



2025 ANNUAL REPORT



U.S. COMMISSION ON
THE SOCIAL STATUS OF
BLACK MEN AND BOYS



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SCHOOL-TO-PRISON PIPELINE OUTLINE

Acknowledgements

This report is authored by the United States Commission on the Social Status of Black Men and Boys (CSSBMB).

Report Advisers

Marik Xavier-Brier, Ph.D., Acting Director, U.S. Commission on Civil Rights

Mark Spencer, Esq., Director

Commission Staff

Mark Spencer, Director

Zakee Martin, Deputy Director

ReShawn Beechum, Administrative Officer

Monica Cooper, Support Services Specialist

Gerald K. Fosten, Ph.D., Social Scientist

Diamond Newman, Social Media Specialist

Gerri Sheppard, M.A./M.P.A., Civil Rights Analyst

Jacob Swanson, Ph.D., Civil Rights Analyst

Commissioners

Chair Frederica S. Wilson, U.S. Congresswoman, Florida, District 24

Secretary Reverend Al Sharpton, National Action Network

Commissioner Thomas Colclough, Deputy District Director, U.S. Equal Employment Opportunity Commission

Commissioner Joseph Palm, Regional Director for Regions 2 and 7, Department of Health and Human Services

Commissioner Dr. Calvin Johnson, Deputy Assistant Secretary for Research, U.S. Department of Housing and Urban Development (HUD)

Commissioner Lucy McBath, U.S. Congresswoman, Georgia, District 7

Commissioner Steven Horsford, U.S. Congressman, Nevada, District 4

Commissioner Troy Carter Sr., U.S. Congressman, Louisiana, District 2

Commissioner Maxwell Frost, U.S. Congressman, Central Florida, District 10

Commissioner Henry Johnson, U.S. Congressman, Georgia, District 4

Commissioner TinaLouise Martin, Director of Management and Human Resources, U.S. Commission on Civil Rights

Commissioner Troy Vincent, Executive Vice President of Football Operations at the National Football League (NFL)

Research Areas

Black men and boys experience a range of interconnected challenges that reflect longstanding inequities embedded within American society. To effectively examine these issues and fulfill its mandate to analyze the prevailing conditions affecting Black men and boys,¹ the Commission on the Social Status of Black Men and Boys structures its work around five core research areas: Education, Housing, Labor and Employment, Health, and Criminal Justice.

Education

Education is a key focus for CSSBMB because equitable access to quality education is essential for the success of Black men and boys. Disproportionate and unjust disciplinary practices contribute to the School-to-Prison Pipeline (STPP). Significant challenges such as racial disparities in higher education enrollment, funding shortfalls for Historically Black Colleges and Universities (HBCUs), and a lack of teacher diversity continue to hinder educational equity for Black males. Recognizing the complexity of these issues, CSSBMB collaborates with partners to identify evidence-based strategies that advance educational fairness and opportunity.

Housing

The CSSBMB is committed to ensuring that Black men and boys have access to safe, affordable housing and equitable opportunities for homeownership. Recognizing the disproportionate rates of homelessness within this community, the Commission examines the systemic factors driving housing instability. This includes investigating discriminatory practices in housing markets, challenges in securing home loans, and the lasting effects of historical policies like redlining. Through this comprehensive approach, the Commission seeks to inform policies and programs that prevent homelessness and promote housing equality.

Labor and Employment

Persistent economic disparities hinder Black men's full participation in the labor market and contribute to the enduring racial wealth gap.² Challenges such as unequal employment opportunities, wage disparities, racial bias in hiring, and disproportionately high unemployment rates continue to limit Black men's workforce success. The CSSBMB seeks out and advocates for innovative



strategies to eliminate these inequities, broaden access and opportunity for Black men and boys, and support inclusive economic growth nationwide.

Health

The CSSBMB is mandated to research and develop policy solutions to address the disproportionately poor health outcomes experienced by Black men and boys. Data consistently show that Black males receive significantly less equitable healthcare and fewer health-related resources compared to other groups in the United States. Moving forward, the Commission intends to prioritize mental health—an increasingly urgent but underrecognized public health challenge affecting Black men and boys—in its policy agenda.

Criminal Justice

The CSSBMB is committed to informing policymakers and community partners about the systemic socioeconomic disparities that disproportionately affect Black men and boys throughout the criminal justice system. This includes disparities in policing, arrest rates, sentencing, and the significant barriers to reentry faced by formerly incarcerated individuals. The Commission also highlights the wide-ranging collateral consequences such as fines and fees; restrictions on voting rights; and exclusion from education, housing, and employment, all of which perpetuate cycles of disadvantage. Through comprehensive analysis and evaluation, the CSSBMB advocates for targeted policy reforms designed to dismantle these obstacles and advance equitable outcomes for Black men, boys, and their families.

¹ 42 U.S.C. § 1975 note (2020), Commission on the Social Status of Black Men and Boys.

² Baradaran, M. (n.d.). *Closing the racial wealth gap*. NYU Law Review Online. <https://www.nyulawreview.org/online-features/closing-the-racial-wealth-gap/>

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Message from the Chair, Representative Frederica S. Wilson



The Commission on the Social Status of Black Men and Boys (CSSBMB) is the second civil rights commission established in the United States, following the U.S. Commission on Civil Rights (USCCR), created by President Dwight D. Eisenhower in 1957. The USCCR was tasked with conducting public hearings, gathering data, and analyzing issues of discrimination and equal protection violations under the law based on race, color, religion, sex, age, disability, or national origin. It also examines discrimination and denials of equal protection in the administration of justice.

In 2006, 51 years after the landmark *Brown v. Board of Education* ruling, the tragic death of Martin Lee Anderson, a 14-year-old African American boy, at the hands of corrections officers in a Florida (FL) youth detention facility, prompted me, then serving as a Florida Senator, to introduce legislation creating the CSSBMB in Florida. This legislation was designed to address the unique challenges Black men and boys face in the state.

Six years later, while serving in the U.S. Congress, the tragic killing of Trayvon Martin—one of the participants in my 5,000 Role Models of Excellence Project and a constituent — emphasized the urgency of the moment. In response, I introduced a bill to establish the CSSBMB at the national level. Although the bill initially stalled, it gained momentum following the global outcry over George Floyd's murder by a Minneapolis police officer in 2020. In a moment reminiscent of the reaction to the *Brown v. Board of Education* decision, this outcry spurred support from then-House Speaker Nancy Pelosi and Senator Marco Rubio, culminating in the signing of the bill into law on August 14, 2020, by the President of the United States.

As a bipartisan federal agency, the CSSBMB's mission is to lead the national dialogue on the complex and multifaceted issues facing Black men and boys. Now in its fourth year, I have the privilege of serving as the Commission's chair and founder alongside distinguished legislators, government appointees, and leaders from the business and community sectors. I have remained committed to empowering Black men and boys throughout my tenure in

Congress. Over several sessions of Congress, I have worked closely with Senator Marco Rubio (Republican-FL) to draft and advance legislation to establish this nonpartisan commission. Our partnership also extended to creating the nonpartisan Florida CSSBMB during our time as state legislators. I believe education is a transformative force, especially for Black men, so in 1993, I founded the 5,000 Role Models of Excellence Project to mentor Black boys. This initiative provides a continuum of services to young men in elementary, middle, and high school, including access to college scholarships.

This year's Annual Report will focus on the School-to-Prison Pipeline and its impact on the academic achievement of Black male students as part of the Commission's commitment to education. The report will shed light on the disparities in exclusionary school discipline practices that disproportionately push Black youth into the juvenile justice system and away from academic settings. The report will also explore how this "pipeline" is closely tied to negative life outcomes as these young men transition into adulthood. Lastly, it will offer a comprehensive analysis of how these disciplinary disparities reinforce systemic inequality and the resulting civil rights implications such practices have on the lives of Black boys.

In developing effective policy recommendations, the Commission has extensively collaborated with educators, teachers' unions, think tanks, and subject matter experts. To that end, we thoroughly researched, analyzed, and proposed actionable policy recommendations that address the inequities and disproportionality contributing to the exclusion of Black boys from educational opportunities. We aim to ensure that these young men remain in the classroom, where they can thrive and succeed, rather than being diverted into the justice system.

As a Commission, we are committed to addressing these pressing issues and fostering meaningful change. We believe that through informed policy and strategic collaboration, we can dismantle the barriers that hinder the success of Black boys in our education system. Our mission is clear: to create a future where every young man can reach his full potential, free from the systemic obstacles that have historically held them back. This Annual Report is a vital step in this journey, and we look forward to advancing these critical solutions.

Message from the Director, Mark Spencer, Esq.



America's legacy is deeply rooted in the illuminating power of education, despite the challenges many Americans have faced, and still face, in obtaining it.

The Association of American Colleges and Universities (AAC&U) emphasizes the importance of liberal education in fostering democratic values and personal growth¹.

According to AAC&U, liberal education aims to help individuals develop self-mastery, intellectual curiosity, and a love for learning while also promoting fairness, open-mindedness, and generosity.

In this 2025 Annual Report, the Commission on the Social Status of Black Men and Boys (CSSBMB) has focused on interrupting the STPP. Our research identifies disconcerting trends in the administration of school discipline, particularly for Black boys, that too often divert them from academic success and result in poorer life outcomes. Exclusionary school discipline practices, like suspensions and expulsions, serve as a catalyst for further negative outcomes, especially when they are used excessively or disproportionately for behaviors that could be more appropriately addressed through alternative and more constructive approaches. Rather than improving behavior, suspensions often contribute to a cycle of disengagement, academic failure, and juvenile justice system involvement.

Our observations also lead us to the troubling conclusion that these inequities disproportionately affecting Black boys are largely concentrated in the Southern states. This calls to mind an observation by the Hon. A. Leon Higginbotham, Jr., as he contextualized in his article "The Ten Precepts of American Slavery Jurisprudence."² The seventh precept was the denial of education (for African Americans), exemplified, as he later commented, by the fact that "as late as 1931, Georgia and five other Southern states spent less than one-third for each black child than for each white child. At the time of the 1954 decision in *Brown v. Board of Education*, the South, as a

whole, was spending, on average, 43 percent more a year for a white pupil than a black pupil. . . . Even today, in many ways, we are suffering from the consequences of the devastating inequalities that have been imposed by the education system, short changing blacks, generation by generation in thousands of school districts."³

We believe that every child in America can learn and, by right, ought to be given the maximum resources to activate their intellectual and artistic abilities and creativity. This should be the goal of building informed and engaged citizens of a great nation. Our report makes specific recommendations for policy improvements and initiatives that can impact public education at the state and local levels and are supported by the federal government's resources and authorities.

We challenge the nation to encourage Congress and state and local legislatures to pursue with vigorous intent comprehensive reforms that emphasize restorative justice practices, student support, and mental health interventions needed to disrupt this pipeline. Such initiatives are necessary to help every child, but specifically Black boys, achieve an education that aims to help them develop self-mastery, intellectual curiosity, and a love for learning—promoting fairness and equity.



1 AAC&U: Homepage," American Association of Colleges and Universities, <https://www.aacu.org/> (last accessed Sept. 17, 2024).

2 A. Leon Higginbotham, Jr., *Shades of Freedom: Racial Politics and Presumptions of the American Legal Process* (Oxford, UK: Oxford University Press, 1998), pp. 195

3 Higginbotham, *Shades of Freedom*, pp. 184



EXECUTIVE SUMMARY

Annual Statutory Report

Created through bipartisan federal legislation in 2020 and signed into law by President Donald J. Trump, the Commission on the Social Status of Black Men and Boys (CSSBMB) is an independent, bipartisan federal commission entrusted with a critical national mission: to “address the current conditions affecting Black men and boys and make recommendations to address these issues.”¹ Comprising 12 commissioners and led by its founding chair, Congresswoman Frederica S. Wilson (FL), the Commission is responsible for submitting an Annual Report to the President and Congress outlining its efforts to advance this mission. The CSSBMB hereby presents its 2025 Annual Report, which will also be publicly accessible on its website, www.cssbmb.gov.

This report draws from two main sources. First, CSSBMB convenes quarterly public meetings each year to discuss ongoing issues impacting Black men and boys nationwide. The Commission also hosts stakeholder gatherings, expert interviews, listening sessions, public briefings, and other events to examine and collect information on the social, political, economic, and cultural factors shaping the experiences of Black men and boys, along with the disparities they encounter across multiple issue areas. Second, CSSBMB’s research staff conducts independent analysis and research on these critical topics.

1 42 U.S.C. § 1975 note (2020), Commission on the Social Status of Black Men and Boys.

Report at a Glance

This report begins with an overview of CSSBMB's research focus for 2025: undoing the School-to-Prison Pipeline (STPP). Chapter 1 examines the civil rights concerns underlying the STPP, focusing on how school discipline policies disproportionately impact marginalized student populations. It reviews landmark court cases such as *Tinker v. Des Moines*, *San Antonio v. Rodriguez*, and *Alexander v. Sandoval* to demonstrate how certain disciplinary practices can infringe upon students' constitutional and legal protections. The chapter lays the legal foundation for understanding STPP as not just a disciplinary issue but a civil rights concern.

Chapter 2 discusses the theories and systemic factors that contribute to the STPP. It examines the STPP through the lens of sociological theory, with a particular focus on social control theory and racial threat theory. The chapter explores how institutional practices such as zero-tolerance policies, the criminalization of adolescent behavior, the presence of school resource officers (SROs), and racial and ethnic biases contribute to the marginalization of student populations, especially students of color. Together, these factors increase the risk of these students being excluded from educational settings and funneled into the criminal justice system.

Chapter 3 outlines the methodology and data sources used in the research, detailing the processes for data collection and the analytical approaches employed. Additionally, this chapter addresses limitations within the data, including gaps in reporting and external factors such as the impact of the COVID-19 pandemic, which may affect the interpretation and generalizability of the findings. This section serves as the basis for the analysis leading to the report's conclusions.

Chapters 4 and 5 provide a detailed examination of suspensions and expulsions, beginning with preschool and continuing through K-12 education. These chapters also analyze patterns in school-based offenses, arrests, and referrals to law enforcement (LE), focusing on the rates and frequency of disciplinary actions. Additionally, these chapters explore geographic tendencies in how school discipline is administered, highlighting regional disparities and variations. Together, they offer a comprehensive view of exclusionary discipline practices and their role in fueling the STPP.

Lastly, Chapters 6 and 7 present the report's key findings and outline policy recommendations aimed at addressing the STPP. These recommendations are intended for consideration by CSSBMB commissioners to support their efforts in advancing education equity. The chapters provide actionable strategies to be presented to Congress to promote fair and inclusive educational environments for all students.

KEY TAKEAWAYS

- Racial disparities in school discipline are driven primarily by differential treatment and differential sorting, rather than differences in student behavior.
- Black male preschoolers face disproportionately high rates of suspensions and expulsions, especially concentrated in the Southern United States.
- Most expulsions and suspensions are for minor, subjective offenses like "disrespect" or "defiance," which are vulnerable to bias application.
- The growing presence of SROs in schools contributes to criminalizing typical student behavior.
- Black boys are significantly overrepresented in suspensions, expulsions, and school-based arrests relative to their share of the pre-K-through 12 student population and compared to their peers.
- School discipline practices mirror adult criminal justice "tough on crime" policies and often lack adequate due process protections, raising constitutional concerns.
- Geographic disparities exist, with the South showing notably higher rates of exclusionary discipline even after controlling for race.



CHAPTER 1: Civil Rights in Student Discipline

Discriminatory practices in student discipline limit students' opportunities, removing them from the classroom and diverting them from a trajectory of academic success and future achievements. Significant racial disparities in school discipline, evident as early as preschool, continue to persist. While racial disparities or disproportionality in student discipline alone do not constitute a legal violation, ensuring compliance with federal nondiscrimination laws often involve investigating the root causes of these disparities. In certain cases, the departments and courts have determined that these disparities are rooted in violations of the law. Specifically, The U.S. Department of Education and U.S. Department of Justice are charged with investigating these violations. The departments enforce section 504 of the Rehabilitation Act of 1973,¹ Title II of the Americans with Disabilities Act of 1990,² Title IX of the Education Amendments Act of 1972³ and Title IV and VI of the Civil Rights Act of 1964⁴ which prohibit discriminatory discipline based on race, disability, and sex. Student discipline must adhere to all civil rights

laws, which often intersect to provide comprehensive protection for students. Recent investigations by both the Department of Justice and Department of Education found significant disparities in school discipline related to expulsion, suspension, referrals and arrest. The departments found that exclusionary discipline disproportionately affected Black, Hispanic/Latino, and Native American youth. Summarily, over the last 70 years, they:

- ▶ Found patterns of harsher and more frequent disciplinary actions across types of discipline, schools, and grade levels for Black students than their white peers, resulting in significantly greater lost learning time for Black students.⁵
- ▶ Found patterns of harsher treatment for Black students by school police officers, including law enforcement (LE) citations issued disproportionately to Black students, frequently in connection with minor and subjective behavioral infractions.⁶

1 Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794.

2 Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12131 et seq.

3 Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681–1688.

4 Title IV of the Civil Rights Act of 1964, 42 U.S.C. § 2000c et seq. authorizes the attorney general to address denials of equal protection based on race, color, national origin, sex, or religion in public schools. Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d prohibits discrimination on the basis of race, color, or national origin in programs or activities receiving federal financial assistance.

5 On August 16, 2022, the Department of Education Office of Civil Rights (OCR) resolved an investigation of Victor Valley Union High School District in Victorville, California, that evaluated whether the district discriminated against Black students in violation of Title VI by disciplining them more frequently and more harshly than similarly situated white students.

6 See OCR, letter to Elvin Momon, Aug 16, 2022, <https://www2.ed.gov/about/offices/list/ocr/docs/investigations/more/09145003-a.pdf>; See also OCR, Resolution Agreement with Victor Valley Union High School District, 2022.

- Found that specific districts imposed harsher disciplinary penalties on Black students compared to their white peers for similar offenses, even when the students were of similar ages, had comparable records of prior misconduct, and the narrative descriptions indicated that the conduct was of comparable severity. Specifically, Black students were more frequently subjected to exclusionary discipline, such as in-school or out-of-school (OOS) suspensions, whereas white students were more likely to receive non-exclusionary consequences.⁷
- Identified inconsistencies in practices related to recordkeeping, due process for disciplined students, disciplinary methods within schools and across the district, the communication of disciplinary information to parents and students, and the ambiguous nature of some disciplinary sanctions, such as “defiance of authority.”⁸
- As a part of Department of Education Office of Civil Rights (OCR’s) investigation under Title VI they found that Black students in certain school districts faced disproportionately higher rates of discipline compared to their white peers. This included in-school suspensions (ISS) and OOS suspensions, administrative transfers, referrals to LE, and other disciplinary actions such as detentions, Saturday school, and community service or restitution. For example, looking back to the 2010-11 and 2011-12 school years, Black students made up approximately 40 percent of the district’s enrollment but accounted for nearly 75 percent of disciplinary incidents. Specifically, they accounted for 79 percent of OOS suspensions and more than 70 percent of LE referrals.⁹

During the investigation, the districts adopted changes to discipline practices that particularly harmed Black students, including ending participation in a program that facilitated LE citations for students and reducing discretionary

expulsions. To resolve OCR’s Title VI noncompliance determination, the districts committed to taking actions including, but not limited to, the following: (1) revising student discipline policies and procedures to comply with state law, end informal removals, and reduce reliance on subjective and vague discipline categories; (2) revising policies, procedures, and memoranda of understanding (MOUs) with local LE to make clear that schools will not involve LE in routine student discipline, and LE personnel must comply with nondiscrimination requirements; (3) conducting school climate surveys to assess and inform the district’s response to perceptions of fairness and safety in the district; (4) regularly analyzing student discipline data, including by school site, type of behavior, race/ethnicity, and following up with school staff to identify and address any potential incidents of discrimination; and (5) committing to accurate and complete student discipline recordkeeping and reporting, including developing uniform standards, staff training, and publicly reporting discipline data disaggregated by race. Specifically, the district’s plan included “provide training and revised policies to support safe and respectful environments and equitable enforcement of disciplinary procedures.”

Education and Relevant Civil Rights Laws

The U.S. Constitution contains multiple provisions designed to protect the rights and liberties of individuals. The Fourteenth Amendment provides that “[n]o State shall . . . deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.”¹⁰ It also protects individuals from discriminatory actions by state and federal actors.¹¹ While the Constitution does not establish a fundamental right to education,¹² the Equal Protection Clause ensures equal access to educational opportunities.¹³

7 See Department of Justice, Civil Rights Division, Educational Opportunities Section and United States Attorney’s Office, District of Utah, letter to Benjamin Onofrio, Sept. 15, 2021, <https://www.justice.gov/crt/case-document/file/1443736/download>. See also Office of Public Affairs, “Justice Department Reaches Settlement to Remedy Severe Racial Harassment of Black and Asian-American Students in Utah School District”, *Department of Justice Office of Public Affairs*, Oct. 21, 2021, <https://www.justice.gov/archives/opa/pr/justice-department-reaches-settlement-remedy-severe-racial-harassment-black-and-asian>; and Department of Justice, Civil Rights Division, Education Opportunities Section and United States Attorney’s Office, District of Utah, *Settlement Agreement Between the United States of America and the Davis School District*, 2021.

8 See OCR, letter to Robert Neu, Apr. 19, 2016, <https://www2.ed.gov/about/offices/list/ocr/docs/investigations/more/07141149-a.pdf>; See also OCR, Resolution Agreement with Oklahoma City Public Schools, 2016, <https://www2.ed.gov/about/offices/list/ocr/docs/investigations/more/07141149-b.pdf>.

9 OCR, letter to Bernadeia H. Johnson, Nov. 20, 2014, <https://www2.ed.gov/documents/press-releases/minneapolis-letter.pdf>; See also OCR, *Resolution Agreement with Minneapolis Public Schools*, 2014, <https://www2.ed.gov/documents/press-releases/minneapolis-agreement.pdf>.

10 U.S. CONST. amend. XIV, § 1.

11 *Bolling v. Sharpe*, 347 U.S. 497, 500 (1954); *U.S. v. Morrison*, 529 U.S. 598, 599 (2000).

12 *San Antonio Indep. Sch. Dist. v. Rodriguez*, 411 U.S. 1, 35 (1973).

13 *Brown v. Bd. of Ed. of Topeka, Shawnee Cnty., Kan.*, 347 U.S. 483, 493 (1954) (“Such an opportunity, where the state has undertaken to provide it, is a right which must be made available to all on equal terms.”)

Equal Protection Clause

Brown v. Board of Education of Topeka, 347 U.S. 483 (1954)

In *Brown v. Board of Education* (1954), the Supreme Court held that racial segregation in public schools violates the Equal Protection Clause because it denies students of color equal educational opportunities.¹⁴ The Court emphasized the importance of education for future success, noting that “it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education.”¹⁵ The Court concluded that segregation inherently deprived Black students of an equal education and was therefore unconstitutional.¹⁶ While the ruling aimed to dismantle the legal framework of “separate but equal,” its promises were often undermined by persistent structural inequalities. Many schools serving Black students continued to receive fewer resources, maintain overcrowded classrooms, and implement stricter disciplinary policies compared to predominantly white schools.¹⁷ These conditions (over policing, harsh discipline, and lack of educational support) create pathways for students to be pushed out of school and into the juvenile and criminal justice systems. In this way, the legacy of segregation and unequal schooling, despite the formal mandate of *Brown*, has contributed to the development of the STPP, particularly affecting students of color.¹⁸

Plyler v. Doe, 457 U.S. 202 (1982)

While *Brown v. Board of Education* established the constitutional imperative to desegregate schools and provide equal educational opportunity, *Plyler v. Doe* (1982) later reinforced that all children, including undocumented students, must have access to education, highlighting that exclusion from schooling remains a key factor contributing to the STPP. In *Plyler* the Court



ruled that children brought illegally into the United States are entitled to attend public schools.¹⁹ Although education is not a fundamental right, Texas’s law denying such children access to education violated the Equal Protection Clause. The Court reasoned that education is essential for success, explaining, “[w]e cannot ignore the significant social costs borne by our Nation when select groups are denied the means to absorb the values and skills upon which our social order rests.”²⁰ Summarily, the Court found that denying education harms students’ life trajectories. Like the undocumented children protected in *Plyler*, Black, Latino, and low-income students often face structural barriers such as underfunded schools²¹, exclusionary discipline²², and resource inequities that limit educational opportunities. When schools fail to uphold the government’s duty to provide equal education, these modern inequities mirror those struck down in *Plyler* and could likely contribute directly to the STPP.

14 *Brown*, 347 U.S. at 495.

15 *Id.* at 493.

16 *Id.* at 495.

17 Linda Darling-Hammond, *Inequality in Teaching and Schooling: How Opportunity Is Rationed to Students of Color in America* (Stanford University School of Education, 2025), <https://www.ncbi.nlm.nih.gov/books/NBK223640/>.

18 Hon. Jay Blitzman, “Deconstructing the School-to-Prison Pipeline,” *Boston Bar Journal*, Special Edition 2018, Vol. 62, No. 4 (October 4, 2018), <https://bostonbar.org/journal/deconstructing-the-school-to-prison-pipeline/>.

19 *Plyler v. Doe*, 457 U.S. 202, 226 (1982).

20 *Plyler*, 457 U.S. at 226.

21 Smedley, Brian D., Adrienne Y. Stith, Lois Colburn, and Clyde H. Evans. *Inequality in Teaching and Schooling: How Opportunity Is Rationed to Students of Color in America*. In *The Right Thing to Do, The Smart Thing to Do: Enhancing Diversity in the Health Professions – Summary of the Symposium on Diversity in Health Professions in Honor of Herbert W. Nickens, M.D.*, 208–33. Washington, DC: National Academies Press, 2001.

22 Daniel J. Losen and Russell J. Skiba, *Suspended Education: Urban Middle Schools in Crisis* (Los Angeles: The Civil Rights Project at UCLA, 2010), <https://civilrightsproject.ucla.edu/research/k-12-education/school-discipline/suspended-education-urban-middle-schools-in-crisis>.

Due Process Clause

In addition to equal protection, the Due Process Clause of the Fourteenth Amendment protects both procedural and substantive due process rights.²³ Procedural due process guarantees notice and the right to a hearing when a significant life, liberty, or property interest is at stake. The Supreme Court has extended these protections to children, including in situations involving juvenile proceedings.²⁴ Substantive due process, by contrast, protects individuals from government actions that are arbitrary or unreasonable, even when procedures are properly followed, focusing on the fairness and reasonableness of the law itself.²⁵ In *Goss v. Lopez* (1975), the Court held that students must receive procedural due process before being suspended or expelled from school. The Court recognized that “total exclusion from the educational process for more than a trivial period, and certainly if the suspension is for 10 days, is a serious event in the life of the suspended child.”²⁶ The Court emphasized that students’ interests in education must be protected against arbitrary deprivation,²⁷ and that removing them from school without notice or a hearing violates their constitutional rights. Despite this legal protection, disciplinary policies are often applied unevenly, with Black, Latino, Native and low-income students disproportionately subject to suspensions and expulsions²⁸.

Balancing First Amendment Protections and School Discipline

Tinker v. Des Moines School District, 393 U.S. 503 (1969)

While *Goss* emphasizes that students cannot be excluded from school without due process, *Tinker v. Des Moines Independent Community School District* (1969) builds on this principle by affirming that students also retain

their constitutional rights to free expression within schools, highlighting that disciplinary actions must respect both access to education and fundamental freedoms. In *Tinker v. Des Moines*, the Court held that students do not “shed their constitutional rights to freedom of speech or expression at the schoolhouse gate.”²⁹ However, freedom of expression in a school environment is not protected as broadly as it is outside the classroom. If expression in school is too disruptive or “materially and substantially” interferes with the school learning environment or the rights of others, the school can restrict the speech.³⁰ Not only does this apply to speech that may be offensive or vulgar,³¹ but it also applies to speech that may impede the school’s goals in education.³² When schools create broad, nondescript policies to label certain speech as too disruptive or as “materially and substantially” interfering with learning or the rights of others, students can be removed from the classroom. Because these rules are often enforced unevenly,³³ marginalized youth are disproportionately affected.

Morse v. Frederick, 551 U.S. 393 (2007)

In 2007, *Morse v. Frederick* made it clear that when speech impedes the educational duties of a school, such as deterring student use of illicit drugs, student speech is not protected.³⁴ The ruling in *Morse* narrowed the protections in *Tinker* by allowing schools to restrict student speech. This shift illustrates how the boundaries of permissible student expression are subject to interpretation by school authorities. When disciplinary actions under these rulings are enforced, students may end up excluded from the classroom for relatively minor or symbolic actions. The narrow protections for student expression under *Morse*, combined with inconsistent enforcement and a broadening definition of speech violations, contribute to the STPP by widening the net of punishable behavior and increasing students’ risk of justice system involvement.

23 See *Dobbs v. Jackson Women’s Health Org.*, 597 U.S. 215, 237 (2022).

24 *In re Gault*, 387 U.S. 1, 87 S. Ct. 1428 (1967).

25 *Constitutional Law*, 2d ed., Corpus Juris Secundum, §§1820–1822 (St. Paul, MN: Thomson Reuters, [1822]).

26 *Goss v. Lopez*, 419 U.S. 565, 576 (1975).

27 *Goss*, 419 U.S. at 581.

28 Michael Rocque, “Office Discipline and Student Behavior: Does Race Matter?” *American Journal of Education* 116, no. 4 (2010): 547–581, <https://doi.org/10.1086/653629>.

29 *Id.* at 506.

30 *Id.* at 513.

31 *Bethel Sch. Dist. No. 403 v. Fraser*, 478 U.S. 675, 685 (1986).

32 *Morse v. Frederick*, 551 U.S. 393, 410 (2007).

33 Russell J. Skiba and Kristine Knesting, “Zero Tolerance, Zero Evidence: An Analysis of School Disciplinary Practice,” *New Directions for Youth Development* 92 (2001): 17–43, <https://doi.org/10.1002/yd.23320019204>.

34 *Id.* at 408–09.

Fourth Amendment Rights and Student Searches

New Jersey v. T.L.O., 469 U.S. 325 (1985)

Morse v. Frederick limited student speech rights to allow schools greater authority, *New Jersey v. T.L.O.* (1985) similarly expanded school authority by permitting searches of students based on reasonable suspicion rather than probable cause.³⁵ The Fourth Amendment affords students protection against unreasonable searches and seizures. In *New Jersey v. T.L.O.* the Supreme Court acknowledged that students retain legitimate expectations of privacy in the school setting; however, it held that school officials are only required to meet a “reasonable suspicion” standard when conducting searches. This framework was intended to balance students’ constitutional rights with the responsibility of schools to maintain a safe and orderly environment. By adopting this lower threshold, the Court effectively reduced the level of constitutional protections afforded to young people in schools compared to adults in broader public contexts. The ruling expanded the authority of school officials. The ruling gave teachers, principals and more recently law enforcement wide discretion.³⁶ With expanded authority to search and discipline, schools increasingly imposed suspensions and expulsions for relatively minor infractions,³⁷ such as smoking or possession, and referred students to law enforcement when drugs, weapons, or even suspected contraband were discovered. With law enforcement on school campuses, students face reduced constitutional protections. Incidents that were once handled by teachers can now trigger formal criminal justice proceedings. These practices reinforce the school-to-prison pipeline. Although the Court holds schools to the lower standard

of reasonable suspicion, as opposed to the standard of probable cause, the Court has also held that searches in schools must be reasonable in scope, taking into account the students’ age, sex and nature of infraction that they are being searched for.³⁸

Beyond constitutional protections, students are also protected by federal statutes. Title VI of the Civil Rights Act of 1964 prohibits intentional racial discrimination in programs receiving federal funding and allows enforcement through lawsuits or funding withdrawal. Title IV supports desegregation and protects students from discrimination based on race, color, national origin, religion, or sex.³⁹ Section 601 of Title VI prohibits intentional discrimination while § 602 prohibits granting federal funding to programs that result in discrimination in the form of disparate impacts affecting protected groups.⁴⁰ Section 601 can be enforced by lawsuits from private individuals and § 602 is enforceable by federal agencies who can revoke funding when there are violations.⁴¹ Title IV provides additional statutory protections for students. More recently, the Every Student Succeeds Act (ESSA) requires states and schools to implement disciplinary policies that reduce unnecessary suspensions and expulsions,⁴² promoting safer learning environments and addressing the STPP.⁴³ One of the goals of the ESSA is to reduce the amount of school disciplinary actions that result in a student’s removal from the classroom through procedures such as suspension and expulsion.⁴⁴ Certain categories of funding for schools are contingent on schools creating programs that would reduce these forms of discipline with the ultimate long term goal of reducing the number of people who are sent to prison.⁴⁵ The ESSA acknowledges that a safer learning environment requires a reduction in disciplinary action.⁴⁶

35 *New Jersey v. T.L.O.*, 469 U.S. 325, 333 (1985).

36 Jason P. Nance, “Random, Suspicionless Searches of Students’ Belongings: A Legal, Empirical, and Normative Analysis,” *University of Colorado Law Review* 84, no. 2 (2013): 375–76, 401–02

37 Juan Del Toro and Ming-Te Wang, *The Roles of Suspensions for Minor Infractions and School Climate in Predicting Academic Performance Among Adolescents* (University of Pittsburgh, September 29, 2021).

38 *Safford Unified Sch. Dist. No. 1 v. Redding*, 557 U.S. 364, 375 (2009).

39 42 U.S.C. § 2000d.

40 42 U.S.C. §§ 2000d, 2000d-1.

41 *Alexander v. Sandoval*, 532 U.S. 275, 288-89 (2001).

42 U.S. Department of Education, *Transitioning to the Every Student Succeeds Act (ESSA) Frequently Asked Questions* (Washington, DC: U.S. Department of Education, January 18, 2017), <https://www.ed.gov/sites/ed/files/2020/02/essatransitionfaqs11817.pdf>.

43 20 U.S.C. § 6311(g)(1)(C)(ii).

44 20 U.S.C. § 6312(b)(11).

45 20 U.S.C. § 7118(5)(F).

46 20 U.S.C. § 7114 (b)(3)(B)(i).

In 2014, the Departments of Education and Justice issued guidance (later rescinded) noting that Black students were disproportionately subjected to suspensions and expulsions, which correlates with negative educational, economic, and social outcomes. The guidance emphasized the need for schools to address disparate impacts to ensure equitable educational opportunities⁴⁷ The Departments reported that Black students are three times more likely than white students to receive suspensions and are disproportionately suspended and expelled from school.⁴⁸ The Department of Education found that in addition to being suspended at higher rates, some Black students “were disciplined more harshly and more frequently because of their race than similarly situated white students.”⁴⁹ The Departments noted a correlation between “exclusionary discipline policies and practices and an array of serious educational, economic, and social problems, including school avoidance and diminished educational engagement . . . and involvement with juvenile justice systems.”⁵⁰ The Departments found that, in order to improve education, “it is incumbent upon a school to take effective steps to eliminate all racial discrimination in initial discipline referrals.”⁵¹ When the Department of Justice and the Department of Education conducted a joint study of discipline in public schools, they recognized that disparate impact discrimination has real and impactful effects on students.⁵² In the study of disciplinary policies in public schools, most of the school districts observed by the Departments committed to changing their disciplinary policies in order to remedy the disparate impact and avoid potential Title VI violations resulting from school discipline.⁵³ The recommendations from the Department of Education echo the Supreme Court’s rulings on students’ constitutional rights in that the Department of Education emphasized the importance of students to be able to receive a quality education free from discrimination



and without interference from school officials.

In 2025, the Trump Administration issued an Executive Order that overturned previous policies designed to address the disparate impacts of school discipline in the creation and enforcement of school rules.⁵⁴ The Executive Order declared that by acknowledging the disparate impacts that have been affecting students of color, school officials trying to enforce Title VI were potentially violating Title VI by discriminating on the basis of race.⁵⁵ The Executive Order imposed new guidance on following Title VI based on a letter put out by the Department of Education.⁵⁶ The letter was in response to the ruling in *Students for Fair Admissions v. Harvard* (2023) and states that the Department of Education’s policy is that discriminating against someone on the basis of race violates the law, even if done so in ways intended to have beneficial outcomes such

47 U.S. Dep’t of Education, Office for Civil Rights, and U.S. Dep’t of Justice, Civil Rights Division “Dear Colleague Letter on the Nondiscriminatory Administration of School Discipline” Jan. 8, 2014, <https://www.ed.gov/sites/ed/files/about/offices/list/ocr/letters/colleague-201401-title-vi.pdf>.

48 *Id.* at 3.

49 *Id.* at 4.

50 *Id.* at 4-5.

51 *Id.* at 6.

52 U.S. Dep’t of Education, Office for Civil Rights, and U.S. Dep’t of Justice, Civil Rights Division “Resource on Preventing Racial Discrimination in Student Discipline,” May 26, 2023, *i*, <https://www.justice.gov/archives/opa/press-release/file/1585291/dl?inline>.

53 *Id.* at 2-17.

54 Exec Order No. 14280, 90FR 17533(directs the federal government to eliminate the use of disparate-impact analysis in enforcing Title VI of the Civil Rights Act of 1964, which prohibits discrimination based on race, color, or national origin. The order notes that applying school discipline policies based on “discriminatory and unlawful ‘equity’ ideology” poses risks to children’s safety and well-being in the classroom)

55 *Id.*

56 *Id.*



as affirmative action.⁵⁷ The letter further promotes its stance with racially conscious programs and states that “DEI programs, for example, frequently preference certain racial groups and teach students that certain racial groups bear unique moral burdens that others do not.”⁵⁸ In addition, a different 2025 Executive Order has ordered the Attorney General to repeal Title VI regulations that deal with disparate-impact liability,⁵⁹ further advancing a policy that opposes considering how state actions can be based on a conscious understanding of the effects of disparate impacts. The Executive branch, along with the current Supreme Court as reflected in the *Students for Fair Admissions v. Harvard* has made it clear that it regards any sort of consideration of race, including combatting disparate impacts, to be in violation of Title VI.

The legal protections of students are heavily focused on the importance of students having access to a safe learning environment. The Supreme

Court has recognized time and again the high-level interest that students have in an equal opportunity to education as safeguarded under the First, Fourth, Fifth, and Fourteenth Amendments. Statutory protections focus on preventing discrimination that happens intentionally. However, when it comes to the disparate effects of neutral actions (such as suspensions for misconduct) statutes do not prohibit these outcomes; instead, they are addressed through agency regulations.

The development of the STPP has occurred alongside a series of Supreme Court decisions that have shaped the boundaries of students’ rights and schools’ authority. Together, these rulings illustrate how legal interpretations of student rights and school authority—while intended to balance order and protection—interact with structural inequities to maintain the STPP.⁶⁰

57 U.S. Dep’t of Education, Office for Civil Rights, “Dear Colleague Letter: Title VI in Light of *Students for Fair Admissions v. Harvard*” Feb. 14, 2025, <https://www.ed.gov/media/document/dear-colleague-letter-sffa-v-harvard-109506.pdf>. This Letter notes that on April 24, 2025, a federal court enjoined the Department from “enforcing and/or implementing” the Letter.

58 *Id.* at 3.

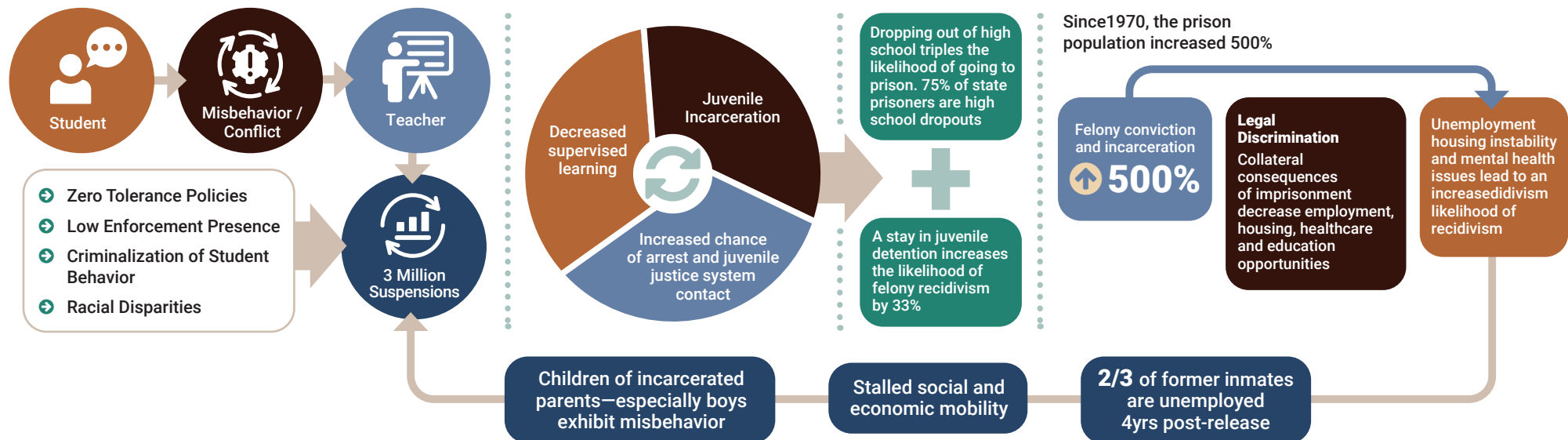
59 Exec. Order No. 14281, 90 FR 17537 (2025).

60 *Brown v. Board of Education* (1954) established that segregated schools are inherently unequal, highlighting the government’s responsibility to provide all children with equal educational opportunities. *Plyler v. Doe* (1982) extended this principle to undocumented children, affirming that denying access to education creates lifelong disadvantages and disproportionately affects marginalized youth. *Goss v. Lopez* (1975) reinforced the notion that students have a property interest in public education, requiring due process before suspensions or expulsions; yet, Black, Latino, and low-income students continue to face disproportionate disciplinary actions, contributing to pipeline dynamics. *Tinker v. Des Moines* (1969) protected student expression, but inequitable enforcement of disciplinary rules for minor or symbolic actions often pushes vulnerable students out of school and toward the juvenile justice system. *New Jersey v. T.L.O.* (1985) allowed schools to conduct searches of students with “reasonable suspicion,” lowering the threshold for punitive interventions and disproportionately impacting students of color. *Morse v. Frederick* (2007) limited students’ speech in certain contexts, further enabling schools to discipline students in ways that may escalate exclusionary practices. Finally, *Alexander v. Sandoval* (2001) constrained private enforcement of anti-discrimination provisions, making it more difficult to hold schools accountable for policies that indirectly perpetuate racial and socioeconomic disparities.

CHAPTER 2: Overview of the School-to-Prison Pipeline

The STPP is a term used to describe the national trend of students being pushed out of schools and into the criminal justice system due to educational practices and policies.¹ This often occurs because of exclusionary and discriminatory discipline practices—those that disproportionately target some groups for discipline over others.

Figure 1: The School-to-Prison Pipeline: Institutional Pathways Linking Public Schools to Juvenile Justice System



Source: Infographic design scheme derived from, [Mapping the School to Prison Pipeline by Tia Martinez on Prezi](https://www.aclu.org/issues/juvenile-justice/juvenile-justice-school-prison-pipeline) data derived from Harlow, C. W. (2003). *Education and correctional populations* (NCJ 195670). U.S. Department of Justice, Bureau of Justice Statistics. Retrieved from <https://bjs.ojp.gov/content/pub/pdf/ecp.pdf>²

- 1 American Civil Liberties Union, "School-to-Prison Pipeline" <https://www.aclu.org/issues/juvenile-justice/juvenile-justice-school-prison-pipeline> (last accessed Sept. 17, 2024).
- 2 Infographic design scheme derived from, Tia Martinez, "Mapping the School to Prison Pipeline," Prezi, updated June 4, 2016, <https://prezi.com/jgq2a9hizk23/mapping-the-school-to-prison-pipeline/>; U.S. Department of Justice, Bureau of Justice Statistics, *Education and Correctional Populations*, by Caroline Wolf Harlow (Washington, D.C.: U.S. Department of Justice, 2003) (hereafter cited as DOJ, *Education and Correctional Populations*); S. C. Walker and J.R. Herting, "The Impact of Pretrial Juvenile Detention on 12-Month Recidivism: A Matched Comparison Study," *Crime & Delinquency*, vol 66, no. 13-14, (2020), pp. 1865-1887 and Leah Wang and Wanda Betram, "New Data on Formerly Incarcerated People's Employment Reveal Labor Market Injustices," *Prison Policy Initiative*, Feb. 8, 2022, <https://www.prisonpolicy.org/blog/2022/02/08/employment/>.

The STPP begins with a student engaging in misbehavior or conflict. Often these behaviors are a part of normal adolescent development. Rather than addressing these incidents through supportive or restorative approaches, schools increasingly rely on punitive measures driven by zero tolerance policies, LE, and the criminalization of behavior. In combination, all of these may push students out of the education system.

Each year, more than 3 million students are suspended from school. These suspensions remove students from supervised learning environments, causing them to fall behind academically. As their engagement with school weakens, their likelihood of contact with the juvenile justice system increases. In fact, students who experience school exclusion are more likely to be arrested or referred to the juvenile justice system. Once incarcerated as juveniles, their futures become even more precarious. Juvenile incarceration has severe long-term consequences. Youth who spend time in detention are 33 percent more likely to be arrested again or face felony convictions later in life.³ Many of these students never return to school or graduate. Remarkably, 75 percent of state prisoners did not complete high school.⁴

As these youth transition into adulthood, they become part of a broader crisis. Since 1970, the U.S. prison population has grown by 500 percent,⁵ and a felony conviction brings lifelong obstacles. Formerly incarcerated individuals face legal discrimination that limits their ability to secure employment, stable housing, healthcare, and education. These barriers contribute to unemployment, homelessness, and mental health challenges, which in turn raise the risk of recidivism.

The cycle does not end with the individual. The impact extends to families and future generations. Two-thirds of formerly incarcerated people are unemployed four years after release⁶, and their children (especially boys) are more likely to exhibit behavioral problems, putting them at risk of entering

the same pipeline. This creates a cycle of stalled social and economic mobility that is difficult to break.

Ultimately, what begins as a school discipline issue becomes a systemic pathway into lifelong marginalization, disproportionately affecting communities of color. Breaking this cycle requires addressing the root causes of discipline practices, racial disparities, and systemic barriers.

Sociological Theory

The pursuit of school safety and security has clearly intensified the long-standing marginalization of minority youth, subjecting them to increased criminalization, harmful educational outcomes, and negative developmental impacts.⁷ School punishment researchers have relied on several schools of thought to explain how race and ethnicity relate to disproportionate school punishments. For this report, we identify two prevailing theories: (1) minority group threat and (2) social control. The racial threat perspective suggests that schools with a growing racial/ethnic minority student population are viewed as threatening to non-marginalized groups and this threat translates into increased school surveillance and punishment to control the minority population. As a minority group's size increases, individual members of the dominant racial group will increasingly perceive their economic and political interests as being threatened. The journey from individuals' perceptions of threat to discriminatory acts is paved through individual-level attributes. This perspective argues that the dominant group members' perceptions of threat "combine with personality variables to produce a motivation to discriminate."⁸ Essentially, "similarly motivated individuals interact with each other in such a way as to bring about a concerted action leading to actual discrimination."⁹ Another perspective seeking to explain disparity and disproportionality in education is social control theory, which sees the disparate treatment of

3 Walker and Herting, "Pretrial Juvenile Detention," 1865–87.

4 DOJ, *Education and Correctional Populations*.

5 J. Travis, B. Western, and S. Redburn, eds., *The Growth of Incarceration in the United States: Exploring Causes and Consequences* (Washington, D.C.: The National Academies Press, 2014).

6 Data Deep Dive: The Workforce Impact of Second Chance Hiring," *U.S. Chamber of Commerce*, <https://www.uschamber.com/workforce/data-deep-dive-the-workforce-impact-of-second-chance-hiring-3> (last accessed June 24, 2025).

7 J. Jabbari and O. Johnson, "The Collateral Damage of In-School Suspensions: A Counterfactual Analysis of High-Suspension Schools, Math Achievement, and College Attendance," *Urban Education*, vol. 58, no. 5 (2023), pp. 801–37; and E. W. Morris and B. L. Perry, "The Punishment Gap: School Suspension and Racial Disparities in Achievement," *Social Problems*, vol. 63, no. 2 (2016), pp. 68–86.)

