

Draining the School-to-Prison Pipeline

SUPPORT
Center
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child
advocates

"Draining the School-to-Prison Pipeline" is a monthly publication addressing issues of community school reintegration, sharing practical recommendations to support returning students, tracking relevant public policy and legislation, and addressing racial and other inequities in Pennsylvania's educational system.

Special Education and Its Impact on the School-to-Prison Pipeline

During the 2019-2020 school year, more than 14% of public school students in the United States were identified under the Individuals with Disabilities Education Act (IDEA) as in need of special education services. (n.1) In Pennsylvania, 15.9% of all enrolled students receive special education services. (n.2) Disabilities that give rise to the need for services can range from a specific learning disability, to speech and language impairment, Autism, emotional disturbance, multiple disabilities, and others. Students who are identified as needing special education are provided an Individual Education Plan (IEP) that specifies supports, interventions, accommodations, and goals with the purpose of providing full access to the general education curriculum.

Both Federal and Pennsylvania state laws contains legal guardrails with respect to school discipline for students with disabilities. A school cannot punish a child with a disability more harshly than a non-disabled peer and must provide the same legal protections for all students. (n.3) Further, a school cannot punish a student *because of* a disability, and must take special precautions before suspending, expelling, or placing a youth identified as needing special education services in a disciplinary placement. (n.3)

Despite these legal protections, there remains an over-representation of students with disabilities in the juvenile- and criminal-justice systems as a result of school infractions. Students with disabilities make up 25% of all students arrested and referred to law enforcement, 75% of students who are restrained, and 58% of students that are secluded from the classroom for a discipline infraction. (n.4) Additionally, 85% of students in a juvenile detention facility demonstrate eligibility for special education services, but are not receiving supports. (n.4) These disparities leave our most vulnerable students over-represented in our most punitive systems.

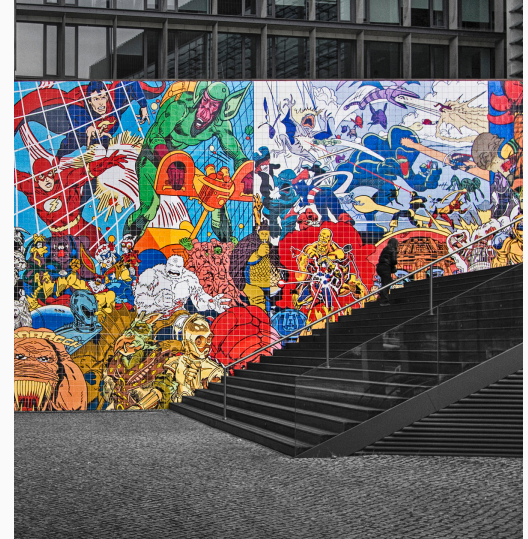


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This publication is supported by a grant from the Pennsylvania Developmental Disabilities Council; in part by grant number 2001PASCDD-02, from the U.S. Administration for Community Living, Department of Health and Human Services, Washington, D.C. 20201. Grantees undertaking projects with government sponsorship are encouraged to express freely their findings and conclusions. Points of view or opinions do not, therefore, necessarily represent official ACL policy.

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Grow Your Knowledge

Check out this series on Disability, Race and the School-to-Prison Pipeline from the FISFA foundation:
<https://fisafoundation.org/disability-inclusion-pgh/race-and-disability/>

SPOTLIGHT SERIES

Our Spotlight Series highlights individuals and organizations that are doing innovative and important work on the issues of community school reintegration, dismantling the school-to-prison pipeline, and addressing bias in education.



Rachel Malloy-Good is the Transition Support Case Manager in the School District of Philadelphia where she supports a multi-disciplinary team tasked with reintegrating students into their community school following time in a congregate care facility. Rachel's background is as a certified teacher and then Special Education Liaison in an elementary school in the District. From there, Rachel was promoted to a Special Education Case Manager where she supported over 50 schools with special education services, professional development, and special education programming. After seeing first-hand the systemic inequities impacting Philadelphia students, Rachel was prompted to earn a law degree from Widener University Delaware Law School in 2020. In her current role, Rachel is responsible for ensuring that students with disabilities who are returning to the District from a residential facility are placed in an appropriate school setting that meets their special education needs. Rachel strives every day to provide students access to quality special education support, in a safe and loving school environment.

From Policy to Practice

Advocates for children and youth, parents, and education professionals can mitigate the over-representation of youth who receive special education supports in the juvenile justice system by:

- Identifying students with multiple short-term suspension and/or failing grades. These students should be provided additional academic and behavioral support, including an evaluation for special education services when appropriate.
- Attempting behavioral and/or academic interventions that allow students an opportunity to strengthen academic and behavioral areas of need prior to making a formal identification of disability. Youth of color are simultaneously over-, under-, and mis-identified as students with disabilities.
- Documenting the progress toward IEP goals of students with disabilities. Students who continue to struggle to meet their goals and benchmarks should have a thorough review of their IEP with their IEP Team to determine if additional supports are needed.
- Engaging professionals in trainings that improve their understanding of cultural competence and awareness of implicit bias.
- Creating and implementing a restorative justice program at school to minimize out-of-school time for students and build practical life skills.
- Requesting that their United States Representative and Senators co-sponsor three pieces of pending federal legislation designed to create a positive school climate: Keeping All Students Safe Act (KASSA)(HR 3474/S.1878), the Protecting our Students in Schools Act (HR 3836/S.2029), and the Counseling Not Criminalization Act (HR 411/S.2125).

The Road from Our Reality to Our Responsibility

Every issue of this digest addresses issues of racial disparity and other inequities in the systems of education, juvenile justice, child welfare, and behavioral health by identifying systemic barriers, introducing evidenced-based research for dismantling current practice, and creating a blueprint for structural change and empowerment.

The Problem

Black and Brown students are not only over-represented in the juvenile and criminal justice systems, they are also over-identified as needing special education services, or mis-identified as to the type of interventions they need to succeed in school. Research indicates that students of color fall victim to identification factors that rely on subjective input or that can otherwise conceal bias. Such factors include: test bias, poverty, poor educational instruction, and lack of cultural competence by professionals working with diverse communities. (n.3)

The Effect

The implied bias in special education assessments leads to Black and Brown children being identified with disabilities in subjective or "judgmental" categories, particularly specific learning disability (SLD) and emotional disturbance (ED). SLD and ED are disabilities for which there is often no organic origin and are not diagnosable by a doctor. (n.1) Instead, they are based on lack of expected performance in a general education classroom. (n.1) Students identified in these categories are subject to interventions that include: self-contained classrooms, a simplified curriculum, and fewer opportunities to transition into postsecondary education. These students also experience social impacts such as: stigma, reduced expectations, lower self-esteem, and racial separation. (n.1)

The Solution

In addition to enhancing cultural awareness of staff, schools and professionals should also look to integrate evidence-based interventions prior to identifying a student as one in need of special education services. Three examples of such programs are: Multi-tiered systems of supports (MTSS), a framework for creating high-quality interventions matched to a student's needs, that monitors their progress, and makes swift changes to instruction or goals, based on the student's responses; Universal Design for Learning (UDL), an intervention that supports differentiated learning experiences in flexible ways to meet the needs of individual learning; and Culturally Responsive Teaching (CRT), which encourages teachers to understand different cultural academic needs, and to respond to, incorporate, and celebrate students' cultural references. (n.4). Finally, teachers should be prepared to use trauma-responsive instructional techniques.

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