

# ON TRACK—OUT OF TROUBLE—IN SCHOOL



**MORE KIDS IN THE CLASSROOM, FEWER IN THE PIPELINE**





**“There can be no keener revelation of a society’s soul than the way in which it treats its children.”**

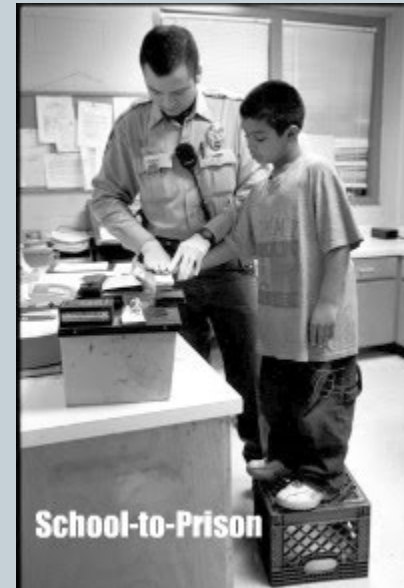


**-- Nelson Mandela**

# What is the School-to-Prison Pipeline?



- **One of the most important civil rights issues of our time**
- **Policies and practices that lead young people into justice system**



# How Children Get Pushed Into The Pipeline



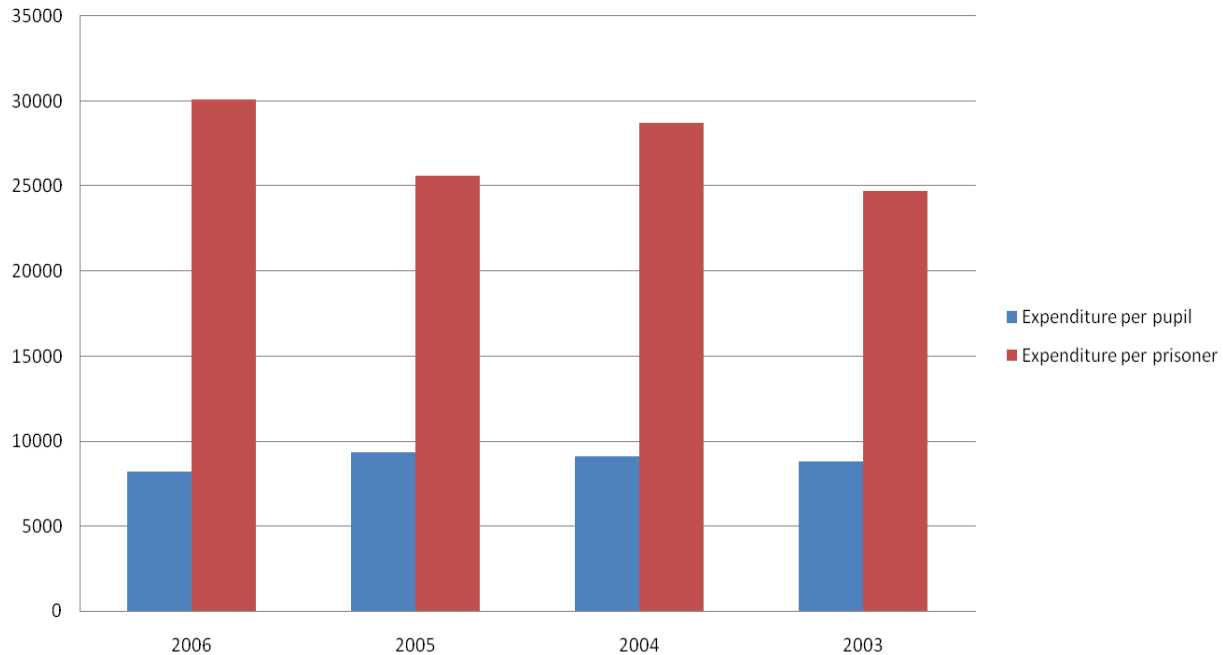
- Factor: “Zero tolerance” laws**
- Factor: Lack of due process in disciplinary hearings**
- Factor: More police in schools**
- Factor: Cultural differences**
- Factor: The failure to evaluate for disability**
- Factor: Lack of alternative education**
- Factor: No right to an “adequate” education**

# We Spend More on Prisons than Schools



**“Michigan is one of 4 states that spends more on corrections than higher education,”** -- *Mike Boulus, Presidents Council*