8 H. M. Blalock, *Toward a Theory of Minority-Group Relations* (New York: John Wiley & Sons, Inc., 1967).

9 Blalock, *Toward a Theory*.

Black youth in education as a result of systems that have institutionalized practices and policies. However, these policies and practices may or may not reflect the race-based feelings, attitudes,¹⁰ and perceptions of individual actors. Essentially this theory posits that discrimination in punishment is not the result of the cumulative actions of individuals but rather a system that has institutionalized normative "race neutral practices" that result in discriminatory actions. Proponents of this school argue that an individual's feelings about race do indeed produce negative experiences¹¹ however an individual's expressions of 'resentment' or 'hostility' toward minorities is largely irrelevant for the maintenance of systemic injustices.¹² More succinctly, the system will continue to persist and adapt in response to various challenges and pressures, including social movements, global influence and political and economic shifts in ideology. When confronted, the system sustains itself by adopting new forms, processes, and expressions of racism.¹³

Contributory Factors to STPP

Zero Tolerance

An expression of these new forms and processes are zero tolerance policies. Zero tolerance policies are strict disciplinary rules in schools that mandate predetermined consequences, often severe, such as suspension or expulsion, for specific offenses, regardless of the circumstances or intent behind the behavior. As it pertains to Black students, researchers theoretically argue that zero tolerance policies represent a rebranded continuation of past exclusionary practices, echoing the underlying structures of slavery and Jim Crow-era oppression. The mass incarceration of Black people and other minorities create systemic disadvantages for people of color. Once incarcerated and/or convicted, individuals face a wide range of legal barriers that resemble the restrictions of Jim Crow laws. These restrictions

perpetuate inequality.¹⁴ Just as mass incarceration functions as a latent tool for Jim Crow, school safety measures such as suspensions, expulsions, the criminalization of adolescent behavior, surveillance cameras, metal detectors, strict dress code policies, and police presence act as latent iterations of historical exclusionary practices. The STPP emerged from the tough-on-crime policies championed during the Reagan, Bush, and Clinton administrations. It took shape within a broader social and political context that emphasized harsh punitive measures in response to youth violence and promoted mass incarceration within the adult criminal justice system. While several educational trends contribute to the STPP, it is most directly linked to the rise of zero-tolerance policies.¹⁵ By no mistake the term zero tolerance is directly derived from language related to the "War on Drugs". Just like policies under the "War on Drugs" resulted in tough on crime strategies and incarceration, school based zero tolerance policies result in mandatory strict and/or harsh school policies and practices that necessitate student exclusion.

Schools commonly enforce zero-tolerance policies to manage behavioral concerns such as possession of weapons, use of alcohol or drugs, threatening actions, and physical altercations on school property. These policies, as the name implies, leave no room for exceptions or leniency in addressing infractions.¹⁶ However research has shown that the use of zero tolerance policy has spread beyond delinquency acts and into routine adolescent misbehavior such as possession of a cell phone, disrupting classroom activities, loitering, disrespectful tone, perceived attitude and other nuisance acts.¹⁷ Contrary to popular belief, most suspensions are due to minor infractions rather than serious or violent behavior.¹⁸

A recent study explored the reasons for student exclusion. Using data from a large county district in west Florida, researchers found insubordination, and disruptive behavior to be the most frequently cited reasons for

10 J. Smith, "Racial Threat and Crime Control: Integrating Theory on Race and Extending Its Application," *Critical Criminology*, vol. 29, no. 2 (2021), pp. 253–71.

11 Smith, "Racial Threat and Crime Control," pp. 253–71.

12 E. Bonilla-Silva, *Racism without Racists: Color-Blind Racism and the Persistence of Racial Inequality in America* (Lanham, MD: Rowman & Littlefield Publishers, 2014).

13 Smith, "Racial Threat and Crime Control."

14 M. Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (New York: New Press, 2012)..

15 N. A. Heitzeg, *Education or Incarceration: Zero Tolerance Policies and the School-to-Prison Pipeline* (Urbana, IL: Oxford Round Table, 2009).

16 Heitzeg, *Education or Incarceration*.

17 Civil Rights Project, *Opportunities Suspended: The Devastating Consequences of Zero Tolerance and School Discipline* (Los Angeles: The Civil Rights Project at UCLA, 2000).

18 K. R. Brooks, V. N. Schiraldi, and J. Zeidenberg, *School House Hype: Two Years Later* (Washington, DC, and Covington, KY: Justice Policy Institute and Children's Law Center, Inc., 2000).

school exclusion.¹⁹ Another study found that the majority of suspensions occurred in middle school (grades 6 through 8), with 7th grade being the most frequently reported grade to receive a suspension across races and genders. They also found that the most reported reason for suspension in those grades to be a “violation of school rules.”²⁰ However, in earlier years, (grades 3 through 5) fighting between students was the most cited reason for suspension. Teachers and educators continually report student fights and disruptive behaviors to be the top reasons for suspension in pre-K and high school, which questions the effectiveness of suspensions to address student misbehavior. Researchers have consistently found that suspensions do not prevent further misbehavior of similar types. In fact, zero tolerance policies that result in suspension have been found to have no measurable impact on school safety, and, these policies are associated with numerous negative outcomes, including racial disparities, higher school exclusion rates, and increased dropout rates.²¹

Suspension and expulsion data suggest that the media’s portrayal and the public’s perception of behaviors leading to school exclusion is not entirely accurate. Data from the U.S. Department of Education show that referrals for drugs, weapons, and gang-related activities account for only a small fraction of office referrals resulting in suspension. Instead, fighting among students remains the most common reason for suspension. If the data on school violence is accurate, it is unsurprising that zero-tolerance policies, with their broad and indiscriminate application, would encompass a wide range of minor misbehaviors. Given the rarity of serious violence compared to the frequency of minor disruptions, such policies inevitably address few serious incidents but rather many minor ones.²²

Criminalization of Adolescent Behavior

Current research in adolescent development shows that youth continually engage in rule breaking behavior during middle school and high school and that these behaviors are expected and normal. Adolescent brain development is closely linked to an increased propensity for risk-taking behaviors, some of which may be classified as criminal.²³ Unlike adults, school aged youth are in a critical developmental stage where their brains, particularly the prefrontal cortex responsible for decision-making and impulse control, are not yet fully mature. This immaturity makes them more prone to impulsive actions, poor judgment, and a diminished ability to foresee the long-term consequences of their choices.²⁴ As a result, adolescents are more likely than adults to engage in risky behaviors without fully considering the potential repercussions.

Recent scientific research underscores the notion that the developing brain plays a significant role in shaping behavior during adolescence. This research bolsters the argument that individuals under the age of 18 should not be held to the same level of personal culpability as adults for their actions. The incomplete development of the brain’s reasoning and regulatory systems diminishes the degree of blameworthiness typically attributed to adult offenders.²⁵ Consequently, this growing body of evidence has been increasingly used to advocate for age-appropriate legal and rehabilitative approaches that recognize the unique developmental characteristics of youth and their capacity for change and rehabilitation. Ironically, despite the scientific research, schools and school administrators rarely take brain development into account when developing policies, practices, and sanctions to address misbehavior. Rather current policies criminalize adolescence.

Schools were not immune to the ‘tough-on-crime’ policies of the 1980s and 1990s, and the lasting effects of those punitive measures continue to

19 L. M. R. Mendez and H. M. Knoff, “Who Gets Suspended from School and Why: A Demographic Analysis of Schools and Disciplinary Infractions in a Large School District,” *Education and Treatment of Children*, vol. 26, no. 1 (2003), pp. 30–51.

20 K. L. Wilkerson and K. Afacan, “Repeated School Suspensions: Who Receives Them, What Reasons Are Given, and How Students Fare,” *Education and Urban Society*, vol. 54, no. 3 (2022), pp. 249–67.

21 M. Leung-Gagné and others, *Pushed Out: Trends and Disparities in Out-of-School Suspension* (Palo Alto, CA: Learning Policy Institute, 2022).

22 R. Skiba and R. Peterson, “The Dark Side of Zero Tolerance: Can Punishment Lead to Safe Schools?,” *The Phi Delta Kappan*, vol. 80 (1999), pp. 372–82..

23 C. Cavanagh, “Healthy Adolescent Development and the Juvenile Justice System: Challenges and Solutions,” *Child Development Perspectives* vol. 16 (2022), pp. 141–47.

24 B. J. Casey and others, “Making the Sentencing Case: Psychological and Neuroscientific Evidence for Expanding the Age of Youthful Offenders,” *Annual Review of Criminology*, vol. 5, no. 1 (2022), pp. 321–43.

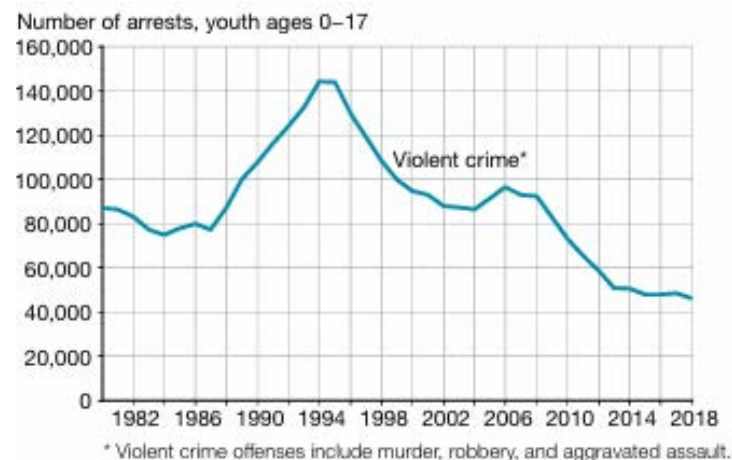
25 S. B. Johnson, R. W. Blum, and J. N. Giedd, “Adolescent Maturity and the Brain: The Promise and Pitfalls of Neuroscience Research in Adolescent Health Policy,” *The Journal of Adolescent Health: Official Publication of the Society for Adolescent Medicine*, vol. 45, no. 3 (2009), pp. 216–21.

shape educational disciplinary systems. Thus, punishments for youth reflect punishments for adults and continue to do so. The increase in juvenile crime during the late 1980s, combined with high-profile school shootings in the 1990s, sparked a “moral panic” about school violence. This fueled a perception of schools as unsafe environments and students as dangerous individuals requiring strict control. In response, policymakers and school officials, seeking quick solutions to these concerns, adopted “tough-on-crime” approaches from the justice system.²⁶ Consequently, schools began to adopt approaches similar to those used in the criminal justice system to handle both serious and minor student misbehavior. In recent years “technologies, discourses, and metaphors of crime and criminal justice have become more visible features of all kinds of institutions,”²⁷ most notably education institutions, demonstrating the deep influence the criminal justice system has on school environments. Adolescent misbehavior and school-based delinquency differ significantly from adult ‘street crime’ and warrant a distinct approach. Yet schools continue impose punitive measures that closely resemble those used in the adult criminal justice system. Researchers have shown that school-based sanctions have become harsher and more punitive overtime although adolescent delinquency has declined since the 1990s. If arrests serve as indicators of criminal activity within a community or age group, then the figures below demonstrate a decline in both overall and violent crime since the 1990s. Despite this reduction in youth arrests and criminal behavior, laws and policies have become increasingly punitive. (See Figure 2 and 3)

Figure 2: Number of Youth Arrest, All Offenses



Figure 3: Number of Youth Arrest, Violent Crime



Source: Puzzanchera, C. (2019). *Law enforcement & juvenile crime: Data snapshot, UCR 2018*. Office of Juvenile Justice and Delinquency Prevention. https://www.ojjdp.gov/ojstatbb/snapshots/DataSnapshot_UCR2018.pdf

The criminalization of adolescent behavior happens in two ways. First, the expansion of procedural rules and policies that require school exclusion and/or LE involvement results in net widening, capturing a multiplicity of behaviors—ranging from nuisance acts and classroom disruption to insubordination—that would otherwise be considered typical adolescent behavior. School policies that criminalize normal adolescent behavior often blur the line between typical youthful actions and criminal offenses. For instance, what might traditionally be considered a minor scuffle between students is reclassified as assault, and a student talking out of turn or disrupting a class is labeled as engaging in disorderly conduct.²⁸ These redefinitions transform everyday adolescent behavior into legal infractions, leading to an increase in the number of youths referred from schools to formal criminal prosecution. This trend disproportionately targets actions that pose no real or legitimate threat to school safety, focusing instead on penalizing minor misbehaviors that are often part of normal adolescent development. By imposing legal consequences for behavior better addressed through guidance or school-based interventions, these policies effectively funnel students into the juvenile justice system, contributing to the STPP. Such practices not only criminalize students but also fail to

26 D. J. Irby and K. Coney, “The 1994 Gun-Free Schools Act: Its Effects 25 Years Later and How to Undo Them,” *Peabody Journal of Education*, vol. 96 (2021), pp. 494–507.

27 J. Simon, *Governing Through Crime: How the War on Crime Transformed American Democracy and Created a Culture of Fear* (Oxford, UK: Oxford University Press, 2007).

28 M. T. Theriot, “School Resource Officers and the Criminalization of Student Behavior,” *Journal of Criminal Justice*, vol. 37 (2009), pp. 280–87.

address underlying issues, eroding trust between students and educational institutions and prioritizing punishment over learning and growth.

Second, law enforcement presence by way of school resource officers, surveillance and other detection methods also contribute to criminalization.

Presence of Law Enforcement

SROs are LE officers typically employed by LE agencies and assigned to local schools. The history of LE in schools stems from changing demographics in cities during the 1950s and 60's. The migration of Black families from the South to the North and Midwest coupled with the influx of Latin immigrants, elicited a strong response from state governments. School desegregation prompted the creation of policies and practices that monitored Black and brown students.²⁹ Policing in the United States is deeply intertwined with racial dynamics, dating back to the establishment of the first documented school policing programs. From their inception, these programs have reflected broader societal biases, particularly the perception of Black students and other students of color as inherently threatening rather than as children in need of protection and guidance. This racialized narrative has shaped the policies, practices, and implementation of school policing over decades.³⁰

Although state legislatures are charged with creating school policies, three federal policies significantly contributed to police presence in school. First, the Omnibus Crime Control and Safe Streets Act of 1968 was enacted to support state and local governments in reducing crime, enhancing the effectiveness and fairness of LE, and improving the coordination of criminal justice systems across all levels of government. A key provision of the Act was the establishment of the Law Enforcement Assistance Administration, which provided resources and guidance to LE agencies. The Act also provided grants for public safety and community policing initiatives, allowing for the development of partnerships between local LE agencies and schools. These partnerships typically involve the placement of SROs in and around

elementary and secondary schools, with the primary aim of addressing and reducing incidents of school violence.³¹ This framework has played a significant role in integrating LE practices into educational environments.

Second, the Juvenile Justice and Delinquency Prevention Act of 1974 promoted federal funding and initiatives aimed at addressing juvenile delinquency and ensuring public safety. While the Act was primarily designed to reform the juvenile justice system and provide alternatives to incarceration for youth, it also encouraged partnerships between schools and LE agencies to prevent juvenile crime. The Act prioritized early prevention, which led to schools being seen as critical sites for intervention. LE presence in schools was promoted to deter crime and intervene before students entered the juvenile justice system. The Act also often directed resources to areas identified as high-risk for juvenile delinquency. Schools in these communities became focal points for LE activities, further embedding policing within educational settings.³²

Lastly, the “tough on crime” era of the 1990s ushered in an influx of money and harsh policies around student discipline. For example, in 1994, the Office of Community Oriented Policing Services (COPS) was established, which, among other things, placed officers on school grounds. In 1998 and 1999, COPS awarded 275 jurisdictions more the \$30 million for LE to partner with school entities. And in 1999, COPS awarded \$750 million for the hiring of more than 6,500 SROs.³³ As seen in Figure 4 the presence of security and police officers in public schools increased from 41.7 percent in the 2005–06 school year to 60.6 percent in school year 2020–21, an increase of +45.3 percent. Also notice that schools with a higher percentage of youth of color report consistently higher numbers of police presence in schools.

29 K. E. Holloway, “Consequences of Police in Schools: The Criminalization of Children in an Era of Mass Incarceration,” *Hastings Race & Poverty Law Journal*, vol. 19, no. 1 (2021), p. 3.

30 K. A. Noble, “Policing the Hallways: The Origins of School-Police Partnerships in Twentieth-Century American Urban Public Schools” (Ph.D. dissertation, University of Florida, 2017).

31 Omnibus Crime Control and Safe Streets Act of 1968, Pub. L. No. 90-351, 82 Stat. 197 (1968).

32 Juvenile Justice and Delinquency Prevention Act of 1974, Pub. L. No. 93-415, 88 Stat. 1109 (1974).

33 U.S. Department of Justice, Office of Community Oriented Policing Services, *Toolbox for Implementing Restorative Justice and Advancing Community Policing: A Guidebook Prepared for the Office of Community Oriented Policing Services*, U.S. Department of Justice, by Caroline G. Nicholl (Washington, DC: U.S. Department of Justice, 1999).

Figure 4: Percentage of Public Schools with Security Staff (SROs)**Table 233.70. Percentage of public schools with security staff present at least once a week, and percentage with security staff routinely carrying a firearm, by selected school characteristics: Selected school years, 2005–06 through 2021–22**

	[Standard errors appear in parentheses]															
	Percent with one or more security staff ¹								Percent with any security staff routinely carrying a firearm ²			Percent with sworn law enforcement officers routinely carrying a firearm ²				
School characteristic	2005–06	2007–08	2009–10	2013–14 ³	2015–16	2017–18	2019–20 ⁴	2021–22	2005–06	2007–08	2009–10	2015–16	2017–18	2019–20 ⁴	2021–22	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	
Total	41.7 (1.28)	46.3 (1.29)	42.8 (1.07)	43.0 (1.48)	56.5 (1.29)	61.4 (1.27)	65.0 (1.41)	60.6 (1.29)	30.7 (1.10)	34.1 (1.11)	28.0 (0.97)	42.9 (1.50)	46.7 (1.06)	51.4 (1.28)	44.8 (1.26)	
School level																
Elementary	--- (†)	--- (†)	--- (†)	--- (†)	45.5 (2.05)	50.9 (1.96)	54.6 (2.20)	49.3 (1.92)	--- (†)	--- (†)	--- (†)	30.8 (2.45)	35.9 (1.62)	40.9 (2.04)	34.3 (1.82)	
Middle	--- (†)	--- (†)	--- (†)	--- (†)	72.4 (1.90)	79.7 (1.57)	81.5 (1.27)	77.6 (1.24)	--- (†)	--- (†)	--- (†)	59.6 (1.69)	66.4 (1.88)	68.0 (1.79)	62.3 (1.35)	
Secondary/high	--- (†)	--- (†)	--- (†)	--- (†)	76.3 (2.16)	78.8 (1.84)	84.4 (1.76)	82.1 (1.38)	--- (†)	--- (†)	--- (†)	65.0 (2.06)	65.6 (2.21)	70.9 (1.69)	63.1 (1.70)	
Combined/other	--- (†)	--- (†)	--- (†)	--- (†)	± (†)	47.0 (8.65)	53.1 (4.76)	38.4 (6.28)	--- (†)	--- (†)	--- (†)	± (†)	16.1 (5.52)	39.1 (4.24)	24.1 (5.48)	
Enrollment size																
Less than 300	22.7 (2.65)	27.6 (2.55)	25.6 (2.91)	21.7 (3.05)	34.8 (3.61)	44.7 (3.28)	48.3 (3.84)	48.2 (3.17)	16.2 (2.17)	16.1 (2.39)	13.5 (2.16)	26.8 (3.38)	34.4 (3.30)	32.6 (3.38)	35.1 (3.35)	
300 to 499	29.8 (2.29)	36.1 (2.66)	33.5 (2.26)	35.4 (2.90)	49.9 (2.66)	51.5 (2.49)	60.1 (2.35)	51.7 (2.50)	20.5 (1.83)	26.7 (2.37)	19.8 (1.84)	37.8 (2.70)	36.0 (2.06)	48.1 (2.38)	36.5 (2.25)	
500 to 999	50.5 (1.90)	52.7 (1.99)	47.3 (1.60)	50.6 (2.37)	64.6 (1.99)	69.0 (1.62)	69.8 (1.92)	67.0 (1.96)	36.9 (1.67)	39.5 (1.98)	30.3 (1.42)	46.0 (2.16)	52.4 (1.77)	56.0 (2.01)	49.5 (1.86)	
1,000 or more	86.9 (1.39)	90.6 (1.59)	90.0 (1.37)	87.2 (2.27)	91.4 (1.73)	94.3 (0.97)	95.9 (1.13)	92.2 (1.56)	70.3 (1.67)	73.5 (1.62)	74.6 (1.75)	80.5 (1.65)	79.4 (1.63)	82.6 (1.56)	74.2 (1.74)	
Locale																
City	49.1 (2.57)	57.3 (3.05)	50.9 (2.51)	45.5 (3.13)	61.9 (2.87)	63.3 (2.48)	64.8 (2.66)	56.0 (2.70)	30.5 (1.73)	33.1 (2.32)	27.6 (1.98)	36.0 (2.89)	36.0 (1.76)	41.7 (2.56)	30.3 (1.97)	
Suburban	42.7 (1.67)	45.4 (2.08)	45.4 (1.90)	47.7 (2.70)	57.9 (2.30)	63.3 (1.78)	67.8 (1.92)	63.7 (2.28)	32.2 (1.51)	33.7 (1.94)	29.6 (1.45)	44.6 (2.28)	51.0 (1.89)	55.6 (2.06)	45.0 (2.06)	
Town	44.4 (3.86)	51.1 (3.50)	39.0 (3.11)	48.0 (4.08)	62.0 (3.55)	68.9 (3.46)	63.2 (3.54)	63.7 (3.39)	38.1 (3.62)	45.0 (3.54)	31.6 (2.81)	56.5 (3.56)	59.4 (3.82)	57.8 (3.53)	54.2 (3.64)	
Rural	33.8 (1.87)	36.0 (1.98)	35.2 (2.20)	35.5 (2.33)	46.7 (2.54)	53.7 (3.02)	62.6 (3.14)	60.3 (2.72)	27.1 (1.84)	30.5 (2.05)	25.3 (1.78)	41.3 (2.48)	46.1 (2.58)	53.2 (2.96)	55.2 (2.71)	
Percent of students who are American Indian/Alaska Native, Asian, Black, Hispanic, Pacific Islander, or of Two or more races																
0 to 25 percent	34.9 (1.53)	40.7 (1.55)	35.0 (1.98)	--- (†)	51.1 (2.36)	58.3 (2.34)	64.4 (2.31)	61.7 (2.26)	27.6 (1.33)	34.3 (1.54)	25.9 (1.56)	45.6 (2.31)	52.5 (2.06)	57.1 (2.31)	55.0 (2.13)	
26 to 50 percent	42.4 (2.64)	44.9 (3.16)	42.8 (2.21)	--- (†)	51.6 (2.83)	59.2 (2.81)	62.3 (3.20)	62.0 (2.30)	36.7 (2.29)	38.2 (3.01)	32.1 (2.25)	43.3 (3.04)	47.4 (2.81)	54.6 (2.99)	48.3 (2.95)	
51 to 75 percent	47.5 (4.20)	44.8 (4.35)	49.5 (3.17)	--- (†)	62.9 (3.61)	61.5 (4.04)	65.4 (3.23)	60.3 (2.75)	34.3 (3.12)	31.7 (3.07)	33.4 (2.97)	47.3 (3.29)	48.1 (3.87)	49.6 (3.22)	45.7 (2.67)	
76 to 100 percent	53.9 (3.12)	62.3 (3.14)	54.5 (2.89)	--- (†)	64.5 (2.88)	67.4 (2.36)	67.6 (2.55)	58.5 (2.55)	28.5 (2.53)	31.6 (2.56)	26.1 (2.00)	35.8 (2.79)	37.4 (2.05)	42.8 (2.96)	29.2 (2.16)	
Percent of students eligible for free or reduced-price lunch																
0 to 25 percent	37.9 (2.14)	46.5 (2.33)	39.2 (2.44)	41.6 ⁵ (3.81)	52.9 (3.77)	53.6 (2.69)	61.7 (2.73)	55.0 (3.12)	30.3 (1.95)	34.8 (2.12)	27.2 (1.93)	42.5 (3.25)	44.1 (2.78)	50.7 (2.87)	43.6 (2.92)	
26 to 50 percent	42.1 (2.08)	40.8 (2.52)	40.0 (1.68)	39.6 ⁵ (3.10)	50.8 (2.89)	64.7 (2.69)	61.8 (2.95)	57.3 (2.83)	33.8 (1.78)	35.2 (2.02)	30.3 (1.59)	41.3 (2.61)	55.4 (2.95)	53.1 (2.68)	46.9 (2.83)	
51 to 75 percent	39.3 (2.21)	46.1 (2.83)	42.3 (2.60)	44.4 ⁵ (2.71)	58.7 (2.47)	61.6 (2.96)	67.7 (2.53)	66.3 (3.04)	31.8 (2.05)	35.8 (2.77)	27.4 (2.07)	49.0 (2.76)	51.3 (2.89)	55.8 (2.50)	52.8 (3.16)	
76 to 100 percent	49.8 (2.73)	55.0 (3.68)	49.8 (2.76)	45.8 ⁵ (3.24)	62.2 (2.62)	63.4 (2.01)	67.3 (2.67)	62.4 (2.07)	25.6 (2.17)	29.7 (2.68)	26.8 (2.32)	38.9 (3.04)	38.2 (1.79)	46.6 (2.81)	39.3 (1.95)	

Source: U.S. Department of Education, National Center for Education Statistics, 2005–06, 2007–08, 2009–10, 2015–16, 2017–18, 2019–20, and 2021–22 School Survey on Crime and Safety (SSOCS), 2006, 2008, 2010, 2016, 2018, 2020, and 2022; https://nces.ed.gov/programs/digest/d23/tables/dt23_233.70.asp

Unsurprisingly, as the prevalence of LE increases teachers more frequently rely on LE for disciplinary assistance outside of juvenile crime. Research on school discipline found that teachers and school administrators often turn to SROs to address student behaviors that could otherwise be managed through traditional, non-criminal disciplinary measures. Behaviors such as minor disruptions, classroom defiance, or interpersonal conflicts among students are frequently escalated to LE, even when they do not pose a genuine threat to safety or order.³⁴ The presence of SROs in schools creates a dynamic where administrators may bypass restorative or non-punitive disciplinary options, such as counseling, mediation, or conflict

resolution programs, in favor of involving LE.³⁵ This reliance on officers can lead to a shift in how schools perceive and respond to student behavior, framing it through a lens of criminality rather than development or learning opportunities. Moreover, the reliance on SROs often undermines the role of educators and school staff in fostering a supportive and inclusive environment. It diverts attention from practices that promote social-emotional learning and instead emphasizes punishment and exclusion. This approach not only exacerbates the STPP but also erodes trust between students and the school community, making it harder to address underlying issues effectively.

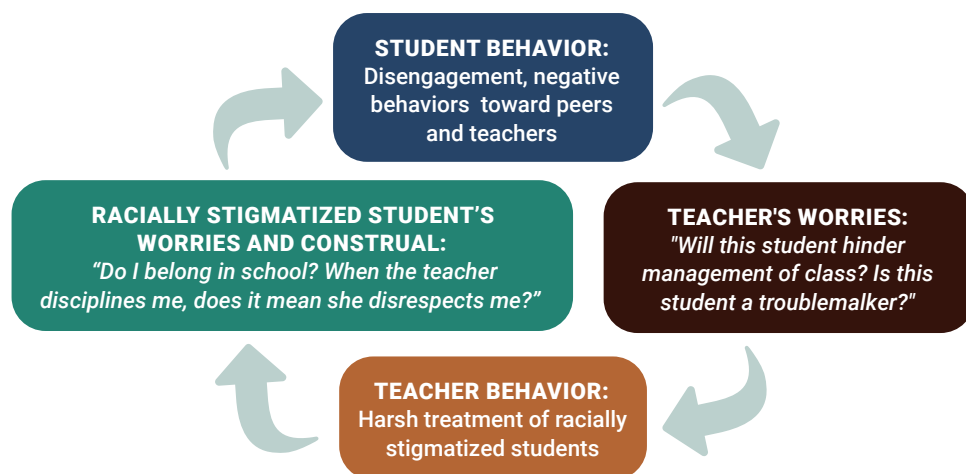
34 P. J. Hirschfield, "Preparing for Prison? The Criminalization of School Discipline in the USA," *Theoretical Criminology*, vol. 12 (2008), pp. 79–101

35 B. Dohrn, "'Look Out Kid/It's Something You Did': Zero Tolerance for Children," in *Zero Tolerance: Resisting the Drive for Punishment in Our Schools*, ed. W. Ayers, B. Dohrn, and R. Ayers (New York: The New Press, 2011), pp. 89–113.

Racial/Ethnic Biases

Following common colloquialisms from the 90s that labeled Black youth as “super predators,” “wildin’ youth,” and other negative connotations, the perception of students of color as a “threat” spread through not just the justice system but the education system as well. The education system was quick to respond and codify these stereotypes that equate race with criminality and school discipline policy reflected these biases. Rather than focusing on fostering safe and supportive learning environments, school policy has frequently perpetuated these biases by disproportionately targeting Black and brown students for surveillance, discipline, and punishment.³⁶ Recently researchers have studied how stereotypes and labeling influences school discipline, arguing that pervasive negative stereotypes about racially stigmatized children influence both teachers and student interactions. As teachers and students continually intersect in negative space it creates a recursive cycle of student misbehavior, teacher angst over classroom management and safety, followed by harsh discipline of Black students and student perception of race-based discipline.³⁷

Figure 5: Working Model of Recursive Processes That Contribute to Racially Disproportionate Discipline



Essentially, researchers argue that social psychological processes significantly contribute to racial disparities in school discipline, particularly during adolescence, a developmental stage when disciplinary issues often escalate. Implicit biases play a major role, as teachers and administrators may unconsciously associate Black and Latino students with deviance or aggression, leading to harsher disciplinary actions for similar behaviors compared to their white peers. For example, a study examining the office referral records for 4,461 middle school students found distinct patterns in the types of behaviors leading to disciplinary action. White students were more frequently referred for objective offenses, such as smoking or vandalism, whereas Black students were more often referred for subjective behaviors, including expressions of disrespect or perceived threats.³⁸ This pattern aligns with racial stereotypes that portray Black individuals, particularly Black boys, as aggressive and dangerous. Research from more than 35 years ago suggests that language socialization differs across racial and socioeconomic lines, and that these differences affect students’ experiences in school. Working class Black and white students develop certain styles of speech and communication norms that often lead to misunderstandings between white school administrators and minority and poor students. When educators are unfamiliar with or dismissive of these linguistic patterns, they may misinterpret students’ behaviors as defiant, inattentive, or disrespectful. This cultural mismatch can result in disproportionate disciplinary responses, particularly for poor Black students, whose communicative styles may be more likely to be read as oppositional.³⁹

Moreover, societal stereotypes can lead students of color to internalize expectations of misbehavior, creating anxiety that may manifest in ways misinterpreted as defiance. This is further intensified by confirmation bias, where educators may disproportionately notice behaviors that reinforce negative stereotypes while disregarding similar actions from white students.⁴⁰ By bias, researchers mean an unconscious set of attitudes, stereotypes or beliefs that’s influence the treatment of others. They argue that the cumulative effect of these biases results in disproportionate discipline of youth of color.⁴¹ For example, in the 2020–21 school year

36 R. Johnson and others, “Black Student Belonging in K–12 Schools: Implications for Policy and Practice Amid Attacks on Diversity, Equity, and Inclusion,” *Social Issues and Policy Review*, vol. 19, no. 1 (2025).

37 J. A. Okonofua, G. M. Walton, and J. L. Eberhardt, “A Vicious Cycle: A Social–Psychological Account of Extreme Racial Disparities in School Discipline,” *Perspectives on Psychological Science*, vol. 11 (2016), pp. 381–98.

38 R. J. Skiba, “The Color of Discipline: Sources of Racial and Gender Disproportionality in School Punishment,” *The Urban Review*, vol. 34 (2002), pp. 317–42.

39 S. B. Heath, *Ways with Words: Language, Life, and Work in Communities and Classrooms* (Cambridge, UK: Cambridge University Press, 1983).

40 J. A. Okonofua and J. L. Eberhardt, “Two Strikes: Race and the Disciplining of Young Students,” *Psychological Science*, vol. 26, no. 5 (2015), 617–24.

41 M. A. Sevón, “Schooling While Black: Analyzing the Racial School Discipline Crisis for Behavior Analyst,” *Behavior Analysis in Practice*, vol. 15, no. 4 (2022), 1247–53.

Black boys represented only 7 percent (Figure 6) of the total K-12 student population, but represented 14 percent of students who received an in-school suspension (ISS) (Figure 7), 16 percent of students who received a

single out-of-school suspension (SOOS) (Figure 8), and 15 percent of those expelled—all nearly double their enrollment (Figure 9).

Figure 6: School Year 2020–21: Black Males as % of Total K-12 Enrollment (N=3,664,025)

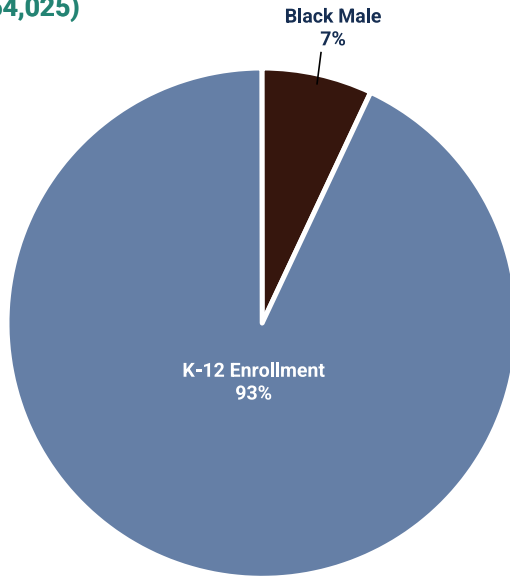


Figure 7: School Year 2020–21: Black Males as % of Total K-12 In-School Suspensions, All Students without Disability (N=87,322)

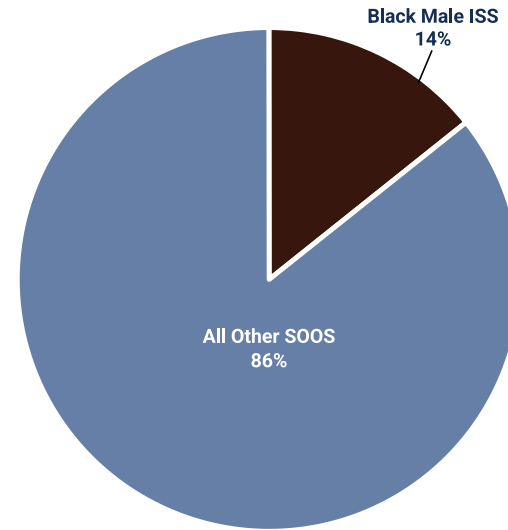


Figure 8: School Year 2020–21: Black Males as % of Total K-12 Single Out-of-School Suspensions, Students without Disability (N=54,564)

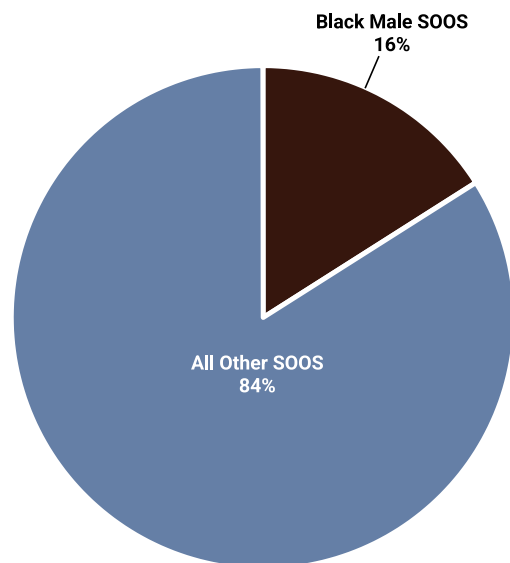
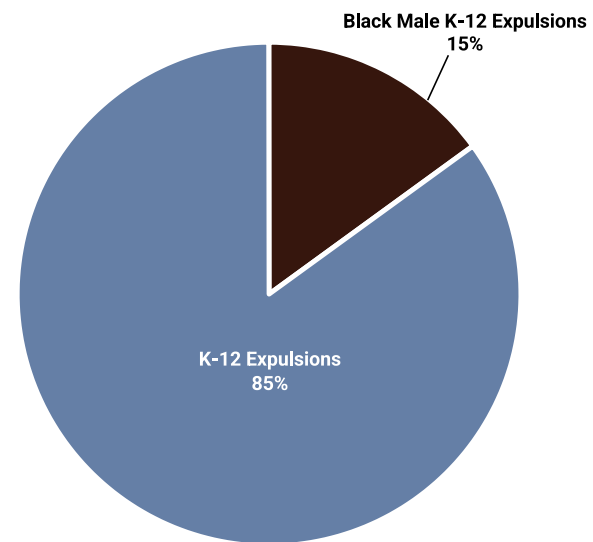


Figure 9: School Year 2020–21: K-12 Black Male Expulsions as % of Total Expulsions (N=4,036)



As previously mentioned, cultural mismatches play a role in bias when differences between students' cultural norms and the expectations of predominantly white teachers or school administrators collide.⁴² Adolescents' natural tendency to challenge authority can further fuel these dynamics, particularly when normal developmental behaviors are viewed through a lens of racial bias. Labeling and self-fulfilling prophecies compound the issue; students frequently disciplined may be labeled as troublemakers, influencing how teachers and peers treat them and increasing the likelihood of future disciplinary actions and LE contact. Using data from the 2020–21 data extract file, the CSSBMB found that although Black students represent 15 percent of the total student population, they represent 17 percent of students that schools referred to law enforcement (Figures 10 and 11) and 23 percent of students subject to a school-based arrest (Figure 12). For Black male students the numbers become even more concerning. Black boys represent 7 percent of student population but 11 percent of total referrals and 16.5 percent of all male referrals, more than double their enrollment. Additionally, Black male students account for almost 14 percent of total school-based arrests (Figure 12), and when considering only male students, Black male students account for 21 percent of male schools-based arrests, 3 times their enrollment.

Figure 10: School Year 2020-21: Referrals to Law Enforcement by Gender, Race/Ethnicity (Students without Disability)

	Female Referrals	Male Referrals	National Referrals
American Indian or Alaska Native	394	603	997
Asian	138	316	454
Black or African American	3,173	4,999	8,172
Hispanic or Latino of any race	3,240	6,126	9,366
Native Hawaiian or Other Pacific Islander	40	91	131
Two or more races	930	1,425	2,355
White	9,039	16,675	25,714
Total	16,954	30,235	47,189

Figure 11: 2020-21: K-12 School Based Referrals to Law Enforcement (Students without Disability)

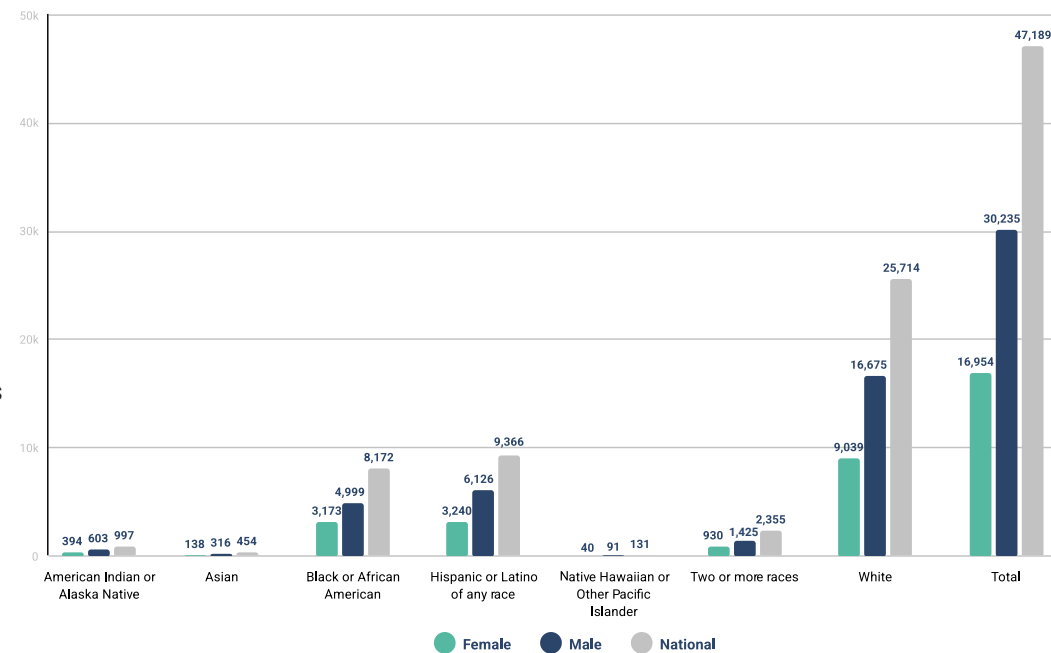


Figure 12: School Year 2020-21 School Based Arrest by Gender, Race/Ethnicity

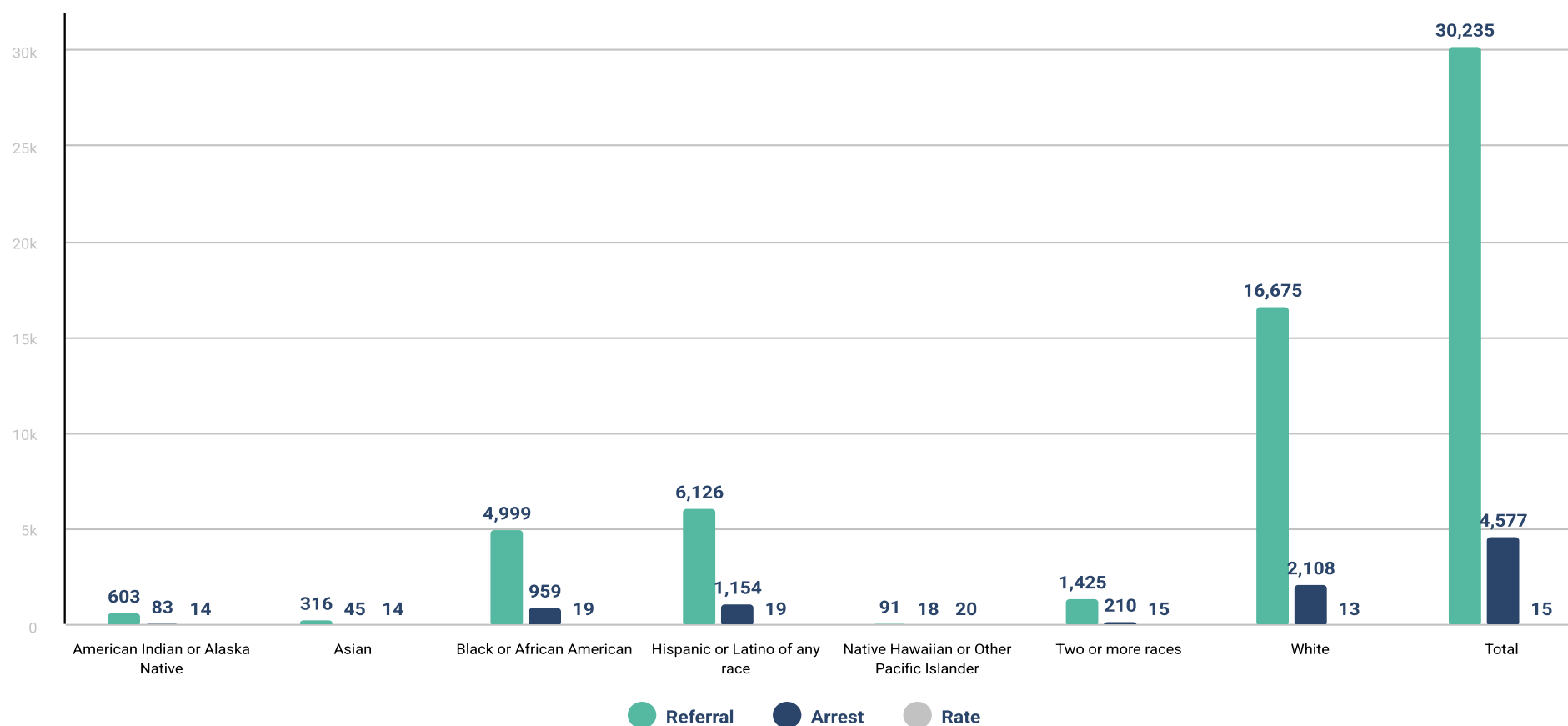
	Female Arrest	Male Arrest	National Arrest
American Indian or Alaska Native	58	83	141
Asian	13	45	58
Black or African American	611	959	1,570
Hispanic or Latino of any race	561	1,154	1,715
Native Hawaiian or Other Pacific Islander	9	18	27
Two or more races	100	210	310
White	1,106	2,108	3,214
Total	2,458	4,577	7,035

42 G. Gay, *Culturally Responsive Teaching: Theory, Research, and Practice* (New York: Teachers College Press, 2000).

These numbers are substantially lower than in non-COVID years when Black students accounted for 28.7 percent of referrals to LE and 28.6 percent of school-based arrest. In addition, although Black males constitute only 7 percent of the total population (2017–18), 25.3 percent of all male referrals were Black males and 16.7 percent of all referrals were Black males, nearly 4 times their representation in the student body. In terms of arrest, per the most recent OCR Civil Rights Data Collection (CRDC) reporting year, 2017-18, Black male students, accounted for 27.8 percent of all male arrest and 18.5 percent of all arrests, 4 times and 2 times more, respectively.

Just as in non-education settings, every referral and/or complaint does not result in a formal arrest. The same is true for educational settings, where every referral to LE does not result in arrest and or a formal court filing. Figure 13 details that rate at which referrals result in a formal arrest. Although white youth had by far the most referrals, the rate at which the referrals resulted in arrest was the lowest amongst any race, at 13 per 100 referrals. Black male students, had fewer total referrals and arrests than both white and Hispanic/Latino males, yet the rate of which a referral resulted in arrest was 19 per 100 referrals, indicating that when Black male students receive a referral, they are more likely to be formally arrested at school than their white peers.

Figure 13: School Year 2020-21: K-12 School Based Referral to Arrest Rates by Race/Ethnicity, Males (Students without Disability)



CHAPTER 3: School Discipline Research and Analysis



Overview of Problem and Purpose of Report

Given the context of zero-tolerance policies, the criminalization of adolescence, and the growing presence of LE in schools, this report seeks to explore the scope and patterns of suspensions, expulsions, disciplinary offenses, referrals and arrests that contribute to disproportionate outcomes for Black boys. Specifically, it aims to analyze the frequency and geographic distribution of these disciplinary actions as key entry points into the STPP, identify potential civil rights violations, and offer recommendations for further action. Beyond reviewing existing literature, the report aims to serve as a call to action for policymakers, stakeholders, and states to address state-specific concerns and craft comprehensive policy proposals for Congress.

Methodology and Data

To examine the incidence of suspensions and expulsions leading to greater system contact among Black male students, the Commission used the OCR CRDC public access files. The public access files detail line-item data regarding information collected on the CRDC School Form.¹ The CRDC School Form collects data related to the nation's public-school districts, elementary and secondary schools in order to assess equal educational opportunity. The CRDC collects a "variety of information, including student enrollment and educational programs and services data that are disaggregated by race/ethnicity, sex, English learner (EL), and disability."² The public-use data file is intended for general use. It is released to maximize the use of statistical information while protecting the disclosure of student information. The data file only includes the required data elements for the 2020–21 CRDC. Some of the data have been suppressed due to data quality or perturbed to protect the identity of the students for whom these data were reported.

¹ OCR, *2020–21 Civil Rights Data Collection – School Form, 2021* (hereafter cited as OCR, 2020–21 CRDC).

² OCR, 2020–21 CRDC.

Under Title VI of the Civil Rights Act of 1964,³ Title IX of the Education Amendments of 1972,⁴ and section 504 of the Rehabilitation Act of 1973,⁵ the Department of Education is statutorily mandated to collect and report civil rights data related to education. In accordance, CRDC:

has collected civil rights data related to students' access and barriers to educational opportunity from early childhood (Pre-K) through grade 12. These data are collected from all public schools and districts, as well as long-term secure juvenile justice facilities, charter schools, alternative schools, and special education schools that focus primarily on serving the educational needs of students with disabilities under IDEA or section 504 of the Rehabilitation Act. The CRDC collects information about student enrollment; access to courses, programs and school staff; and school climate factors, such as bullying, harassment and student discipline. Most data collected by the CRDC are disaggregated by race, ethnicity, sex, disability, and English Learners. Originally known as the Elementary and Secondary School Civil Rights Survey, OCR began by collecting data every year from 1968 to 1974 from a sample of school districts and their schools. Over time, the schedule and approach to data collection has changed. Since the 2011-12 collection, the CRDC has been administered every two years to all public-school districts and schools in the 50 states and Washington, D.C., and OCR added the Commonwealth of Puerto Rico for the 2017-18 CRDC. Due to the COVID-19 pandemic that resulted in school closures nationwide, OCR postponed the 2019-20 CRDC and instead collected data from the 2020-21 school year.

The OCR collects data for both pre-K and K-12 public educational institutions. This CRDC publishes public access files under the U.S. Department of Education. The files serve as a nationwide repository for data collected by schools and districts completing the federally mandated CRDC School Form. The U.S. Department of Education preserves data

quality through rigorous standards and compliance audits. Within the datasets more than 100 variables are available describing demographics, attendance, course completion, special program enrollment (e.g., special education, bilingual education, career and technology, gifted and talented), standardized test performance, discipline contact, and numerous other characteristics. The methodology, findings, conclusions, and recommendations are solely the product of the CSSBMB and do not reflect the opinions, beliefs, or viewpoints of the Department of Education or any other agency.

Collection

Disaggregated data was downloaded from the CRDC public-use data file using the CDRC School Form for school year 2020-21.⁶ The public access data file only includes required data elements for the 2020–21 CRDC and excludes variables in the restricted access file. Again, some of the data have been suppressed due to data quality or re-coded to protect the identity of the students for whom these data were reported. The Commission has re-coded the public access dataset using the following reserve codes as identified in the OCR data collection manual with the exception of (-11, Suppressed Data).⁷



3 Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d.

4 Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681–1688.

5 Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794.

6 "Data on Equal Access to Education," U.S. Department of Education, Civil Rights Data Collection, Office for Civil Rights, <https://civilrightsdata.ed.gov/>.

