In Denver, for example, Jovenes review the data provided by the district and, in a big public meeting, give the school superintendent a report card. So far, the grades are mixed. As a district, Denver Public Schools has done a fantastic job of reducing suspensions and expulsions. But the racial disparities have *increased*, with schools in the wealthier and whiter neighborhoods implementing positive behavior interventions and supports with greater enthusiasm and effectiveness than those in poorer ones with more students of color. CADRE also has succeeded in reducing suspensions throughout LA; it has not yet succeeded in reducing racial disparity in suspensions across the district.

Thus, both groups, even as they take pride in their policy successes, recognize that the battle is only fairly engaged, not won, and continue to organize and reach out to build and strengthen work with other groups. As their successes have been a model and inspiration to other organizing groups, including other Hazen grantees, so too has been their focus on building leadership from within. Parents in Padres y Jovenes played crucial roles in achieving state-wide reforms, but it was always in support of the young people who took the lead. Young people testified before the state legislature, pressed their local representatives, and brought together large numbers of youth to demonstrate support for the reforms. Hazen grantees are deeply committed to the proposition that reform is successful and sustainable when it emerges from those who will be affected by it, and each organization exemplifies that commitment.

Building Youth Leadership

Make the Road New York is another Hazen grantee that recognized early on that harsh discipline policies hit brown and black youth hardest. But, as community partners with the Department of Education at Bushwick High School for Social Justice (BHSSJ), the organization also recognized early on the ineffectiveness of the policies and used that as a negotiating tool with the Department to implement more effective practices, which also resulted in reduced pushout. As Jaritza G., who was a BHSSJ student when Make the Road first took up this issue, put it, "The young people who are suspended come back and then they're behind – and they're impeding the progress of the rest of us, the class, their friends. Why weren't we doing something more effective for them? And us?"

Make the Road joined with the Dignity in Schools Campaign – NY (DSC-NY) to advocate for policies that relied on positive behavior supports and restorative justice rather than suspensions and expulsions. In its own youth organizing program, Make the Road holds weekly meetings in which it trains its young members in leadership skills – facilitating meetings, public speaking, outreach. And in DSC-NY meetings, Make the Road youth – articulate, vocal, and prepared – are among those who ensure that the young people work with the adults rather than allowing the adults to take over the meetings. Make the Road youth also, in conjunction with both the Advancement Project and DSC-NY, developed expertise in the complicated NYC discipline code; and they have taken a lead in offering "Know Your Rights" workshops to other youth.

DSC-NY and its constituent members, including Make the Road and other Hazen grantees such as DRUM, New Settlement Apartments Parent Action Committee, Sistas and Brothas United, Youth on the Move, and Youth Ministries for Peace and Justice, have won significant victories in the City. Among them are the elimination of classroom removal for most minor infractions and the imposition of limits on suspensions for more serious violations. Make the Road's early participatory action research and advocacy also contributed to passage by the NY City Council of the Student Safety Act, which now provides system-wide data on suspensions and expulsions. In Jaritza's words, "We realized it was about race and class. Now, the data from the City Council is confirming what we knew." Jaritza graduated from BHSSJ, but the training and skills she learned at Make the Road remain in use there, as she is currently employed as a Make the Road youth organizer and, through that work, serves as a youth leader in the Alliance for Educational Justice, a national network of youth organizing groups.

While several Hazen grantees have built youth leadership skills through their work on school discipline issues, the success of the Youth Justice Coalition in Los Angeles in this regard is singular. YJC works closely with CADRE and is part of the Dignity in Schools Campaign, but it has explicitly focused more on the role of the police in schools and the "jailhouse" connection than on school discipline codes. Its agenda, like that of other Hazen grantees, is driven by its membership, and YJC membership comprises court-involved youth either under arrest or on probation. YJC serves the young people who have already been pushed out.

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Many of their members attend the YJC-run high school in its Chuco's Justice Center. The school relies on restorative justice for its disciplinary code, and has demonstrated such success that other area high schools have asked for training in the method. A key aspect of the organization's work is helping the young people it serves take back their lives from the indignities and humiliations heaped on them by the school and justice systems. YJC provides substantive training to its members in leadership and organizing skills, including identifying and framing issues, planning actions, public speaking, research, power analysis, and media messaging. It also provides instruction in US history, focusing on documents like the Declaration of Independence, Constitution, and Bill of Rights, the backbone of civil rights guarantees in the US. And YJC youth have absorbed those lessons as directly relevant to their own lives.

YJC members testify in legislative hearings, plan and carry out mass actions, and advocate with policymakers at school district, city, and state levels; they speak clearly about the racial injustice they see in school disciplinary policies and in the policing that surrounds them. Leslie M. recounted her experience at YJC. Suspended for "willful defiance" and pushed out of school at 15, no one, including the guidance counselor who told her she wouldn't graduate and urged her to leave school, offered help until she – on her own, through one of YJC's arts programs – found the organization. Now, she said, she is able to tell her story; she is not ashamed; and she is firmly on the path to high school graduation.

Staff at organizations like Make the Road, YJC, Albany Park, and Padres y Jovenes work hard to help the young people build their skills. The first step at each organization is the belief that the young people can do it. All Hazen grantees have leadership development programs – and successes that exhibit their embrace of this belief. Some young members credit this training with helping them make it through school. Victor J. of Albany Park, for example, credits the leadership and organizing skills training he received from Albany Park with improving his school work. As he put it, they "helped my classroom behavior and I talked more in class. I don't have so much trouble keeping my attention focused... Once I spoke up in class, I developed a better relationship with teachers." Victor's comments demonstrate Albany Park's success in building youth leadership and efficacy, in part through its school discipline work. The work itself has resulted in significant revisions to the Chicago Public Schools Discipline Code, such as an end to the use of 10-day suspensions and removal of "disorderly conduct" from the offenses that can lead to arrest.