**Pupil and Prisoner Expenditures in Dollars  
(2003-2006)**



# Why We Got Involved



- **Our Children's Futures**
- **Racial Disparities**
- **Educational Inequity**

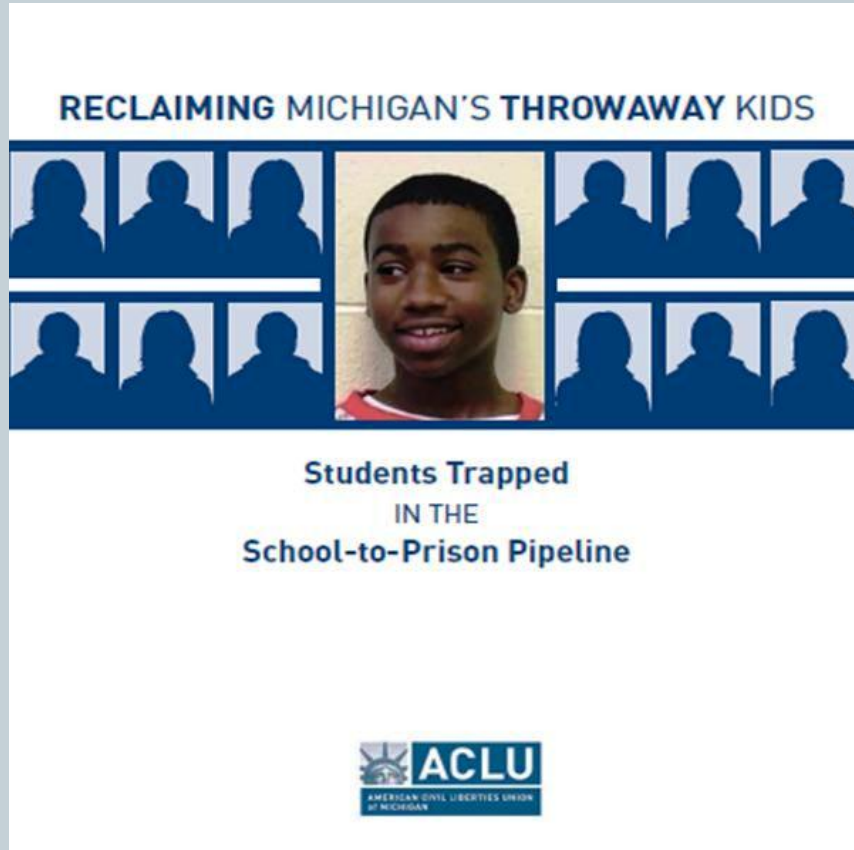


# Our Project Goals



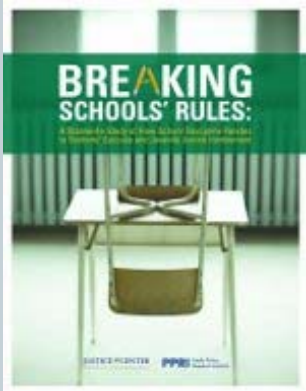
- 1. Due Process**
- 2. 'Zero Tolerance'**
- 3. Alternatives to Suspension/Expulsion**

# ACLU-MI 2009 Report



- **Data from 40 Districts**
- **Black students suspended disproportionately**
- **White students suspended less for same offenses**
- **Students suspended repeatedly, long-term or expelled drop out more often**

# Much Larger Than a Local, Michigan Problem



The most comprehensive study on the STPP issue was released in July 2011.

Texas researchers followed 1 million students for six years. Nearly 600,000 were suspended or expelled during that time.

- Nearly 150,000 were suspended or expelled 11 times or more, and about 50% of them were involved in the juvenile justice system.
- Only 3 percent of offenses were for conduct mandating suspensions/expulsion
- African-American students and those with disabilities were disproportionately disciplined for discretionary actions

# Minority, Special Ed Students Punished More Often

- **Black students are nearly 3 times more likely to be suspended than white students, 3.5 times more likely to be expelled**
- **Latino students are more than 1.5 times more likely to be suspended and twice as likely to be expelled**
- **Students with disabilities are twice as likely to be suspended or expelled than non-disabled peers**



# ACLU Education Committee Work



- **7 Committees across the state**
- **Reviewing school discipline policies and approaching districts with due process and zero tolerance concerns**
- **Working with districts on solutions to high suspension and expulsion rates**
- ***COMMITTEE GOALS***
  - **Due Process, Zero Tolerance Policy Reform**
  - **Coalition Building**
  - **Alternative Discipline Promotion**

# Farmington Public Schools



- **High School** - African American students suspended/expelled in higher rates than other students.
- **Middle & Upper Elementary** - African American students suspended/expelled at a higher rate than other students.  
\*Number has been dropping for 3 years.
- Majority of our suspensions related to Level 2 offenses (failure to serve a detention, insubordination, harassment, and disruptive behavior)

# What are the Alternatives?



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**KENZI BISBING, YOUTH SERVICES MANAGER –  
OAKLAND MEDIATION CENTER**



# Oakland Mediation Center's Steps to Educational Success

Helping Students Succeed every STEP of the Way!