7 "Data on Equal Access."

RESERVE VALUE	LABEL	DEFINITION
0	Zero as true value #	Zeros represent an actual count or number for fields that are applicable to a given school or local education agency (LEA). Do not report a "0" for data not collected. The submission of a blank (i.e., null) value should be used when the amount asked for in the question is unknown, if the data are not collected, or if the data do not apply to the LEA.
-3	Skip Logic Failure	Instances where the skip logic failed to update related data fields. This functionality failure allowed data elements to require data entry when, according to their skip flag, those elements should have been skipped.
-4	Missing Optional Data	The "-4" reserve code is only in the restricted-use data file because it only applies to optional data elements. New data elements introduced for the 2020–21 CRDC were optional for LEAs to report and are only available in the CRDC restricted-use data file.
-5	Action/Quick Plan	For the CRDC data files, missing values are represented with a -5; In an action plan for the CRDC, LEAs are required to describe the specific steps and timeline that they will follow to ensure that the data are collected for future CRDCs.
-6	Force Certified	For the 2020–21 CRDC, some data submissions required force certification. Force certification occurs when a data submitter is unable to resolve a submission system business rule error. When this occurs, the Partner Support Center (PSC) manually reviews the data submission and certifies the data on the data submitter's behalf.
-8	EdFacts Miss_Val	EDFacts is a centralized data collection through which, state educational agencies (SEAs) submit pre-K through grade 12 data to ED to enable better data analysis and data usage in policy development, planning, and management. 2020–21 data file is including data for two EDFacts data topics—educational environments for students with disabilities and chronic absenteeism.
-9	NA/Skipped	Not applicable.
-11	Suppressed Data	Data quality suppression is a methodology used to improve both the reliability and usability of the data. This process applies data quality checks to identify data that appear to be erroneous or of poor quality. Any data suppressed due to these checks has a -11 as the reserve code in the public-use data file. This means the -11 replaces the LEA's submitted data and the data are not available in the public-use data files.
-13	Miss_DND_SkipLogic	Schools that offered virtual instruction only (i.e., whose students were not physically in the school setting [See 2020–21 CRDC school-level question DIND: COVID-related Directional Indicator]) were allowed to automatically skip some items in the CRDC data submission system. In these instances, the data is assigned a -13 in the CRDC data file.

Prior to its release, OCR applied data quality suppression to the public-use data file. Data quality suppression is a standard methodology used to improve both the reliability and usability of the data. This process applies data quality checks to identify data that appear to be erroneous or of poor quality. Calculated totals in the public file are values computed after the close of submission and were subsequently added to the data files. Per, CRDC, initially these totals were calculated by summing disaggregated data (e.g., white female enrollment) greater than or equal to zero and treating reserve code values as zeros. With the exception of the -11 reserve code, in

instances when all disaggregated values had a reserve code, the calculated total was assigned the most negative reserve code reported in the group of disaggregated values. When a disaggregated value was suppressed and subsequently assigned a -11 reserve code, then the resulting calculated total was assigned a -11.⁸ With respect, the Commission, excluded the assigned -11 reserve code and calculated the summary totals in the public access file from the row variables used in each data set. The resulting summary totals differ from those published in the public access file by less than $\leq 1.4\%$ across all data sets.

Description of Variables

The Commission exclusively analyzed the following variables:

CRDC Variable	Definition	Recode Variable (Y/N) <i>If Y, then New Variable Name</i>
SCH_PSENR_HI_M	Preschool Enrollment Hispanic Male preschoolers	N
SCH_PSENR_AM_M	Preschool Enrollment Native American/American Indian/Alaskan Native Male preschoolers	N
SCH_PSENR_AS_M	Preschool Enrollment Asian Male preschoolers	N
SCH_PSENR_HP_M	Preschool Enrollment Hawaiian/Pacific Island Male preschoolers	N
SCH_PSENR_BL_M	Preschool Enrollment Black Male preschoolers	N
SCH_PSENR_WH_M	Preschool Enrollment White Male preschoolers	N
SCH_PSENR_TR_M	Preschool Enrollment Two or More Races Male preschoolers	N
SCH_PSDISC_EXP_HI_M	Preschool Discipline: Expulsions- Hispanic Male	N
SCH_PSDISC_EXP_AM_M	Preschool Discipline: Expulsions- Native American/American Indian/Alaskan	N
SCH_PSDISC_EXP_AS_M	Preschool Discipline: Expulsions- Asian Male	N
SCH_PSDISC_EXP_HP_M	Preschool Discipline: Expulsions- Hawaiian/Pacific Island Male	N
SCH_PSDISC_EXP_BL_M	Preschool Discipline: Expulsions- Black Male	N
SCH_PSDISC_EXP_WH_M	Preschool Discipline: Expulsions- White Male	N
SCH_PSDISC_EXP_TR_M	Preschool Discipline: Expulsions- Two or More Races Male	N
SCH_PSDISC_OOM00S_HI_M	Preschool Discipline: One or More Out-of-School Suspension Hispanic Male	N
SCH_PSDISC_OOM00S_AM_M	Preschool Discipline: One or More Out-of-School Suspension Native American/American Indian/Alaskan	N
SCH_PSDISC_OOM00S_AS_M	Preschool Discipline: One or More Out-of-School Suspension Asian Male	N
SCH_PSDISC_OOM00S_HP_M	Preschool Discipline: One or More Out-of-School Suspension Hawaiian/Pacific Island	N
SCH_PSDISC_OOM00S_BL_M	Preschool Discipline: One or More Out-of-School Suspension Black Male	N
SCH_PSDISC_OOM00S_WH_M	Preschool Discipline: One or More Out-of-School Suspension White Male	N

CRDC Variable	Definition	Recode Variable (Y/N) <i>If Y, then New Variable Name</i>
SCH_PSDISC_OOM0OS_TR_M	Preschool Discipline: One or More Out-of-School Suspension Two or More Races Male	N
SCH_ENR_HI_M	K-12 Enrollment- Hispanic Male	N
SCH_ENR_AM_M	K-12 Enrollment- Native American/American Indian/Alaskan Native	N
SCH_ENR_AS_M	K-12 Enrollment- Asian Male	N
SCH_ENR_HP_M	K-12 Enrollment-Hawaiian /Pacific Islander Male	N
SCH_ENR_BL_M	K-12 Enrollment- Black Male	N
SCH_ENR_WH_M	K-12 Enrollment- White Male	N
SCH_ENR_TR_M	K-12 Enrollment- Two or More Races	N
SCH_DISCWODIS_ISS_HI_M	K-12 In-School Suspension, Students without Disability- Hispanic Male	N
SCH_DISCWODIS_ISS_AM_M	K-12 In-School Suspension, Students without Disability- Native American/American Indian/Alaskan	N
SCH_DISCWODIS_ISS_AS_M	K-12 In-School Suspension, Students without Disability- Asian Male	N
SCH_DISCWODIS_ISS_HP_M	K-12 In-School Suspension, Students without Disability- Hawaiian /Pacific Island Male	N
SCH_DISCWODIS_ISS_BL_M	K-12 In-School Suspension, Students without Disability- Black Male	N
SCH_DISCWODIS_ISS_WH_M	K-12 In-School Suspension, Students without Disability- White Male	N
SCH_DISCWODIS_ISS_TR_M	K-12 In-School Suspension, Students without Disability- Two or More Races Male	N
SCH_DISCWODIS_SINGOOS_HI_M	K-12 Single Out-of-School Suspension, Students without Disability, Hispanic Male	N
SCH_DISCWODIS_SINGOOS_AM_M	K-12 Single Out-of-School Suspension, Students without Disability, Native American/American Indian/Alaskan Native Male	N
SCH_DISCWODIS_SINGOOS_AS_M	K-12 Single Out-of-School Suspension, Students without Disability, Asian Male	N
SCH_DISCWODIS_SINGOOS_HP_M	K-12 Single Out-of-School Suspension, Students without Disability Hawaiian /Pacific Island Male	N
SCH_DISCWODIS_SINGOOS_BL_M	K-12 Single Out-of-School Suspension, Students without Disability, Black Male	N
SCH_DISCWODIS_SINGOOS_WH_M	K-12 Single Out-of-School Suspension, Students without Disability, White Male	N

CRDC Variable	Definition	Recode Variable (Y/N) If Y, then New Variable Name
SCH_DISCWODIS_SINGOOS_TR_M	K-12 Single Out-of-School Suspension, Students without Disability, Two or More Races Male	N
SCH_DISCWODIS_EXPWE_HI_M	K-12 Expulsion, with Educational Services, Students without Disability, Hispanic Male	N
SCH_DISCWODIS_EXPWE_AM_M	K-12 Expulsion, with Educational Services, Students without Disability, Native American/American Indian/Alaskan Native Male	N
SCH_DISCWODIS_EXPWE_AS_M	K-12 Expulsion, with Educational Services, Students without Disability, Asian Male	N
SCH_DISCWODIS_EXPWE_HP_M	K-12 Expulsion, with Educational Services, Students without Disability, Hawaiian /Pacific Island Male	N
SCH_DISCWODIS_EXPWE_BL_M	K-12 Expulsion, with Educational Services, Students without Disability, Black Male	N
SCH_DISCWODIS_EXPWE_WH_M	K-12 Expulsion, with Educational Services, Students without Disability, White Male	N
SCH_DISCWODIS_EXPWE_TR_M	K-12 Expulsion, with Educational Services, Students without Disability, Two or More Races Male	N
SCH_DISCWODIS_EXPWO_HI_M	K-12 Expulsion, without Educational Services, Youth without Disability, Hispanic Male	N
SCH_DISCWODIS_EXPWO_AM_M	K-12 Expulsion, without Educational Services, Youth without Disability, Native American/American Indian/Alaskan Native Male	N
SCH_DISCWODIS_EXPWO_AS_M	K-12 Expulsion, without Educational Services, Youth without Disability, Asian Male	N
SCH_DISCWODIS_EXPWO_HP_M	K-12 Expulsion, without Educational Services, Youth without Disability, Hawaiian /Pacific Island Male	N
SCH_DISCWODIS_EXPWO_BL_M	K-12 Expulsion, without Educational Services, Youth without Disability, Black Male	N
SCH_DISCWODIS_EXPWO_WH_M	K-12 Expulsion, without Educational Services, Youth without Disability, White Male	N
SCH_DISCWODIS_EXPWO_TR_M	K-12 Expulsion, without Educational Services, Youth without Disability, Two or More Races Male	N
SCH_DISCWODIS_REF_HI_M	K-12 Referrals to Law Enforcement, Youth without Disability, Hispanic Male	N
SCH_DISCWODIS_REF_AM_M	K-12 Referrals to Law Enforcement, Youth without Disability, Native American/American Indian/Alaskan Native Male	N
SCH_DISCWODIS_REF_AS_M	K-12 Referrals to Law Enforcement, Youth without Disability, Asian Male	N
SCH_DISCWODIS_REF_HP_M	K-12 Referrals to Law Enforcement, Youth without Disability, Hawaiian /Pacific Island Male	N
SCH_DISCWODIS_REF_BL_M	K-12 Referrals to Law Enforcement, Youth without Disability, Black Male	N

CRDC Variable	Definition	Recode Variable (Y/N) If Y, then New Variable Name
SCH_DISCWODIS_REF_WH_M	K-12 Referrals to Law Enforcement, Youth without Disability, White Male	N
SCH_DISCWODIS_REF_TR_M	K-12 Referrals to Law Enforcement, Youth without Disability, Two or More Races Male	N
SCH_DISCWODIS_ARR_HI_M	K-12 Arrests, Youth without Disability, Hispanic Male	N
SCH_DISCWODIS_ARR_AM_M	K-12 Arrests, Youth without Disability, Native American/American Indian/Alaskan Native	N
SCH_DISCWODIS_ARR_AS_M	K-12 Arrests, Youth without Disability, Asian Male	N
SCH_DISCWODIS_ARR_HP_M	K-12 Arrests, Youth without Disability, Hawaiian /Pacific Island Male	N
SCH_DISCWODIS_ARR_BL_M	K-12 Arrests, Youth without Disability, Black Male	N
SCH_DISCWODIS_ARR_WH_M	K-12 Arrests, Youth without Disability, White Male	N
SCH_DISCWODIS_ARR_TR_M	K-12 Arrest, Youth without Disability, Tow or More Races Male	N
SCH_OFFENSE_RAPE	K-12 Incidents of rape or attempted rape	N
SCH_OFFENSE_BATT_SA	K-12 Incidents of sexual assault	N
SCH_OFFENSE_ROBWW	K-12 Incidents of robbery with a weapon	N
SCH_OFFENSE_ROBWOW	K-12 Incidents of robbery without a weapon	N
SCH_OFFENSE_ROBWW SCH_OFFENSE_ROBWOW	K-12 Incidents of robbery with and without a weapon	Y SCH_ROBBERY
SCH_OFFENSE_ATTWW	K-12 Incidents of physical attack or fight with a weapon	N
SCH_OFFENSE_ATTWOW	K-12 Incidents of physical attack or fight without a weapon	N
SCH_OFFENSE_ATTWW SCH_OFFENSE_ATTWOW	K-12 Incidents of physical attack or fight with or without a weapon	Y SCH_OFF_ASSAULT
SCH_OFFENSE_THRWW	K-12 Incidents of threats of physical attack with a weapon	N
SCH_OFFENSE_THRWOW	K-12 Incidents of threats of physical attack without a weapon	N
SCH_OFFENSE_THRWW SCH_OFFENSE_THRWOW	K-12 Incidents of threats of physical attack with and without a weapon	Y SCH_OFFENSE_THREATS
SCH_OFFENSE_POSSWX	K-12 Incidents of possession of a firearm or explosive device	Y SCH_OFF_WEAPON

CRDC Variable	Definition	Recode Variable (Y/N) If Y, then New Variable Name
SCH_FIREARM_IND	Was there at least one incident at the school that involved a shooting (regardless of whether anyone was hurt)? Y/N	N
SCH_HOMICIDE_IND	Did any of the school's students, faculty, or staff die as a result of a homicide committed at your school? Y/N	N
SCH_FTESECURITY_LEO	Number of FTE sworn law enforcement officers	N
SCH_FTESECURITY_GUA	Number of FTE security guards	N

Data Quality

This report does not deeply address longitudinal trends in overall suspension/expulsion utilization. The lack of trend data is purposeful in its intent, as the last available reporting year, school year 2020-21 may not accurately reflect the STPP due to pandemic school closures. Given the prior reporting year's findings (2017-2018), rates of suspension and expulsions have dramatically decreased as students were not physically in school during the academic year. The 2020-21 school data may not provide an accurate or comprehensive picture of exclusionary discipline and/or juvenile delinquency, as the COVID-19 pandemic had significant effects on overall adolescent delinquency. Lockdowns, restrictions, and economic hardships altered typical patterns of juvenile offending both in and out of school. For instance, in school offenses may have decreased due to reduced opportunities, whereas intrapersonal offenses may have increased due to increased contact outside of school. Changes in reporting may have also been affected, with those responsible (LE, teachers, school administrators) shifting their focus to other public health priorities. This could result in underreporting of specific in school infractions or could result in over reporting in districts where "quarantine policies" were less restrictive.

Furthermore, data collection processes may have been deeply disturbed by staff reassignment, lack of resources and low staff retention. This is particularly evident in LE allocation of SROs in schools. With students not

in attendance, LE departments may have restructured their resources to address burgeoning needs elsewhere. This could lead to incomplete or inaccurate data regarding referrals and arrests stemming from in school acts of defiance. As seen in data from the Uniform Crime reports, (UCR),⁹ National Incident Based Reporting System (NIBRS),¹⁰ and multiple reports by the Office of Juvenile Justice and Delinquency Prevention anomalies in offending patterns are evident during the 2020-21 reporting year. Increases and decreases over time and across and between offense types are not the same with respect to periods of distress; and are not likely indicative of long-term trends in offending.

Lastly, social and economic factors including job losses and financial strain, influence both delinquency and adult criminality. Given the lack of historical data revealing a global criminal response to pandemic like conditions, changes in social behavior, both mitigating and aggravating regarding 2020-21 should be viewed with diligence. Summarily, when comparing 2020 crime data to previous years, it's essential to consider these unique circumstances. Failure to account for these factors could lead to misinterpretation or misrepresentation of trends.

9 U.S. Department of Justice, Office of Justice Programs, Trends in Youth Arrests for Violent Crimes, by Charles Puzzanchera (Washington, DC: U.S. Department of Justice, 2022).

10 U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, Crimes Involving Juveniles, 1993–2022, by S. N. Tapp and others (Washington, DC: U.S. Department of Justice, 2024).

CHAPTER 4:

Preschool Discipline



Preschool Expulsions and Suspension

Early childhood education and care (ECEC) in the United States has changed drastically over the last 60 years. In the early 1960s only 10 percent of the nation's 3- and 4-year-olds were enrolled in early education programs.¹¹ Prior to the 1960s early childhood education efforts were less available. Early 19th-century education stemmed from social reformers and religious groups seeking to use education to teach morality to impoverished children.¹² The primary focus of early childhood education in the 1800's was not to expand education efforts but to eradicate poverty, by way of relieving poor parents of childcare so that they could seek employment.¹³ Initially designed to support impoverished families, preschool education soon attracted affluent northerners and others who recognized its benefits beyond childcare. Wealthy parents in cities like New York, Hartford, Cincinnati, and Detroit, as well as in various rural communities near Boston, enrolled their children in infant schools to provide them with an early advantage in their education. Even then,

there was a realization that early childhood education had intrinsic benefits beyond childcare, that developmental and cognitive benefits for children improve when in early daycare and educational settings. True to form, wealthy Americans wanted the same benefits. An article in the *Ladies Magazine* alluded to the possible benefits of infant education for upper-class children:

"And why should a plan which promises so many advantages, independent of merely relieving the mother from her charge, be confined to the children of the indigent? It is nearly, if not quite impossible, to teach such little ones at home with the facility they are taught in an infant school. And if a convenient room is prepared, and faithful and discreet agents employed, parents may feel secure that their darlings are not only safe but improving. (Anon., 1829, p. 89)."

The infant education movement in Boston also attracted families from more affluent backgrounds who sought to provide their children with early

11 "History of Preschool in the US," *Smart Start*, Sept. 16, 2019, <https://www.smartstart.org/history-of-preschool-in-the-us/>.

12 E. D. Cahan, *Past Caring: A History of U.S. Preschool Care and Education for the Poor, 1820–1965* (New York: National Center for Children in Poverty, 1989).

13 A. Kuhn, *The Mother's Role in Childhood Education: New England Concepts, 1830–1860* (New Haven: Yale University Press, 1947).

educational opportunities. These families often turned to private schools that prioritized early learning and development, rather than focusing on moral reform. However, such schools catering to wealthier families, were likely far fewer in number compared to those established for children from less privileged backgrounds.¹⁴ Moving into the Great Depression, under President Roosevelt's Federal Emergency Relief Administration (FERA,) several emergency nursing schools were created, mostly to combat the unemployment faced by teachers during the Depression; however, FERA administrator, Harry Hopkins recognized that "the educational and health programs of nursery schools can aid as nothing else in combating the physical and mental handicaps being imposed upon these young children in the homes of needy and unemployed parents."¹⁵ Again, the focus of preschool was on childcare for the needy but there was recognition that these children benefited cognitively from early education.

The ideological shift from childcare to education expanded in the 1960s and continued through the 1970s. Institutions for preschool children changed drastically in the wake of social change. In the 1960s and 70s, evolving perspectives on child development prompted shifts in program content and fueled a surge of interest in early childhood education.¹⁶ During this period researchers began to understand that the early childhood years were crucial for establishing a foundation for future learning, that the preschool years play a far more critical role in intellectual development than was once believed.¹⁷ Research indicated that many cognitive abilities, including verbal skills, general intelligence, and academic achievement, develop rapidly during early childhood, with the pace slowing in later years. One of the most impactful claims was that by the age of four, approximately 50 percent of the variation in a child's cognitive potential can already be explained.¹⁸

As attitudes positively changed regarding preschool education, attitudes regarding race proved more difficult. Whereas programs were initially for poor white Americans, poor Black Americans faced substantial institutionalized roadblocks to education, particularly Black youth. However,

Black communities had previously faced generations of challenges in their efforts to secure educational opportunities for their children, often contending with overwhelming obstacles and significant threats to their safety.¹⁹ Moreover, preschool was yet to be standard practice in America even for those not facing racial segregation. After the landmark case *Brown v. Board of Education*, desegregation in preschool was still relatively rare. In fact, preschool as an arm of education rather than childcare didn't garner popular support until the 1970s.

Research has consistently shown that preschool attendance improves life outcomes. The most notable study, the High/Scope Perry Preschool Project followed 123 low-income Black children aged 3 to 4 through adulthood to determine the effects preschool had on life outcomes. The children were randomly placed into a control group and experimental group. Youth in the experimental group received preschool education and the control group did not. Researchers found across various areas that children in the Perry Preschool program demonstrated significant positive outcomes compared to the non-program group. In terms of education, 65 percent of the program participants graduated from regular high school, compared to only 45 percent in the non-program group. The difference was even more pronounced among females, with 84 percent of program participants graduating compared to 32 percent in the non-program group. Program participants also consistently outperformed their peers on intellectual and language tests during their preschool years up to age 7, as well as on school achievement tests at ages 9, 10, and 14, and literacy tests at ages 19 and 27.

Employment outcomes were similarly favorable. By age 40, 76 percent of the program group were employed, compared to 62 percent of the non-program group. Employment differences were notable among program males at age 40 (70 vs. 50 percent) and among program females at age 27 (80 vs. 55 percent). Additionally, the program had a significant impact on reducing crime. Program participants had fewer lifetime arrests, with only 36 percent arrested five or more times compared to 55% in the non-program group.

14 B. R. Beatty, "A Vocation from on High: Preschool Advocacy and Teaching as an Occupation for Women in Nineteenth-Century Boston" (Ph.D. diss., Harvard University, 1981).

15 G. Langdon, "Works Progress Administration Emergency Nursery School," *Progressive Education*, vol. 15 (1938).

16 Cahn, *supra* note 2.

17 J. M. Hunt, *Intelligence and Experience* (New York: Ronald Press, 1961).

18 B. Bloom, *Stability and Change in Human Characteristics* (New York: Wiley, 1964).

19 L. J. Corder and N. L. Quisenberry, "Early Education and Afro-Americans: History, Assumptions and Implications for the Future," *Childhood Education*, vol. 63 (1987), pp. 154–58.

They also had fewer arrests for violent crimes (32 vs. 48 percent), property crimes (36 vs. 58 percent), and drug crimes (14 vs. 34 percent). Reductions in arrests occurred at different life stages, including adolescence, early adulthood, and midlife.

The program also positively impacted family outcomes, as more program males raised their own children (57 vs. 30 percent) and had second marriages (29 vs. 8 percent). Economically, the program provided substantial returns. For every dollar invested, \$16.14 was returned, amounting to \$244,812 per participant, with \$195,621 of that benefiting the general public. Most of the public return (88 percent) came from reduced crime costs, while the remainder came from increased tax revenue (7 percent), education savings (4 percent), and welfare savings (1 percent). Participants also earned 14 percent more over their lifetimes, totaling \$156,490, and male participants cost the public 41 percent less in crime-related expenses, saving \$732,894 per person.²⁰ Overall, the Perry Preschool program highlights the transformative and lasting educational, social, and economic benefits of investing in early childhood education.

As detailed above, numerous studies have demonstrated the critical role of high-quality early childhood education in fostering children's social-emotional development and equipping them with the foundational skills needed for academic success.²¹ Programs that emphasize early intervention have been shown to significantly enhance children's ability to regulate emotions, interact positively with peers, and adapt to structured learning environments. Despite these benefits, a troubling trend has emerged: many preschool children are excluded from these educational settings every day due to challenges in managing their emotions or controlling their behavior.²² These exclusions often take the form of suspensions or expulsions, practices that disproportionately affect children in early childhood education programs.

Shockingly, children in preschool programs are expelled at rates more than three times higher than their peers in kindergarten through 12th grade,²³

highlighting a systemic issue in how behavioral challenges are addressed at such a critical developmental stage. Exclusion from early learning environments can have far-reaching consequences, denying children access to the very resources and support systems that could help them overcome their challenges. Even more concerning is the fact that the children most often removed from preschool due to behavioral issues are frequently those who could benefit the most—Black boys.

Preschool Expulsions

The first major study on preschool expulsion used data from 4,000 public prekindergarten classrooms nationwide and revealed that expulsion rates in preschool were three times higher than those in public elementary and secondary schools.²⁴ Findings from OCR, which began including school-based prekindergarten data in its collections during the 2011–2012 school year, showed little progress. The relative rates of expulsion remained unchanged, with preschool continuing to represent the most vulnerable period for suspension and expulsion in a child's educational path. Now more than a decade later we see that Black male preschoolers account for only 9 percent of all preschoolers (Figure 15) yet account for 20 percent of all expulsions (Figure 17), and when considering male expulsions, represent 19.6 percent (Figure 19) of all male expulsions.

20 L. J. Schweinhart and others, *Lifetime Effects: The High/Scope Perry Preschool Study Through Age 40* (Ypsilanti, MI: High/Scope Foundation, 2005).

21 B. Meloy, M. Gardner, and L. Darling-Hammond, *Untangling the Evidence on Preschool Effectiveness: Insights for Policymakers* (Palo Alto, CA: Learning Policy Institute, 2019).

22 Gail Williams and Michael Yogman, "Preventing Preschool Expulsions: AAP Policy Explained," *American Academy of Pediatrics*, updated Oct. 30, 2023, <https://www.healthychildren.org/English/ages-stages/preschool/Pages/preventing-preschool-expulsions-aap-policy-explained.aspx>.

23 R. J. Skiba and others, "Parsing Disciplinary Disproportionality: Contributions of Infraction, Student, and School Characteristics to Out-of-School Suspension and Expulsion," *American Educational Research Journal*, vol. 51, no. 4 (2014), pp. 640–70.

24 Walter S. Gilliam, *Prekindergartners Left Behind: Expulsion Rates in State Pre-Kindergarten Systems* (New York: Foundation for Child Development, 2005).

Figure 14: School Year 2020–21: Total Preschool Enrollment, Race/Ethnicity (N=1,216,906)

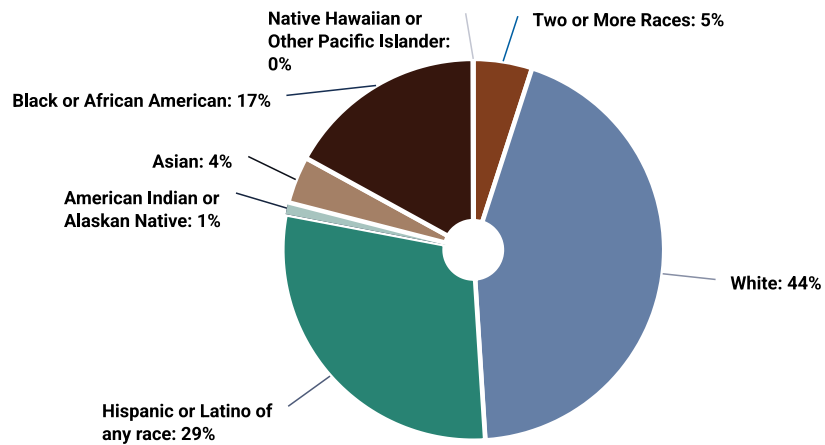


Figure 15: School Year 2020–21: % of Black Male Preschool Students (N=109,895)

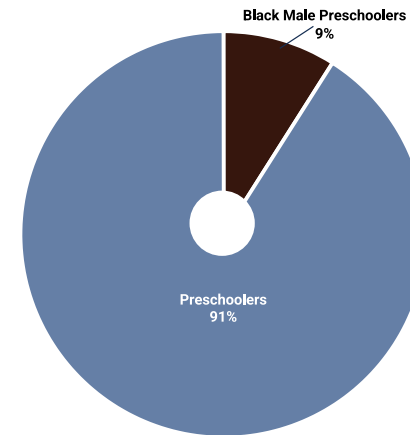


Figure 16: School Year 2020–21: Preschool Expulsions, Race/Ethnicity (N=224)

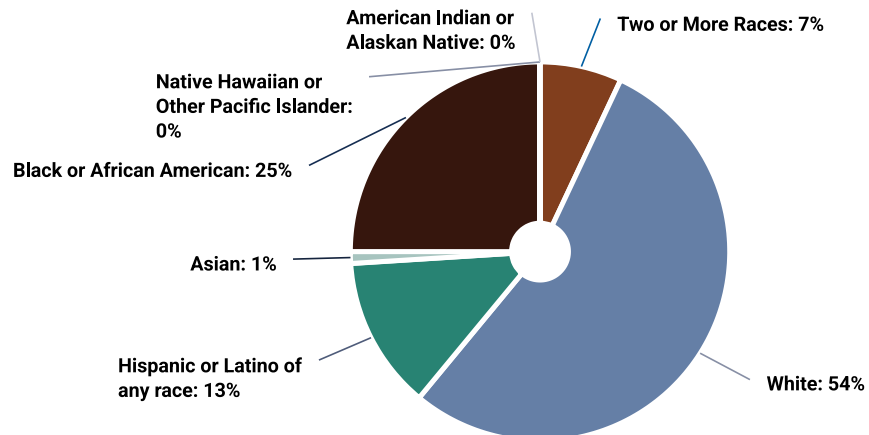


Figure 17: School Year 2020–21: Black Male Preschool Expulsions as % of Total Preschool Expulsions (N=44)

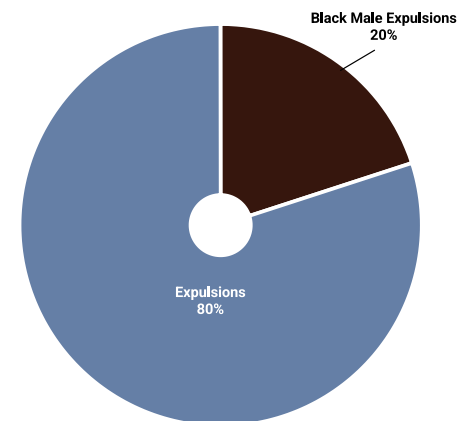
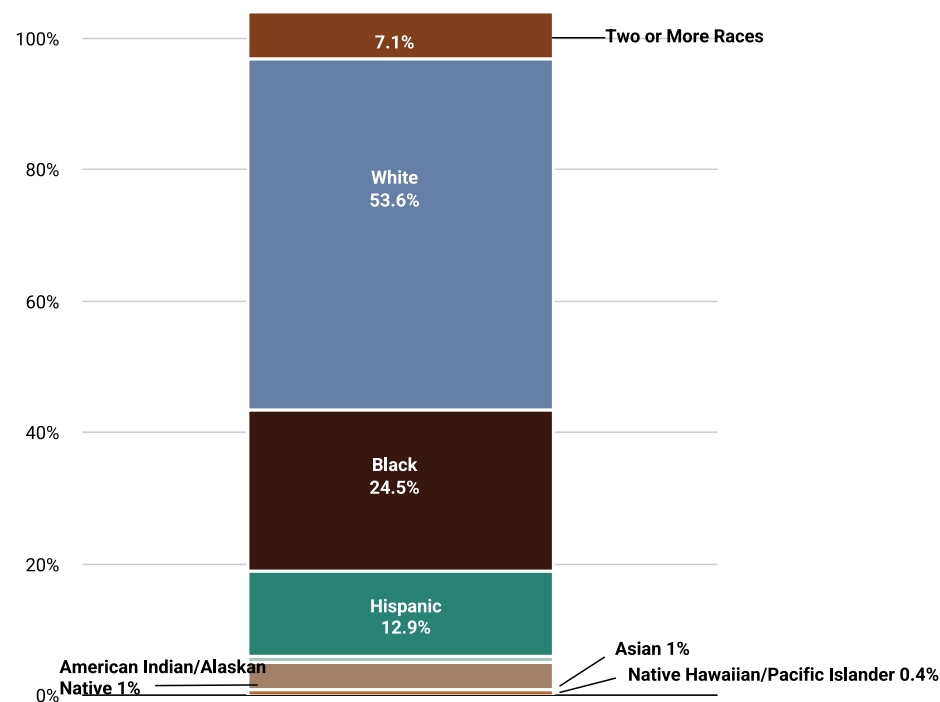
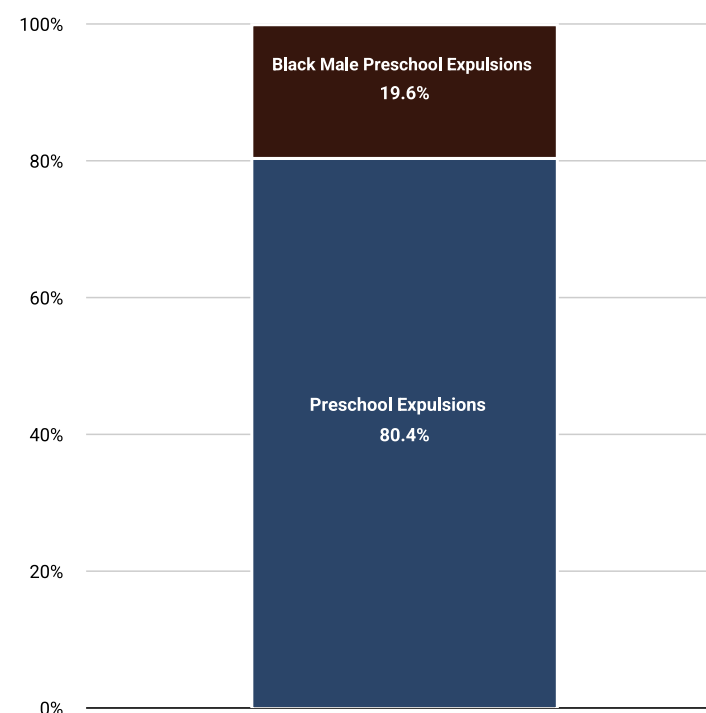


Figure 18: School Year 2020–21: Preschool Expulsions, % Race/Ethnicity (N=224)**Figure 19: School Year 2020–21: Black Male Preschool Expulsions as % of Total Preschool Expulsions (N=44)**

When looking at the male expulsion population geographically, data shows that even when including all students there are vast differences in discipline utilization by region. While some differences are accounted for by racial concentration other cultural factors play an equally important role. Cultural norms in the South play a significant role in shaping these disciplinary practices. The region has a long-standing tradition of strict discipline rooted in historical ideas about maintaining order, often tied to religious or authoritarian values.²⁵ These norms are reflected in the high rates of corporal punishment still practiced in some Southern states, despite its documented negative effects on students.²⁶ The emphasis on punitive measures, rather than restorative approaches, creates an environment where exclusionary discipline like suspensions and expulsions are more widely accepted. Combined with under-resourced schools and policies that prioritize punishment over prevention, this punitive culture disproportionately harms marginalized students, in fact all students.

As seen below Figure 20, in the 2020–21 school year almost all preschool expulsions happen in the South. Although COVID greatly decreased expulsions numbers, the South still accounts for the vast majority. Roughly 96 percent of male expulsions occurred in the South, and 100 percent of expulsions involving Black males were confined to that region (Figure 21). The concentration of exclusionary discipline in the Southeastern United States becomes even more pronounced as youth progress to elementary school.

25 D. Logan, "Discipline and Punishment in the Antebellum Upper Southeast," *American Religion*, vol. 6, no. 1 (2024), pp. 76–105.

26 E. T. Gershoff and S. A. Font, "Corporal Punishment in U.S. Public Schools: Prevalence, Disparities in Use, and Status in State and Federal Policy," *Social Policy Report*, vol. 30, no. 1 (2016).

Figure 20: School Year 2020–21: Preschool Male Expulsions, State (N=190)

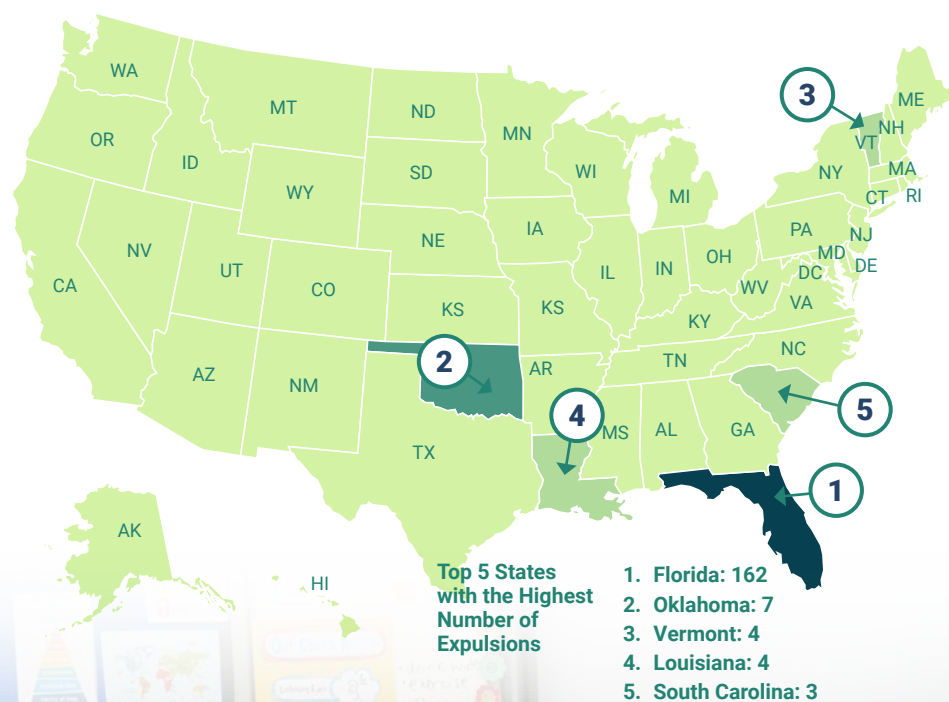


Figure 21: School Year 2020–21: Preschool Black Male Expulsions, State (N=44)

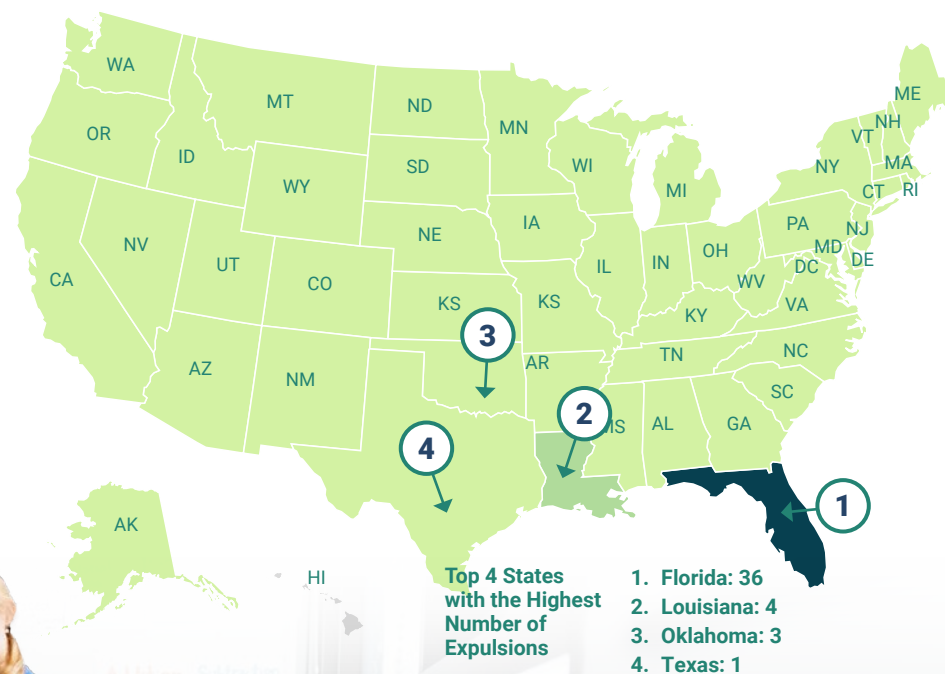


Figure 22: School Year 2020-21: Preschool Male Expulsions, State (N=190)

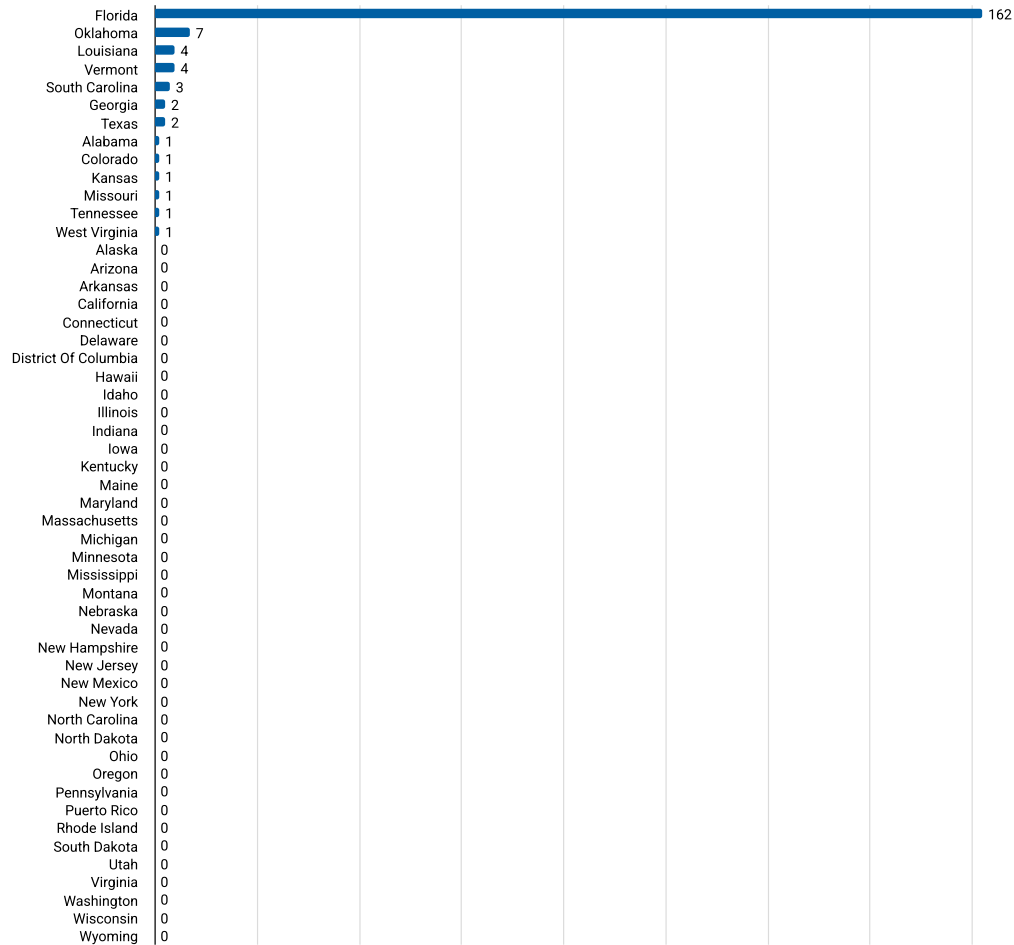
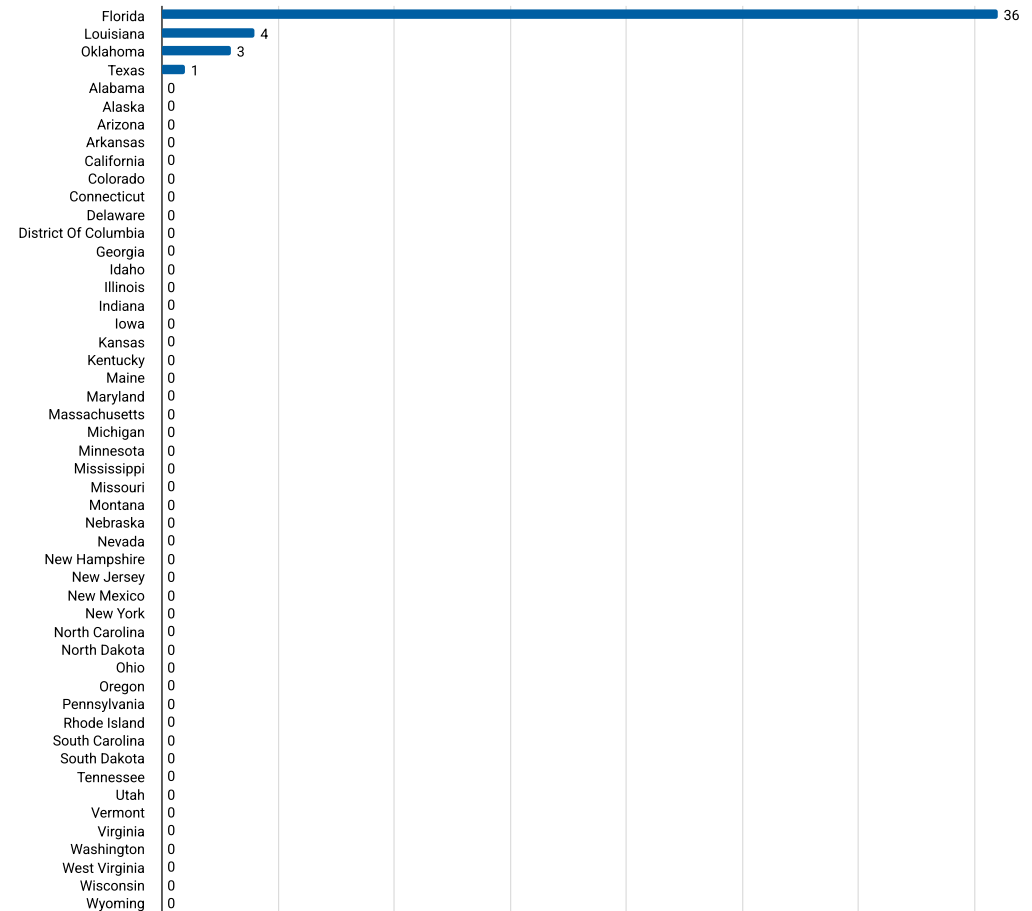


Figure 23: School Year 2020-21: Black Male Preschool Expulsions, State (N=44)



Preschool Suspensions

In 2017–2018, when the U.S. Commission on Civil Rights (USCCR) published its report on school exclusion, Black students made up 18 percent of preschool enrollment but were 41 percent of preschool suspensions. In 2020-21 school year Black students made up roughly 17 percent of preschool enrollment but accounted by 30.3 percent of pre-K suspensions (Figure 24), a slight decline. As seen below, the majority of suspensions are received by boys, more than 80 percent (841/1,032) (Figure 25).