Going National

School discipline policies have increasingly come under the scrutiny of the Office of Civil Rights of the Department of Education, which has documented disparate impact in districts throughout the U.S. In 2011, in an unprecedented partnership, the U.S. Department of Justice and Department of Education announced the Supportive School Discipline Initiative (SSDI). The Initiative explicitly recognizes the toxic connection between punitive school discipline

practices and over-incarceration of young people. SSDI is intended to address this problem and, as the Department of Justice July press release put it (July 21, 2011), develop policies and practices that “foster safe and productive learning environments in every classroom.” The Department of Education has increasingly encouraged positive behavior supports and attention to social and emotional skills, including peer mediation, which enable young people themselves to redress grievances and shape nurturing learning environments inside schools. Hazen grantees, in conjunction with other advocates, including the Alliance for Educational Justice and Dignity in Schools Campaign, played a crucial role in bringing these issues to the attention of state governments and the federal departments of Justice and Education.

CADRE, for example, was involved from its earliest days in working with both attorneys and organizing groups that saw education as a human right and recognized exclusionary discipline policies as a violation of that right. It worked closely with the National Economic and Social Rights Initiative to place discipline policies within its human rights frame; in fact, it was CADRE parents who coined the phrase “dignity in school,” in recognition of the need to shift the culture of schools to one of dignity, respect, and engagement. The Dignity in Schools Campaign, a coalition anchored at NESRI, now has 60 members in 19 states and includes YJC, Make the Road, Padres y Jovenes, and CADRE, along with numerous other Hazen grantees.

All of those organizations have helped shape and advocate for DSC’s federal policy demands for the

Department of Education, including expanding data collection related to school discipline and identifying racial disparities in school discipline as a factor that districts and states must address for participation in federal grant programs, such as Race to the Top programs. Youth and parent members of these organizations, and other Hazen grantees like Kenwood Oakland Community Organization, Mississippi Delta Catalyst Roundtable members, Philadelphia Student Union, have all traveled to Washington DC to meet with Department of Education and members of Congress to support several bills that would open funding streams for states and districts to implement positive behavior supports and restorative practices.

Members of the Dignity in Schools Campaign have also worked together to create a Model Code on Education and Dignity, a set of human rights-based model policies for schools, districts and states to implement positive approaches to discipline and end pushout. CADRE wrote the chapter on the right to stakeholder and parent participation in schools, and YJC wrote the section on the right to education for students in contact with the justice system. DSC-NY members helped write the section on school policing, and DSC-Los Angeles members wrote the chapter on implementing positive behavior supports in schools. Padres y Jovenes Unidos and other Hazen Foundation grantees all contributed to the section on implementing restorative practices, basing their contributions on their experiences in introducing those practices in their local schools. Joyce Parker of Citizens for a Better Greenville sits on the Editorial Committee of the Model Code and helped organize a

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year-long process of community engagement where she and other Editorial Committee members traveled to 8 states to hold workshops for parents, students and teachers to review the Code.

In addition, throughout this long process of developing the Code, DSC consulted with the federal Department of Education (ED), highlighting examples that ED could include in the guidance and technical assistance to states and districts it will provide both through its more routine work and through SSDI. DSC is pressing for the terminology of the Code to shape legislative language in revisions of the Elementary and Secondary Schools Act (ESEA). It also will use the Code as the basis for legislative briefings at the federal and state levels. DSC members are presenting the Code to school boards and state legislators around the country and using it to support their local demands for change. Hazen grantees have taken the lead in this work as well.

Those grantees also work together in different combinations to address discipline and “school to jailhouse” issues. Albany Park, Make the Road, and Padres y Jovenes, for example, were founding members of the Alliance for Educational Justice, a coalition of youth organizing groups which has focused attention on the school to prison pipeline in more than two dozen cities. As Jaritza of Make the Road puts it, through AEJ, “We come together to support each other’s victories and campaigns.” AEJ also organized meetings for its young people with members of the federal House of Representatives and with Secretary Duncan. These meetings highlighted the capacity of the young people – and the organizations they

represented – and helped to spark ED’s ongoing scrutiny of disciplinary data.

In addition, it was through AEJ that Albany Park Neighborhood Council developed its partnership with the Advancement Project on discipline issues. As noted, several Hazen grantees work with the Advancement Project, to uncover and analyze district and statewide data. In turn, these groups, including most notably the young people who are leading these struggles, have helped the Advancement Project identify strategies and tactics to advocate for more effective and less discriminatory policies.

The Dignity in Schools Campaign also partners with the Advancement Project. Through national alliances like the Dignity in Schools Campaign and AEJ as well as focused activities, such as the Hazen-sponsored ACTION camps in Colorado, led by Padres y Jovenes, the work of one organization informs the work of many others. The model discipline code developed in Colorado, for example, is promoted in Texas, and Padres y Jovenes members share their advocacy skills with Albany Park or Make the Road youth.

Equally important, the young people know they are a movement. A movement they are building together.

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The Edward W. Hazen Foundation, a private foundation established in 1925, is committed to supporting organizing and leadership of young people and communities of color in dismantling structural inequity based on race and class.

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