- **Second Step**
  - Conflict Resolution Education
- **Peers Making Peace**
  - Peer Mediation

- **Olweus Bullying Prevention**
  - Bullying Prevention/Intervention

- **Truancy Prevention Through Mediation**
  - School Attendance

- **Restorative Justice**
  - Victim/Offender Mediation
  - Conferences
  - Circles



OAKLAND  
MEDIATION  
CENTER

# ON TRACK—OUT OF TROUBLE—IN SCHOOL



**SUE ZURVALEC, SUPERINTENDENT –  
FARMINGTON PUBLIC SCHOOLS**



# ON TRACK—OUT OF TROUBLE—IN SCHOOL



**STEVE VERCELLINO, PRINCIPAL, ON PBIS --  
FARMINGTON PUBLIC SCHOOLS**



# What Can You Do?



- 1. Learn what your rights and responsibilities are, and urge others to do the same**
  - Take 5 cards to share with students/parents you know

## AMERICAN CIVIL LIBERTIES UNION OF MICHIGAN FACING SUSPENSION OR EXPULSION? KNOW YOUR RIGHTS

When it comes to discipline in schools, the ACLU encourages students and their parents to know their rights. In this guide, we cover what rights you should expect when facing discipline and give tips on how to ensure your school has a thorough due process policy in place. If you are involved in an incident, you have the right to fair treatment. Use this guide along with your school's discipline policy and discuss any questions with your school administrators. If you think your rights have been violated, contact the ACLU of Michigan.



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313-578-6800  
[aclumich.org](http://aclumich.org)  
[facebook.com/ACLUofMichigan](https://www.facebook.com/ACLUofMichigan)

## YOUR RIGHTS WHEN FACING SCHOOL DISCIPLINE

Before you can be removed from school you have a right to due process. Unless it will be dangerous or disruptive, before you're suspended or expelled, your school must:

- **Give you notice of the charges.** The school must tell you, either verbally or in writing, what you are being accused of.
- **Provide an explanation of the evidence against you.**
- **Give you a chance to tell your side of the story.** The school must give you an opportunity to respond to any charges. This chance **may or may not** come during a formal hearing, so think before you speak.

## YOUR RESPONSIBILITIES

Take responsibility for knowing your school's discipline policy and how it should be enforced. If your school doesn't have a thorough due process policy in place, demand that one be drafted and followed.

## TAKE OUR ADVICE: ASK FOR YOUR PARENTS

If you are being questioned, we recommend you ask the school to call your parent or guardian, and then wait until they get there before you answer any questions.

## DEMAND A CHANCE TO BE HEARD

If you are facing suspension or expulsion, you are entitled to a fair hearing. A hearing provides all sides a chance to tell their story. However, school policy varies from district to district when it comes to hearings and appeals. Check your student code of conduct, student handbook or school district policy. If you don't know where to look, ask an administrator for a copy of your school policy. If the procedures for your school or school district have not been properly followed in your case, you should consult a lawyer immediately.

## WHAT DOES ZERO TOLERANCE MEAN?

Zero tolerance refers to disciplinary policies that are meant to keep students and teachers safe. Under these policies, students who commit serious offenses like arson, criminal sexual conduct or possession of a dangerous weapon must be expelled immediately.

Unfortunately, many schools have begun using these one-strike policies to punish minor misbehavior like loitering or disrespect. Zero tolerance punishments don't make schools safer when used for nonviolent misbehavior. Instead, they can push students out of the educational system completely.

For minor offences, alternative discipline programs like peer mediation, positive behavior supports and other restorative practices have been proven to improve the school climate, reduce the need for suspensions and keep students in school.

## EXCEPTIONS TO THE ZERO TOLERANCE LAW

Michigan's zero tolerance law does allow schools to use their own judgment in some cases, but many administrators are unaware of these exceptions. Under Michigan law, a dangerous weapon is defined as: a gun, a knife with a blade over 3 inches, an iron bar, or brass knuckles. Zero tolerance policies may not apply to items not on the list.

**A student DOES NOT have to be expelled if they can clearly prove at least one of the following:**

- The object was not possessed by the student for use as a weapon, nor was it to be given to another person for use as a weapon.
- The weapon was not knowingly possessed by the student.
- The student did not know the object or instrument was a dangerous weapon.
- The weapon was in the student's possession with the permission or at the direction of school or police authorities.

## HELP CREATE SAFE AND FAIR SCHOOLS

**Speak up and demand that every school provides students with:**

- A clear, thorough due process policy to follow.
- A fair hearing where students can tell their side of the story and which involves the student, the administrator who will decide what punishment is appropriate, a parent or guardian, and an advisor or lawyer for the student.
- An opportunity to present evidence, question witnesses, and challenge any evidence against them at hearings.
- Alternative discipline programs like peer mediation and other restorative justice practices for minor offenses.

Students, parents, teachers and administrators all want to create safe schools that respect students' rights. Make your voice heard and reach out to school districts and elected officials. Get more information and help keep students in school by emailing us at [education@aclumich.org](mailto:education@aclumich.org)

# We Need You



**We need parents, students, and concerned community residents to step up and help put an end to this problem**

# What Can You Do?



- 2. Urge your school's teachers, principals, district board members, and superintendents to provide due process info and consider ACLU recommendations**
- 3. Request at public meetings and 1-on-1's that schools expand or implement alternative discipline programs**
- 4. Join our coalition and become an advocate. Help us convince lawmakers to change laws**

# Are You Going to Help?

- **We're working to change policies**
- **You can help, we'll show you how**
- **Also, spread the word, share the message**
- **Sign up today!**



For more info, email: [education@aclumich.org](mailto:education@aclumich.org)

# ACLU Contacts



- **Fern Ettinger, ACLU-MI Oakland Branch Education Committee**  
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