Figure 24: School Year 2020–21: One or More Preschool Suspensions, Race/Ethnicity (N=1,032)

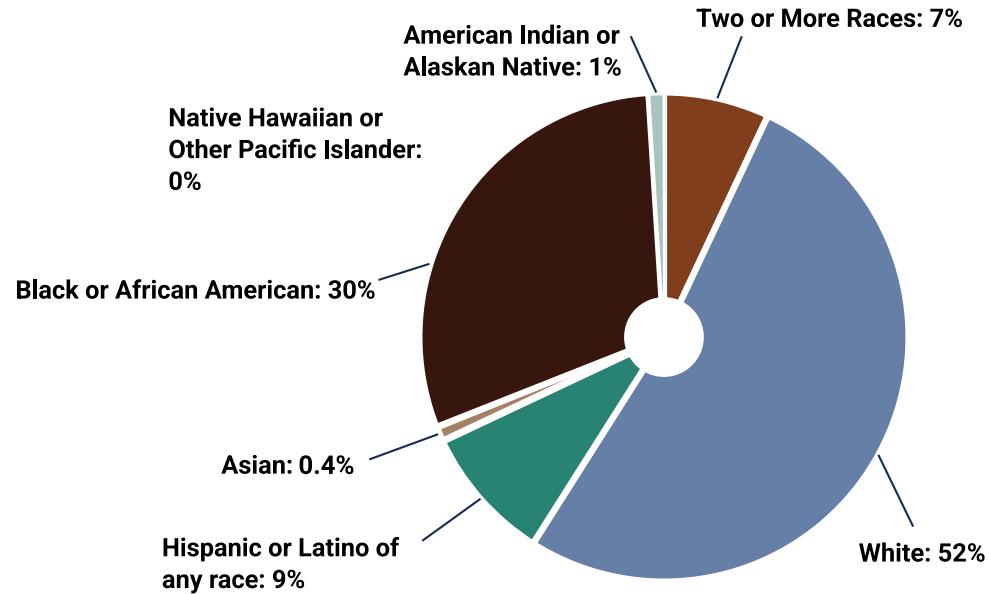


Figure 25: School Year 2020-21: One or More Preschool Suspensions, Race/Ethnicity and Gender (N=1,032)

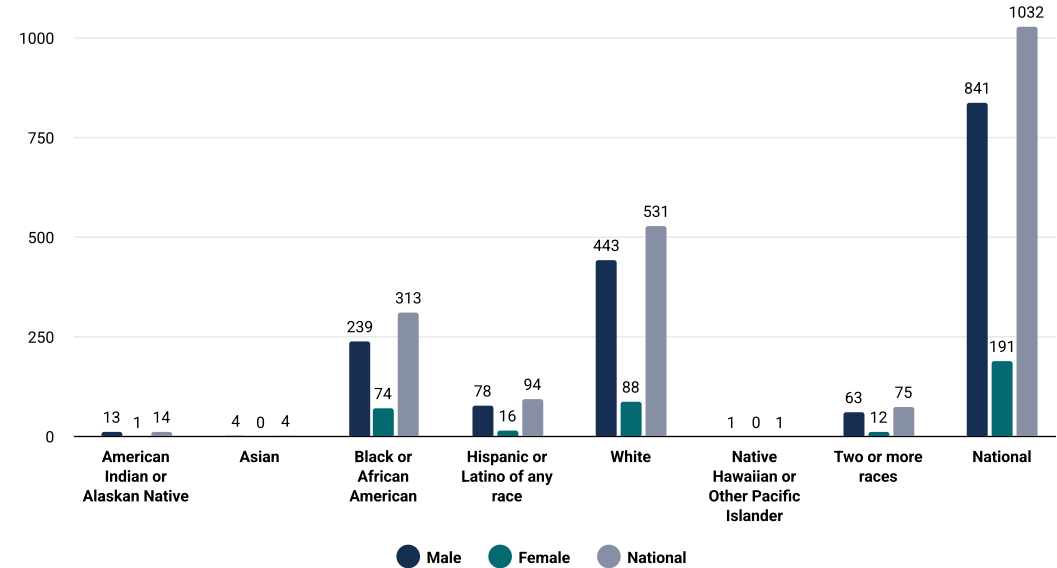
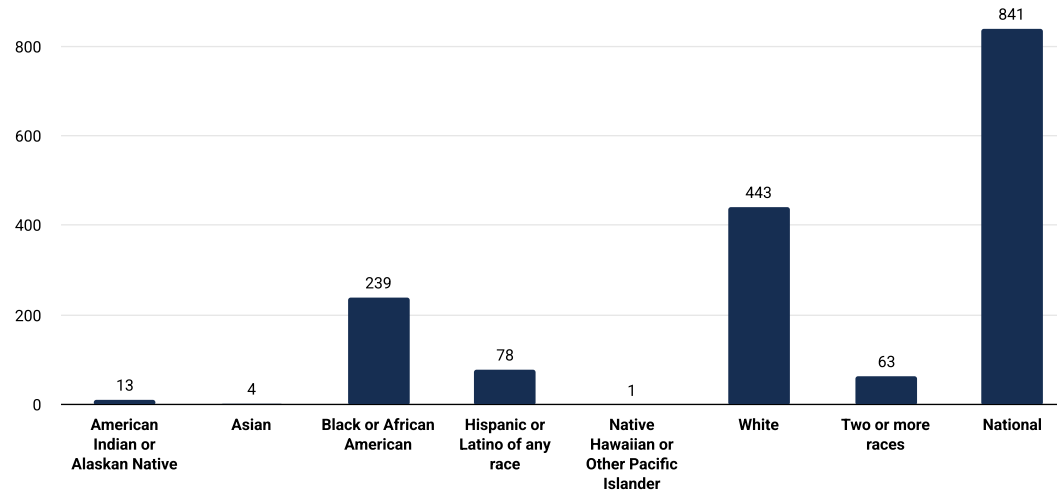
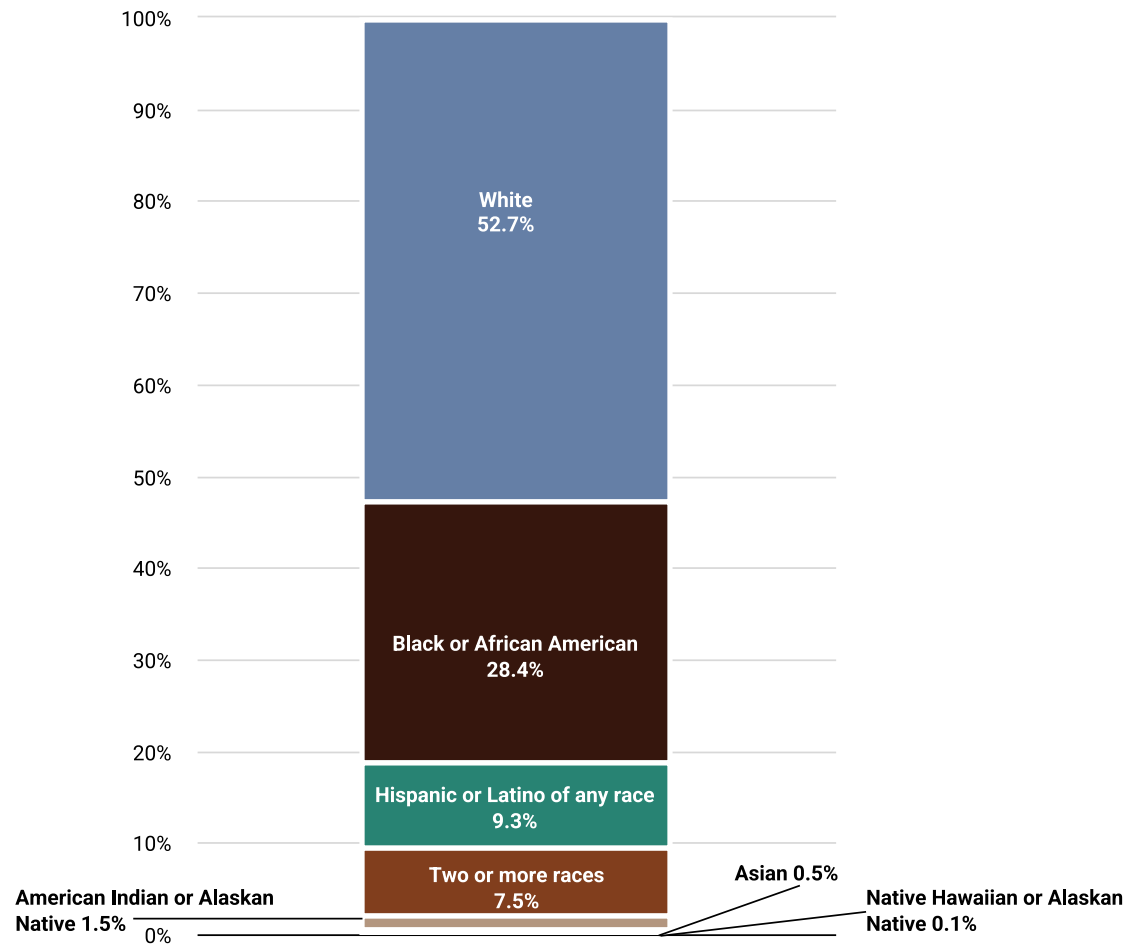


Figure 26: School Year 2020-21: One or More Preschool Suspensions, Male (N=841)



**Figure 27: School Year 2020-21: Male Preschool Suspensions, Percent %
Race/Ethnicity (N=841)**



Moreover, we begin to see similarities between the geographic distribution of expulsions and suspensions across all races. The utilization of suspension, similar to the utilization of expulsions, occur more often in the South than in any other region, even when accounting for racial differences. When considering male preschoolers of all races, more than

95 percent of OOS suspensions occurred in the South. (see Figure 28) When focusing solely on Black male students, data from Figure 29 reveals that 98.7 percent of preschool suspensions took place in the Southern region as well.

Figure 28: School Year 2020-21: One or More Preschool Suspensions, Male (N=841)

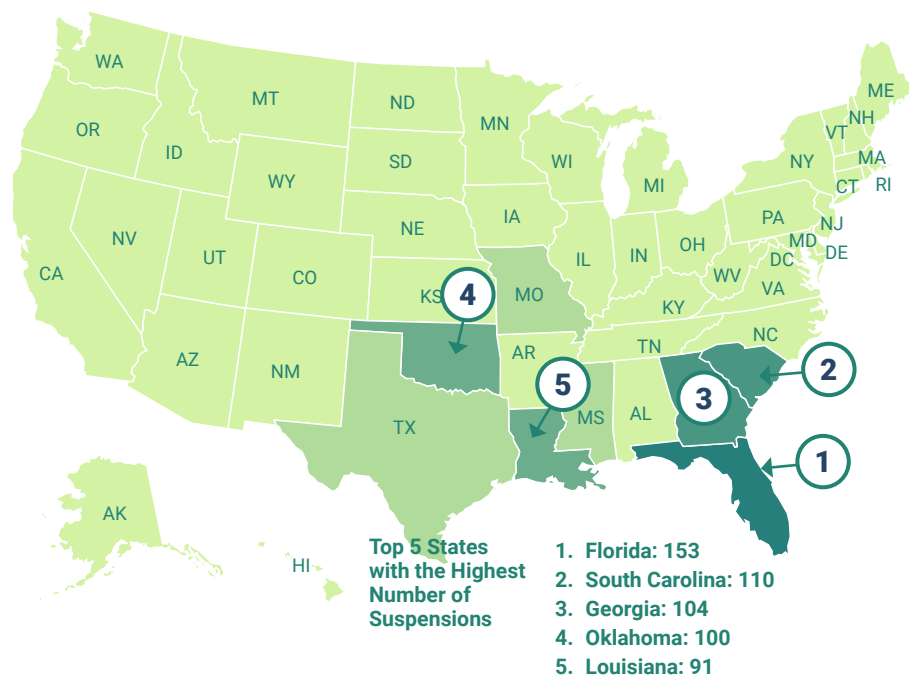
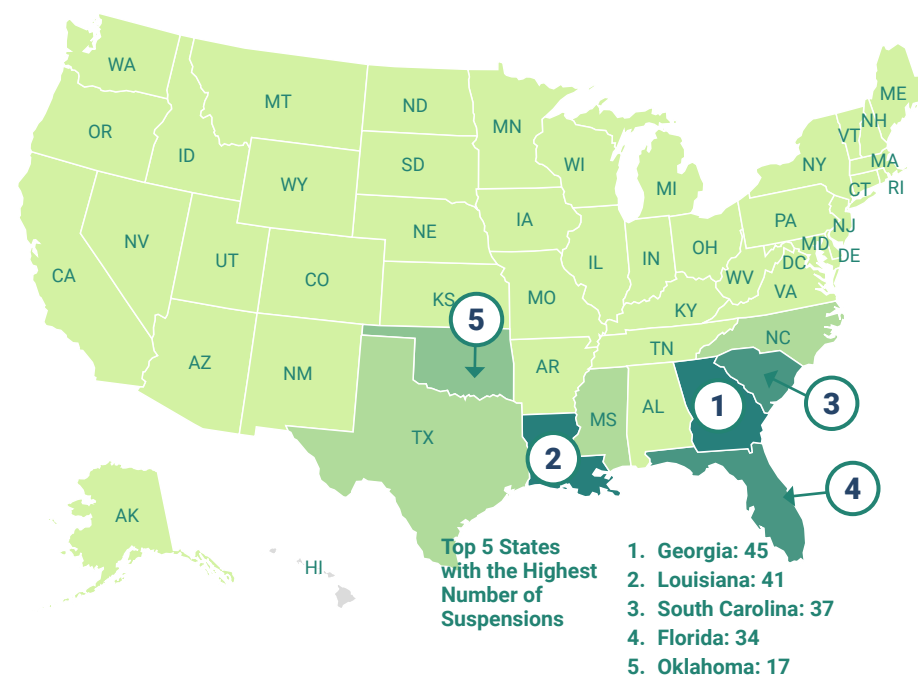


Figure 29: School Year 2020-21: One or More Preschool Suspensions, Black Males by State (N=239)



In 2005 researchers found that expulsions and suspension rates in preschool were three times higher than in K-12, with boys being expelled at 4.5 times the rate of girls, and Black male preschool students were expelled at twice the rates of others.²⁷ Twenty years later, we see that not much has changed. CSSBMB found that Black preschoolers represent 17 percent of enrollments but were 25 percent of expulsions and 30 percent of suspensions in the 2020-21 school year. Black male preschoolers were 9 percent of preschool enrollment but accounted for 28.4 percent of 1 or more suspensions, nearly 3 times their representation.

Given the notable disproportionality identified in this report and numerous reports spanning more than 30 years, Black male preschool children continue to face a disturbing number of expulsions and suspensions. Keeping in mind that preschool aged children are only between the ages of 3 and 5, it becomes an alarming trend. At a young age these youth are set on a trajectory that is linked to poor outcomes. For example, research indicates that children suspended in preschool are 10 times more likely not to finish high school,²⁸ report poor academic performance,²⁹ and experience higher rates of incarceration or confinement when compared to children who do not have a history of suspensions or expulsions.³⁰

27 W. S. Gilliam and G. Shahar, "Prekindergarten Expulsion and Suspension: Rates and Predictors in One State," *Infants & Young Children*, vol. 19, no. 3 (2006), pp. 228-45.

28 R. B. Ekstrom and others, "Who Drops Out of High School and Why?: Findings from a National Study," *Teachers College Record*, vol. 87 (1986), pp. 357-73.

29 G. G. Wehlage and R. A. Rutter, "Dropping Out: How Much Do Schools Contribute to the Problem?," *Teachers College Record*, vol. 87 (1986), pp. 374-93.

30 R. J. Skiba and others, *Consistent Removal: Contributions of School Discipline to the School-Prison Pipeline* (Cambridge, MA: Harvard Civil Rights Project, 2003).



Lastly, issues of early childhood expulsions and suspensions are deeply intertwined with broader concerns of health and educational equity. These disciplinary practices disproportionately affect young children from marginalized and underserved communities, raising serious questions about fairness and access to supportive learning environments during critical developmental years. As previously discussed, research consistently demonstrates that access to high-quality early childhood

education is linked to a wide range of positive developmental, academic, and social outcomes. These benefits are especially pronounced for children from low-income Black families, for whom quality early education can serve as a powerful tool for leveling the playing field and addressing systemic disparities that begin long before kindergarten.³¹

31 S. E. Meek and W. S. Gilliam, *Expulsion and Suspension in Early Education as Matters of Social Justice and Health Equity* (Washington, DC: National Academy of Medicine, 2016).

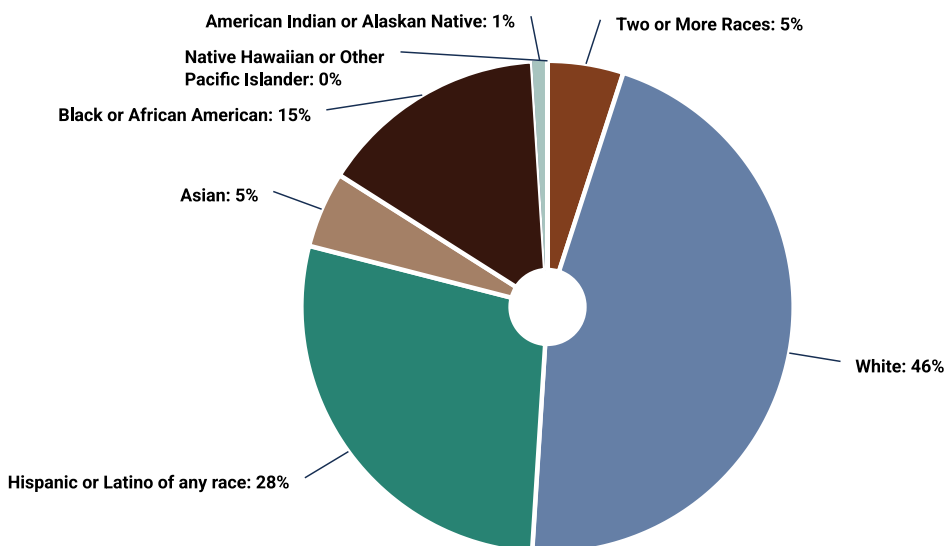
CHAPTER 5:

K-12 School Discipline

K-12 Expulsions

Suspensions and expulsions remain the most common ways schools address student misbehavior in both preschool and K-12 education. Studies on K-12 discipline are not new to scholars, teachers, students, or parents. In fact, many people are familiar with the concept of the STPP.

Figure 30: School Year 2020–21: K-12 School Enrollment (N=48,145,592)



However, there may be gaps in understanding beyond the general narrative regarding its effects and widely cited statistics. An examination of 2020 data helps to illustrate these gaps. The following visualizations provide insight into conditions within schools in 2020.

Figure 31: School Year 2020–21: K-12 Expulsions, Students without Disability, with & without Educational Services (N=22,932)

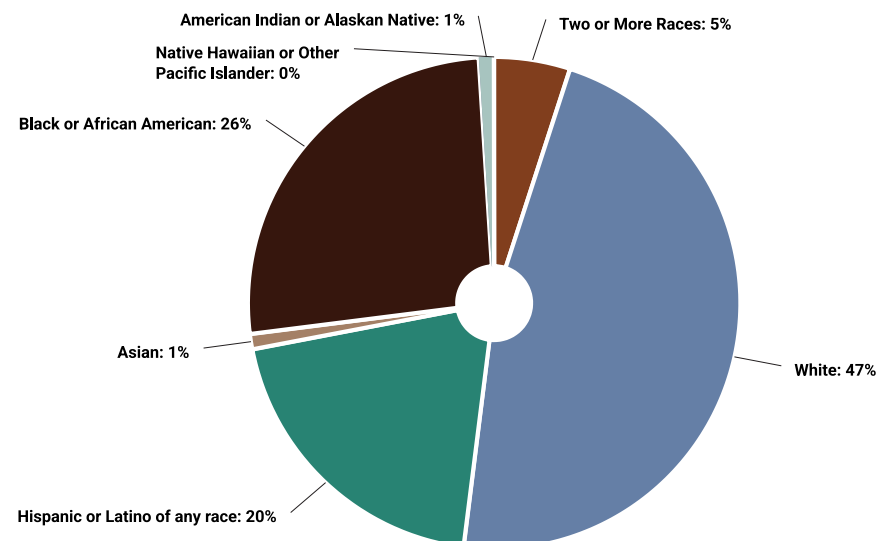
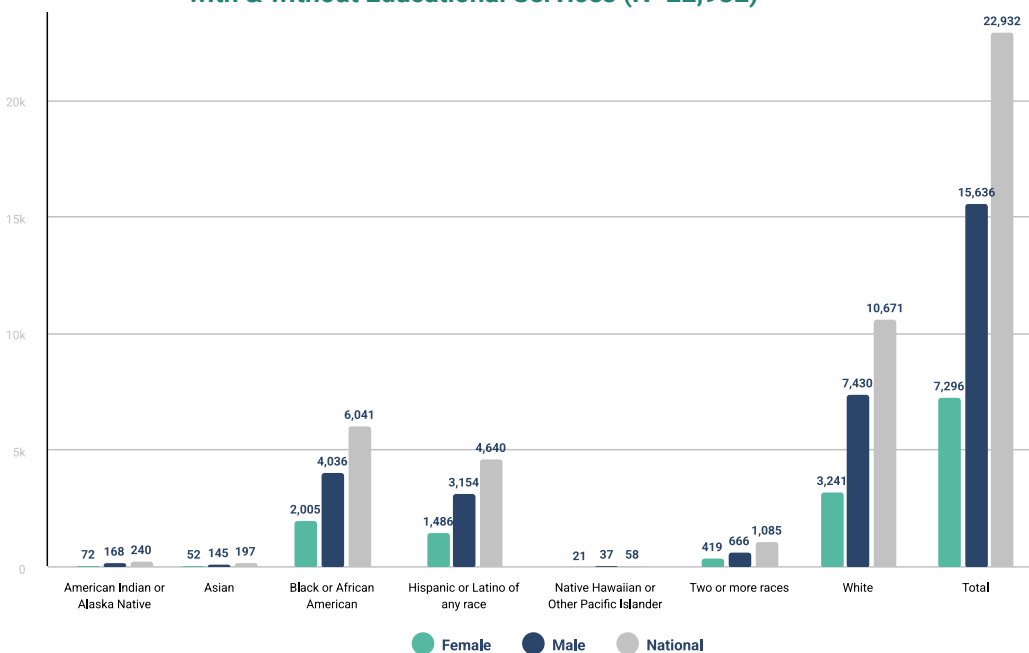


Figure 32: School Year 2020-21: K-12 Expulsions without Disability, with & without Educational Services (N=22,932)

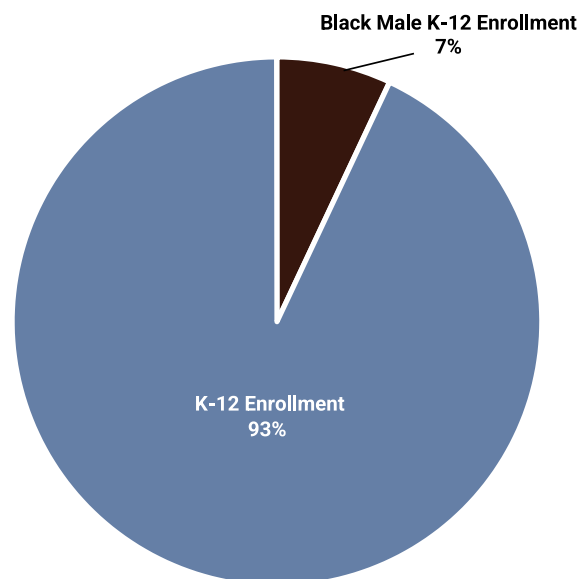


which decreases disciplinary issues like fights and classroom disruptions that result in expulsions. However, some factors remained unchanged in comparison to previous years. For example, Figure 30 shows that Black students were 15 percent of total K-12 enrollees yet were 26 percent (Figure 31) of students expelled without disability with and without education services, numbers similar to the 2017-18 school year. Normatively, boys of all races outnumber girls and are disciplined more often and more frequently than girls. The relatively low number of expulsions for girls isn't atypical; even during non-COVID years, girls of all race/ethnic groups experienced expulsions and suspensions at half the rate of their male counterparts.⁵ Unremarkably white males students numerically accounted for the most expulsions at just over 10,000, (Figure 32) but given that they represent almost 24 percent of the total student body, this isn't surprising. What is concerning is that Black boys represent 7 percent of the student body, but their rates of expulsion are consistently higher than their white peers who numerically outnumber them.

Research has been highly consistent in documenting disproportionate rates of OOS suspension and expulsion for Black students.¹ Black students are overrepresented in a range of school disciplinary outcomes, including classroom referrals,² OOS suspension,³ and expulsions.⁴ More than two decades of research have documented that Black students are more likely to receive exclusionary discipline than their white peers. In school year 2020-21, roughly 48 million students were enrolled in grades K-12 (see Figure 30). Of those, 22,000 students, approximately 0.04 percent were expelled. The number of expulsions was low compared to other years. We attribute the drop in expulsions to school shutdowns due to COVID-19. Many schools adopted online or hybrid learning, decreasing in-person learning

- 1 H. Petras and others, "Who Is Most at Risk for School Removal? A Multi-Level Discrete-Time Survival Analysis of Individual- and Context-Level Influences," *Journal of Educational Psychology*, vol. 103, no. 1 (2011), pp. 223–37.
- 2 Michael S. Hayes, Jing Liu, and Seth Gershenson, *Who Refers Whom? The Effects of Teacher Characteristics on Disciplinary Office Referrals* (Providence, RI: Annenberg Institute at Brown University, 2023).
- 3 R. J. Skiba and others, "Parsing Disciplinary Disproportionality: Contributions of Infraction, Student, and School Characteristics to Out-of-School Suspension and Expulsion," *American Educational Research Journal*, vol. 51, no. 4 (2014), pp. 640–70.
- 4 Government Accountability Office, *K-12 Education: Discipline Disparities for Black Students, Boys, and Students with Disabilities*, by Jacqueline M. Nowicki (Washington, DC: Government Accountability Office, 2018).
- 5 W. Morris Edward and L. Perry Brea, "Girls Behaving Badly? Race, Gender, and Subjective Evaluation in the Discipline of African American Girls," *Sociology of Education* vol. 90, no. 2 (2017), pp. 127–48.

Figure 33: School Year 2020–21: Black Males as % of Total K-12 Enrollment (N=3,664,025)



Additionally, as shown in Figure 33 Black male students represent only 7 percent of K-12 enrollments but are 18 percent of K-12 expulsions (Figure 34), two times their representation in the K-12 student body. While our analysis shows disproportionality, this does not necessitate disparity. Figures 35 and 36 show that when considering only male expulsions the proportion of Black male expulsions jumps to 25.8 percent, meaning not only are Black male students disproportionately represented in expulsions in the total student body but even more so when compared to male students of other races. Again, disproportionality doesn't mean disparity, but it does highlight patterns that warrant further investigation into potential inequities in school discipline. While our analysis focuses on overall rates and disproportionality, other studies have consistently found that racial disparities are evident in the use of exclusionary discipline, particularly affecting Black male K–12 students.

Figure 34: School Year 2020–21: K-12 Black Male Expulsions as % of Total Expulsions (N=4,036)

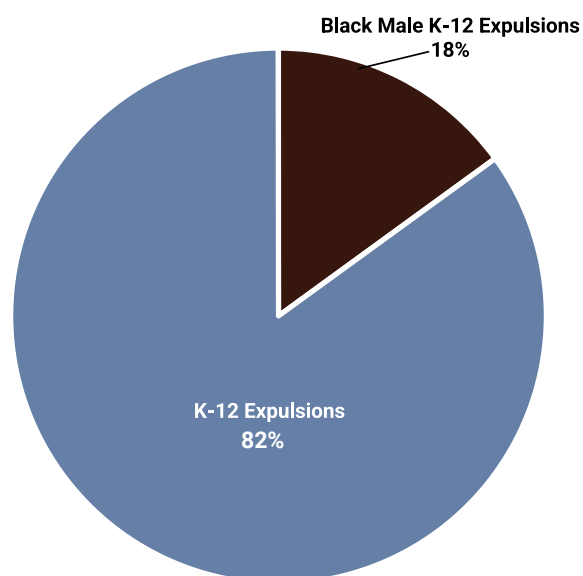
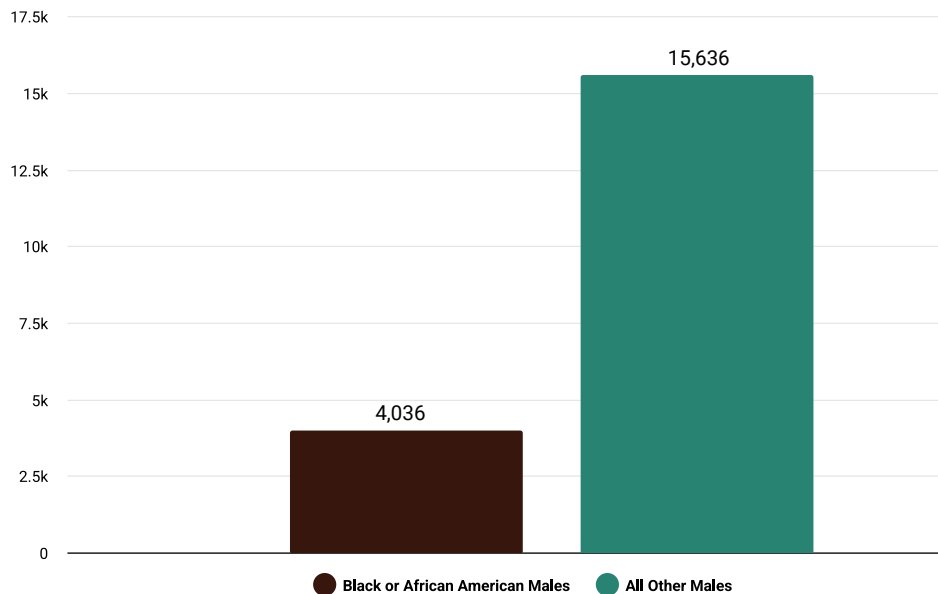
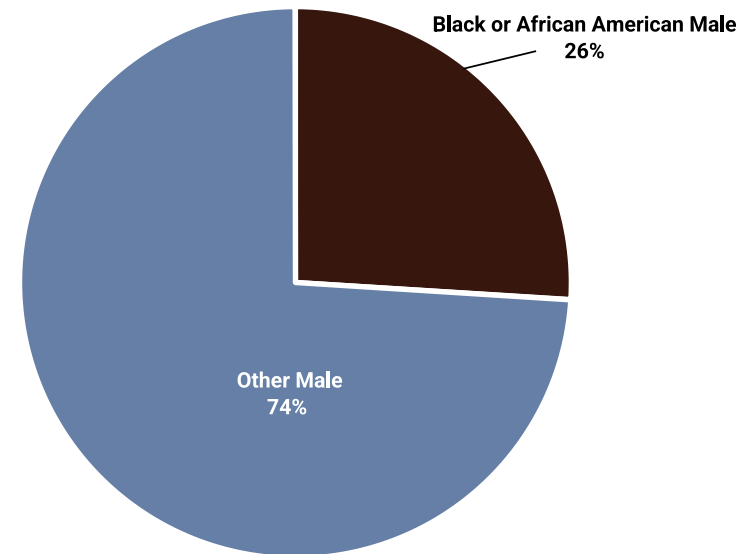


Figure 35: School Year 2020–21: Black Male K–12 Expulsions vs. Total Male Expulsions

For example, researchers seeking to identify factors that contribute to disparities in suspension and expulsion looked at three of the most commonly referenced reasons (1) between-school sorting (structural discrimination in the form of differences in the characteristics of schools Black and white children attend) (2) differences in student behavior (i.e., Black kids face more and harsher discipline because they misbehave more frequently and at higher severity levels than their peers) and (3) differences in the treatment of students with similar behavior.⁶ In testing these three hypothesis to determine their contributions to the Black–white gap in suspensions and expulsions, researchers using a cohort of elementary students between 2003 and 2009 found a 21 percentage point gap in suspension between white and Black children by grade 4. Furthermore, they found only 9 percent of the suspension gap could be attributed to behavior differences and that the highest contributing factor (46 percent) was due to differential treatment of Black and white children who attend similar schools and who exhibit similar behaviors at the time they enter school.⁷

Figure 36: School Year 2020–21: Black Male K-12 Expulsions as % of Total Male Expulsions

Differential treatment of Black male students remains at the forefront of discussion on the STPP. A major issue in the debate about racial disparities in school discipline is whether these differences are the result of variations in student behavior. Some scholars argue that Black male students are disciplined more frequently because they are more likely to engage in misconduct.⁸ This perspective has led to research that aims to identify behavioral differences between racial groups, often overlooking the question of why certain groups are punished more severely than others. Several studies have investigated the specific behaviors that lead to disciplinary action, with the goal of determining whether minority students are more likely to commit serious infractions. The findings of these studies suggest that minority students do not engage in more serious misbehavior than their white peers, and that they are often punished more harshly for similar offenses.⁹

As stated in Figure 32, there were roughly 23,000 expulsions in school year 2020–21. Black males were 18 percent of all expulsions and 25.8 percent of male expulsions, 2.5 and 3.6 times their representation,

6 J. Owens and S. S. McLanahan, "Unpacking the Drivers of Racial Disparities in School Suspension and Expulsion," *Social Forces*, vol. 98, no. 4 (2020), pp. 1548–77.

7 Owens and McLanahan, "Drivers of Racial Disparities."

8 Linda Chavez, "Obama Going About School Discipline Changes the Wrong Way," *Dallas Morning News*, Jan. 13, 2014, <https://www.dallasnews.com/opinion/commentary/2014/01/14/obama-going-about-school-discipline-changes-the-wrong-way/>.

9 N. Barrett and others, "Disparities and Discrimination in Student Discipline by Race and Family Income," *Journal of Human Resources*, vol. 56, no. 3 (2021), pp. 711–48.

respectively. Figure 37 shows the geographic distribution of Black male expulsions. Like preschool, most expulsions occur in the southeastern region, with Louisiana, Georgia, and Florida leading in total numbers of Black male expulsions. However, when looking at rates of expulsion per 1,000 students, different states emerge as leaders. For example, Louisiana remained one of the states with both the highest number of

expulsions and highest rates of Black male expulsions, but Georgia had the highest overall numbers of expelled Black male students but dropped to the fifth highest when considering rates (Figure 38). The reverse happened in Arkansas, which reported the fifth highest number of Black male expulsions but when considering rates jumped to having the second highest rates of expulsions in the United States.

Figure 37: School Year 2020-21: K-12 Black Male Expulsions without Disability, with & without Educational Services (N=4,036)

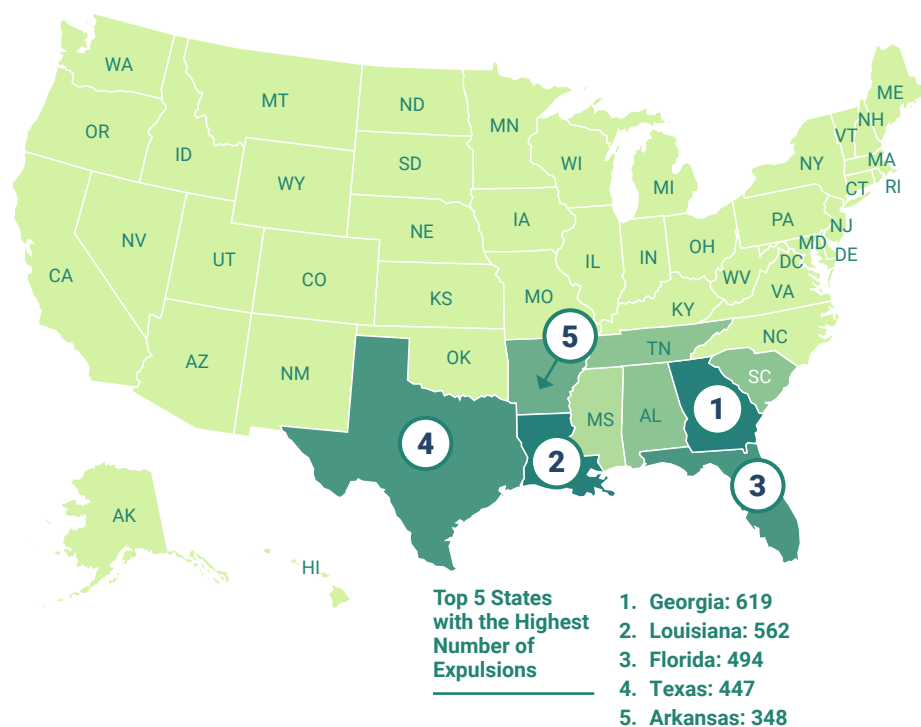


Figure 38: School Year 2020-21: K-12 Black Male Expulsions Rates by State (per 1,000) without Disability, with & without Educational Services

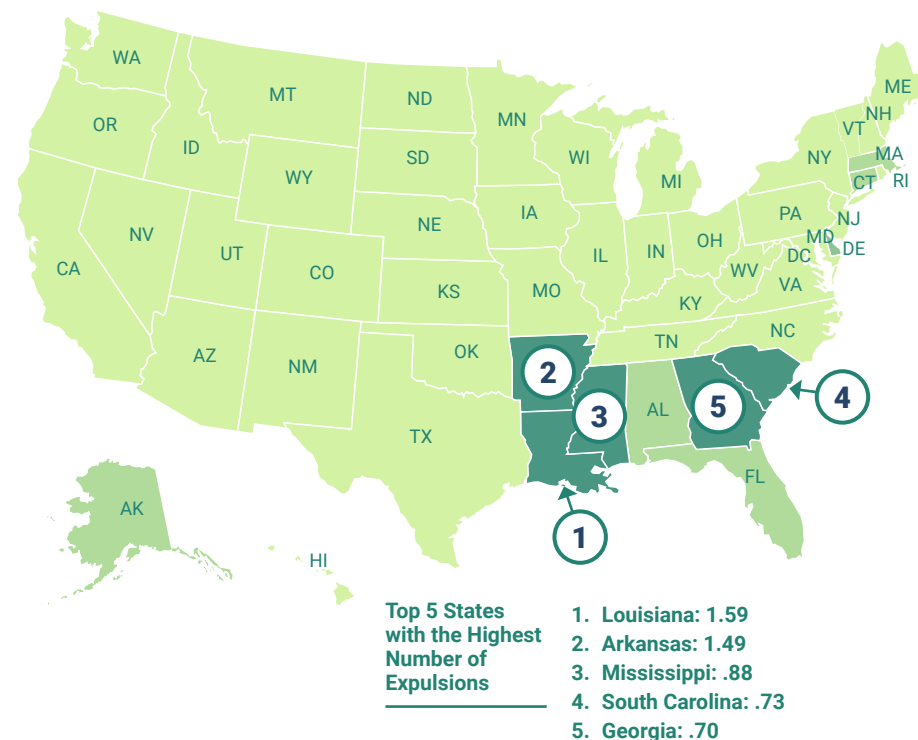
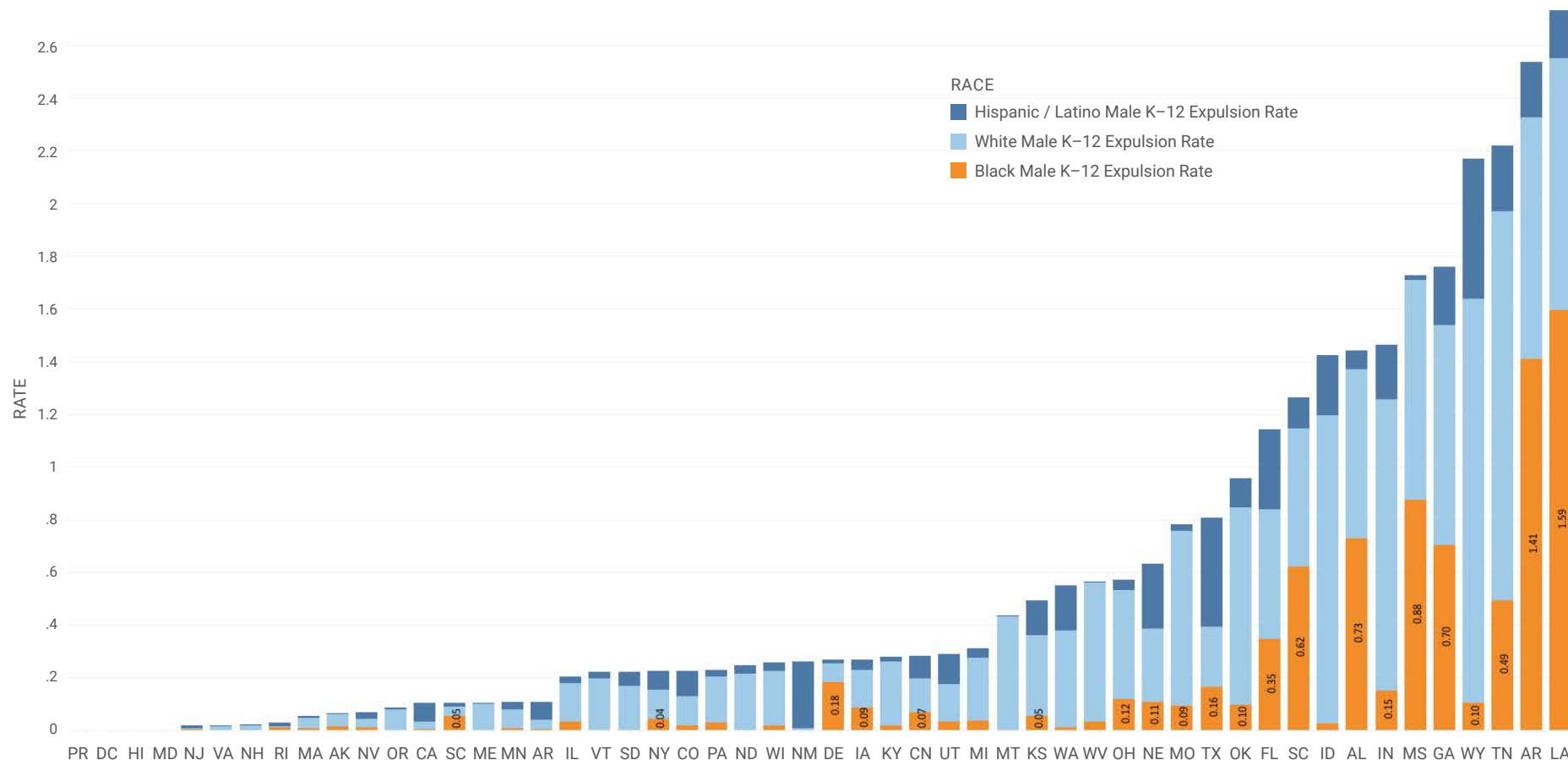


Figure 39: School Year 2020-21: K-12 Expulsion Rates by State, Race/Ethnicity Students without Disability, with & without Education Services Males

Black males consistently experience disproportionately high expulsion rates across nearly all states. States such as Louisiana (1.59), Arkansas (1.41), and Mississippi (0.88) have some of the highest expulsion rates for Black male students, significantly higher than the rates for their white or Hispanic/Latino male counterparts in the same states. (Figure 39)

For instance, in Arkansas, the expulsion rate for Black male students is 1.41, which is more than 1.5 times higher than the rate for white males at 0.92, and more than 6.6 times greater than the rate for Hispanic/Latino males at 0.22. While some of the differences in expulsion rates may be influenced by variations in population demographics, even when adjusting for the

proportion of non-Black students, Black male students continue to face expulsions at much higher rates than their peers.

Expulsion numbers in Indiana (80), Missouri (43), Oklahoma (34), Iowa (22), Nebraska (18), Delaware (13), and Wyoming (5), reveal lower overall expulsions (see Figure 37), yet when considering the racial demographics of student populations, these states shifted toward the higher end of the expulsion rate spectrum (see Figure 39). In fact, these states exhibit higher expulsion rates for Black male students than states with larger Black male student populations, such as Maryland and North Carolina. This suggests that despite a lower overall number of expulsions, the racial disparities in

these states are more pronounced, highlighting the systemic issue of higher expulsion rates for Black males across the country.

Although the expulsion rates may seem alarming, there is a slight silver lining: expulsions in K-12 schools have significantly decreased since 2011 (Figure 40). Between 2011 and 2020, expulsions for all students dropped by a substantial -78.0 percent. Even when excluding the unique circumstances of the 2020 school year, expulsions have still declined by -28.0 percent since 2011 (Figure 40).

Figure 40: School Year 2020-21: School Years K-12 Expulsions, Students without Disability, with & without Education Services, Males

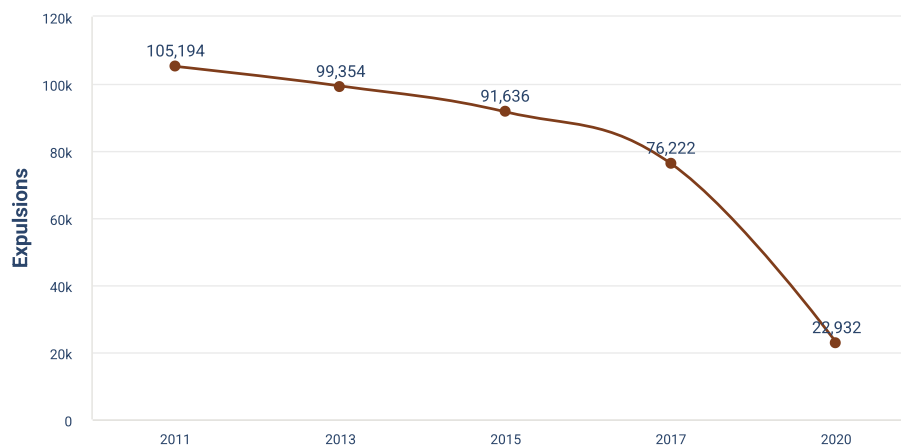
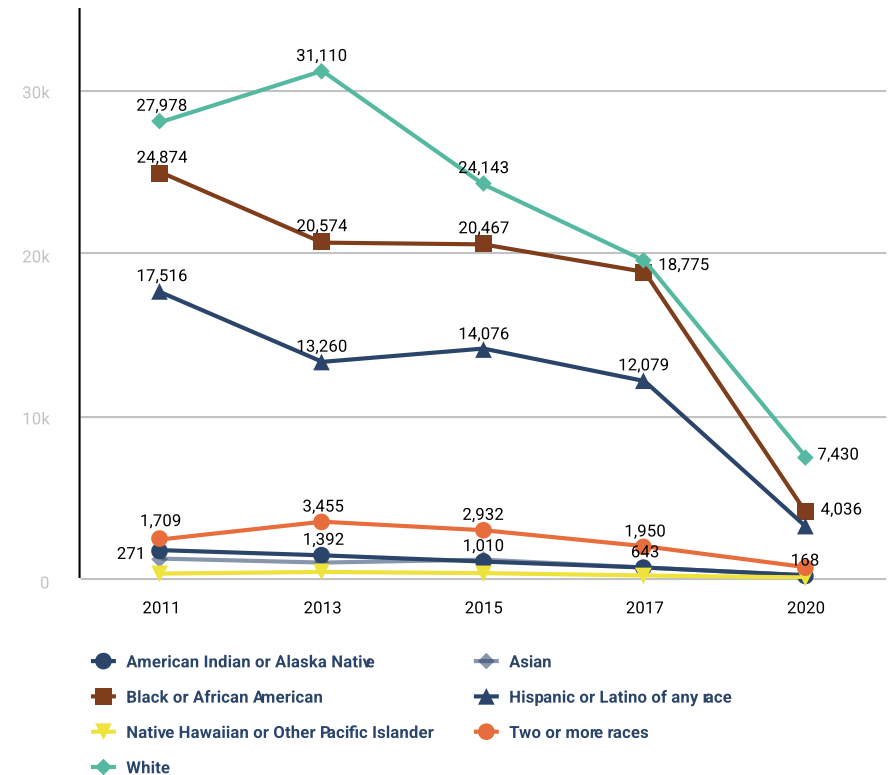


Figure 41: School Years 2011–2020: K-12 Expulsions, Students without Disability, with & without Education Services, Males by Race/Ethnicity

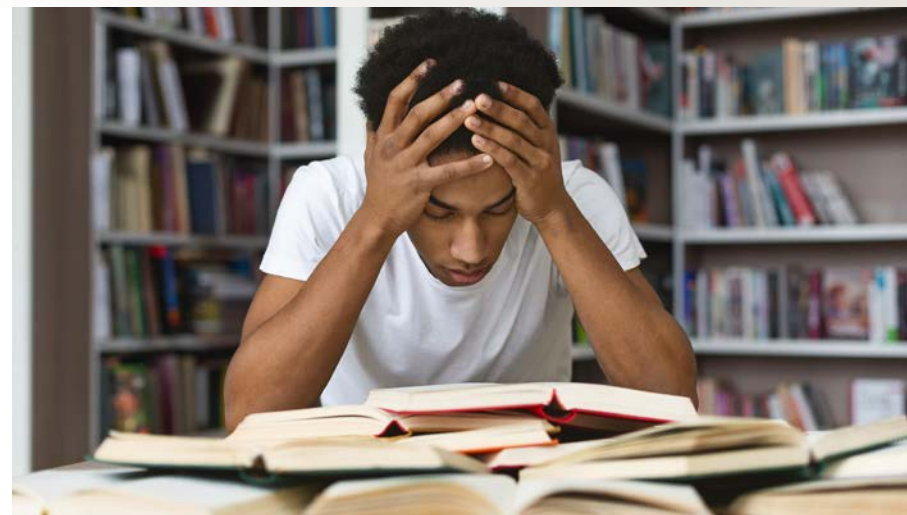


When focusing specifically on male students, the overall downward trend is somewhat consistent with the broader decline, though there are notable variations. In the 2013 school year, all males except for white males and males of two or more races experienced a decline (Figure 41). These two groups saw increases in expulsions—white males faced an +11.1 percent rise, while males of two or more races saw a more significant +45.8 percent increase. In contrast, Black males (-17.0 percent), Hispanic/Latino males (-24.3 percent), and Asian males (-20.5 percent) all experienced reductions in expulsions between 2011 and 2013. The rise in expulsions among certain groups of male students, especially white males and those identifying with two or more races, may be connected to shifts in school discipline and safety policies following the 2012 Sandy Hook Elementary School shooting.

In the aftermath, educators became increasingly vigilant in identifying and responding to warning signs and concerning behaviors. The tragedy raised national awareness around school safety and prompted many school districts to tighten their policies on violence, bullying, and verbal threats. In response to Sandy Hook and other similar incidents, schools across the country began adopting more stringent security measures and more aggressive disciplinary actions, such as increased suspensions and expulsions, in an effort to prevent violence. These responses often disproportionately affect certain student groups who are more likely to engage in mass violence.

K-12 Suspensions

Suspensions are used much more frequently than expulsions to address student behavior and are likely the most referenced tool to correct student infractions. While expulsions are more punitive, suspensions are more frequent and are at the center disciplinary discourse. Suspensions, particularly OOS suspensions are used to address a variety of issues, from disruptive behavior (talking aloud) to more serious acts such as fighting. The OCR classifies and codes suspensions in a variety of ways. To be clear, OOS suspensions for students without disabilities are instances in which a child is temporarily removed from his/her school for at least half a day (but less than the remainder of the school year) for disciplinary purposes and placed in another setting. OOS suspensions include removals that may or may not have education services provided (school provides home instruction).¹⁰ OOS suspensions for students with disabilities differ in duration and in educational service requirements. Additionally, suspensions have two types: out-of-school or in-school. ISS are “instances in which a child is temporarily removed from their regular classroom(s) physical school setting or remote setting (e.g., online classroom where remote learning takes place) for at least half a day for disciplinary purposes but remains under the direct supervision of school personnel. Direct supervision means school personnel are in the same physical school setting or remote setting as students under their supervision.”¹¹ Furthermore the CRDC data collection groups these



suspensions by frequency: single, one or more and multiple for each type of suspension.

As mentioned, CRDC categorizes suspension types by frequency. For the purpose of this report, we focus specifically on ISS and single-out-of-school suspensions (SOOS). While many articles and scholarly studies examine all frequencies to calculate combined suspension or expulsion rates, CSSBMB centers its analysis on the initial SOOS. This focus is grounded in research indicating that a first-time suspension significantly increases the likelihood of juvenile justice system involvement and school dropout.¹² It is this initial suspension, rather than repeated suspensions, that most often triggers negative outcomes. There is limited evidence that suggests a statistically cumulative negative impact from multiple suspensions. Evidence suggests that repeated suspensions do not significantly increase the risk of incarceration beyond that associated with the initial suspension.¹³ The singular first suspension is the catalyst. In school year 2020–21, Black males represented 7 percent of K-12 students yet were 16 percent of ISS (See Figure 42). ISS were pretty infrequent in 2020–21, with 611,533 or less than 2 percent of K-12 students receiving an ISS, down a whopping -97.0 percent due to COVID-19. Prior reporting year 2017–18, saw roughly 1.9 million ISS, and the 2015–16 school year saw 2.1 million ISS.

10 OCR CRDC, *Master List of CRDC Definitions*, 2023.

11 OCR CRDC, *Master List*.

12 Hemez, P., Brent, J. J., & Mowen, T. J. (2020). Exploring the School-to-Prison Pipeline: How School Suspensions Influence Incarceration During Young Adulthood. *Youth violence and juvenile justice*, 18(3), 235–255. <https://doi.org/10.1177/1541204019880945>

13 P. Hemez, J. J. Brent, and T. J. Mowen, “Exploring the School-to-Prison Pipeline: How School Suspensions Influence Incarceration During Young Adulthood,” *Youth Violence and Juvenile Justice*, vol. 18, no. 3 (2020), pp. 235–55.

Figure 42: School Year 2020–21: Black Males as % of Total K-12 In-School Suspensions, Students without Disability

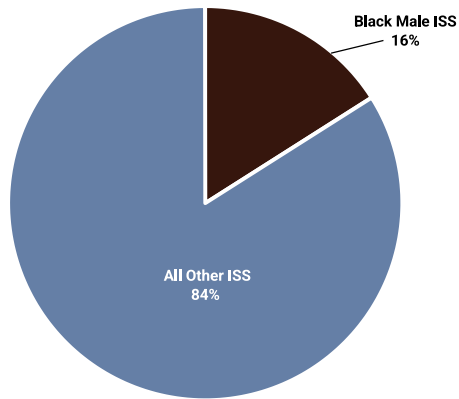


Figure 43: School Year 2017–18: Black Males as % of Total K-12 In-School Suspensions, Students without Disability

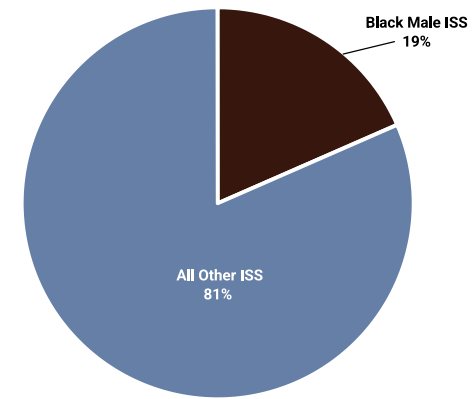


Figure 44: School Year 2020–21: In-School Suspensions, Race/Ethnicity, Students without Disability (N=611,533)

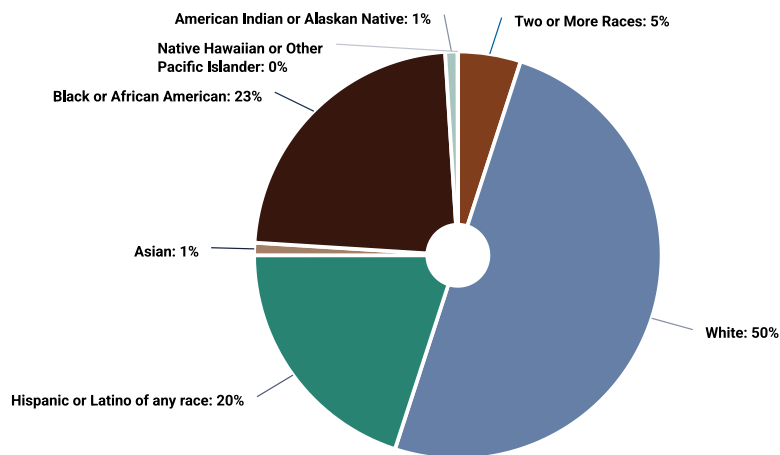
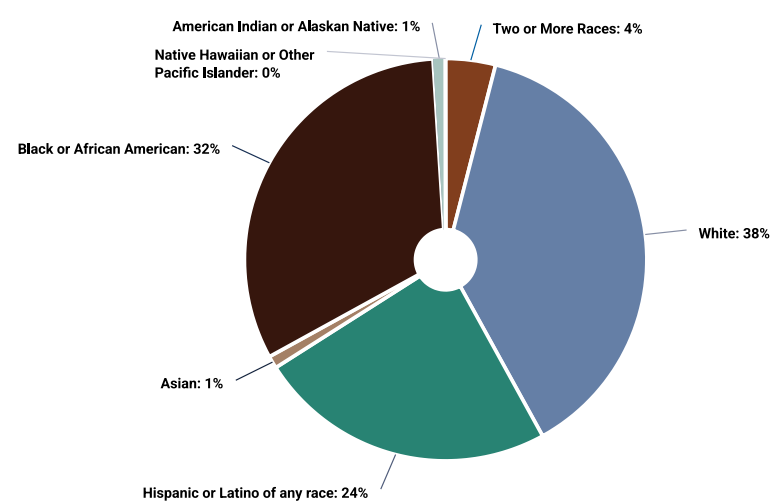


Figure 45: School Year 2017–18: In School Suspensions, Race/Ethnicity, Students without Disability (N=1,990,404)



It is important to note that although ISS declined by more than 97 percent, the racial composition of those suspensions remained relatively unchanged (see Figures 44 and 45). The proportion of Black students receiving ISS decreased from 32 percent to 23 percent, Hispanic students saw a 4 percent decline, while the proportion of white students increased by 12 percent. Black male students continued to account for 19 and 16 percent of total ISS across the observed periods. This suggests that despite the overall reduction in ISS incidents, the racial patterns in how ISS is applied remained largely consistent, indicating persistent disparities in disciplinary practices.

Figure 46: School Year 2020-21: In-School Suspensions, Students without Disability (N=611,533)

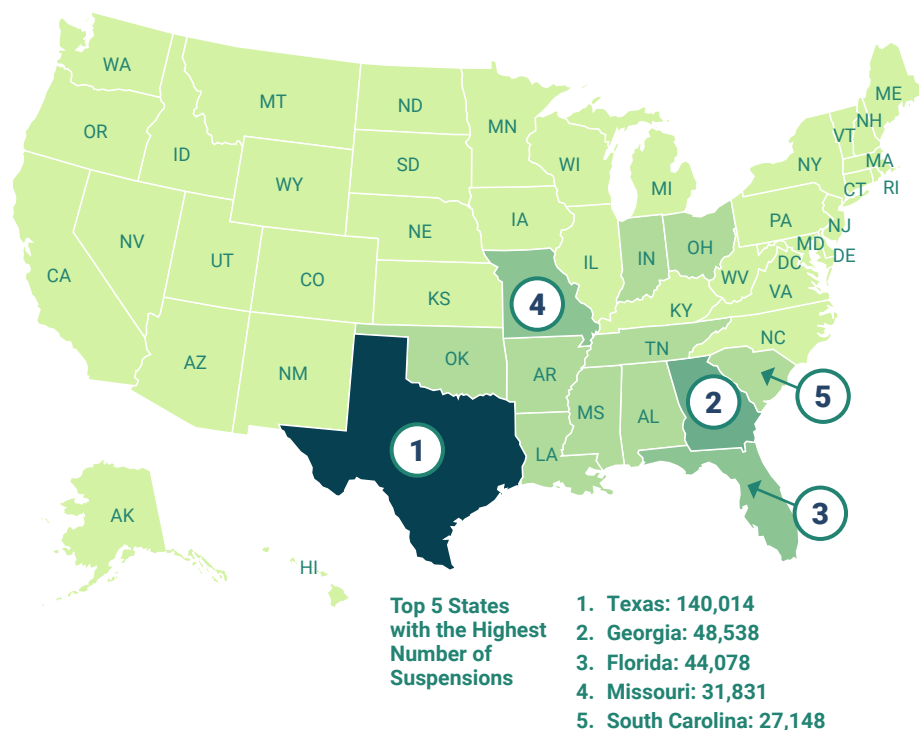
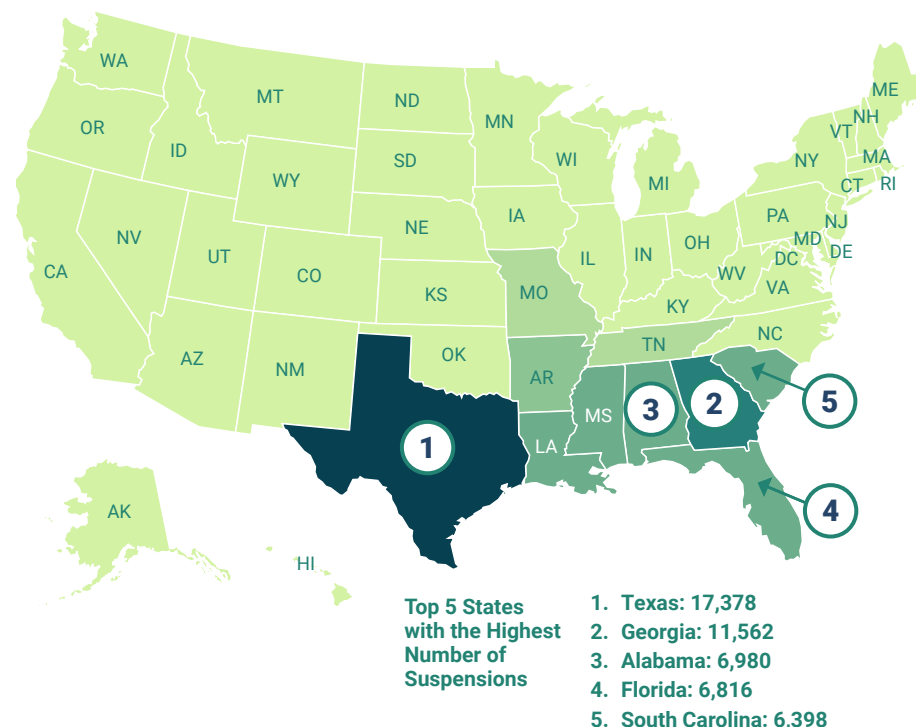


Figure 47: School Year 2020-21: Black Male In-School Suspensions, Students without Disability (N=87,322)



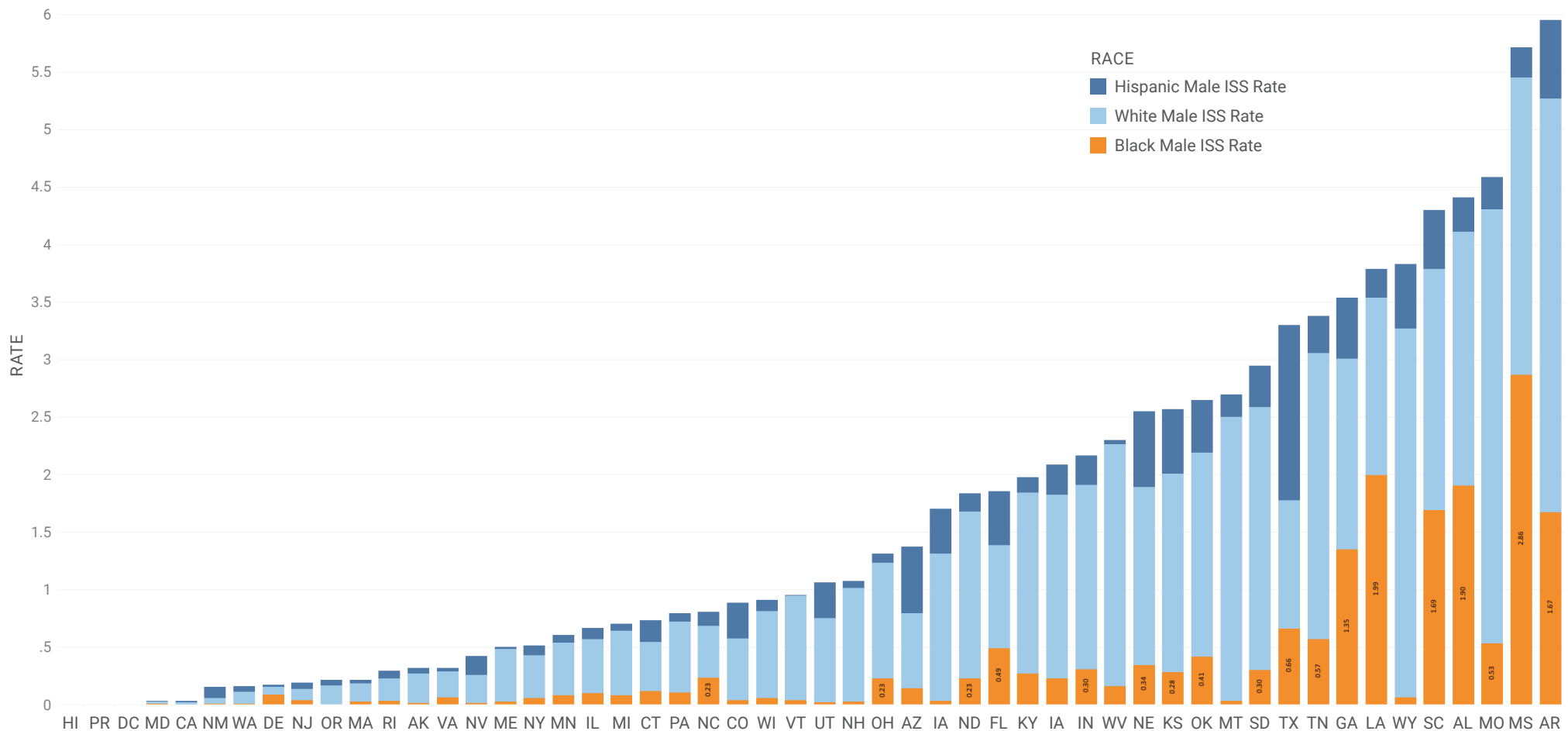
Nationally, the geographic distribution of ISS is more evenly dispersed across states compared to other forms of school discipline (see Figure 46). However, the South, particularly Texas, continues to show higher concentrations of ISS for all student groups. Several factors may contribute to this pattern. For one, Texas may have historically relied more heavily on ISS than other states. Additionally, during the COVID-19 pandemic, many states reduced their use of ISS due to widespread virtual learning, which diminished the need for exclusionary disciplinary practices that require in-person supervision. In contrast, Texas was slower to close schools, which may have contributed to continued or increased use of ISS.

Figure 47 illustrates the distribution of ISS among Black male students by state, once again showing higher frequencies in the South, especially in Texas. However, it is important to distinguish between frequency and rate.

A high number of ISS incidents in a state does not necessarily mean that the rate of use per student is also high. Frequency simply counts the total number of suspensions, whereas rate accounts for how many students are affected relative to the population. As the maps above demonstrate, ISS is more frequently used in the South overall. Yet when we examine the rate of ISS per student (See Figure 48), the story shifts: states like Arkansas, Mississippi, and Alabama emerge as the national leaders in ISS rates relative to their school-aged populations.

What stands out even more is how the rate distribution for ISS differs significantly from more exclusionary measures such as expulsions (Figure 39) and SOOS (Figure 59). It is clear from the data that states across the country use ISS more frequently with white students than with Black students, and even less so with Hispanic students.

Figure 48: School Year 2020–21: K-12 In-School Suspension Rates by State, Race/Ethnicity, Males



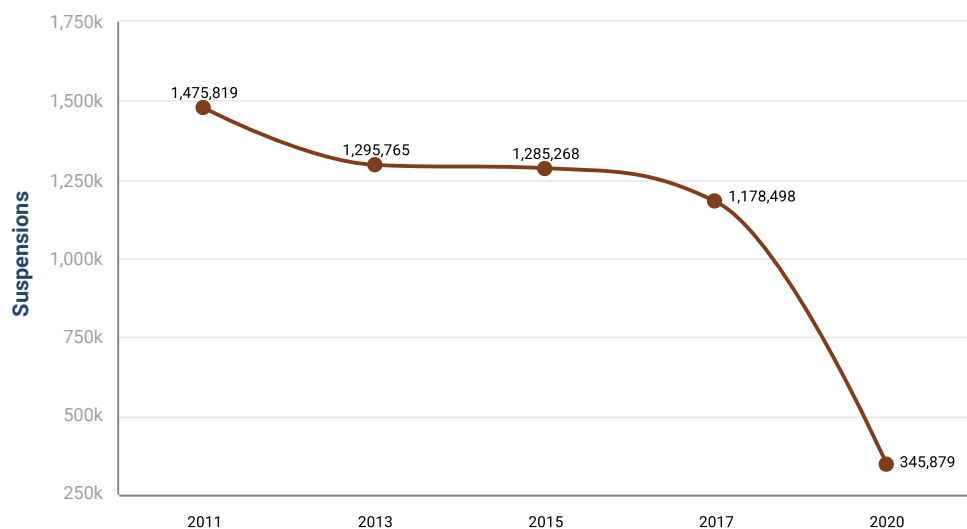
The difference in application highlights an important dynamic in school discipline practices that often goes unaddressed: ISS is disproportionately used as a less severe consequence for white students, whereas students of color, especially Black and Hispanic youth, are more likely to be funneled into more punitive forms of discipline. We see a similar phenomenon in the justice system. Where white children are often offered diversions or alternatives, and Black children are pushed toward the deep end of the formal justice system. This suggests that the same behaviors may be treated differently based on race. Conversations around discipline often focus on the most punitive forms of discipline and not on who gets access to a second chance through ISS or alternative programming.

Even more telling, is that a handful of states consistently apply all forms of exclusionary discipline, from the relatively less severe—ISS, to the most punitive—expulsions, at comparatively higher rates than other states. These trends remain significant even when controlling overall population size and racial/ethnic demographics, suggesting a pattern of use rather than random variation.

Once again, this aligns with research pointing to a deeply rooted culture of violence, particularly in southern states. Scholars have long argued that this cultural context has contributed to more punitive approaches to discipline in the South which defines how these states respond to student behavior across multiple levels of severity.

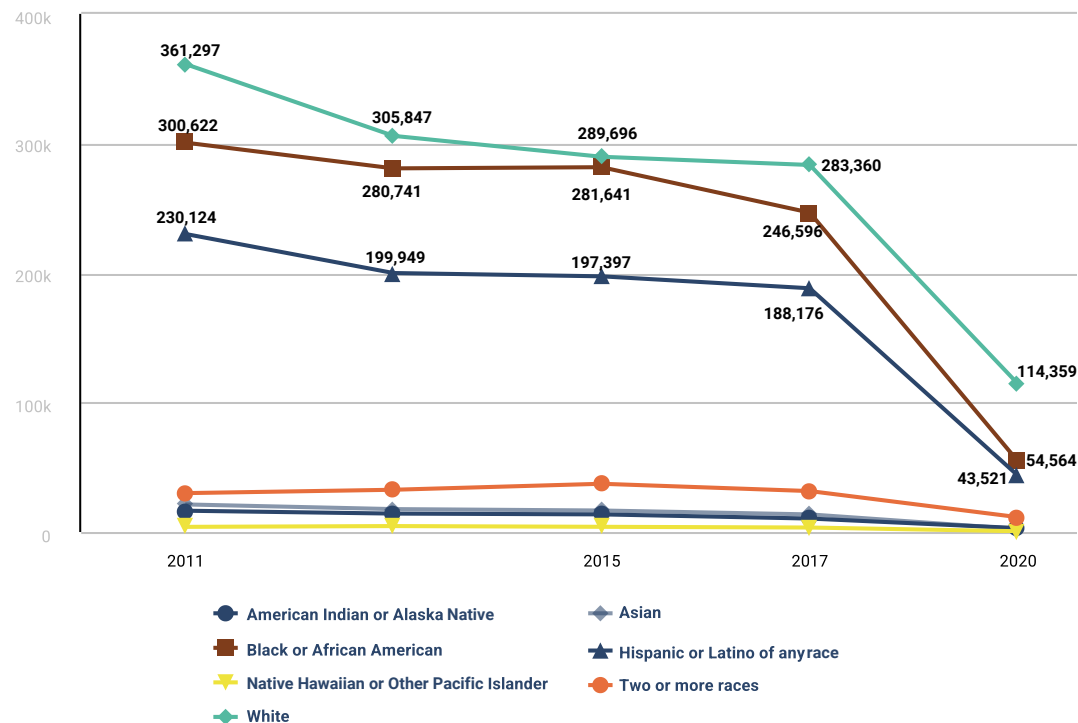


Figure 49: School Years 2011–2020: K-12 Single Out-of-School Suspensions, Students without Disability

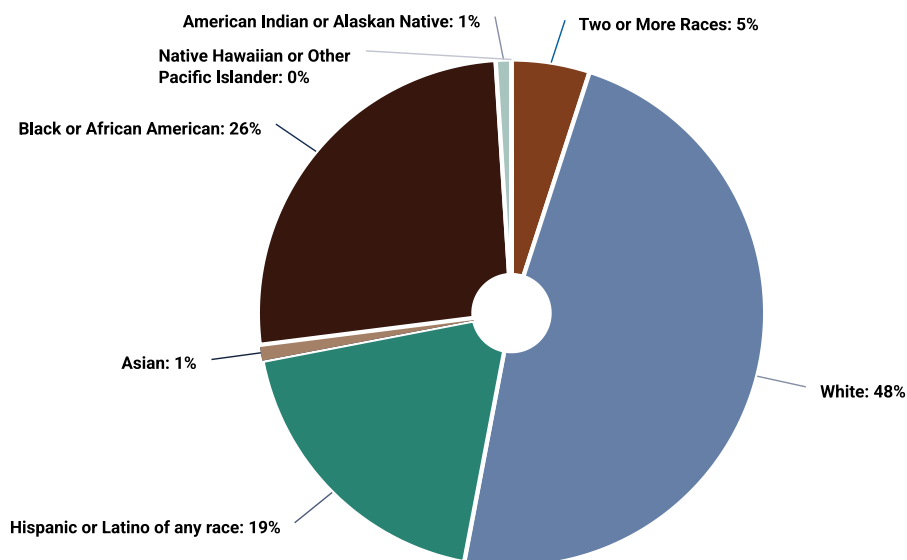
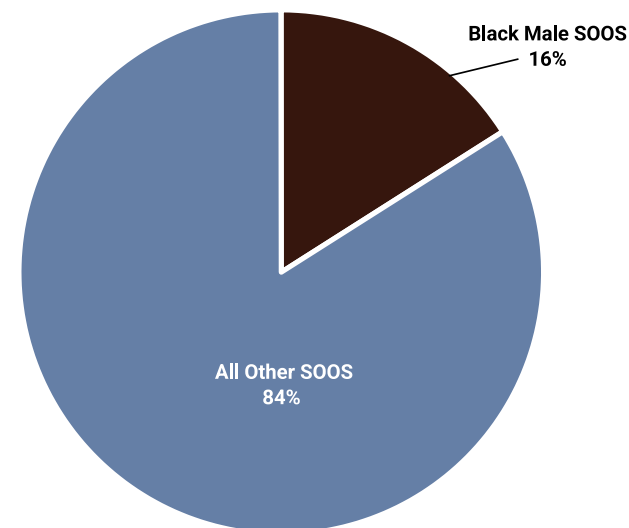


Similar to expulsions, suspensions have declined since 2011. Between the 2011 and 2017 school years, overall suspensions dropped by -20.1 percent (Figure 49). For Black male students, suspensions decreased by 18.3 percent over the same period (2011–2017) (Figure 50). However, raw suspension numbers only tell part of the story. Of the 345,879 total suspensions, white students accounted for 48 percent, Black students 26 percent, Hispanic students 19 percent, and Asian students just 1 percent

Figure 50: School Years 2011–2020: K-12 Single Out-of-School Suspensions, Male Students without Disability



(Figure 51). When compared to overall student enrollment, these figures reveal a stark difference in the racial makeup of suspensions. Black students make up only 15 percent of the K–12 population but they represent 26 percent of all suspensions, nearly double their share of enrollment.

Figure 51: School Year 2020–21: Single Out-of-School Suspensions, Race/Ethnicity (N=345,879)**Figure 52: School Year 2020–21: Black Males as % of Total K-12 Single Out-of-School Suspensions, Students without Disability (N=54,564)**

Black male students make up just 7% of the student population but receive 16% of all suspensions, over 2.5 times their share of enrollment (Figure 52).

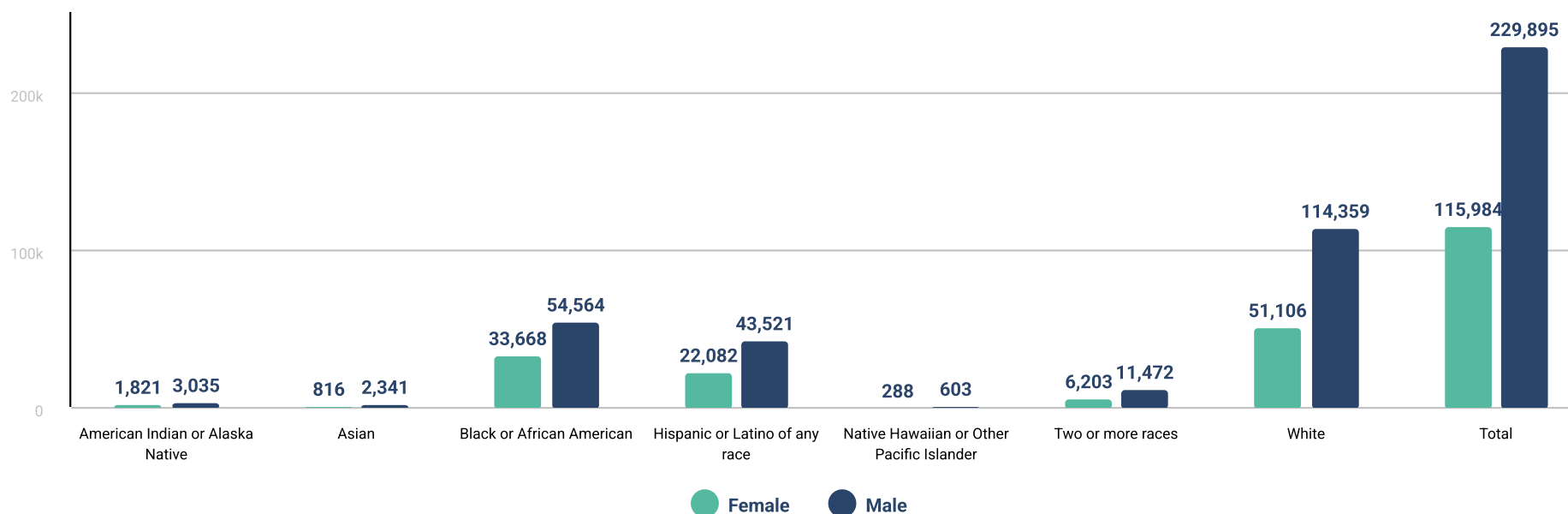
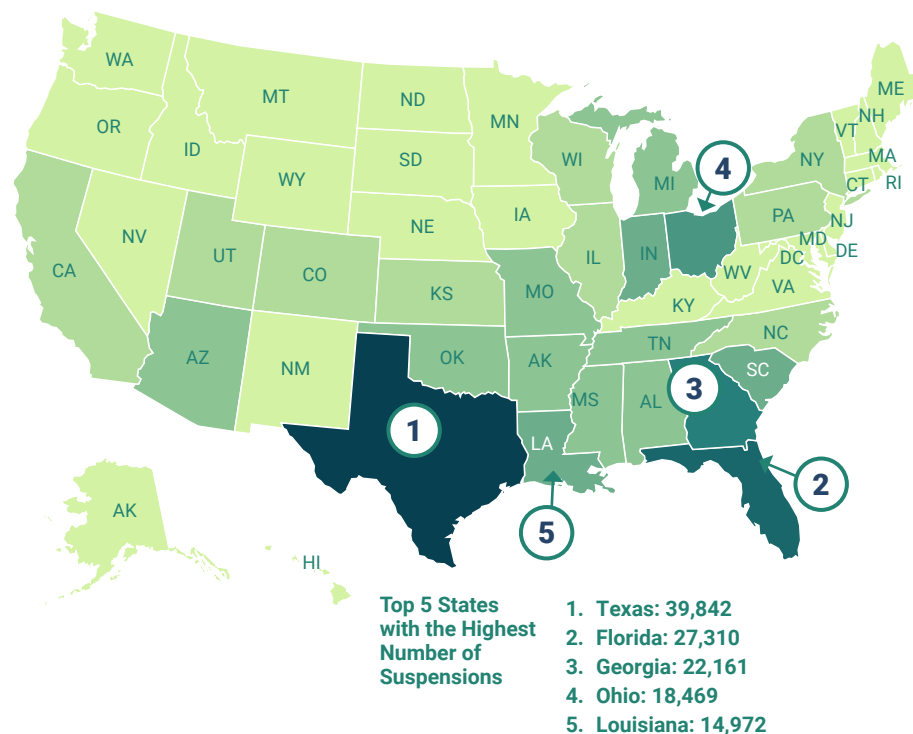
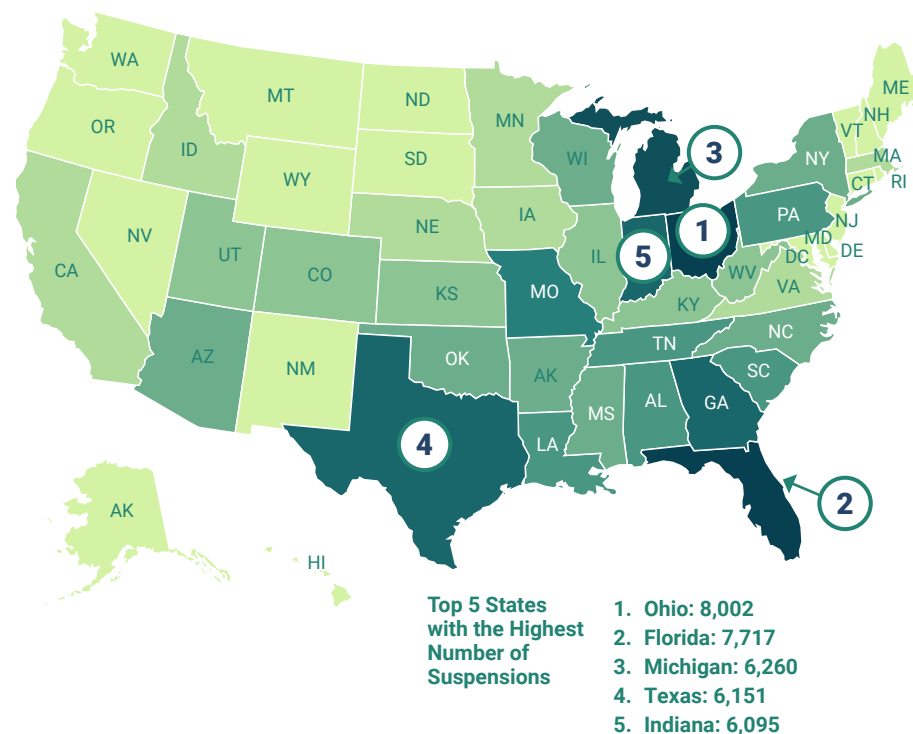
Figure 53: School Year 2020-21: Single Out-of-School Suspensions, Race/Ethnicity, Students without Disability (N=345,879)

Figure 54: School Year 2020-21: Single Out-of-School Suspensions, Students without Disability (N=345,879)**Figure 55: School Year 2020-21: Single Out-of-School Suspensions, White Male Students without Disability (N= 114,359)**

Equally concerning is the number of suspensions among Black and Hispanic girls (Figure 53). Studies have found that girls, particularly girls of color, are more likely to be suspended for subjective, lower-level infractions such as defiance or dress code violations compared to boys. Moreover, minor behaviors are often judged more harshly when exhibited by female students, reflecting implicit biases in disciplinary decision-making.¹⁴ Figure 54 presents the geographic distribution of all SOOS across the United States. In comparison to expulsions, SOOS are used more frequently and more consistently across different racial groups. However, they are less common than ISS, which remains the most frequently applied form of school discipline. While expulsions and ISS often show regional concentrations, especially in the

Southeastern United States, SOOS appear to be more evenly distributed across the country, with less evidence of clustering in specific areas.

Texas continues to report the highest number of SOOS during the 2020-21 school year. Again, a possible explanation is the state's decision to keep schools open during the COVID-19 pandemic, while many other states implemented lockdown policies and shifted to remote learning. This difference in policy may have contributed to the higher number of suspensions in Texas during that time. However, the pattern is not unique to the pandemic. Data from 2017 shows that Texas has consistently reported high instances of SOOS, even when pandemic-related conditions were not a factor. This points to a long-standing disciplinary trend in the state.

14 K. W. Crenshaw, P. Ocen, and J. Nanda, *Black Girls Matter: Pushed Out, Overpoliced and Underprotected* (New York: Center for Intersectionality and Social Policy Studies and African American Policy Forum, 2015).

Figure 56: School Year 2020-21: Single Out-of-School Suspensions, Black Male Students without Disability (N= 54,564)

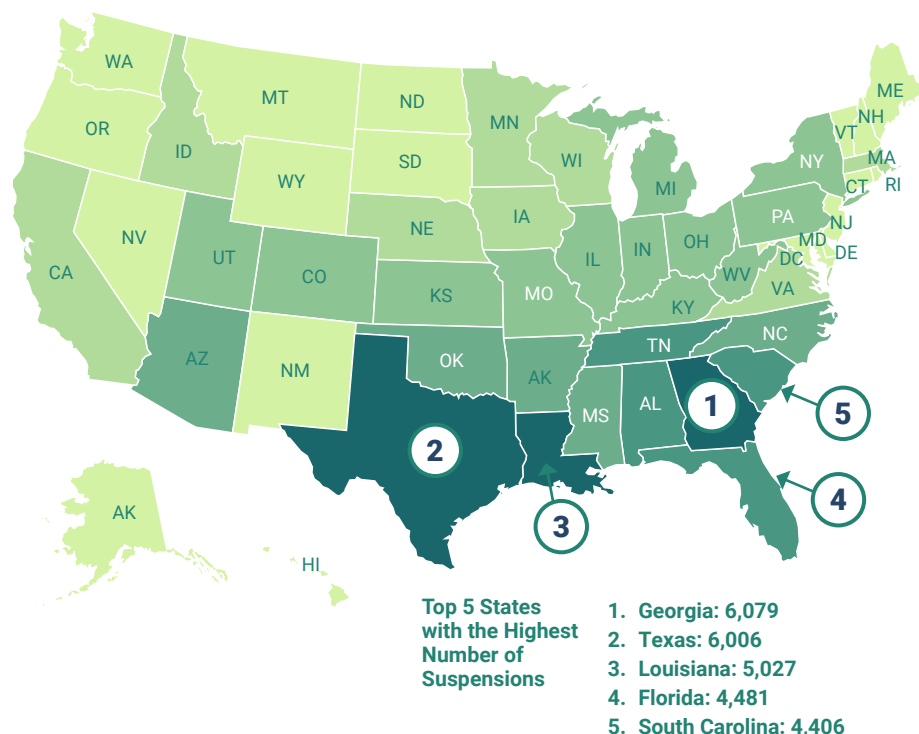
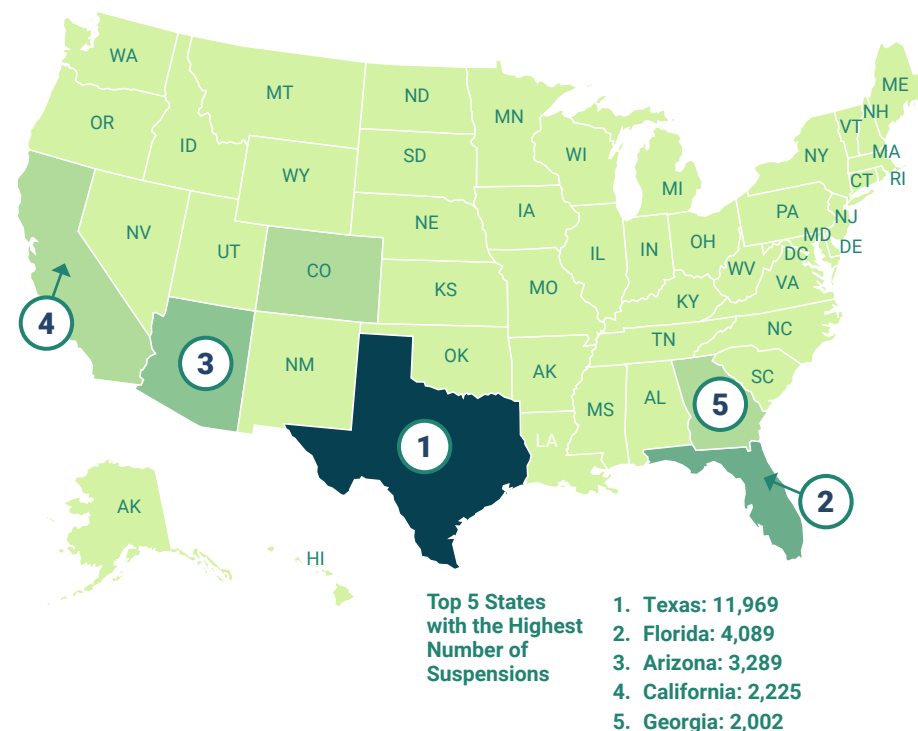


Figure 57: School Year 2020-21: Single Out-of-School Suspensions, Hispanic Male Students without Disability (N= 43,521)

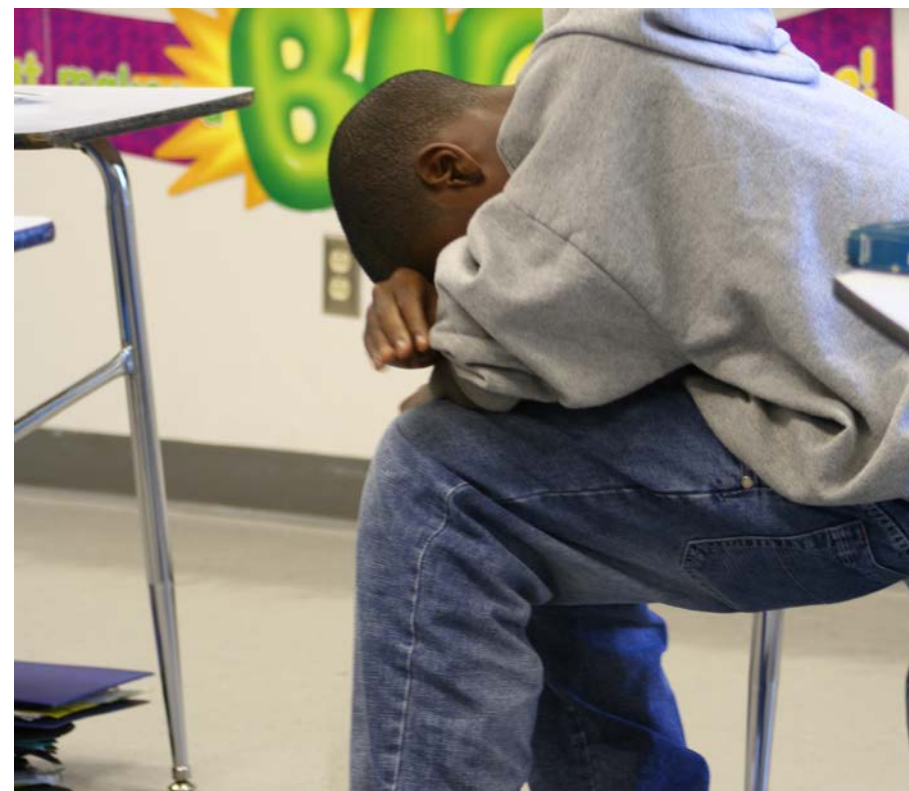
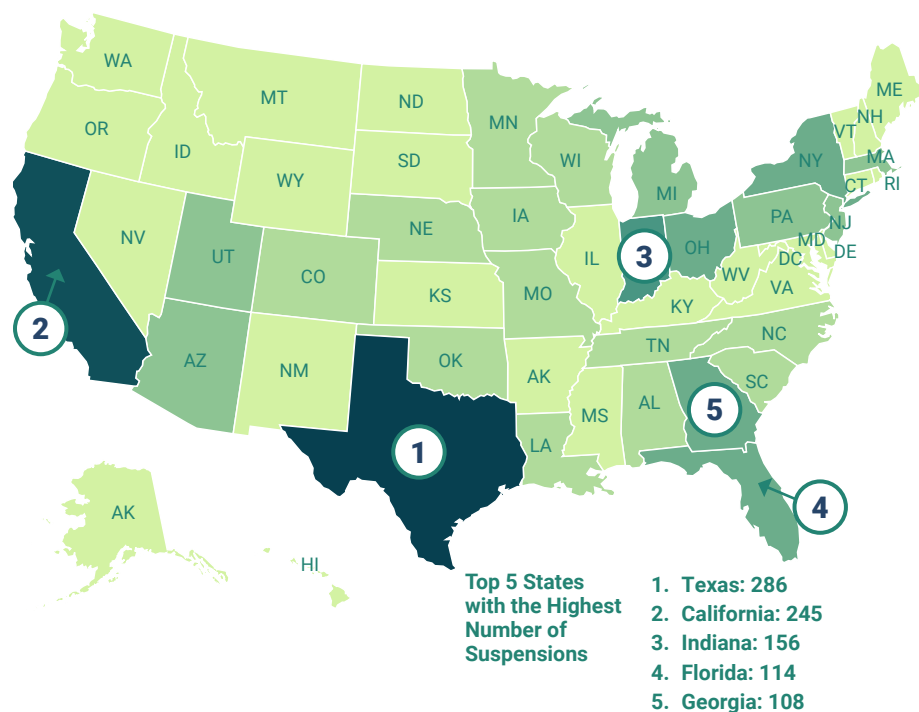


Because SOOS are both frequent and potentially harmful to student outcomes, it is important to examine them by race, specifically among male students. White male students received the largest number of SOOS overall and are slightly overrepresented when compared to their share of the student population. This suggests that the use of suspensions may be expanding beyond historically targeted groups and becoming overused across all racial categories.

Although the South does not reveal any extreme geographic outliers,

certain states—including Texas, Florida, Georgia, and, more recently, Ohio, consistently report high suspension rates across all racial groups (Figures 55–58). When focusing on Black male students (see Figure 56), the concentration of SOOS is more clearly rooted in the Southern region. However, it is difficult to determine from raw numbers alone whether this reflects higher suspension rates or simply the fact that a large proportion of Black male students reside in the South. This important distinction will be explored in greater detail in Figure 59.

Figure 58: School Year 2020-21: Single Out-of-School Suspensions, Asian Male Students without Disability (N= 2,341)



Similarly, Hispanic youth experienced higher rates of SOOS in Texas and other western states, which aligns with the regions where Hispanic populations are most concentrated. Asian students showed a comparable geographic pattern in terms of suspensions. However, Texas presents an unusual case. Despite Asians making up only 5.3 percent of the state's population, a figure slightly

below the national average, Texas reported more than 200 SOOS involving Asian students even during the pandemic. This is particularly striking given that states with significantly larger Asian populations, such as California, New York, and New Jersey, might be expected to account for higher numbers.

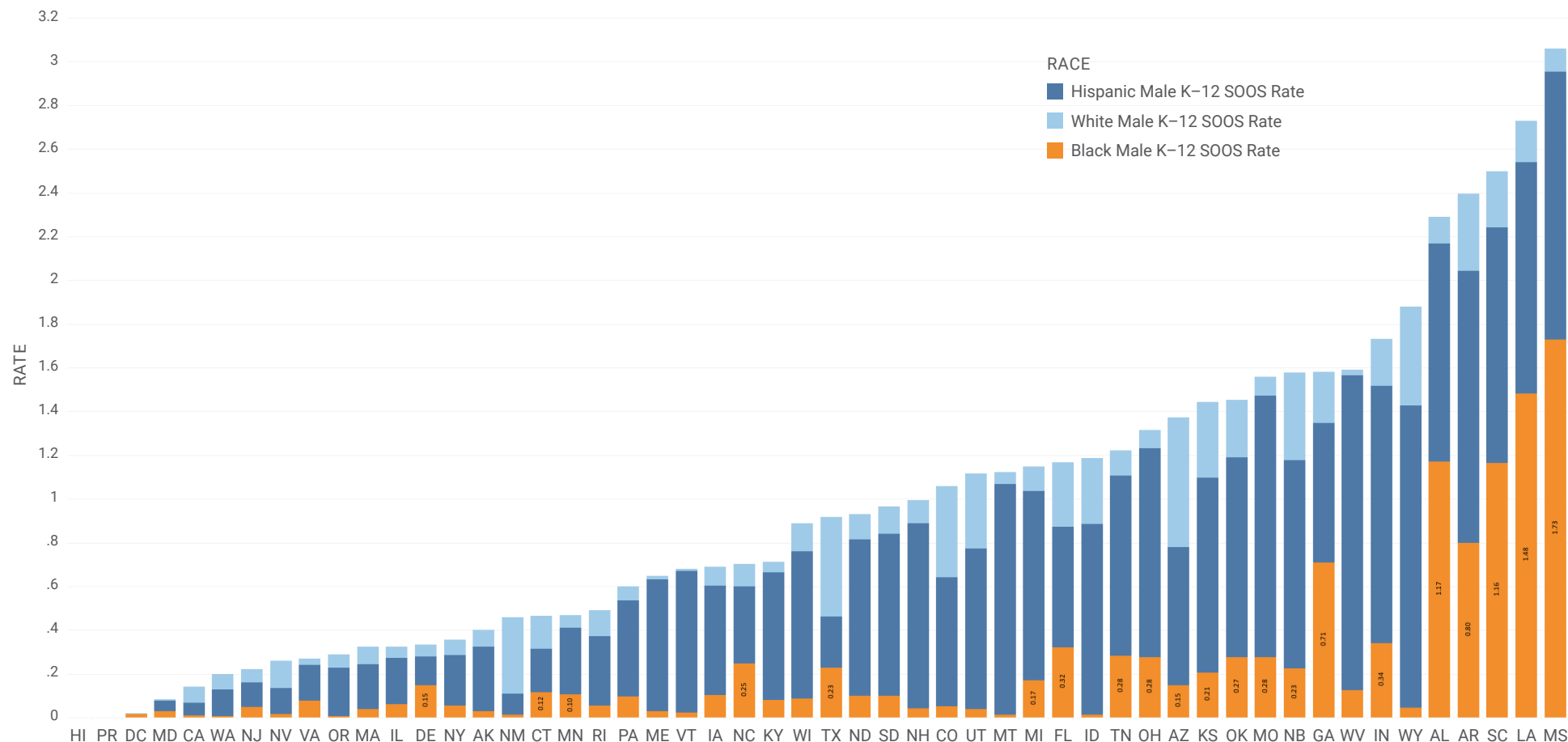
Figure 59: School Year 2020–21: K-12 Single Out-of-School Suspensions Rates by State, Race/Ethnicity, Males

Figure 59 above displays the rates of SOOS by state for all male students. Mississippi, Louisiana, and South Carolina stand out with the highest suspension rates nationwide. These states also report the highest suspension rates for Black male students specifically.

Interestingly, states like Wyoming and Nebraska show unexpectedly high overall suspension volumes, which is interesting given their relatively small student populations. While not driven by high numbers of Black students, their rates prompt concern about the experiences of other marginalized groups, such as Native American students, who were excluded from the analysis due to their small representation in the national dataset, but whose inclusion might have revealed even higher rates of disparity.

The Southern region consistently reports elevated suspension rates across all racial groups. This regional pattern highlights the need for tailored interventions designed specifically for the South. There appears to be a growing shift in punitive disciplinary approaches that are shaped not only by race, but increasingly by geography. A student's likelihood of being disciplined should not be disproportionately influenced by where they live. Yet, current data show that students who engage in similar behaviors often receive vastly different outcomes depending on their location. This inconsistency points to a larger issue of inequity that must be addressed through policy and practice changes.

Figure 61 details differences in school discipline by comparing male K–12 enrollment percentages with SOOS percentages by race, with the understanding that the closer the two figures are, the less disproportionality exist. Despite comprising a smaller portion of the student body, Black males are suspended at alarmingly disproportionate rates, underscoring the degree to which exclusion, rather than support, remains a dominant response to behavior in schools. White male students, while representing the largest share of enrollment, are also overrepresented in suspension statistics. Their disproportionality, though less pronounced than that of Black males, further illustrates that exclusionary discipline is not limited to one group, it reflects a broader institutional tendency and even more so a regional tendency to default to punitive approaches rather than restorative or supportive interventions. Even the most represented students are not spared from systems that favor removal over engagement.

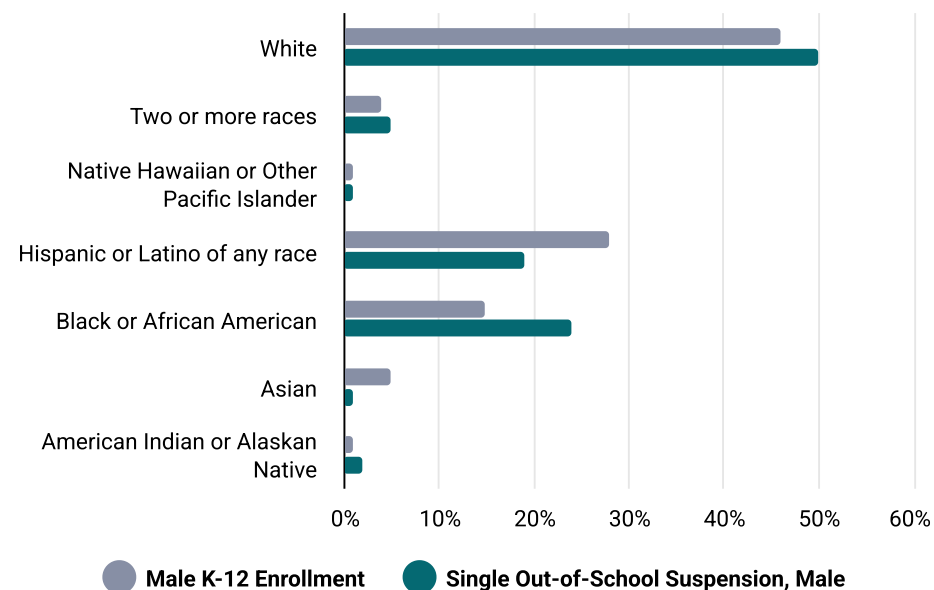
Perhaps most overlooked, Native American male students, despite their very small share of the national student population, consistently appear among the among the most overrepresented in suspension data. This pattern of disproportionately severe punishment reflects a longstanding failure to address the historical and systemic marginalization of Native students. It is yet another indication of how discipline in schools often reinforces societal inequities rather than correcting them.

Taken together, the data reveals a troubling national pattern: our school systems continue to rely heavily on punitive measures, often prioritizing punishment over strategies that promote learning, school safety, and positive behavioral development. This reliance is particularly ironic and counterproductive, as the very outcomes associated with suspensions (disengagement, academic decline, and behavioral issue) mirror the problems these measures are intended to address. The reliance on suspensions as a primary disciplinary tool reflects deeper issues that can be attributed to cultural bias, institutional inertia, and a lack of investment in supportive alternatives. If the goal is to reduce student misbehavior, enhance academic achievement, and prevent future challenges (grade retention, unemployment, incarceration) which are commonly associated with suspensions, it is essential that we adopt a fundamentally different approach to school discipline. Research has shown that there is no evidence suggesting that frequently removing misbehaving students

Figure 60: School Year 2020–21: K-12 Enrollment, Race/Ethnicity

Race/Ethnicity	Male	Female	National
American Indian or Alaska Native	228,549	218,349	446,898
Asian	1,328,761	1,260,039	2,588,800
Black or African American	3,664,025	3,529,440	7,193,465
Hispanic or Latino of any race	6,991,919	6,697,111	13,689,030
Native Hawaiian or Other Pacific Islander	80,891	77,847	158,738
Two or more races	1,081,840	1,052,511	2,134,351
White	11,308,347	10,625,963	21,934,310
Total	24,684,332	23,461,260	48,145,592

Figure 61: School Year 2020–21: Percent Enrollment and Single Out-of-School Suspensions, by Demographic (Male), without Disability



enhances school safety or improves student behavior.¹⁵ If we know that suspensions do not effectively reduce future school misbehavior and are, in fact, linked to negative life outcomes, the question remains: why do we continue to use them? Researchers have argued that while it may not be conscious, or deliberate in intent, there are certainly structural and societal factors that contribute to the continued marginalization of certain groups through exclusionary practices.¹⁶ Black people and education share a complex and deeply rooted history. Even after the formal end of segregation, many educational systems continued to perpetuate inequity through unequal funding, the underrepresentation of Black educators and administrators, culturally biased curricula, and at times, outright racism.

Suspensions, and other forms of exclusionary discipline, can be viewed as modern manifestations of these long-standing systemic biases. Research has shown that Black students, particularly Black males, are disproportionately disciplined in ways that exclude them from the educational process—leading to long-term consequences such as lower graduation rates, higher rates of involvement in the criminal justice system, and limited access to economic opportunities.¹⁷



In this context, the continued use of suspensions may be seen as a part of a broader pattern of exclusion designed to maintain societal structures that uphold the marginalization and control of Black communities.¹⁸ This is not necessarily a conscious or intentional desire to exclude these students, rather, this results from the perpetuation of historical systems that have made it more difficult for Black students to succeed academically.

The Math Behind the Problem

Figure 62: School Year 2020-21: Suspension Rate, Race/Ethnicity

Race/Ethnicity	Single Out-of-School Suspension (SOOS)	K-12 Population (POP)	SOOS/POP	Rate
American Indian or Alaska Native	4,856	446,898	0.011	1.09
Asian	3,157	2,588,800	0.001	0.12
Black or African American	88,232	7,193,465	0.012	1.23
Hispanic or Latino of any race	65,603	13,689,030	0.005	0.48
Native Hawaiian or Other Pacific Islander	891	158,738	0.006	0.56
Two or more races	17,675	2,134,351	0.008	0.83
White	165,465	21,934,310	0.008	0.75
Total	345,879	48,145,592	0.007	0.72

15 Daniel J. Losen and Russell J. Skiba, *Suspended Education: Urban Middle Schools in Crisis* (Los Angeles: The Civil Rights Project at UCLA, 2010).

16 J. C. Croizet and others, "Education and Social Class: Highlighting How the Educational System Perpetuates Social Inequality," in *The Social Psychology of Inequality*, ed. Jolanda Jetten and Kim Peters (Berlin: Springer Science+Business Media, 2019), pp. 173–91.

17 B. L. Perry and E. W. Morris, "Suspending Progress: Collateral Consequences of Exclusionary Punishment in Public Schools," *American Sociological Review*, vol. 79, no. 6 (2014), pp. 1067–87.

18 Croizet, "Education and Social Class," pp. 173–91.

Figure 63: School Year 2020-21: Suspension Relative Rate Index, Race/Ethnicity

Race/Ethnicity	Single Out-of-School Suspension (SOOS)	White Rate	RRI
American Indian or Alaska Native	0.011	0.008	1.36
Asian	0.001	0.008	0.15
Black or African American	0.012	0.008	1.53
Hispanic or Latino of any race	0.005	0.008	0.60
Native Hawaiian or Other Pacific Islander	0.006	0.008	0.70
Two or more races	0.008	0.008	1.04
White	0.008	0.008	0.94
Total	0.007	0.008	0.90

* All data is for students without disabilities with and without education services for a Single Out-of-School Suspension

The Relative Rate Index (RRI) is a useful tool for analyzing disparities within populations. It's typically used to compare the experiences of different groups of youth within the juvenile justice system; however here we use it to show the likeliness of suspensions among different races of students. The RRI allows for the comparison or likelihood that a disadvantaged group (e.g., Black students) will experience a particular outcome relative to the dominant group (e.g., white students).

This method is particularly relevant when the populations being studied are not equally distributed across the entire population, as it adjusts for such differences. Whenever groups are treated equally—both will have an RRI equal to “1.” This is true even when one group of youth is larger than the other group. When the RRI is not equal to “1,” one group of youth is receiving different treatment relative to the other. The RRI is computed by dividing the rate for the disadvantaged group by the rate for the dominant group:

$$RRI = \frac{Rate A}{Rate B}$$

An RRI of 1.0 indicates parity between the groups. A value greater than 1.0 indicates that the disadvantaged group is more likely to experience the outcome, while a value less than 1.0 suggests they are less likely. For example, if Black students are suspended at a rate of 10 percent and white students at 5 percent, the RRI would be:

$$RRI = \frac{0.10}{.05} = 2.0$$

This means Black students would be twice as likely to be suspended as their white peers, highlighting a potential disparity that may warrant further investigation. Our data shows that Black students are 1.5 times more likely to receive a SOOS.¹⁹ (Figure 63).

$$RRI = \frac{0.012}{0.008} = 1.53$$

When considering only Black male students, they are 1.47 times more likely than their white male classmates to receive and SOOS (Figure 65).

$$RRI = \frac{0.015}{0.010} = 1.47$$

19 Calculations were conducted using computation software. As such, there may be minor rounding differences between reported figures and those derived manually or using other software.

Figure 64: School Year 2020-21: Male Suspension Rate, Race/Ethnicity

Race/Ethnicity	Single Out-of-School Suspension (SOOS) Male	Male K-12 Population (POP)	SOOS/POP	Rate
American Indian or Alaska Native	3,035	228,549	0.013	1.33
Asian	2,341	1,328,761	0.002	0.18
Black or African American	54,564	3,664,025	0.015	1.49
Hispanic or Latino of any race	43,521	6,991,919	0.006	0.62
Native Hawaiian or Other Pacific Islander	603	80,891	0.007	0.75
Two or more races	11,472	1,081,840	0.011	1.06
White	114,359	11,308,347	0.010	1.01
Total	229,895	24,684,332	0.009	0.93

Figure 65: School Year 2020-21: Male Suspension Relative Rate Index, Race/Ethnicity

Race/Ethnicity	Single Out-of-School Suspension (SOOS)	White Rate	RRI
American Indian or Alaska Native	0.013	0.01	1.31
Asian	0.002	0.01	0.17
Black or African American	0.015	0.01	1.47
Hispanic or Latino of any race	0.006	0.01	0.62
Native Hawaiian or Other Pacific Islander	0.007	0.01	0.74
Two or more races	0.011	0.01	1.05
White	0.010	0.01	1.00
Total	0.009	0.01	0.92

If the RRI values reported here appear lower than those commonly cited in other publications, which often find that Black students are suspended at rates three to four times higher than their peers, please consider several important factors. First, the 2020 academic year was significantly disrupted by the COVID-19 pandemic, leading to reduce in-person instruction and likely fewer disciplinary incidents overall. Second, this analysis excludes students with disabilities, a group historically subjected to disproportionately higher suspension rates than non-disabled students. Third, the data analyzed does not include categories, such as ISS, students reported to have “one or more suspensions,” or those reporting multiple suspensions. Including these groups would likely result in RRI values consistent with those commonly reported in national research and education policy literature.

Referrals and Arrests

Exclusionary discipline policies such as suspension and expulsion are not only linked to lower academic achievement but also to serious negative outcomes beyond the classroom. Decades of research on the STPP consistently show that students who are suspended are at greater risk of contact with the justice system. Likewise, youth already in the juvenile justice system often have a history of school discipline. While much of the existing literature focuses on long-term outcomes like incarceration, recent studies highlight the immediate risk of arrest following school discipline. One such study found that adolescents were 2.10 times more likely to be arrested during a month when they were suspended or expelled compared to months when they were not. Similarly, when students were truant, they were 2.42 times more likely to be arrested that same month.²⁰

Importantly, the risk of arrest did not vary by race, gender, or age, indicating that the effect of exclusionary discipline is widespread. More surprisingly, the connection between school removal and arrest was strongest among students with fewer prior behavioral problems. These “low-risk” youth, those who typically have stronger ties to their schools and fewer delinquent peers, were more negatively affected by suspensions and expulsions than their high-risk peers were. This supports the idea that excluding well-adjusted students from school disrupts their stability and increases their vulnerability. The research suggests that zero-tolerance policies, intended to maintain

20 K. C. Monahan and others, “From the School Yard to the Squad Car: School Discipline, Truancy, and Arrest,” *Journal of Youth and Adolescence*, vol. 43, no. 7 (2014), pp. 1110–22.

order, may instead “widen the net” and pull in students who were previously on a positive path. For these youth, a suspension and/or expulsion can derail progress and increase their exposure to the justice system. These findings point to the need for a more individualized and context-sensitive approach to school discipline, rather than rigid, one-size-fits-all policies.²¹

Although school discipline may be applied disproportionately across race and gender, the harmful effects of exclusion are not selective, being suspended or expelled increases the likelihood of arrest for all youth, regardless of who they are. School exclusion is universally harmful and places every student, no matter their race, ethnicity, or gender, at heightened risk of LE contact and entry into the justice system.²²

To understand the real implications of the STPP fully, it is critical to examine how these practices translate into direct contact with LE. Suspensions and expulsions do not just remove students from learning environments; they often serve as the first step in a series of events that can lead to police involvement and juvenile justice system entry. This is especially evident in school-based referrals and arrests, which have increasingly become a measurable extension

of school discipline. Current data sheds light on how frequently schools involve LE in student behavior issues that might otherwise be handled internally. These numbers offer a stark view of how disciplinary decisions, rooted in zero-tolerance philosophies, continue to push students out of schools and into the justice system. As we move into a discussion of contemporary referral and school-based arrest data, it becomes clear that the STPP is not theoretical, it is active, documented, and disproportionately affects Black male youth, indeed all youth, across the country, reinforcing the urgency for policy reform.

Referrals

For this report school referrals are defined as instances by which a student is reported by a school official or that official’s designee to any LE agency or official, such as a school police unit, for an incident that occurs on school grounds, during school-related events (in-person or remote), or while taking school transportation, regardless of whether official action is taken. Citations, tickets, court referrals, and school-related arrests are considered referrals to law enforcement.²³

Figure 66: School Years 2011-2020: K-12 School Based Referrals to Law Enforcement (Students without Disability)

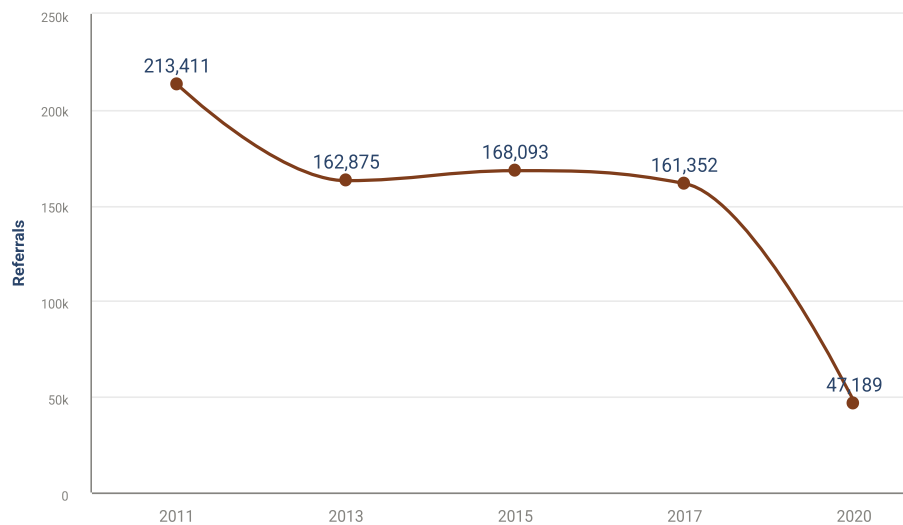
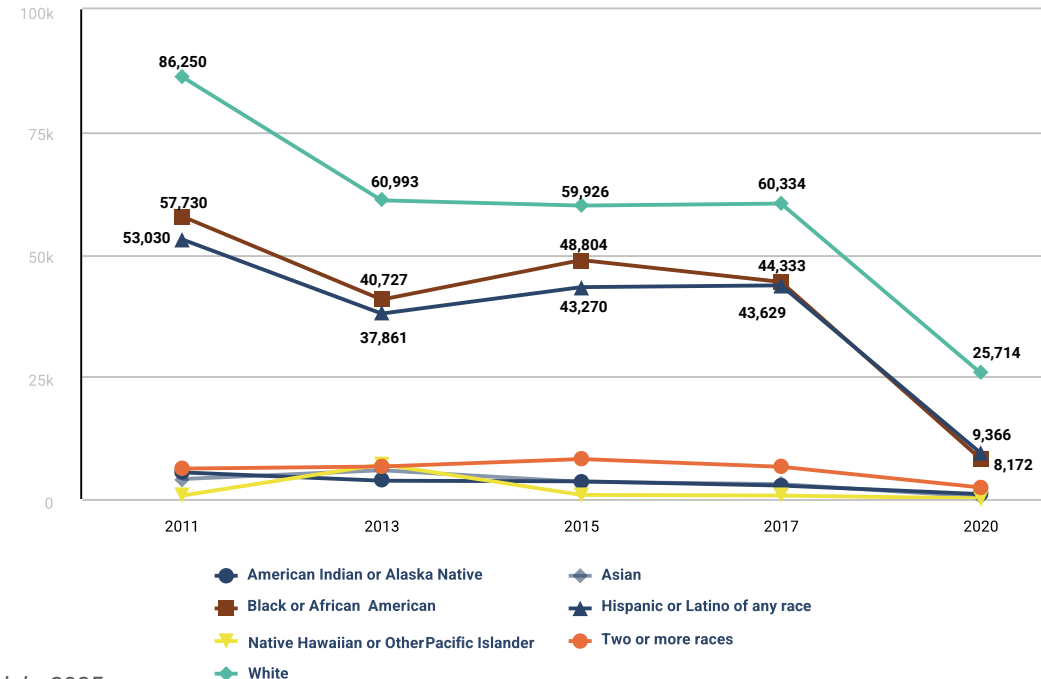


Figure 67: School Years 2011-2020: K-12 School Based Referrals to Law Enforcement (Students without Disability), Race/Ethnicity



21 Monahan, “From the School Yard,” pp. 1110–22.

22 Monahan, “From the School Yard,” pp. 1110–22.

23 ORC CRDC, *Referrals to Law Enforcement and School-Related Arrests (ARRS) Module*, 2025.

In school year 2020-21 there were 47,189 school-based referrals to LE indicating a 70 percent decline from the last reporting period (see Figure 66). While the decline in the data is accurate, it is not indicative of typical school behavior patterns. The reported -70 percent drop largely reflects the impact of COVID-related school closures rather than genuine changes. Waiting until the next reporting period will provide a clearer picture of student referrals. However, data from 2010 through 2017 show declines, with a sharp decline between 2010 and 2013, (see Figure 66), followed by stable numbers throughout the later part of the decade. Figure 67 details the racial trends in LE referrals over 20 years. It's important to note that despite fluctuations in the overall number of referrals, youth across all racial groups tend to follow

similar patterns over the past 20 years, with rises and falls that generally mirror each other. One notable exception is in 2015, when referrals increased specifically among Black, Hispanic, and multiracial students.

Of the approximately 47,000 referrals, white students accounted for 55 percent, Black students 17 percent, Hispanic students 20 percent, Native American students 2 percent, Asian students percent, and Hawaiian/Pacific Islander students 0% (see Figure 68). When comparing the racial distribution of referrals to the overall student population (see Figure 69) the differences are less pronounced. Referrals appear to be more proportionate than other forms of school discipline, with students of all racial backgrounds represented at rates similar to their presence in the student body.

Figure 68: School Year 2020–21: K-12 Referrals to Law Enforcement by Race/Ethnicity, Students without Disability (N=47,189)

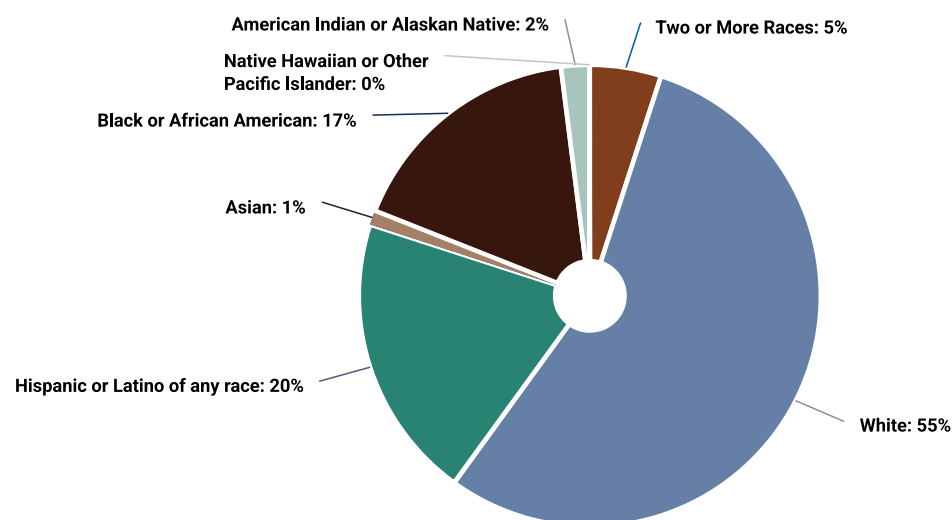


Figure 69: School Year 2020–21: K-12 School Enrollment (N=48,145,592)

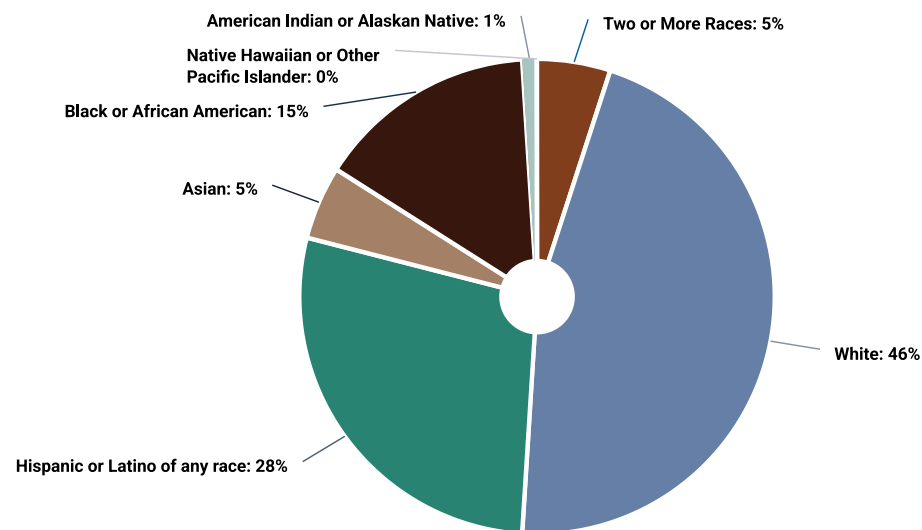
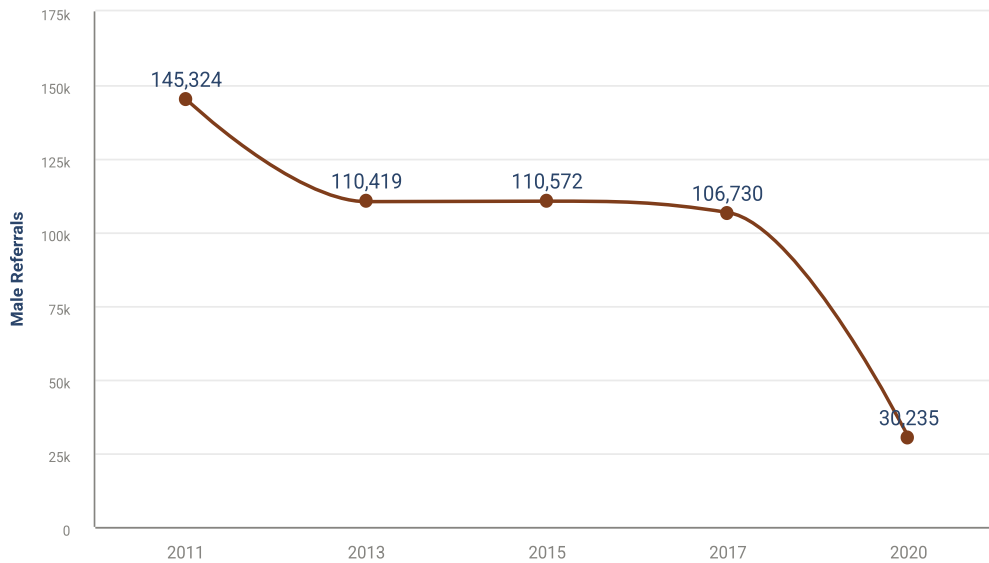


Figure 70: School Years 2011–2020: K-12 School Based Referrals to Law Enforcement, Students without Disability, Males

When focusing solely on male students, the referral trends remain relatively consistent. As previously noted in the overall referral data (see Figure 66), there was a slight increase in 2015. However, when female students are excluded, the trend line levels out, suggesting that the 2015 increase was driven by a rise in referrals among female students. As shown in Figure 70, the referral rates for male students from 2015 through 2017 remain flat, indicating little to no change during that period. Figure 71 shows the trajectory of male referrals to LE over 20 years. Generally, male students of all races tend to receive referrals in the same pattern.

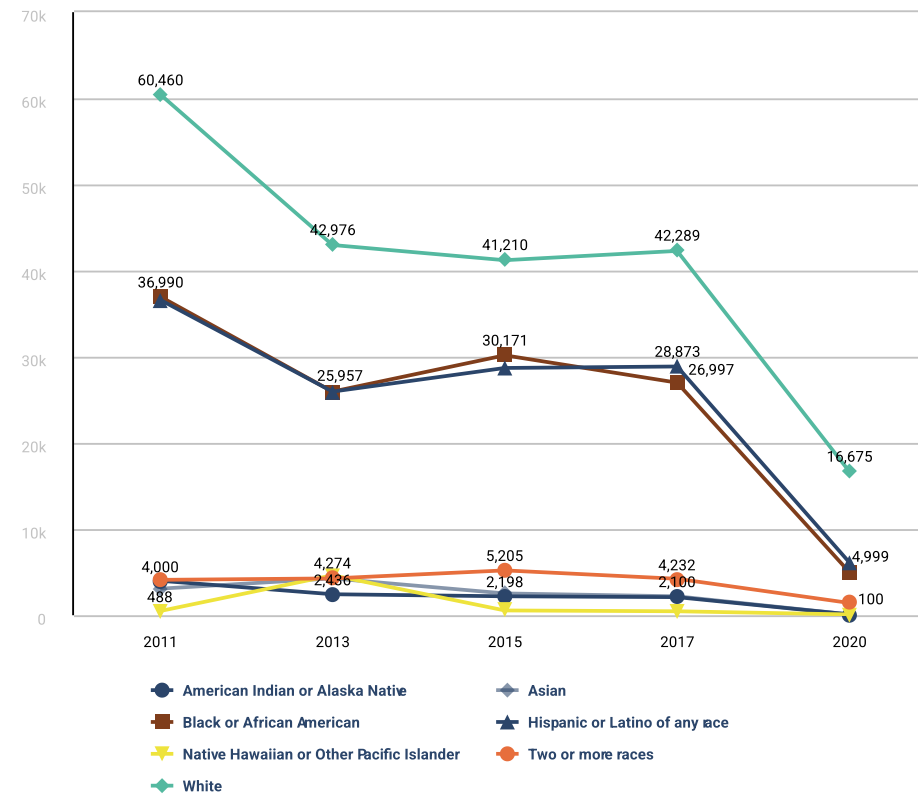
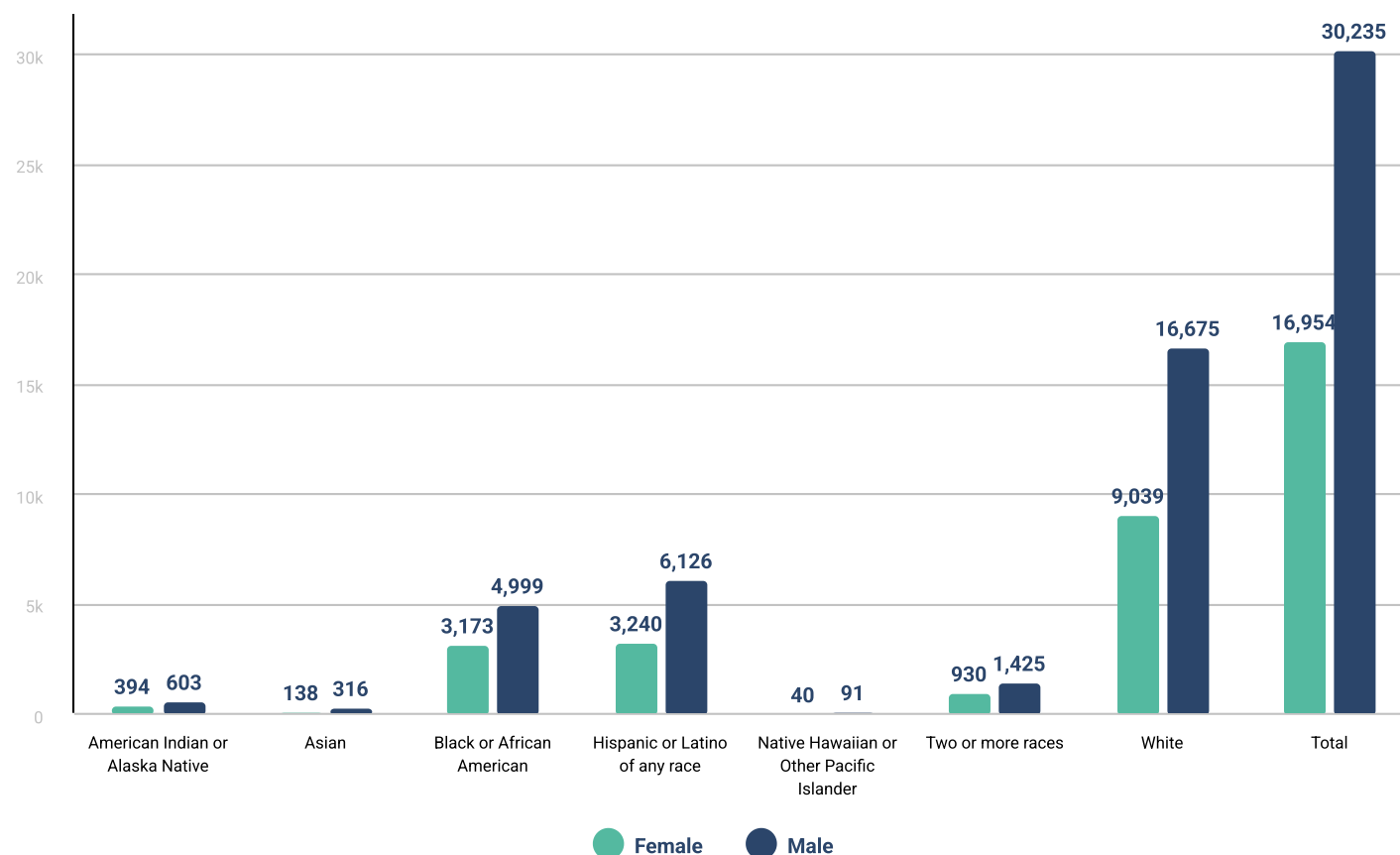
Figure 71: School Years 2011–2020: K-12 School Based Referrals to Law Enforcement, Students without Disability, Males by Race/Ethnicity

Figure 72: School Year 2020–21: K-12 School Based Referrals to Law Enforcement, Students without Disability

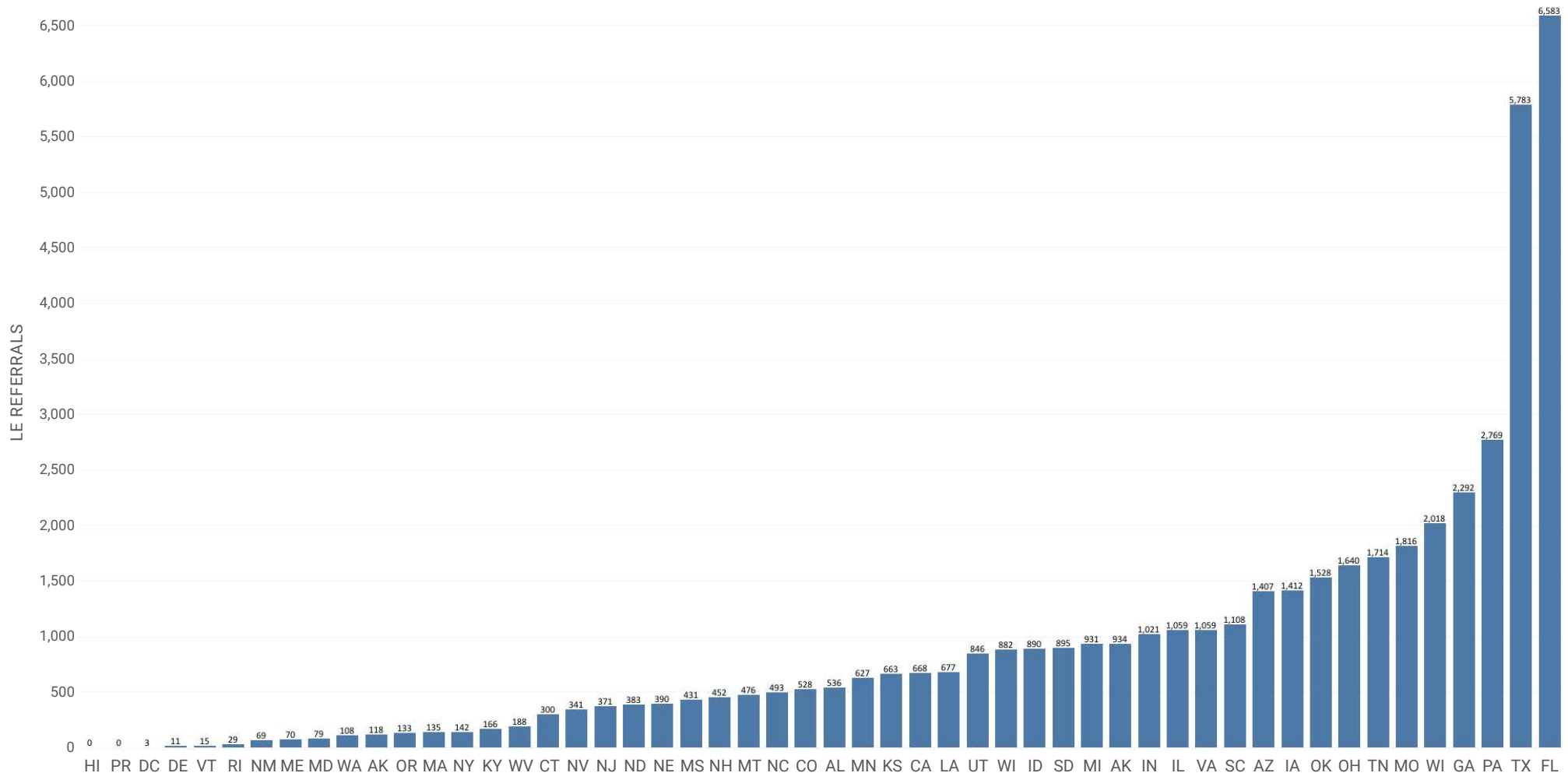
Across all racial groups, male students were referred to law enforcement more often than female students, with 30,235 (64.0 percent) referrals for males compared to 16,954 (36.0 percent) for females (see Figure 72). When considering racial groups in relation to their enrollment sizes, white students had the highest number of referrals overall, 25,714 in total, but they also make up the largest share of the student population. In contrast, Black students accounted for 8,172 referrals (4,999 male and 3,173 female), a number that is somewhat higher relative to their overall enrollment in schools. Black students made up only 15 percent of the total student population, yet they accounted for 19.7 percent of all law enforcement referrals, highlighting slight overrepresentation. The pattern continues with Black boys, who made up just 7% of total school enrollment but accounted for 10.5 percent of LE referrals. While this reflects disproportionality, it is less stark than what is typically seen in data on suspensions and expulsions.

This suggests that Black male students are not engaging in criminal or delinquent behavior at rates dramatically higher than their peers. Instead, they may be more likely to face harsher consequences for school-based misbehavior, infractions that might not warrant LE involvement. In other words, the issue may be less about behavior and more about how behavior is interpreted and disciplined. For example, white male students, who represent 23.5 percent of the student population, made up 35.3 percent of law enforcement referrals, indicating that they too, are overrepresented. This complicates simplistic narratives about race and discipline, highlighting how school discipline practices may reflect systemic biases in how authority is applied rather than actual differences in student conduct. Lastly, Hispanic male students had a large number of referrals (6,126) but were overall underrepresented in referrals (12.9 percent) given that they represent 14.5 percent of the student K-12 population. While Asian, Native Hawaiian/Other

Pacific Islander, and American Indian/Alaska Native students had fewer total referrals, their smaller population sizes mean that even these lower numbers may reflect overrepresentation. For example, Native American males were .47% of the total population but accounted for 1.3 percent of referrals to LE, nearly three times their representation in the student body. The data points to troubling patterns of disproportionality in how school discipline is enforced, particularly along racial and gender lines, suggesting a need for closer scrutiny of referral practices and their underlying causes.

Geographically, we've already discussed that certain states, particularly in the South, tend to rely more heavily on exclusionary discipline measures. However, when it comes to LE referrals, a different set of states emerge as top contributors. Figure 73 illustrates the number of referrals to law enforcement by state, and interestingly, the leading states are not exclusively from the South. Arizona, Iowa, Missouri, Wisconsin, and Oklahoma appear prominently, introducing a new regional dynamic. Still, some patterns remain consistent: Florida and Texas continue to account for a significant share of LE referrals nationwide.

Figure 73: School Year 2020–21: K-12 School Based Referrals to Law Enforcement, State (N=47,189)



Raw numbers alone do not tell the full story; they must be considered alongside factors like student population size. When we shift the focus from total numbers to rates of LE referrals, the landscape changes (see Figure 74). Interestingly, some states that don't rely heavily on suspensions and expulsions now rank among the highest in LE referral rates. States like New Hampshire, Montana, North Dakota, South Dakota, and Wyoming show the highest referral rates for Black male students. At first glance, this may seem surprising. These states have relatively small Black student populations, so one might expect lower rates. However, the opposite is true. The data suggests a trend toward more punitive responses to Black male students in

these areas. Before concluding that behavior accounts for this pattern (i.e., that Black students engage in more serious misbehavior) it is important to recognize that these same states report very low rates of actual delinquent offenses (See Figure 100), meaning they reported fewer incidents that would typically require law enforcement involvement. The combination of low Black male enrollment and low rates of reported misbehavior calls into question current discipline practices, as it may indicate that Black male students may not be misbehaving more but are instead being penalized more harshly.

Figure 74: School Year 2020–21: K-12 Male Law Enforcement Referral Rates, State

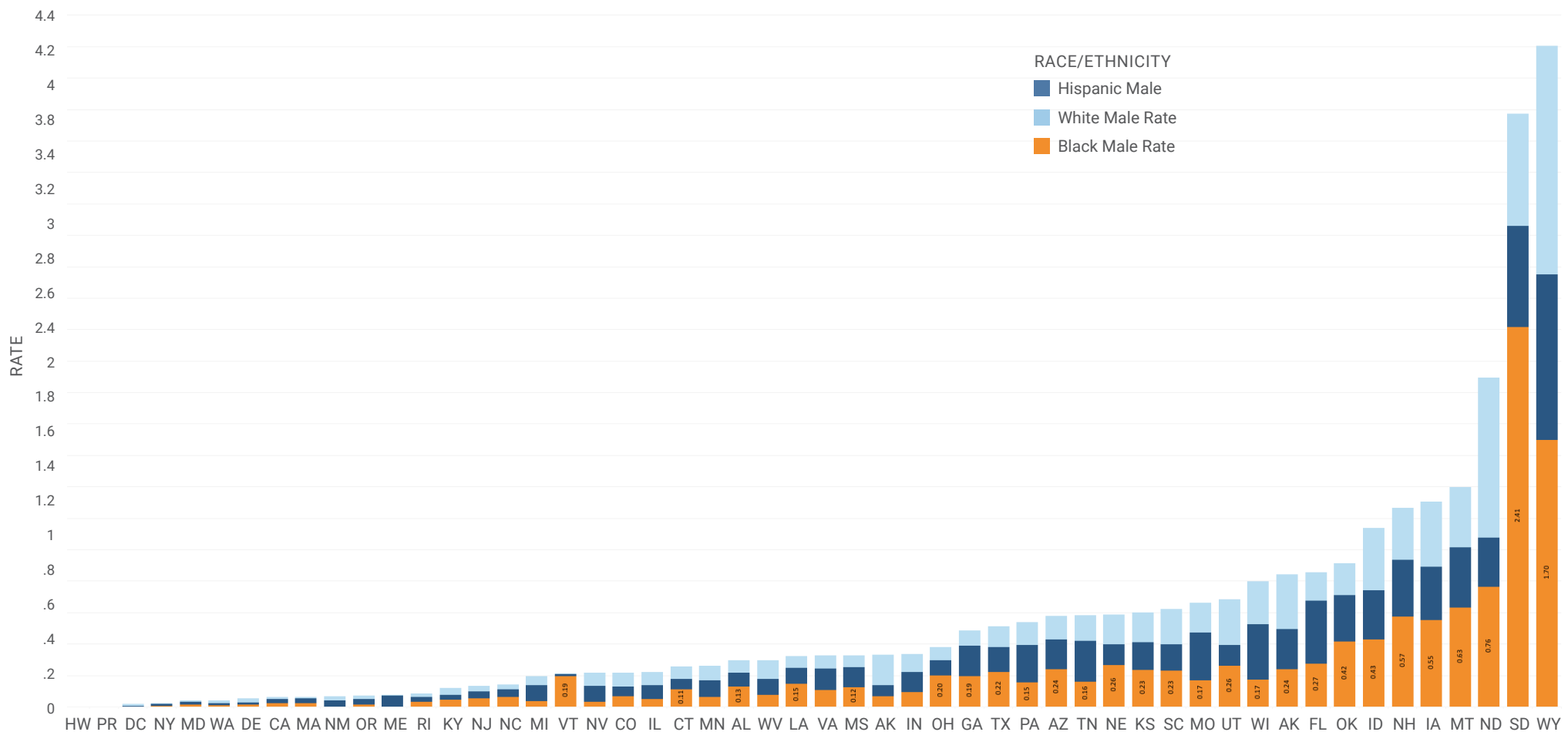
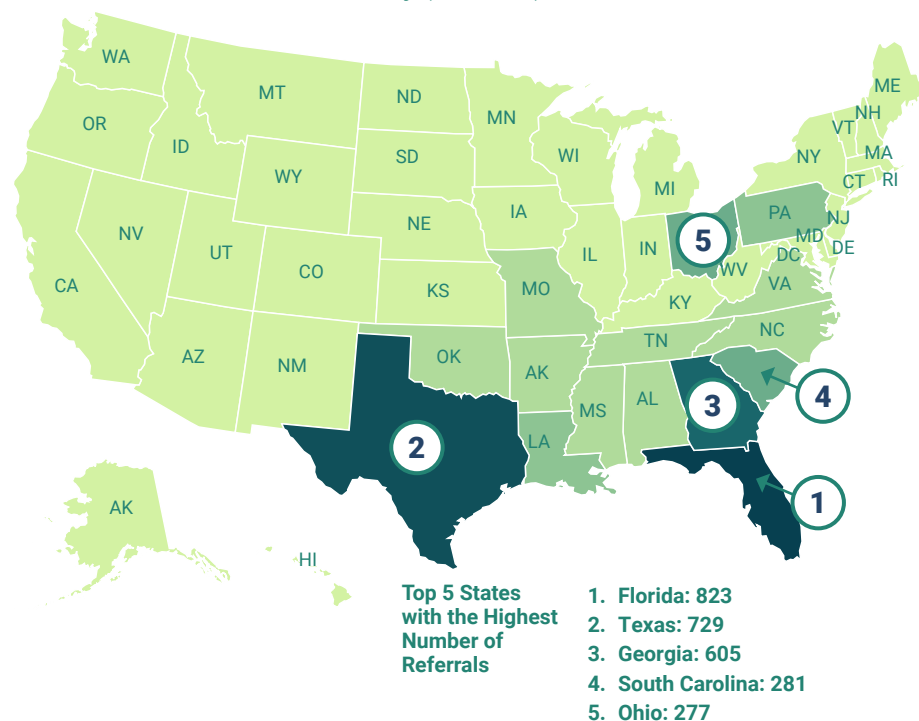
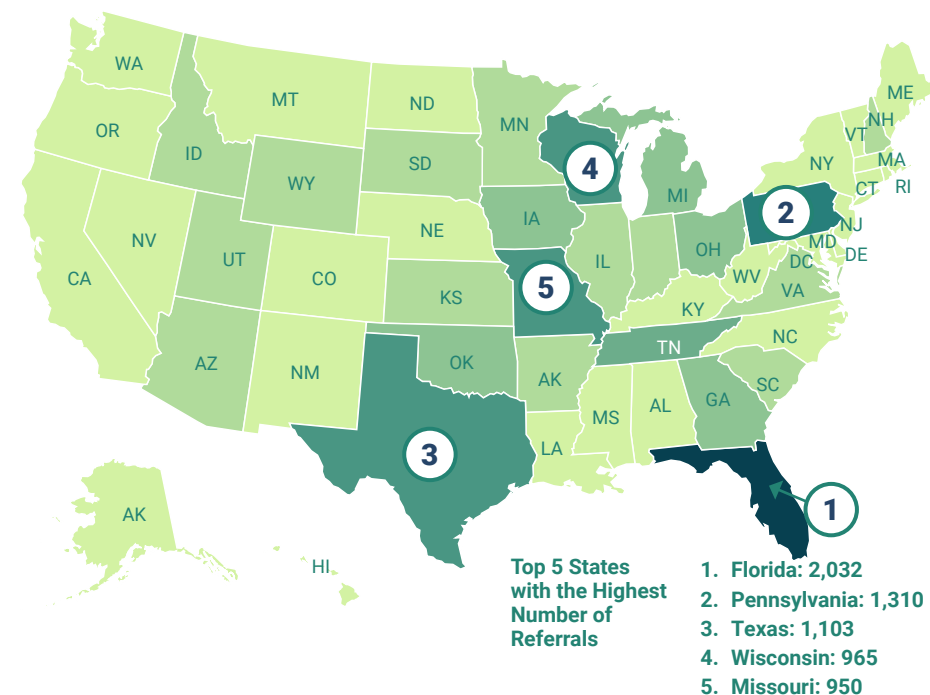


Figure 75: School Year 2020–21: Black Male Referrals to Law Enforcement, Students without Disability (N=4,999)**Figure 76: School Year 2020–21: White Male Referrals to Law Enforcement, Students without Disability (N=16,675)**

Florida, Texas, Georgia, Ohio, and Pennsylvania refer the highest number of students across all racial groups(Figures 75-77). Assuming that LE referrals are typically reserved for more serious infractions, it's useful to consider the types and frequency of offenses reported in these states (see Figure 78) These states also report the highest number of offenses committed by students, suggesting a relationship between offense severity and law enforcement referrals. In other words, states with high referral rates also report the most student offenses. This should be viewed as a causal inference, not a definitive statistical conclusion. Assault was the most reported offense, not only within these states but nationally as well. For this report, CSSBMB has recoded the variable from the CRDC form labeled “physical attack or fight” to “assault” for clarity and consistency. In this context, *assault* refers specifically to school-based fights between students that result in bodily harm, excluding incidents of rape.

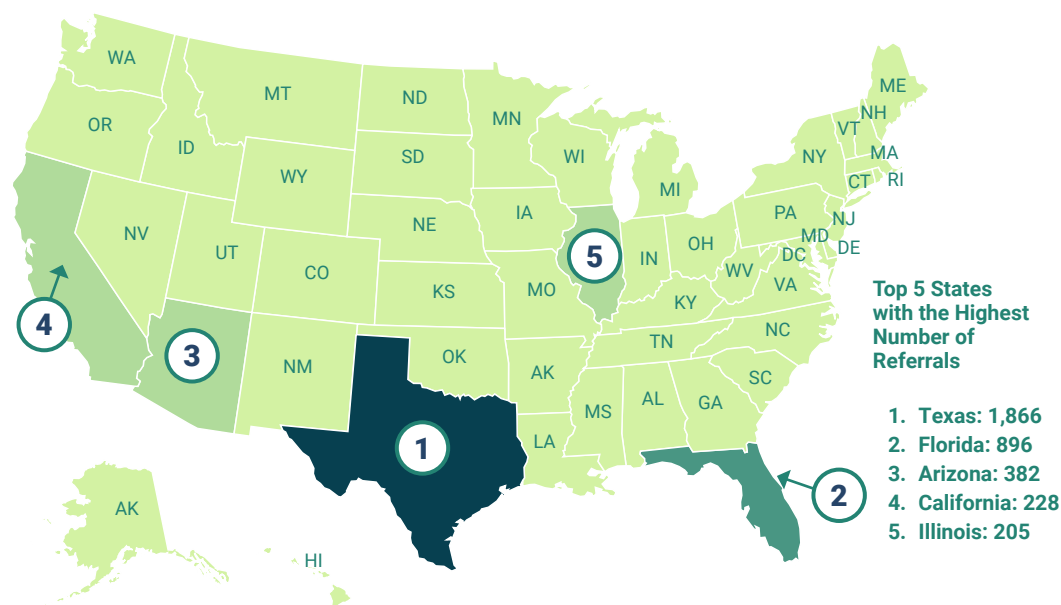
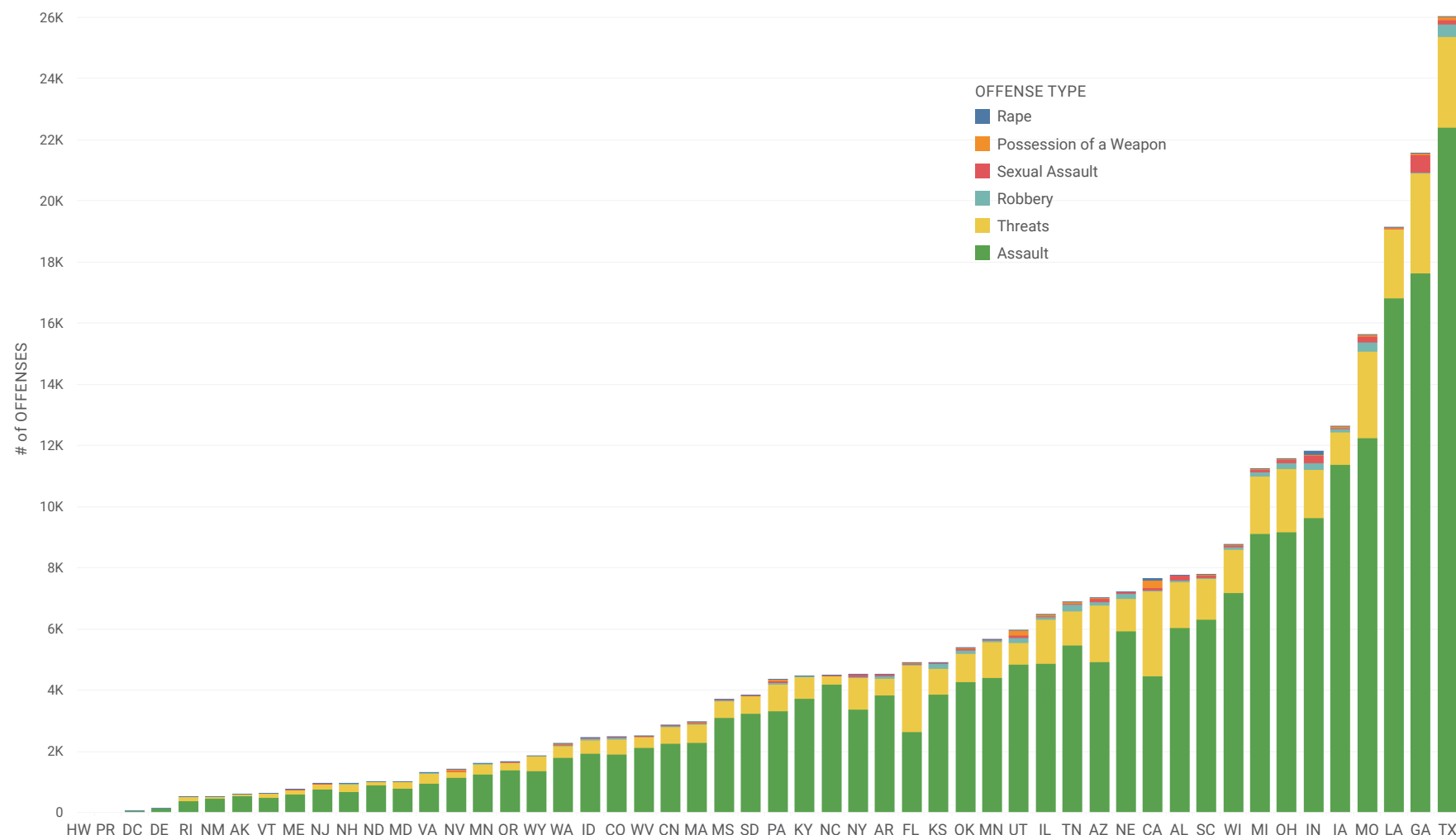
Figure 77: School Year 2020–21: Hispanic Male Referrals to Law Enforcement, Students without Disability (N=6,126)

Figure 78: School Year 2020–21: K-12 Offense Type by State

Threats were the second most commonly reported offense. Here, *threat* refers to an act where there was no physical contact between the offender and the victim, but the victim believed that physical harm could occur based on verbal or nonverbal communication by the offender.

Weapon possession, sexual assault, and rape were among the least reported offenses. The relative rarity of these more severe incidents suggests that most youth are not engaging in high-level violent crimes within school settings. Finally, it is important to note that the observed patterns do not mean that states refrain from referring students for less serious, nuisance-

level violations. However, comprehensive reporting on non-offense behaviors is limited. The U.S. Department of Education does not collect data on student misbehavior that does not involve a defined offense, for example, behaviors such as arguing, talking back, or general defiance. Including data on these types of incidents would offer a much more complete and nuanced picture of student misconduct and school disciplinary responses.

Not every offense or referral results in a formal arrest or complaint. However, by examining the referral-to-arrest rate (Figure 79), we can get a general sense of how often referrals lead to formal arrest, while understanding that this is

not a one-to-one relationship. As expected, Black male students are referred to formal arrest at a higher rate than their peers, with 19.2 arrests per 100 referred students. This means that for every 100 Black male students referred, approximately 19.2 are formally arrested. This rate is significantly higher than the rate for white students, which stands at 12.6 per 100, and higher than any other racial group except Native Hawaiian students. The elevated rate for Native Hawaiian students is likely due to their smaller population size, where even a single arrest can disproportionately increase the rate.

Figure 79: School Year 2020–21, Male

Race/Ethnicity	Referral	Arrest	Rate
American Indian or Alaska Native	603	83	13.8
Asian	316	45	14.2
Black or African American	4,999	959	19.2
Hispanic or Latino of any race	6,126	1,154	18.8
Native Hawaiian or Other Pacific Islander	91	18	19.8
Two or more races	1,425	210	14.7
White	16,675	2,108	12.6
Total	30,235	4,577	15.1

Arrest

Having examined referrals and behavioral offenses, it is now essential to address school-based arrests, which represent the most severe form of school disciplinary action and serve as a significant contributing factor to theSTPP. The following sections will provide an analysis of arrest trends over the past decade, followed by a review of geographic patterns and national arrest rates, with particular attention to their impact on male students of color.

Figure 80: School Years 2011-2020: K-12 School Based Arrests, Students without Disability

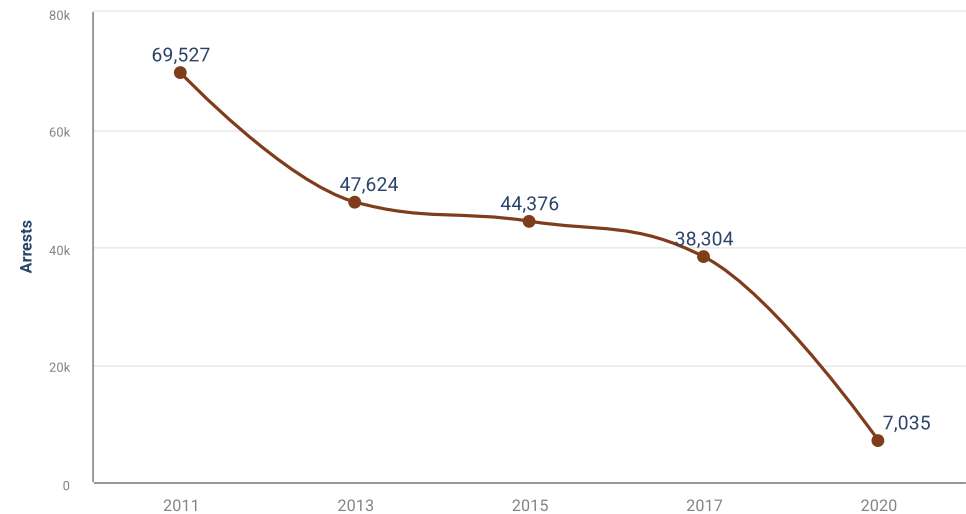


Figure 81: School Year 2011-2020: K-12 School Based Arrests by Race/Ethnicity, Students without Disability

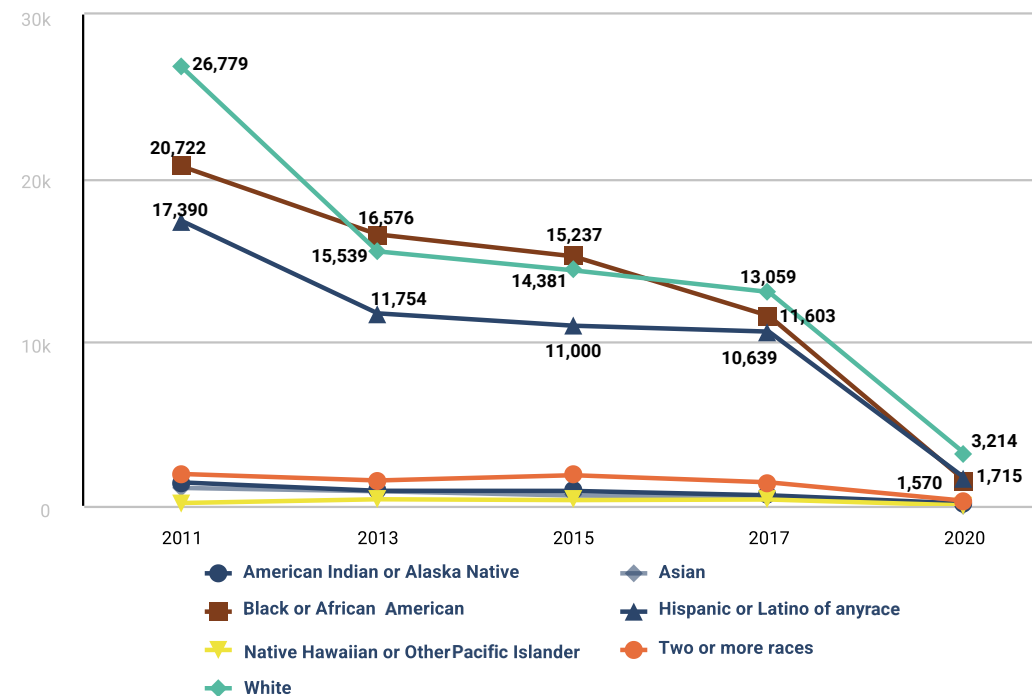
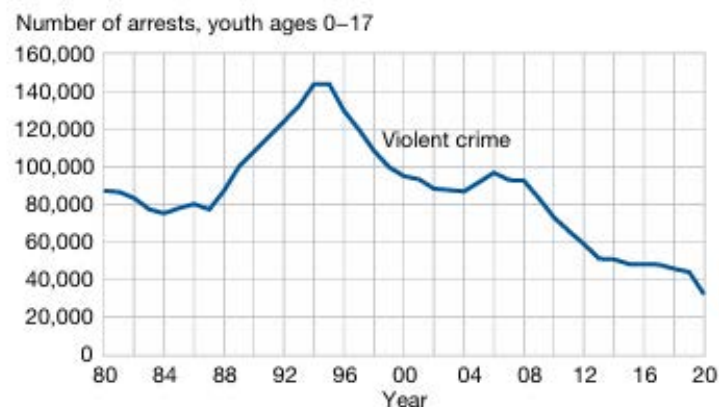
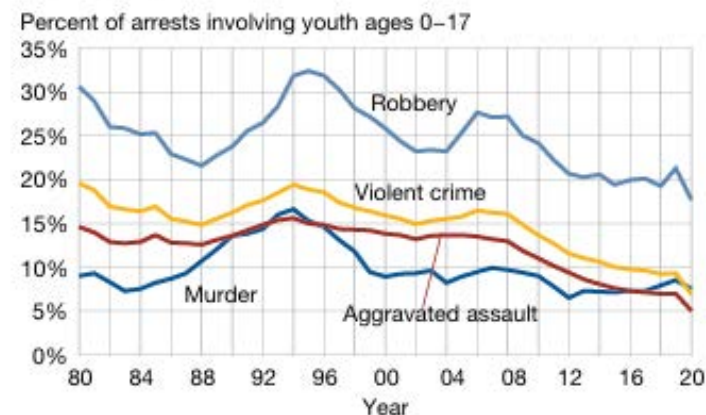


Figure 82: Number of Youth Arrests for Violent Crime, 1980–2020

The number of youth arrests for violent crimes declined 67% since 2006

**Figure 83: Youth Proportion of Violent Crime Arrests, 1980–2020**

The youth proportion of violent crime arrests has declined



Source: Puzzanchera, C. (2022, August). Trends in youth arrests for violent crimes (OJJDP National Report Series Fact Sheet, NCJ 305025). Office of Juvenile Justice and Delinquency Prevention. Retrieved June 25, 2025, from <https://ojjdp.ojp.gov/publications/trends-in-youth-arrests.pdf>

As illustrated in Figure 80 and 81, there has been a substantial decline in school-based arrests over the past 10 to 15 years. This trend would appear even more dramatic if data from the early to mid-1990s were included. Today's students are generally less involved in violent behavior compared to their peers from previous decades. This shift aligns with broader national patterns, as FBI data shows that youth arrests for violent crimes have declined by 67 percent since 2006.²⁴ (See Figure 82).

Violent crime arrests, which include offenses such as murder, robbery, and aggravated assault, have been on a steady downward trajectory since the mid-2000s (Figure 83). By 2020, these arrests reached their lowest point, marking a 78 percent decrease from their peak in 1994 and a 50 percent reduction compared to 2010.

Youth aged 16–17 were disproportionately represented, accounting for 55 percent of all violent crime arrests among juveniles and 76 percent of youth arrests for murder. White youth made up nearly half (49 percent) of all violent crime arrests and 57 percent of those for aggravated assault. Despite these trends, violent crimes accounted for a small proportion of overall youth arrests. In 2020, there were approximately 424,300 arrests of individuals under 18, representing a 38 percent decrease from 2019 and half the number recorded five years earlier. Of these, only 8 percent involved violent crimes. Aggravated assault comprised 5 percent of youth arrests, robbery 3 percent, and murder less than 0.25 percent. Overall, youth younger than age 18 accounted for 7 percent of all arrests for violent crimes, but the proportion varied by offense. This data highlights a continued decline in youth involvement in violent crimes over the past several decades and youth behavior while in school mirrors this downward trend.

²⁴ U.S. Department of Justice, Office of Justice Programs, Trends in Youth Arrests for Violent Crimes, by Charles Puzzanchera (Washington, DC: U.S. Department of Justice, 2022) (hereafter cited as DOJ OJP, *Trends*).

As shown in Figure 84, white male students make up the majority of school-based arrests, largely due to their overall population size. Black male students represent the second highest number of arrests. Figure 84 also presents the gender breakdown of these arrests. Notably, girls account for 35 percent of school-based arrests but only around 20 percent of arrests that occur outside of school. This suggests that girls may face harsher disciplinary action within schools. Male students make up 65 percent of school-based arrests, which is much lower than their 80 percent share of arrests in the broader community.²⁵ However, a decline in arrest is observed across all racial groups. With male students showing a 46 percent decline in arrests between 2010 and 2017 and a 90 percent decrease between 2010 and 2021 (see Figure 85).

Figure 84: School Year 2020–21: K-12 Student Arrests, Students without Disability (N=7,035)

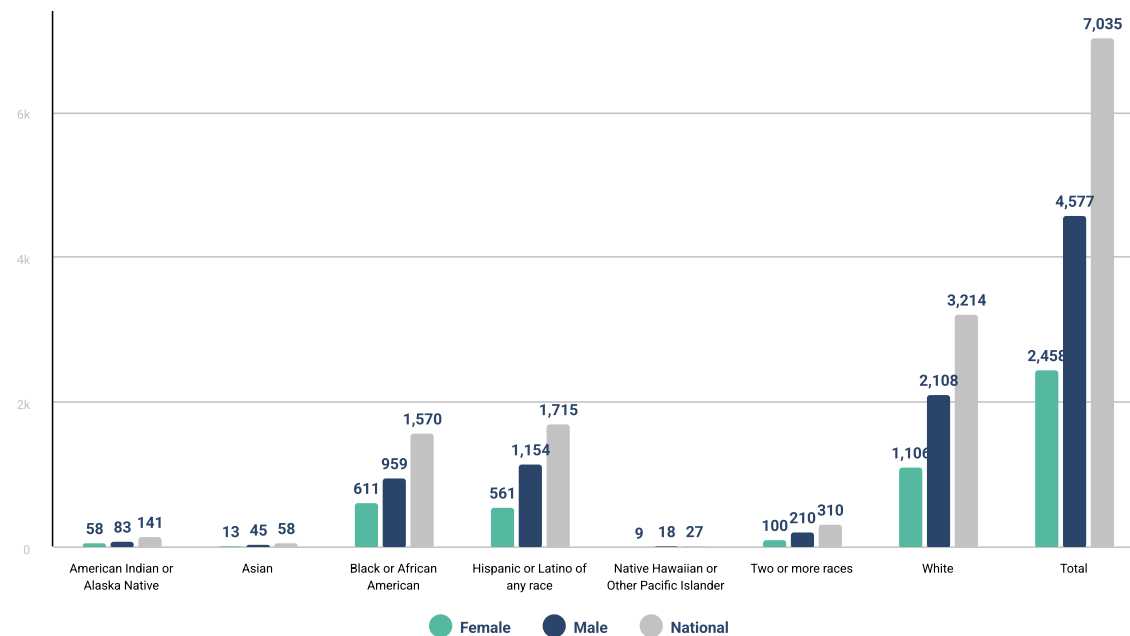
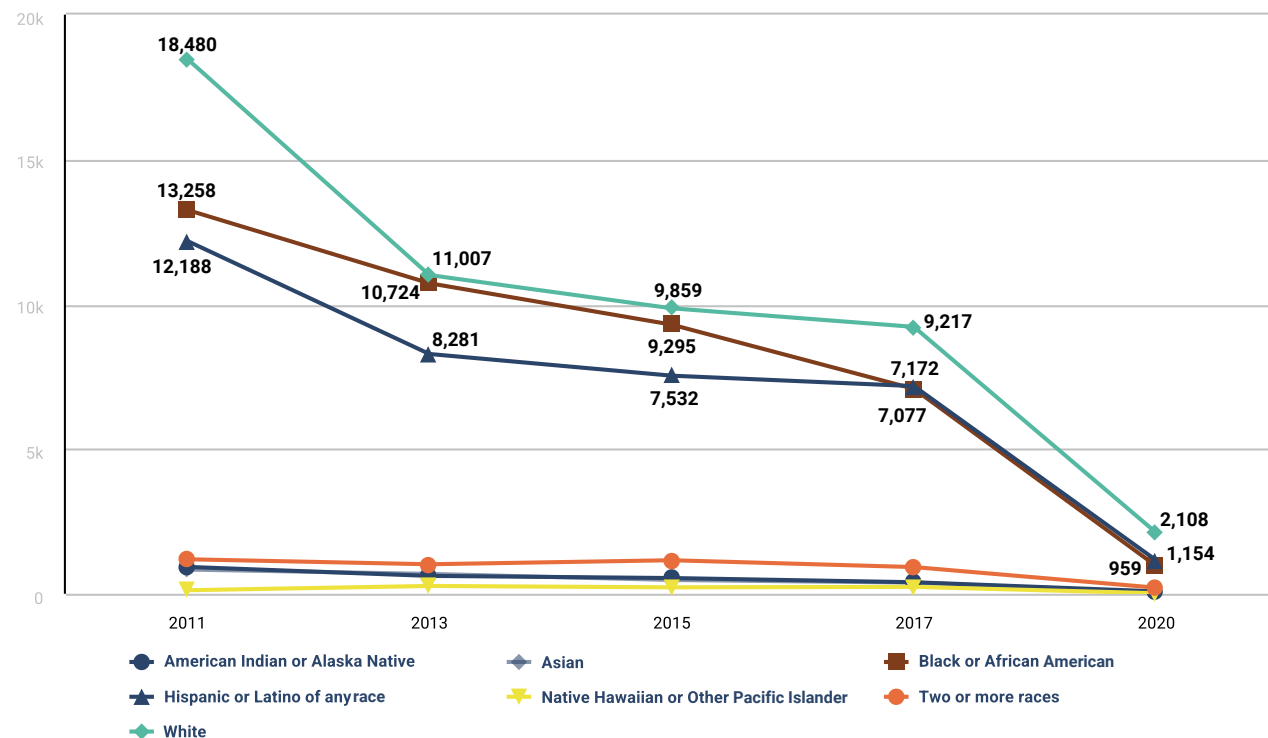


Figure 85: School Years 2011–2020: K-12 School Based Arrest by Race/Ethnicity, Males, Students without Disability



A geographic review of the data (see Figure 86) shows that during the 2020–21 school year, a total of 7,035 arrests were recorded among K–12 students without disabilities across the United States. Texas stands out prominently, accounting for the highest number of student arrests in every race and gender category examined, leading all states in arrests among white male students (228), Black male students (234), and Hispanic male students (665). With 1,738 total arrests, Texas alone represents nearly a quarter of all student arrests nationwide. Other states such as Florida, Pennsylvania, Georgia, and Wisconsin also report high numbers of student arrests. In contrast, many smaller or less populous states, including those in the Midwest and Northwest, report minimal or no arrests, revealing geographic proclivities in how student discipline is managed across regions.

This data reveals the role of school-based policing, particularly as it relate to race, gender, and geography in the STPP. The disproportionate number of arrests in Texas, especially for Hispanic male students, may point to localized practices that may warrant further investigation.

Figure 86: School Year 2020–21: K-12 All Arrests, Students without Disability (N=7,035)

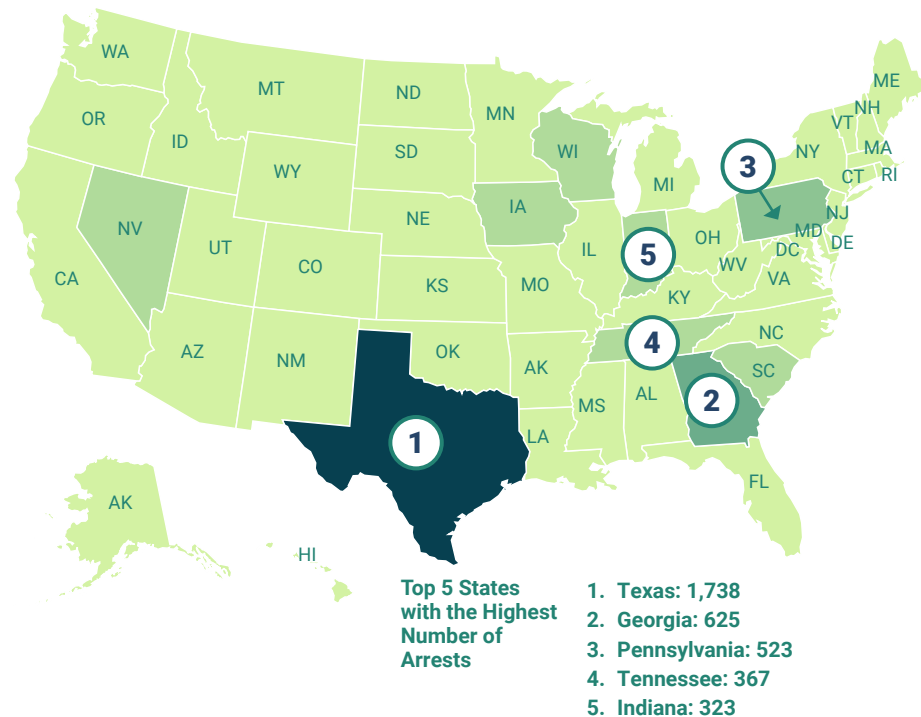


Figure 87: School Year 2020–21: K-12 Black Male Arrests, Students without Disability (N=959)

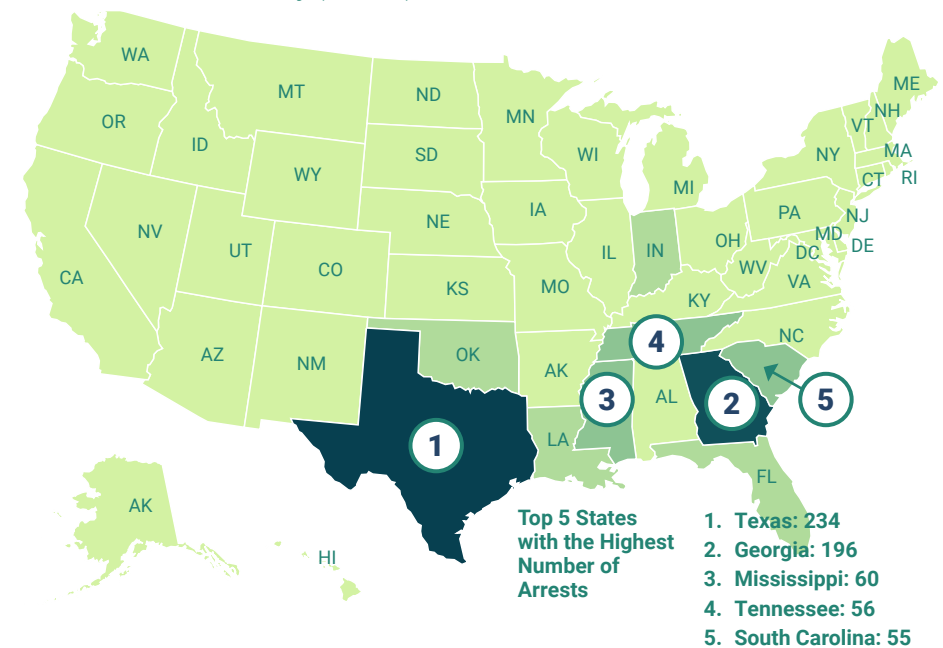


Figure 88: School Year 2020–21: K-12 White Male Arrests, Students without Disability (N=2,108)

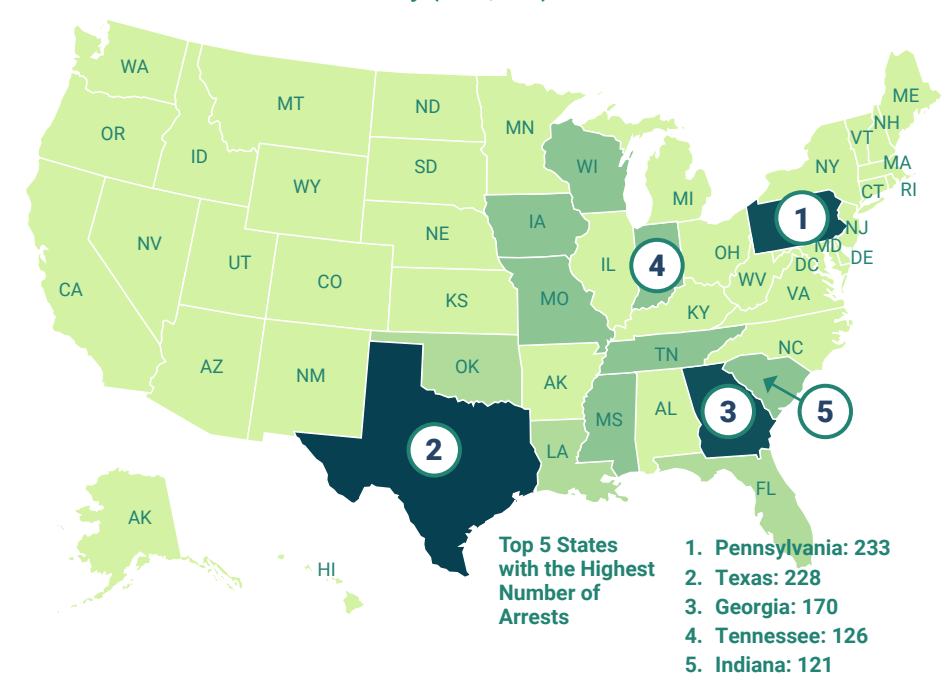
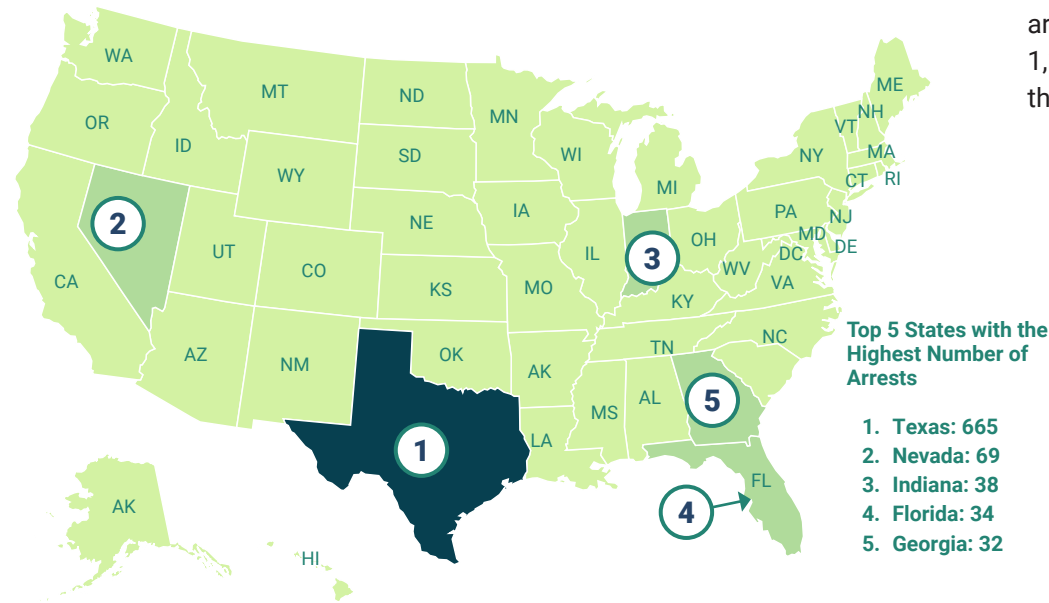
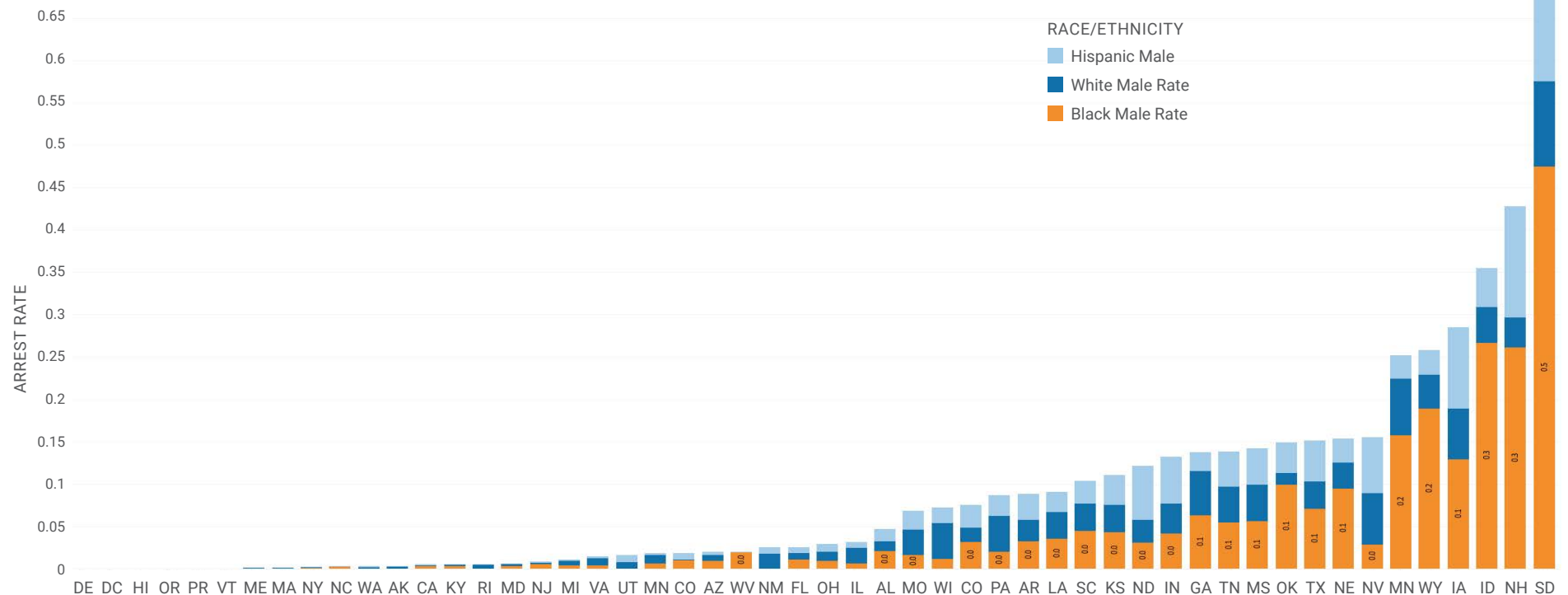


Figure 89: School Year 2020–21: K-12 Hispanic Male Arrests, Students without Disability (N=1,154)



White male students made up the largest group, with 2,108 arrests nationally (see Figure 88). Black male students came next with 959 arrests (see Figure 87), followed by Hispanic male students with 1,154 (see Figure 89). While these figures reflect overall arrest totals, the rates may tell a different story once adjusted for population size.

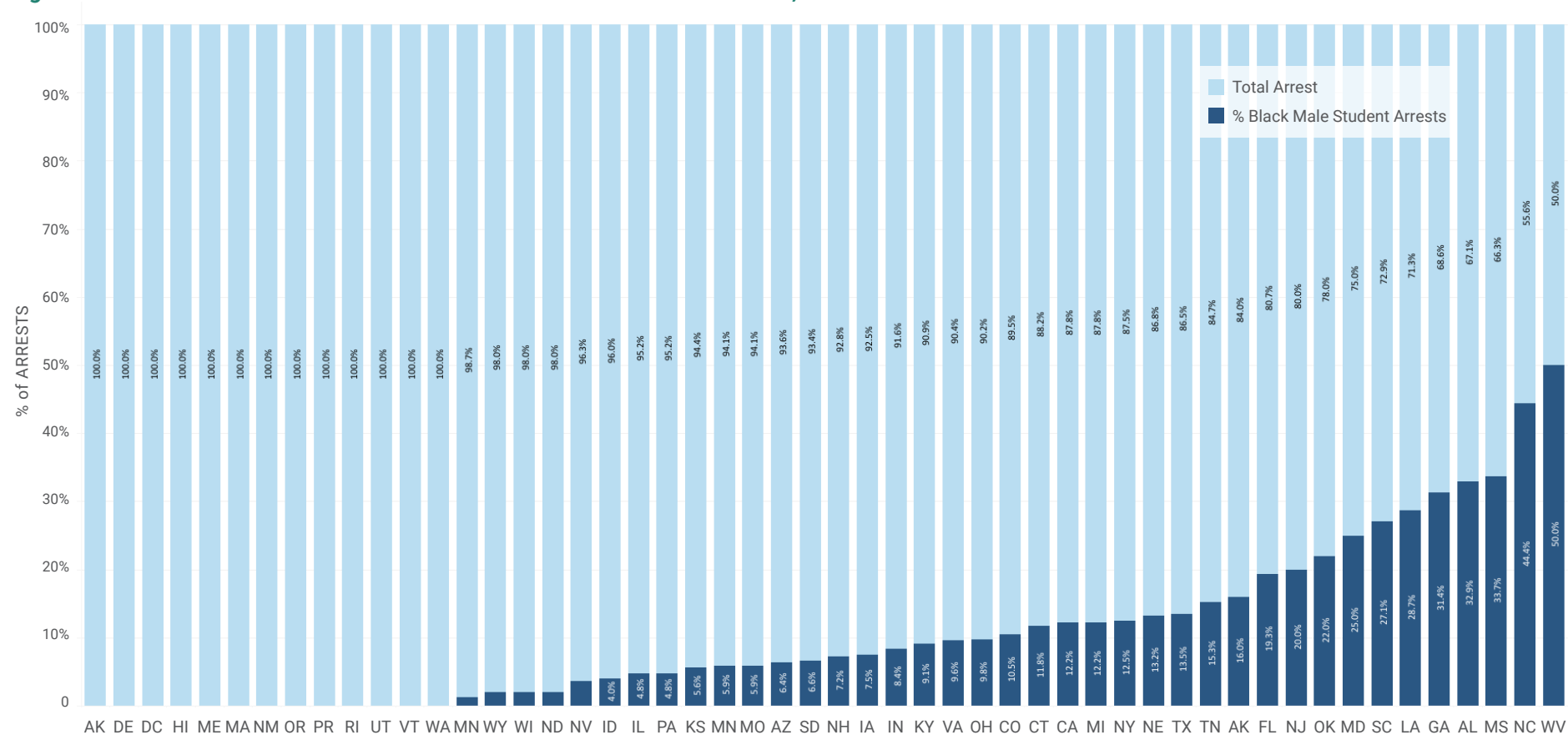
Figure 90: School Year 2020–21: K-12 Law Enforcement Arrest Rates by State, Male



Rather than detailing absolute numbers, Figure 90 visualizes rates, offering a clearer picture of disparities in school-based arrests across the states. From left to right, states are ordered by increasing overall arrest rate. Delaware, D.C., and Hawaii show arrest rates near zero across all male student groups, suggesting either limited school-based arrests, different reporting practices and/or COVID-19 protocols. As the arrest rates rise moving rightward, racial disparities become increasingly pronounced.

South Carolina, New Hampshire, and South Dakota exhibit notably higher arrest rates for Black male students, which is likely due to the relatively small number of Black male students. Viewing this from a different perspective, (see Figure 91) we can examine the proportion of Black male student arrests relative to total student arrests. When their proportion exceeds their representation in the overall student population, it indicates clear disproportionate enforcement.

Figure 91: School Year 2020-21: K-12 Black Male Arrests as % of Total Arrests, State



This comparison reveals that different states emerge as leaders depending on whether we look at raw numbers, arrest rates, or proportions relative to the student population. This highlights the importance of using multiple forms of data visualization to better understand and address disparities and inequities in student discipline.

Interestingly, states that adopt a less strict approach to suspensions and expulsions (characterized by fewer overall disciplinary removals and lower rates for Black male students) often exhibit a contrasting pattern when it comes to school-based arrests. For example, states such as New York, New Jersey, California, Connecticut, and Colorado, despite having relatively low expulsions and suspension rates (as depicted Figures 39 and 59),

show a disproportionately high share of school arrests involving Black male students (see Figure 91). This paradox suggests that in these states, disciplinary issues are more frequently addressed through LE involvement rather than traditional school discipline. In other words, while these states may appear to be more lenient in their use of suspensions and expulsions, they simultaneously rely more heavily on school-based arrests, effectively shifting the burden of discipline from school administrators to the criminal justice system.

So what's really driving these high rates of arrest and referrals for Black male students? What explains the stark disproportionality? Are we supposed to believe that Black boys are simply more prone to misbehavior or, more bluntly, that they're just "bad"? Well, no. If the higher rates of suspension and expulsion among Black students were justified by differences in behavior, one would expect these students to be referred to the office more frequently, for more severe offenses, and more severe behaviors. However, a number of studies have found that racial and ethnic differences in the severity of behavioral referrals are minimal, or are limited to less serious categories of infractions, such as disrespect²⁶. Research has shown that Black, Latino, and Native American students are not disproportionately involved in offenses that lead to zero-tolerance policy violations that mandate removal from school.²⁷ In fact, one study found that white students were referred more often for observable, objective petty violations and public nuisance infractions, while Black students were referred for infractions requiring subjective judgment (e.g., disrespect, attitude, tone).²⁸ Racial differences in referrals were found to be more common for non-public safety related behavior, such as defiance or insubordination.²⁹

If Black students were engaging in more serious forms of misbehavior, that behavior would likely serve as a stronger predictor of disciplinary actions than their race.³⁰ To test whether behavioral differences account for racial disparities in discipline, researchers often control for the type and severity of infractions. Across multiple studies, even when controlling for the type of misbehavior, racial disparities persist.³¹ Whether examining school-level office disciplinary referrals,³² juvenile offending,³³ or self-reported data from national studies,³⁴ racial differences in discipline/outcomes remain significant even when controlling for the type and severity of behavior.

Referrals to the office depend not only on the severity of student behavior but also on teachers' perceptions of or tolerance for that behavior.³⁵ Some studies have sought to account for these factors by controlling for teacher or student ratings of behavior severity. Again, if higher referral rates for Black students were truly due to more serious behavior, then accounting for teacher ratings should reduce the significance of race as a predictor of disciplinary outcomes. However, even when controlling for teachers' perceptions of disruptive or externalizing behaviors, Black students continue to be referred to the office more often and face higher suspension rates compared to their white peers³⁶.

In summary, the research literature provides little support for the idea that racial disparities in school discipline are caused by differences in behavior. Research comparing student behavior by race has found no evidence that students of color engage in more serious or disruptive conduct that would justify their higher suspension or expulsion rates. Even after accounting for the type and severity of misbehavior, race remains a strong predictor

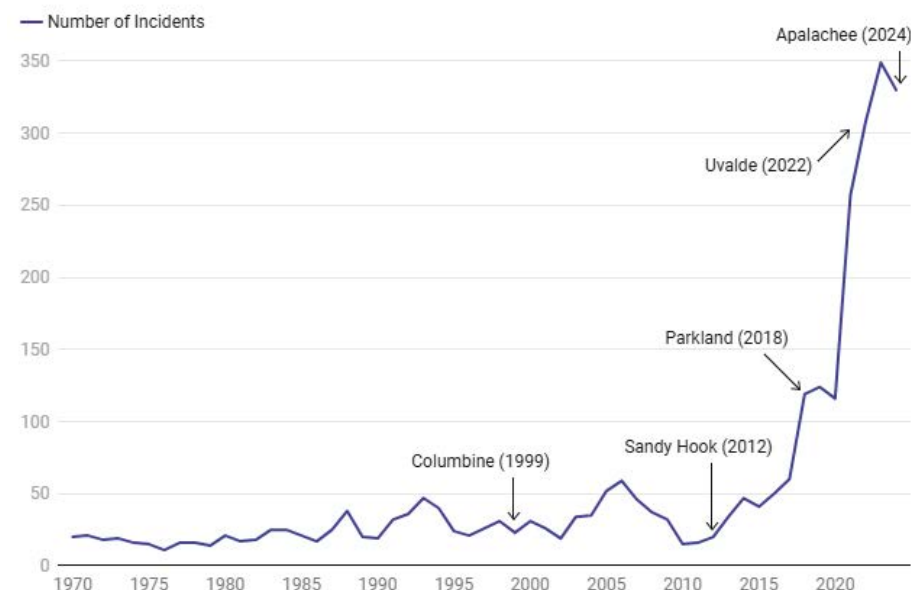
- 26 J. M. Wallace and others, "Racial, Ethnic, and Gender Differences in School Discipline Among U.S. High School Students: 1991–2005," *The Negro Educational Review*, vol. 59, no. 1-2 (2008), pp. 47–62.
- 27 Tony Fabelo and others, *Breaking Schools' Rules: A Statewide Study of How School Discipline Relates to Students' Success and Juvenile Justice Involvement* (New York and College Station, TX: Council of State Governments Justice Center and the Public Policy Research Institute, 2011).
- 28 R. J. Skiba, "The Color of Discipline: Sources of Racial and Gender Disproportionality in School Punishment," *The Urban Review*, vol. 34 (2002), pp. 317–42.
- 29 A. Gregory, R. J. Skiba, and P. A. Noguera, *The Influence of School Discipline on the Racial School-to-Prison Pipeline* (Los Angeles: The Civil Rights Project at UCLA, 2010).
- 30 Russell J. Skiba and Natasha T. Williams, *Are Black Kids Worse? Myths and Facts About Racial Differences in Behavior: A Summary of the Literature* (Bloomington, IN: The Equity Project at Indiana University, 2014).
- 31 M. L. Mizel and others, "To Educate or to Incarcerate: Factors in Disproportionality in School Discipline," *Children and Youth Services Review*, vol. 70 (2016), pp. 102–11.
- 32 Skiba, "Color of Discipline," pp. 317–342.
- 33 D. Hawkins, J. Laub, and J. Lauritsen, "Race, Ethnicity, and Serious Juvenile Offending," in *Serious and Violent Juvenile Offenders: Risk Factors and Successful Interventions*, ed. R. Loeber and D. P. Farrington (Thousand Oaks, CA: SAGE Publications, Inc., 1999), pp. 30–46.
- 34 A. A. Peguero and Z. Shekarkhar, "Latino/a Student Misbehavior and School Punishment," *Hispanic Journal of Behavioral Sciences*, vol. 33, no. 1 (2011), pp. 54–70.
- 35 Skiba and Williams, *Are Black Kids Worse?*
- 36 Skiba and Williams, *Are Black Kids Worse?*

of disciplinary outcomes. These disparities persist even when considering teachers' ratings of student behavior³⁷. Importantly, students across all racial groups tend to commit the same types of offenses. The vast majority of these are low-level incidents, such as minor altercations or nonviolent disruptions. That's why it's crucial to look closely at what school staff and LE are reporting students for. Is all this alarm really necessary? Are students truly acting out in ways that are dangerous? The data says no. We need to take a clear-eyed look at what students are *really* doing in schools.

Offenses

When thinking about school-based violence, the first thing that typically comes to mind are mass shootings. Gun violence at school remains one of the leading reasons for increased LE presence on school campuses. When drafting legislation and making recommendations it's important to understand the full landscape of adolescent school-based violence—what kinds of offenses kids commit, where, and at what levels of severity and lethality. It's also important to examine mass school shootings outside the context of overall school-based violence. Over the past few decades, school shootings in the States have become more frequent. As shown in Figure 92, the number of incidents has steadily risen over the past 30 years, with notable spikes since 2010. Gun violence researchers analyzing Everytown's *Gunfire on School Grounds* dataset, along with other related studies, have identified several key patterns. For instance, 58 percent of perpetrators had a direct connection to the school, 70 percent were white males, and between 73 percent and 80 percent acquired their firearms from home, relatives, or friends. Additionally, 100 percent displayed warning signs or concerning behavior prior to the incident, and in 77 percent of cases, at least one person was aware of the shooter's intentions before the events occurred.³⁸

Figure 92: K-12 School Shootings, 1970–2020



Source: Arundel, K., & Han, J. Y. (2025, January 7). *School shootings in 2024 fell just below prior year's record high*. K-12 Dive. <https://www.k12dive.com/news/school-shootings-2024-near-record-high-2025-predictions/736590/source>

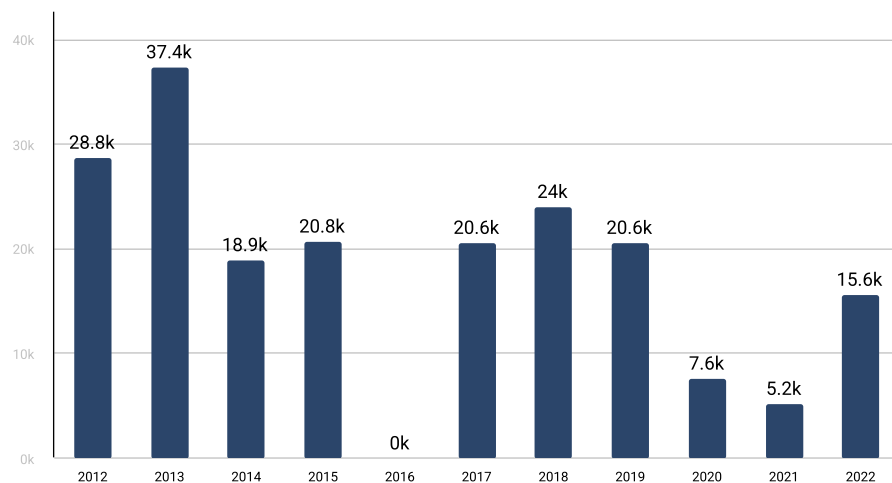
Not to be confused with incidents of gun violence on school grounds, school mass shootings are rare when considering incidents of school-based violence by students. In fact, school-based incidents of violence have declined. Over the past decade, schools across the country have experienced significant declines in campus violence. In 2022, students aged 12 to 18 reported experiencing school-related violence at a rate of 15.6 incidents per 1,000 students. Prior to the pandemic, in 2018, the rate of school violence was notably higher, with 24 incidents per 1,000 students. These findings suggest a downward trend in student-reported violence on school campuses.³⁹ In agreement with these findings the Bureau of Justice Statistics and the National Center for Juvenile Justice using data from the Federal Bureau of Investigation's Uniform Crime Reporting (UCR) reported that juvenile arrests have been on the decline for more than two decades, but patterns vary by demographic group and offense.⁴⁰

37 R. J. Skiba, M. I. Arredondo, and N. T. Williams, "More Than a Metaphor: The Influence of School Discipline on the School-to-Prison Pipeline," *Educational Policy Studies*, vol. 43, no. 1 (2011), pp. 73–94.

38 A. Katsiyannis and others, "An Examination of US School Mass Shootings, 2017–2022: Findings and Implications," *Advances in Neurodevelopmental Disorders*, vol. 7, no. 1 (2023), 66–76.

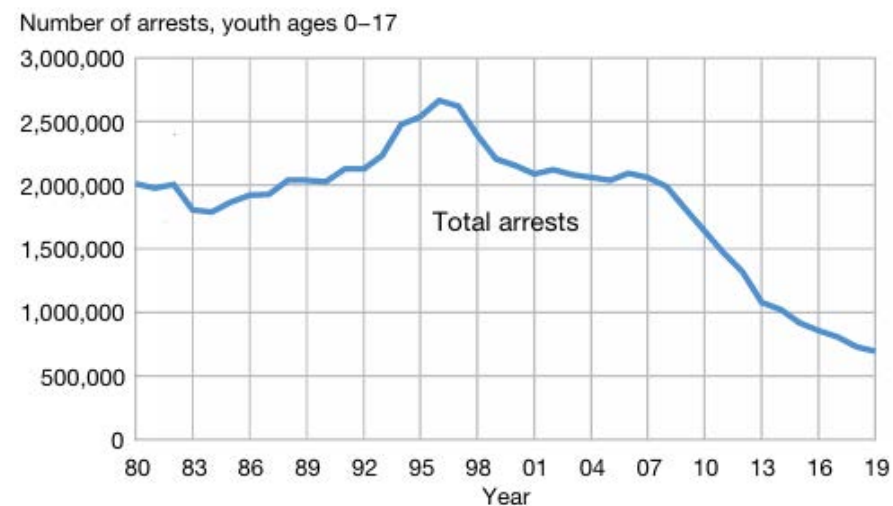
39 Mark Keierleber, *10 Charts That Explain How Schools Have Grown Less Violent Since COVID* (New York: The 7 4, 2024).

40 DOJ OJP, *Trends*.

Figure 93: School-Based, Student-Reported Violent Victimization, 2012–22

Source: U.S. Department of Education, National Center for Education Statistics, School Survey on Crime and Safety (SSOCS), 2012–2023.

To measure the magnitude, nature, and impact of juvenile crime, researchers look at both arrest data and self-report surveys. Arrest and victimization data are both crucial in measuring criminality because they provide complementary insights into the extent and nature of crime. Arrest data is an official measure of criminal behavior based on LE's response to alleged crimes. It indicates how many people have been apprehended for criminal activity, which can serve as a rough proxy for the occurrence of crime in a given area. One of the major limitations of arrest data is that it only reflects crimes that are detected and reported to LE. Victimization data, such as surveys (e.g., the National Crime Victimization Survey, NCVS), helps fill in the gaps by measuring crimes that have not been reported to the authorities.⁴¹ It reflects the frequency and nature of victimization, helping to understand how certain populations or communities are affected by criminal behavior. With both arrest data and victimization reports detailing declines in juvenile delinquency (see Figures 93 and 94) in school and in communities, it counters prevailing public narratives surrounding fear of youth violence in schools.

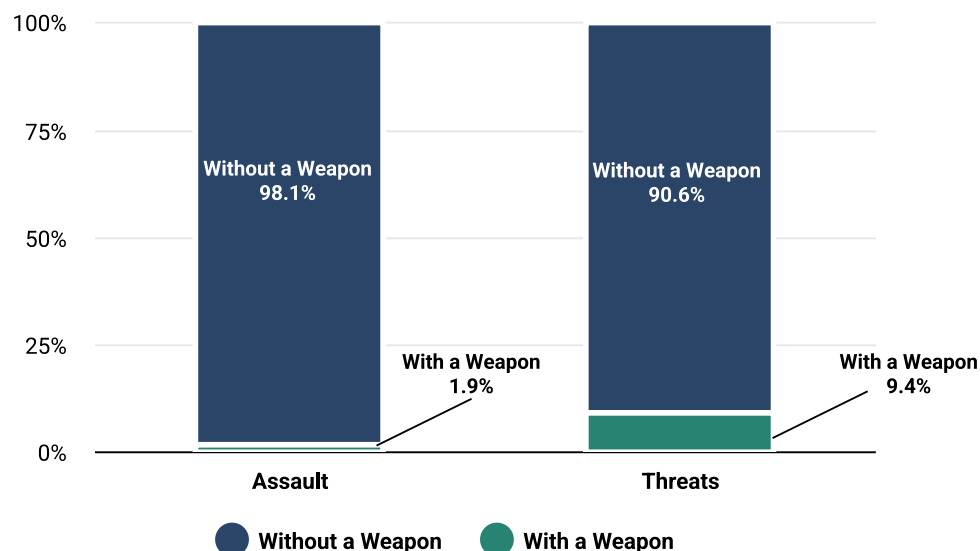
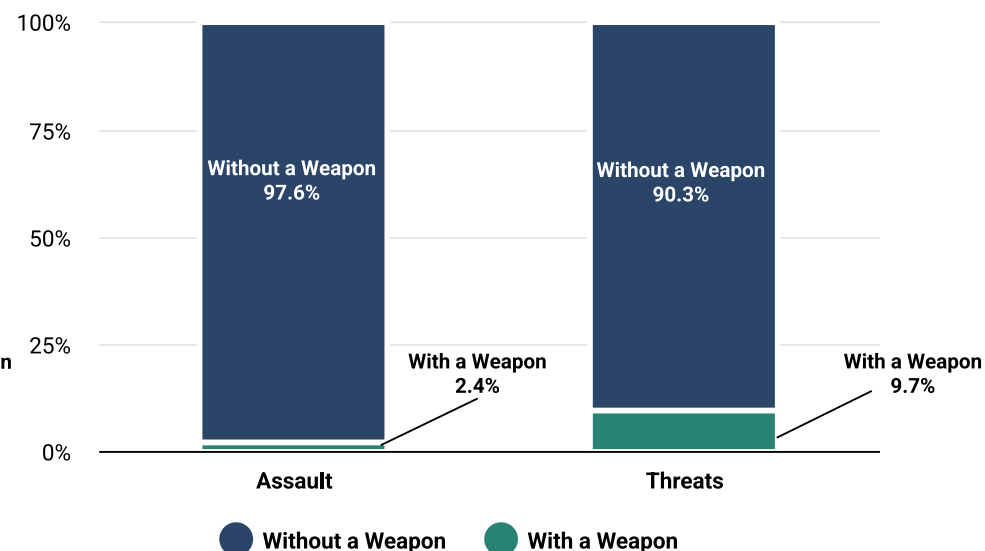
Figure 94: Juvenile Arrest, Youth 0-17, 1980-2019⁴²

Source: Puzzanchera, C. (2022, August). *Trends in youth arrests for violent crimes* (OJJDP National Report Series Fact Sheet, NCJ 305025). Office of Juvenile Justice and Delinquency Prevention. Retrieved June 25, 2025, from <https://ojjdp.ojp.gov/publications/trends-in-youth-arrests.pdf>



⁴¹ Data from 2016 were excluded from the figures above because the methodology used that year was not directly comparable to that which was used in other studies. Keierleber, *10 Charts*.

⁴² DOJ OJP, *Trends*.

Figure 95: 2017–2018: % K-12 Assaults and Threats, with & without a Weapon**Figure 96: 2020–21: K-12 % Assaults and Threats, with & without a Weapon**

Researchers found that the use of OOS suspension *initially* appears to correspond with the severity of student behavior, as students who engage in more serious infractions are more likely to face suspension. However, it is essential to recognize that the most severe behaviors, such as carrying weapons or possessing drugs, are relatively rare and account for less than 5 percent of disciplinary incidents in U.S. schools.⁴³ Similarly, data from both the 2017 (Figure 95) and 2020 (Figure 96) school year show that only 2 percent of school assaults involve a weapon. Also, when examining threats, in 2017 and 2020, only 9 and 10 percent respectively involved a weapon. Additionally, of the 97,576 reporting schools only 184 reported a firearm instance, thus less than 1 percent or 0.19 percent of schools reported a firearm incident. Overall, roughly 98 percent of school offenses do not involve firearms.



43 R. J. Skiba and others, *Where Should We Intervene? Contributions of Behavior, Student, and School Characteristics to Suspension and Expulsion* (Los Angeles: The Civil Rights Project at UCLA, 2013).

As seen in Figures 97 and 98 and in agreement with scholarly research on school violence, when youth engage in violence it's for physical assaults without a weapon (pushing, shoving, hitting). In 2020, 80 percent of offenses recorded in school were for fights. In 2017, 76 percent were for fights. Notice that although, COVID-19 decreased the volume of offenses in 2020 to roughly 270,000 down from 1.2 million in 2017⁴⁴ the nature (offense type) and proportion of offenses committed by youth remained the same. Furthermore rape, sexual assault, firearms and robbery collectively account for less than 5 percent of offenses in 2017 and 3 percent in 2020.

Figure 97: School Year 2017–18: K-12 Offenses, Type

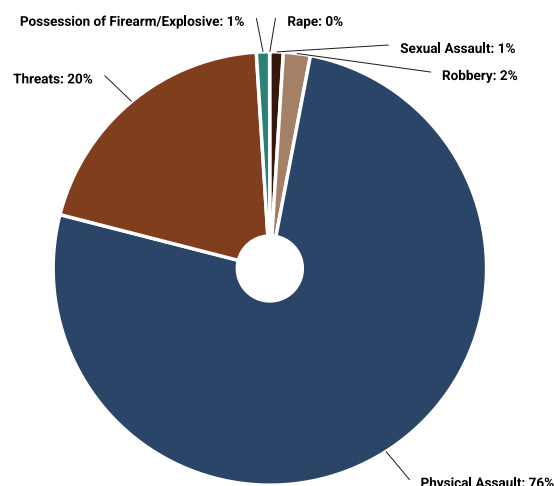


Figure 98: School Year 2020–21: K-12 Offenses, Type

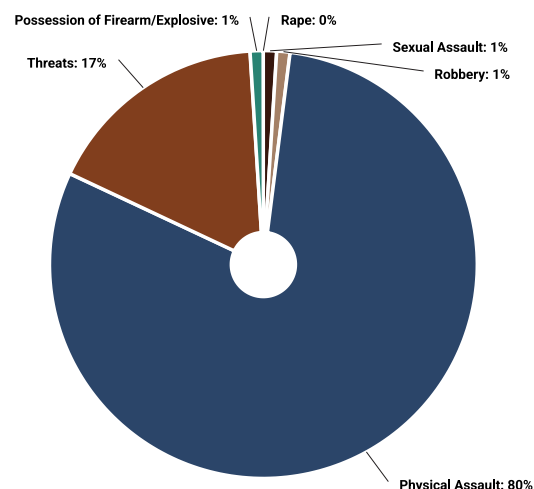


Figure 99: Offenses for Which Sworn SROs Arrested Any Student(s) during the Past 12 Months, by Type of Agency, 2019–20

Offenses for which sworn SROs arrested any student(s) during the past 12 months, by type of agency, 2019–2020

Offense	All sworn SROs	Local police*	Sheriffs' offices	School district police
Assault on school staff/faculty/security/SROs	34.5%	33.3%	25.3% †	53.7% †
Disorderly conduct	41.0	42.0	37.7	44.3
Drug distribution	18.5	19.9	11.7 †	26.6 ‡
Drug possession	54.2	54.9	44.6 †	69.1 †
Electronic/social media crimes ^a	27.0	32.4	19.0 †	27.1
Failure to obey a police officer	12.3	11.2	9.5	20.0 †
Fighting	45.1	47.4	42.2 ‡	44.0
Theft	31.5	33.9	23.9 †	38.3
Threats against faculty	20.8	17.5	16.6	37.0 †
Threats against school facility	27.9	27.5	23.6	36.4 †
Threats against students	35.5	35.9	29.2 †	45.4 †
Weapon possession	26.1	27.4	20.0 †	31.3
Weapon use	3.2	4.2	0.9 †	4.4 †

Source: Bureau of Justice Statistics, Survey of Law Enforcement Personnel in Schools, 2019

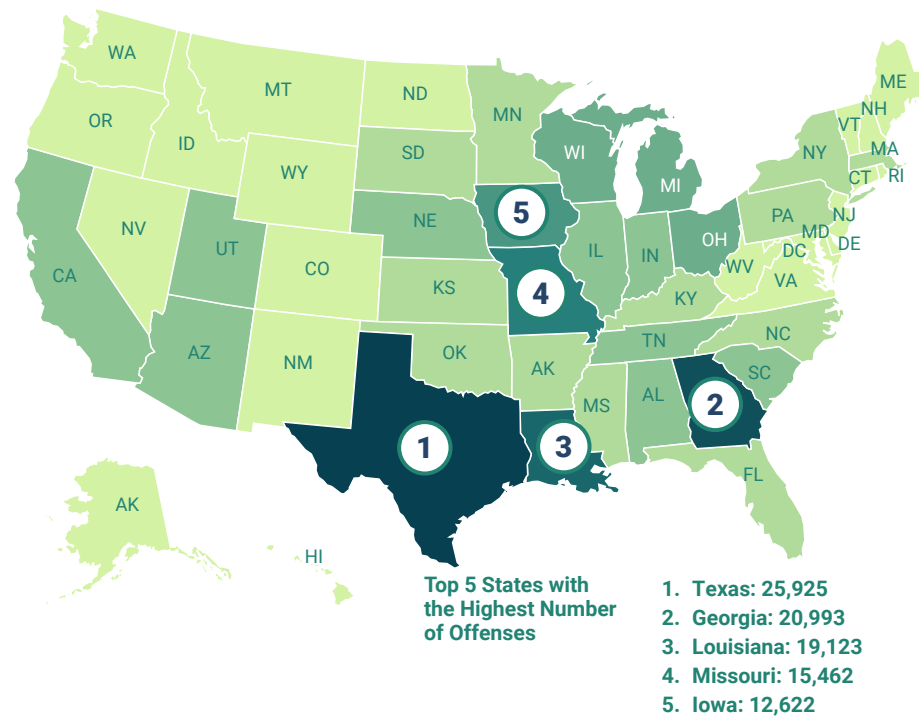
The data on school-based offenses is important when addressing exclusionary discipline. Understanding the specific types of “crime” students commit and are arrested for in school can help create fair and effective disciplinary policies.

Schools often take a broad approach to suspensions and expulsions, but a more data-driven analysis of violent incidents can lead to better prevention and intervention strategies. As shown in Figure 99 and in agreement with CSSBMB’s research, data from the Survey of Law Enforcement Personnel in Schools (SLEPS) reported the majority of arrests for students occur due to fighting (45.1 percent), drug possession (54.2 percent) and disorderly conduct (41.0 percent). Again, highlighting that children are safe while in school, SROs reported very few weapons arrests (3.2%) and/or gun violence.

Racial demographics of offenses committed by students is currently unavailable in the public access file. The lack of publicly available race data on student offenses presents a significant barrier to analyzing how exclusionary discipline (suspensions, expulsions, etc.) affects different racial groups. Without this data, it’s challenging to determine whether specific offenses are disproportionately leading to harsh disciplinary actions for Black students and other marginalized groups. But what we do know is that research has shown that Black male students face more frequent and severe disciplinary actions than their non-Black peers, even when they have similar records of misbehavior, are involved in the same incident, have comparable

behavioral histories, and attend schools with similar racial demographics.⁴⁵ Essentially kids of all races engage in similar misbehaviors—fighting, yet Black male youth are punished more severely.

Figure 100: School Year 2020-21: # of Offenses (N=273,821)



Student offending remains a concern across different geographic areas. Georgia, Texas and Louisiana reported the most offenses (see Figure 100). Accordingly, these states also reported more suspensions and expulsions than other states. (Figure 54). A prior study examining the relative impacts of demographic, behavioral, and school-related factors on juvenile justice contact in the Deep South found that, among the factors analyzed, school expulsion consistently serves as a strong predictor of juvenile justice involvement. (i.e., STPP) Students spend a significant portion of their time in school, so it is unsurprising that offenses leading to expulsion, such as

fighting and simple assault, often take place during school hours.⁴⁶ Since most expulsions stem from in-school fights, and exclusionary discipline is often a direct pathway to involvement with the justice system, school leaders should seriously consider alternative approaches. Instead of relying on punitive measures that harm students' long-term outcomes, schools should adopt practices that address misbehavior while also supporting academic growth and positive development.

LE and SRO Presence in Schools: Discipline and Civil Rights Implications

Public concern about school safety, combined with the implementation of zero-tolerance education policies, has led to the growth of school-based LE personnel who are assigned to schools and who often have the authority to arrest students.⁴⁷ To clarify, we refer to school based LE as various arrangements in which one or more trained police officers are assigned to work on school grounds. These officers are sworn LE personnel, meaning they carry firearms, possess arrest authority, and are officially recognized as members of a police department.

There are two primary models of school-based LE used across the United States. The most common approach involves SROs or local police officers who are assigned to schools through partnerships between school districts and municipal police departments. These officers maintain a consistent presence on campus to enhance safety and build relationships. The second model involves school district police departments, where the district itself creates and operates its own police force. This is more typical in larger urban school systems, such as Miami-Dade County Public Schools, where the district employs its own sworn officers to patrol school grounds.⁴⁸

Regardless of whether they are SROs or district-employed officers, school-based LE personnel serve in multiple capacities. Their responsibilities vary depending on local policies and may include overseeing school security protocols, responding to incidents and criminal activity, developing relationships with students and staff, and connecting students with external

45 S. Darling-Hammond and E. Ho, "No Matter How You Slice It, Black Students Are Punished More: The Persistence and Pervasiveness of Discipline Disparities," *AERA Open*, vol. 10 (2024).

46 S. B. Robison, B. J. Blackmon, and J. L. Rhodes, "Variations in Juvenile Offending in Louisiana: Demographic, Behavioral, Geographic, and School-Related Predictors," *OJJDP Journal of Juvenile Justice*, vol. 5, no. 2 (2016), pp. 31–49.

47 S. Javdani, "Policing Education: An Empirical Review of the Challenges and Impact of the Work of School Police Officers," *American Journal of Community Psychology*, vol. 63, no. 3-4 (2019), pp. 253–69.

48 Alexis Stern and Anthony Petrosino, *What Do We Know About the Effects of School-Based Law Enforcement on School Safety?* (San Francisco: WestEd, 2018).

support services when needed.⁴⁹ While all police can respond to schools in emergencies, school-based officers differ in that they are embedded within the school community and maintain a regular on-site presence.

The earliest form of school-based LE began in Los Angeles, California, where a loosely organized unit within the LAPD was created to patrol newly segregated neighborhoods. Soon after, Flint, Michigan, incorporated police officers into schools as part of its broader community policing initiative. By the late 1960s, the Chicago Police Department launched the “Officer Friendly” program, aiming to reduce crime among school-aged youth. This initiative laid the groundwork for later efforts like the D.A.R.E. and G.R.E.A.T. programs. During the 1990s, the Clinton administration’s “tough on crime” policies significantly expanded federal funding for school-based law enforcement. The 1999 Columbine High School shooting further accelerated this trend, leading to a rapid expansion of police presence in schools. Between 1999 and 2005, the federal government awarded more than \$750 million to LE agencies to support this effort.⁵⁰

The presence of LE in school largely influences student discipline.⁵¹ While research has largely established that differential treatment and sorting are the primary contributors to racial disparities in school discipline, few studies have examined how modifiable school characteristics, such as SROs, might reduce or intensify these inequities. The presence of school-based law enforcement (SBLE) is often viewed as an indicator of a more punitive approach to school discipline. While LE officers are not typically responsible for issuing disciplinary sanctions, their presence may influence schools to respond to behavioral infractions with more severe consequences.⁵²

While some proponents argue that police officers in schools enhance safety and bring positive values to school communities, critics contend that SBLE does little to improve safety and, in some cases, contributes to harm, particularly for students of color.⁵³ Empirical research consistently shows a correlation between the presence of SBLE and increased use of exclusionary discipline, such as suspensions and expulsions.⁵⁴ This effect is especially pronounced for Black students, exacerbating existing racial disparities in school discipline.⁵⁵ However, much of this research is based on statewide or nonrepresentative samples which may limit the generalizability of findings. Still, the existing literature strongly indicates that the presence of LE is a contributing factor to racial disparities in exclusionary discipline practices and a growing STPP.

For example, recent research as current as 2024 found that changes in the presence of school-based LE were linked to changes in suspension and expulsion rates. Specifically, adding LE was associated with an increase in the Black–white suspension gap, largely due to a decrease in suspensions for white students and consistent with previous research showing the presence of school law enforcement disproportionately affects Black students. Surprisingly, removing LE also led to an increase in racial disparity, suggesting that both adding and removing SRO’s may widen suspension gaps, though through different mechanisms. In terms of expulsions, the results were more straightforward. Adding LE slightly reduced expulsions for white students, while removing led to reductions in expulsions across all racial and ethnic groups, particularly for Black students. This aligns with prior research showing that reducing police presence can lessen school punitiveness. However, it’s unexpected that these reductions were more prominent in expulsions, which typically respond to serious infractions, rather than in suspensions, which often address less severe behaviors. One possible explanation for this counterintuitive finding is that when LE officers are removed, schools may respond by increasing staff surveillance or enforcing stricter disciplinary practices to compensate, resulting in more suspensions for students of color. Because little is

49 M. Cray and S. C. Weiler, “Policy to Practice: A Look at National and State Implementation of School Resource Officer Programs,” *The Clearing House*, vol. 84, no. 4 (2011), pp. 164–70.

50 Center for Public Integrity, *The History of School Policing* (Washington, DC: Center for Public Integrity, 2021).

51 Darling-Hammond and Ho, “No Matter How.”

52 F. C. Curran et al., “Why and When Do School Resource Officers Engage in School Discipline? The Role of Context in Shaping Disciplinary Involvement,” *American Journal of Education*, vol. 126, no. 1 (2019), pp. 33–63.

53 D. A. Jenkins, “‘Schools Are Not Safer with Police’: A Critical Discourse Analysis of Public Comments on the Removal of School Resource Officers,” *Journal of Education Human Resources*, vol. 1 (2022).

54 D. C. Gottfredson and others, “Effects of School Resource Officers on School Crime and Responses to School Crime,” *Criminology & Public Policy*, vol. 19 (2020), 905–40.

55 E. K. Weisburst, “Patrolling Public Schools: The Impact of Funding for School Police on Student Discipline and Long-Term Education Outcomes,” *Journal of Policy Analysis and Management*, vol. 38, no. 2 (2019), 338–65.

currently known about the specific practices schools adopt after removing SRO's, more research is needed to fully understand these dynamics.⁵⁶

Critics of police presence often cite the need for school counselors. The belief being that they can more adequately handle discipline issues without escalating to the harshest forms of punishment, such as suspension, expulsion, and arrest. Ironically, researchers have found that school counselors had limited statistically significant effects on exclusionary discipline. Regarding suspensions, both the addition and removal of counselors showed minimal impact overall. One notable exception was a decrease in suspensions for Hispanic students in schools that added counselors, compared to schools that had never employed them. Similarly, the influence of counselors on expulsion rates was minimal. The few significant findings were largely observed when counselors were removed, which tended to coincide with reductions in expulsions for white students. Overall, the presence or absence of counselors appeared to have little consistent effect on exclusionary discipline outcomes.⁵⁷

Beyond contributing to racial disparities, the presence of LE on school grounds raises important concerns about all students' Fourth Amendment rights and broader civil rights protections, particularly in relation to searches, seizures, and due process. Schools have increasingly implemented metal detectors, surveillance cameras, suspicion less drug testing, and deployed school police, all in response to fears of school-based violence. However, these measures have eroded students' Fourth Amendment protections, allowing searches and seizures without probable cause. Courts have increasingly deferred to the authority of school officials to regulate student behavior in the name of security, often at the expense of individual privacy rights. In several cases, federal and state appellate courts have upheld school practices that permit drug searches of students without individualized suspicion (e.g., *Miller v. Wilkes*, 1999; *Todd v. Rush County Schools*, 1998; *Weber v. Oakridge School District*, 2002). Court rulings, rooted in the *New Jersey v. T.L.O.* (1985), have adopted a special needs exception for schools. This means school officials only require

"reasonable suspicion" for searches, not "probable cause."⁵⁸ In the school setting, the "special needs" exception was originally intended to apply only to searches conducted by educators not by LE officers. This aligns with the reasoning in *T.L.O.*, which emphasized that teachers are primarily responsible for education, whereas police are trained to conduct searches for the purpose of criminal prosecution. When courts permit police officers to search students without probable cause, they effectively subject students to the "worst of both worlds", diminished Fourth Amendment protections within an environment that still imposes significant consequences, even for minor infractions.⁵⁹ Since this ruling searches by school administrators and LE have expanded. In *Vernonia School District 47J v. Action* (1995) the Court concluded that drug testing of high school students does not violate the reasonable search and seizure clause of the fourth amendment, additionally the United States Supreme Court, in *Board of Education Independent School District No 92 of Pottawatomie v. Earl* (2002)⁶⁰ decided the Student Activities Drug Testing policy that required all students who compete in extracurricular activities to submit to drug testing was not in violation of the Fourth Amendment. The Court stated that participation in extracurricular activities diminished the expectation of privacy and that the policy reasonably serves the school districts interest in detecting and preventing drug use amongst its students. As police presence on school campuses becomes more prevalent, the implications of increased searches and seizures become concerning. The risk to all students but especially Black male students, becomes alarming as school policies begin to frame disciplinary issues as criminal matters. This shift not only exposes students to potential civil rights violations, including infringements on their Fourth Amendment and due process protections, but also accelerates their entry into the criminal justice system for behaviors that were once handled within the educational setting. LE officers have the discretion to file formal charges against students who are deemed to have "criminally violated" school policies. As a result, incidents that were once addressed within the classroom are increasingly being handled in the courtroom.

56 Fisher, B.W., Devlin, D.N. Cops and Counselors: How School Staffing Decisions Relate to Exclusionary Discipline Rates and Racial/Ethnic Disparities. *Race Soc Probl* 16, 19–46 (2024). <https://doi.org/10.1007/s12552-023-09395-6>

57 Fisher and Devlin, "Cops and Counselors," 19–46.

58 R. R. Beger, "The 'Worst of Both Worlds': School Security and the Disappearing Fourth Amendment Rights of Students," *Criminal Justice Review*, vol. 28, no. 2 (2003), 336–54.

59 Beger, "'Worst of Both Worlds,'" 336–54.

60 *Board of Ed. of Independent School Dist. No. 92 of Pottawatomie Cty. v. Earls*, 536 U.S. 822 (2002).



CHAPTER 6: Key Findings

The Drivers of Disparity in School Discipline: Three prevailing explanations emerge from research examining the underlying causes of racial disparities in school discipline: (i) differential behavior; (ii) differential treatment; and (iii) differential sorting. Differential behavior theory suggests that students of color are more likely to engage in behaviors that lead to exclusionary discipline and are thus expelled, suspended, referred and arrested more frequently.¹ However research shows that behavioral differences between white students and students of other races account for only a small portion of the discipline gap.² Differential treatment theory argues that students of color are disciplined more harshly than white students when engaging in similar behavior and that this explains disparities in discipline. This theory is supported by empirical research. For example, researchers using behavior vignettes to examine differential

treatment of students, found that teachers were more likely to recommend harsher punishments for Black students, particularly when they had a history of infractions.³ In support, other researchers using eye tracking data, found that when asked to identify problem behavior, teachers disproportionately monitored Black students.⁴ Similar observation studies using administrative school data also found differential treatment to explain a significant portion of the Black–white discipline gap.⁵ Lastly, differential sorting posits that students of color are more likely to attend schools that rely on more punitive discipline practices. Research found that differences in school placement explained 21 percent of the Black–white disparity in suspensions and expulsions.⁶ This suggests that there may be a tendency for schools with a higher concentration of students of color to adopt more punitive disciplinary policies instead of alternative practices.

- 1 B. W. Fisher and D. N. Devlin, “Cops and Counselors: How School Staffing Decisions Relate to Exclusionary Discipline Rates and Racial/Ethnic Disparities,” *Race and Social Problems*, vol. 16 (2024), pp. 1-28.
- 2 J. Owens and S. S. McLanahan, “Unpacking the Drivers of Racial Disparities in School Suspension and Expulsion,” *Social Forces*, vol. 98, no. 4 (2020), pp. 1548–77.
- 3 J. A. Okonofua and J. L. Eberhardt, “Two Strikes: Race and the Disciplining of Young Students,” *Psychological Science*, vol. 26, no. 5 (2015), 617–24.
- 4 Walter S. Gilliam and others, *Do Early Educators’ Implicit Biases Regarding Sex and Race Relate to Behavior Expectations and Recommendations of Preschool Expulsions and Suspensions?* (New Haven, CT: Yale Child Study Center, 2016).
- 5 R. J. Skiba and others, “Parsing Disciplinary Disproportionality: Contributions of Infraction, Student, and School Characteristics to Out-of-School Suspension and Expulsion,” *American Educational Research Journal*, vol. 51, no. 4 (2014), pp. 640–70.
- 6 Owens and McLanahan, “Unpacking the Drivers,” pp. 1548–77.

Disproportionate Discipline Begin in Preschool: Black male preschoolers, though only 9 percent of enrollment, accounted for 23 percent of male expulsions and 28.4 percent of OOS suspensions in the 2020–21 school year. Nearly all expulsions and suspensions of Black boys occurred in the Southern United States, revealing a sharp regional concentration of exclusionary discipline practices.

Subjective and Minor Offenses Drive School Exclusion: The majority of suspensions and expulsions are not for violent behavior or serious infractions, but for minor, subjective behaviors such as “disrespect,” “defiance,” and “disruption.” These categories are especially vulnerable to racial and cultural bias, disproportionately impacting Black boys.

Law Enforcement Presence Fuels Criminalization The presence of SROs and surveillance infrastructure has expanded, particularly in schools with high Black enrollment. Teachers increasingly rely on police for non-criminal behavior management, escalating discipline to LE involvement and arrests.

Black Boys are Overrepresented in School Discipline and Arrest: Black boys make up 7 percent of the K-12 student population but account for:

- 19 percent of ISS
- 16 percent of SOOS
- 18 percent of expulsions
- 21 percent of school-based arrests among male students

Discipline Disparities are Not Explained by Behavior: Research and investigations by the U.S. Departments of Education and U.S. Department of Justice found no evidence that Black students misbehave more than their peers. Instead, racial bias—both implicit and systemic—plays a significant role in determining who gets punished and how severely.

School Discipline Mimics Criminal Justice Patterns: Exclusionary discipline policies mirror adult criminal justice trends from the 1980s and 1990s “tough on crime” era. These policies reflect a state-sanctioned system that removes Black boys from learning environments and increases their risk of justice system involvement.

Due Process Protections are Often Inadequate: Black students frequently face exclusion without proper due process (no hearings, inadequate notice, and limited recourse) raising constitutional concerns under the Fourth, Fifth, and Fourteenth Amendments.

National and Regional Data Reveal Stark Geographic Disparities: Using CRDC files, CSSBMB found that exclusionary discipline practices vary significantly by region, with the South exhibiting disproportionately high rates of suspensions and expulsions, even when controlling for race. These regional differences suggest that geography, in addition to race, plays a critical role in how discipline is administered in schools.

Discussion

This report provides a comprehensive examination of how exclusionary school discipline practices disproportionately impact Black male students, beginning as early as preschool and continuing through K-12 education. The data clearly show that Black boys are significantly overrepresented in suspensions, expulsions, and school-based arrests, despite comprising a relatively small percentage of the student population. The historical origins of zero-tolerance policies, combined with increasing police presence in schools and culturally biased interpretations of student behavior, contribute to a punitive climate that disproportionately targets students of color. Scientific research on adolescent brain development also reveals that many behaviors punished through exclusion are typical of youth development and should be addressed through age-appropriate, supportive interventions. By codifying these practices into formal discipline systems, schools effectively criminalize normal adolescent behavior, particularly for Black students, reinforcing a pipeline from school to the justice system. The report calls for urgent reforms to data collection, discipline policy, civil rights enforcement, and cross-agency collaboration to dismantle this system of educational exclusion and racial inequity.

Incarceration vs. Education

The STPP is often discussed in terms of discipline policies, policing, and racial inequities. But it also has a price tag—and the math is startling. On average, the cost of incarcerating a youth is 13.77 times higher than the cost of educating them.⁷ Despite the higher cost and poorer outcomes, budgets overwhelmingly favor the more punitive option, reinforcing the very pipeline policymakers claim that they want to dismantle.

Economically, the toll of youth incarceration is far greater than the investment required for education. Averaging across states, it costs approximately \$588 per day to incarcerate one young person, amounting to \$214,620 annually.⁸ By contrast, the daily per-student expenditure for K–12 public education is roughly \$42.72, or \$15,591 per year.⁹ This stark disparity, with incarceration costing nearly 14 times more than education, underscores the inefficiency of prioritizing incarceration in public spending.

The economic consequences extend far beyond the period of incarceration. Research indicates that incarceration reduces annual earnings by as much as 52%, resulting in lifetime income losses of approximately \$360,000 for Black individuals, compared to \$270,000 for white individuals.¹⁰ For a 25-year-old Black male high school graduate, a first-time jail sentence can reduce lifetime earnings by roughly 40%, equivalent to \$121,000 in losses, and for those without a diploma, losses exceed 50%.¹¹ Nationally, the aggregate annual economic loss from reduced earnings among individuals with criminal convictions is estimated at over \$370 billion.¹² These foregone earnings represent opportunities lost for higher education, homeownership, and community investment through tax contributions.

Beyond the financial implications, the civic costs of incarceration are equally severe. Through a process scholars term *custodial citizenship*, both arrest and broader contact with the criminal justice system, often conditions individuals



to view themselves as lesser citizens, fostering avoidance behaviors even in traditionally positive settings.¹³ Such experiences have wide-ranging civic consequences, including eroding trust in government institutions, diminishing educational attainment, and reducing democratic participation.¹⁴ These civic consequences are particularly troubling, perpetuating a cycle in which diminished engagement and eroded trust further weaken democratic participation.¹⁵

The evidence shows that incarcerating Black youth imposes economic and civic burdens that far outweigh the financial investment required for their education. The high daily cost of confinement, combined with long-term reductions in earnings and diminished civic participation, reflects a costly and counterproductive allocation of public resources. Dealing with this over-costly process can start in schools and with discipline practices that are sending too many students into the criminal justice system. Redirecting funds away from incarceration and toward approaches that avoid justice system involvement can reduce economic waste and mitigate the long-term civic harms documented in the research.

7 Calculated using statistics from footnotes 8 and 9.

8 Annie E. Casey Foundation et al., “Sticker Shock 2020: The Cost of Youth Incarceration,” 1.

9 National Center for Education Statistics, “Press Release – Total Current Expenditures Grew by 1.8 Percent for Public Elementary and Secondary Schools in Fiscal 2022 – May 7, 2024.”

10 “Mass Incarceration Has Been a Driving Force of Economic Inequality.”

11 Gordon et al., “Incarceration, Earnings, and Race,” 3.

12 “Mass Incarceration Has Been a Driving Force of Economic Inequality.”

13 Boston Review, “The Only Government I Know - Boston Review.”

14 Weaver and Geller, “De-Policing America’s Youth: Disrupting Criminal Justice Policy Feedbacks That Distort Power and Derail Prospects.”

15 Ibid.

CHAPTER 7: Recommendations



Suspensions and expulsions are the most common forms of discipline used to address student misbehavior. Despite widespread use, suspensions and expulsions are ineffective at both addressing and reducing student misconduct.¹ These exclusionary policies often lead to increased justice system involvement and negative academic outcomes.² Moreover, exclusionary disciplinary actions disproportionately effect students of color, specifically Black boys. Reports by both the OCR³ and USCCR⁴ detail the negative consequences of school discipline,

highlight the disparate treatment of Black male students, and clearly detail a need for alternatives to suspension and expulsion. This report offers the following alternatives to exclusionary discipline, with the intent that schools and districts, with fiduciary assistance from federal agencies, develop an array of disciplinary options to address small behavioral infractions to low level acts of delinquency. The following recommendations set forth both local and national policy and practice responses to address student discipline.

¹ M. Leung-Gagné and others, *Pushed Out: Trends and Disparities in Out-of-School Suspension* (Palo Alto, CA: Learning Policy Institute, 2022).

² Losen, Daniel J., and Tia Elena Martinez. *Lost Opportunities: How Disparate School Discipline Continues to Drive Differences in the Opportunity to Learn*. Center for Civil Rights Remedies at UCLA, 2020.

³ U.S. Department of Education, Office for Civil Rights, *Student Discipline and School Climate in U.S. Public Schools*, 2023.

⁴ USCCR, *Beyond Suspensions: Examining School Discipline Policies and Connections to the School-to-Prison Pipeline for Students of Color with Disabilities* (Washington, DC: USCCR, 2019).

Recommendations: Alternatives to Out-Of-School Suspension and Expulsion

Enhanced In-School Suspension Programs

ISS programs offer additional academic, social, and behavioral support in lieu of out-of-school suspension. Students in these programs may attend after-school programs, receive support during recreation periods and during non-traditional hours. The goal is to address misbehavior while keeping students fully engaged in their current academic coursework. Supervision of ISS programs can be provided by full/part time teachers, vetted teachers' aides, non-profit staff, retired teachers, and/or community engagement employees.

Restitution (Non-Financial) / Restorative Justice Programs

Restorative justice aims to alleviate harm by way of acceptance, accountability, restoration and reconciliation. Evidence based research has shown that in applicable situations restorative justice programs are more effective at reducing offending and increasing victim satisfaction than traditional punitive approaches.⁵ The use of restorative justice practices in school environments promotes "the construction of empathy as students can express their emotions, listen, and understand the emotions of others, reflect on their feelings, thoughts, and actions, both past and future, developing such skills as reflective thinking and the ability to take responsibility for one's own behavior."⁶ Schools and/or districts should partner with local restorative justice hubs to address prerequisite misbehavior. These programs are uniquely equipped to ensure accountability through mediated conflict resolution⁷ and harm mitigation strategies.

Strategic Community Service Programs

Community service programs allow students to proactively engage in positive activities while taking accountability for wrongdoing and misbehavior. Targeted programs that address attitudes, social skills,

behavior modification and responsibility seek to improve students' behavior both inside and outside school settings. Offered outside traditional school hours, community service programs "limit out of school time and offer more meaningful consequences"⁸ to misbehavior than exclusionary discipline. Examples include participation and assistance with local grassroots events, school fundraisers, civic activities, food banks, and clothing drives.

Prevention, Assessment and Behavior Modification Approach/Programs

These programs use a three-pronged approach to address school discipline; prevention, (including conflict resolution), early identification of at-risk behavior among students, and structured responses to misbehavior.⁹ These evidence-based practices aim to reduce school violence, improve qualitative measures of school satisfaction, and improve student behavior.

Progressive School Discipline Matrix/Chart Programs

Utilizing a graduated sanctions matrix, specifically, "a chart [matrix] of consequences for specific categories of prohibited behaviors, specifying escalating consequences for more severe or repeated misbehavior,"¹⁰ to provide clear outcomes for misconduct. Of equal importance, the matrix limits bias in implementation and provides transparency in disciplinary decisions between schools, parents, and students. Teachers, administrators, school boards, unions and parents should develop a collective, agreed upon comprehensive matrix that addresses a variety of student behavior ranging from small acts of defiance (classroom disruption, nuisance behaviors) to more troublesome acts of delinquency.

5 Lawrence W. Sherman and Heather Strang, *Restorative Justice: The Evidence* (London: The Smith Institute, 2007).

6 E. Lodi and others, "Use of Restorative Justice and Restorative Practices at School: A Systematic Literature Review," *International Journal of Environmental Research and Public Health*, vol. 19, no. 1 (2021), 96.

7 "Restorative Justice Hubs – Community-Led Restorative Justice," *Restorative Justice Hubs*, <https://rjhubs.org/>.

8 Jenni Owen, Jane Wettach, and Katie Claire Hoffman, *Instead of Suspension: Alternative Strategies for Effective School Discipline* (Durham, NC: Duke Center for Child and Family Policy and Children's Law Clinic, 2015).

9 R. Skiba and others, "The Safe and Responsive Schools Project: A School Reform Model for Implementing Best Practices in Violence Prevention," in *Handbook of School Violence and School Safety: From Research to Practice*, ed. S. R. Jimerson and M. Furlong (Lawrence Erlbaum Associates Publishers, 2006), pp. 631–50.

10 "Evidence-Driven Progressive Discipline," *The Principal Center*, <https://www.principalcenter.com/pd/>.

Recommendations: Limiting the Use of Law Enforcement in School Discipline

The increasing criminalization of student behavior alongside the expanding presence of LE officers in schools are both factors that contribute to the disparate and disproportionate treatment of Black boys in school discipline. Increased police presence and surveillance in school is directly linked to the increased number of Black boys being formally referred to the juvenile justice system for behavioral and low-level offenses.¹¹

- Schools should write and submit an MOU with local police departments to their state department of education. The MOU should detail the number and station locations of SROs in schools. The MOU should also clearly detail mandatory versus discretionary reporting of juvenile delinquency, clearly articulate differences between student misbehavior and delinquency offense, present guidelines for arrest/apprehension, indicate required training and certification, list data/reporting expectations, standards and deadlines; review statutory applications in the use of force, limitations on searches and seizures, student expectations of privacy, Family Education Rights Privacy Act (FERPA) requirements, and responses to juvenile status offenses (truancy, alcohol, tobacco and where applicable marijuana). For an example of an MOU, click on the hyperlink in footnote 12.¹² Particular attention should be given to the need for educators and school officials should address minor behavioral infractions through established school disciplinary procedures rather than involving LE.
 - » As incentive for submission, the U.S. Department of Education should give preferential consideration in terms of grant funding to schools/districts in which the MOU was drafted and accepted.

Recommendations: Federal

- The CRDC should expand its reporting categories to include separate and specific tracking of subjective behaviors that often lead to exclusionary discipline. These behaviors should include, but not be limited to, disrespect or defiance, disruption, noncompliance, inappropriate language, and non-criminal bullying or harassment.

- The Department of Education's Office of Elementary and Secondary Education should provide increased funding to schools and/or districts whose disciplinary policies result in suspensions/expulsions outside the agreed upon threshold based on school size, location and district. Funding should be targeted and allocated to schools and/or districts seeking to increase mentorship programs, develop an alternative discipline matrix and those that are pursuing educational instructors to supervise afterschool activities in lieu of suspension.
- The U.S. Department of Education's Office of Special Programs should offer increased and additional need-based funding to pilot alternative programs in districts evidenced to have the most need, as determined by poverty level, and school lunch (NSLP) participation.
- The U.S. Department of Justice should require all LE agencies to stipulate incidents resulting in a school-based arrest. Complaints should have a school incident indicator, school district code, in addition to offense type, and statute. School based discipline data resulting in formal complaint should be available for public research and analysis detached from the Department of Education's data files. All data should be disaggregated by race¹³ and gender, district, school district code, school name and state.
- The U.S. Office of the Attorney General should draft a recommended MOU for states and/or districts to utilize to assist in the development of local MOUs.
- The U.S. Department of Justice/Office of Juvenile Justice and Delinquency Prevention (OJJDP) should provide grants and technical assistance for schools to aid in the development of partnerships with juvenile courts, child welfare agencies, and mental health providers to develop diversion programs and reduce system-involvement for school-based behavior.
- The U.S. Department of Education should strategically and regularly advertise grant and funding opportunities through targeted media, marketing and outreach campaigns. The Department of Education should partner with external vendors to develop, advertise, promote, and

11 C. A. Mallett, "The School-to-Prison Pipeline: A Critical Review of the Punitive Paradigm Shift," *Child and Adolescent Social Work Journal*, vol. 33 (2016), pp. 15–24.

12 New Jersey Department of Law & Public Safety and New Jersey Department of Education, *A Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials*, rev. ed. (Trenton, NJ: New Jersey Department of Law & Public Safety and New Jersey Department of Education, 2023).

13 With respect to Hispanic/Latino reporting, aggregated racial and ethnic data should be reported using the following seven categories: (i) Hispanic/Latino of any race; and for individuals who are non-Hispanic/Latino, (ii) American Indian or Alaska Native, (iii) Asian, (iv) Black or African American, (v) Native Hawaiian or Other Pacific Islander, (vi) white, and (vii) two or more races.

disseminate requests for proposals (RFPs) for funding opportunities geared toward programming that aims to reduce suspension and expulsions.

- The U.S. Department of Education through funded partnerships with think tanks and/or philanthropic institutions should provide technical assistance to aid schools and/or districts in replying to funding opportunities (grant writing, submission and outcome reporting).
- The U.S. Department of Education's Office of Special Programs should offer preferential consideration (early review and acceptance) to universities and colleges; research institutions, non-profits and philanthropic organizations seeking federal funding to implement pilot suspension and expulsions programs in at-risk schools and/or districts as identified by the Department of Education.
 - » As an incentive, schools and/or districts and their associated research partners, who federally report implementation strategies, methodologies, findings, outcomes, and budget allocations should receive a guaranteed continuation of funding for 2 additional years. The amount of funding may vary by a decrease of no more than 10 percent.
- The U.S. Department of Justice should offer preferential consideration (early review and acceptance) to universities and colleges; research institutions, non-profits and philanthropic organizations seeking federal funding to implement pilot suspension and expulsions programs in at-risk schools and/or districts as identified by the Department of Education.
 - » As an incentive, schools and/or districts and their associated research partners, who federally report implementation strategies, methodologies, findings, outcomes, and budget allocations should receive a guaranteed continuation of funding for 2 additional years. The amount of funding may vary by a decrease of no more than 10 percent.
- The Department of Labor, Department of Education, and the Department of Justice's Office of Juvenile Justice and Delinquency Prevention should offer a combined, perpetually funded (albeit not granted) block grant to universities and colleges; research institutions, non-profits, and

philanthropic organizations; schools; and/or school districts seeking federal funding to implement pilot suspension and expulsions programs, in conjunction with science and math mentorship programs. Conjunctive submission of RFP's would be required.¹⁴

- The Office of Management and Budget's Office of Discretionary Funding should re-invest and re-establish its commitment to making historic investments in high-poverty schools through Title I grants that address long-standing funding disparities between under-resourced school districts and their wealthier counterparts, providing critical new support to both students and teachers.¹⁵

Recommendations: Data and Reporting:

- Draft data sharing agreements between schools and local police departments
- Procure or update current student information systems for non-offense related student behavior. Allow subjective behavior codes (defiance, inappropriate language, disruption)

Recommendations: Legal

- Clarify that disparate impact in school discipline constitutes a violation, even in the absence of explicit intent to discriminate.
- Authorize OCR to enforce standards addressing racial, disability-based, and gender-based disparities in school discipline practices.
- Require states receiving federal education funding (e.g., Title I, IDEA) to implement school-wide positive behavior interventions and supports (PBIS), trauma-informed practices, and restorative justice models as alternatives to exclusionary discipline. Condition funding on annual state progress toward reducing suspensions, expulsions, and school-based arrests.
- Prohibit LEAs from using federal funds to contract or expand school policing programs unless evidence-based alternatives are exhausted and publicly justified.
- Ensure that students are given their constitutionally mandated due process protections when facing suspensions or expulsions. Mandate that they must receive adequate notice, the opportunity to be heard, and

14 U.S. Department of Labor, Employment and Training Administration, "Departments of Labor, Justice Award More Than \$63M in Grants to Provide Workforce Training, Support for People Returning from Jail, Prison," *U.S. Department of Labor*, Sept. 28, 2023, <https://www.dol.gov/newsroom/releases/eta/eta20230928-0>.

15 White House, "Office of Management and Budget Releases the President's Fiscal Year 2022 Discretionary Funding Request," *White House*, Apr. 9, 2021, <https://bidenwhitehouse.archives.gov/wp-content/uploads/2021/04/FY2022-Discretionary-Request-Press-Release.pdf>.



access to representation, especially in cases involving referrals to LE or juvenile court.

Recommendations: Schools and/or School Districts

- Develop a Collaborative Code of Conduct Manual that clearly outlines behavioral expectations and disciplinary responses. This manual should be created with input from students, teachers, administrators, parents, and community members to ensure that it reflects diverse perspectives and fosters a sense of shared responsibility.
- Schools should expand reporting requirements to include the specific disciplinary responses used in each incident, such as detention, in-school or OOS suspension, referral to LE, or removal from the classroom. This level of detail will allow for more accurate monitoring of discipline practices and help identify disparities and trends that contribute to the STPP.
- Schools should Integrate discipline data with early warning and Multi-Tiered Systems of Support (MTSS)

Recommendation: Juvenile Justice System

- Diversion of youth who receive school-based complaints away from formal justice system towards alternatives and community-based diversions
 - » Create risk assessments and/or screening tools to aid in decision making both ensuring fairness and transparency
- Court tracking of cases referred to formal court processing, detailing offense type, degree, race, gender, school, grade, and outcome (diverted, dismissed, adjudicated, disposed). Also indicate student status (suspended /expelled)
- For students detained pre-disposition, education should be comparable to that of their non-detained peers, ensuring a continuum of high-quality learning opportunities that support their academic progress and future success.

Appendices

A. Public Comment- TBD

B. Supporting Documents

1. Testimony

2. Resources and Information

- a) Council of State Governments Justice Center. *School Discipline Consensus Report: Strategies From the Field to Keep Students Engaged in School and Out of the Juvenile Justice System*. New York: Council of State Governments Justice Center, 2014.
- b) Smith, E. J., & Harper, S. R. (2015). Disproportionate impact of K-12 school suspension and expulsion on Black students in southern states. Philadelphia: University of Pennsylvania, Center for the Study of Race and Equity in Education.
- c) Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials (MOA). [Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials \(MOA\)](#)
- d) ACLU. Kim, C.Y., and I. Geronimo. (2009). Policing in Schools: Developing a Governance Document for School Resource Officers in K-12 Schools. New York, NY: American Civil Liberties Union, aclu.org/files/pdfs/racialjustice/whitepaper_policinginschools.pdf
- e) Congression Research Service: School Resource Officer: Law Enforcement in Schools. [School Resource Officers: Law Enforcement Officers in Schools](#)
- f) Bulletin: U.S. Department of Justice, School Resource Officers, 2019-2020. [School Resource Officers, 2019-2020](#)



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- Weaver, Vesla M., and Amanda Geller. "De-Policing America's Youth: Disrupting Criminal Justice Policy Feedbacks That Distort Power and Derail Prospects." *The Annals of the American Academy of Political and Social Science* 685, no. 1 (September 1, 2019): 190–226. Accessed August 12, 2025 <https://doi.org/10.1177/0002716219871899>





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CSSBMB Headquarters

c/o U.S. Commission on Civil Rights
1331 Pennsylvania Ave., NW, Suite 1150
Washington, DC 20425

Research Participants

CSSBMB is rooted in research. From housing and health to labor and employment, we are looking to connect with subject matter experts to explore and document the disparities faced by Black men and boys in the United States to recommend policy for better life outcomes. To learn more, contact: pressBMB@usccr.gov.



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