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Race, Disability and the School-to-Prison Pipeline

Julianne Hing

Enikia Ford-Morthel speaks of Amo (a pseudonym) with the fondness of an auntie talking about a beloved nephew. She recalls watching Amo at his fifth-grade graduation from Cox Academy in Oakland two years ago. The memory of him walking across the stage still fills her with emotion. “He looked so cute in his little white suit, with his jewelry on,” Ford-Morthel says of his graduation. “I just cried.”

Ford-Morthel and Amo are not actually each other’s family. Ford-Morthel was Amo’s principal at Cox Academy, a charter school in a particularly rough section of East Oakland. Nor did they always share such closeness. Amo, an African-American boy, arrived at Cox as a fourth-grade terror. “He was hell on wheels,” Ford-Morthel says of those early days. On his very first day Amo was in class for just 10 minutes before he got sent to Ford-Morthel’s office for starting some kind of trouble, and for the month after that he was never in class for longer than half an hour before he started swearing at his teacher or otherwise interrupting instruction.

He was headed for the discipline track, Ford-Morthel says, and even as a fourth grader, he would easily have been suspended for his behavior in many other schools. “But we sat with him and we had to figure out how to learn him,” she says. It turned out that Amo’s parents had split up and his dad had a new girlfriend with whom Amo’s mom didn’t get along. “Most of his experience with adults was them not working together, so he didn’t respect very many adults,” Ford-Morthel says. “He had huge trust issues, and his academics were horrible—which of course they were, because he was never in class.”

So the school assigned Amo a behavior intervention specialist, a coach who stayed nearby, in class all day long. The specialist helped him identify stressors and showed him alternative responses to his violent outbursts, and then helped Amo learn to tap into those more productive stress responses whenever he felt threatened or frustrated. The school bridged these behavioral and emotional interventions with academic ones, and reached out to Amo’s parents to get them on the same page about his schooling. There were multiple home visits involved, and lots of time spent earning his parents’ trust. Ford-Morthel speaks with particular pride about bringing Amo into a meeting one day with ten adults in the room—including his mom and dad—showing a united dedication to Amo and his education that he’d never seen before.

Without this huge effort, says Ford-Morthel, Amo was on track to land in special education, suspension or both. Amo was exhibiting the kind of disruptive behavior that, for black boys in particular is often confused for a disability in school settings. Many people believe this diagnostic progression—from frustrated, difficult kid to disabled, segregated student—is a primary entry point into what's been called the school-to-prison pipeline.

That phrase has come to represent the nebulous mix of forces that join with harsh school discipline policies to drive striking numbers of students of color away from school and into the criminal justice system. In recent years, migration out of classrooms has been increasingly understood as a defining challenge to racial justice in our nation's schools. "Too many students are unnecessarily removed from class each year due to suspensions, expulsions and other exclusionary discipline practices," U.S. Secretary of Education Arne Duncan said earlier this year, when the Education and Justice departments released a joint guidance warning schools about the school-to-prison pipeline.

Researchers have clearly established the contours of the pipeline. During the 2011 school year, more than 3 million public school students were suspended and over 100,000 expelled. These students were overwhelmingly black. According to the Department of Education, black students are suspended and expelled at three times the rate of white students. Save for American Indians, no other racial group experiences such outsized racial disproportionality in exclusionary discipline. Indeed, the federal government has said that the racial disparity in punishment levels can't be explained by differences in kids' behavior alone. Importantly, just one of those suspensions can double the likelihood that students will drop out of school, and increase the likelihood that students end up in prison. A disproportionate number of students of color are even arrested[1] at school as a form of punishment.

But while the racial disparity is clear, the reasons for it are not. What institutional forces set a child down this path? At least part of the answer seems to be the inadvertent, perverse incentives of the special education system. Frustrated educators—desperate for help in schools that don't have the kinds of interventions Ford-Morthel had available at Cox—are instead using inherently subjective and fuzzy disability classifications to gain access to sorely needed resources. Special education classifications open the door to new tools for engaging the most challenging students, but in the process, they may also be putting those children on a path to prison.

Disability and Discipline

Ford-Morthel, now the chief of schools at Education for Change, the charter network which runs Cox Academy, says she's seen educators' desperation up close. Before she became principal at Cox, she was a teacher and principal in the Hayward Unified School District. She saw firsthand how, absent other classroom supports, teachers turned to the special education system to help fill the gap for their most challenging students. At Cox, she was able to interrupt that process because the school was the testing ground for a federally recognized pilot program designed to reimagine how schools treat challenging students.

Dubbed "All In," the Cox pilot is a partnership spearheaded by Seneca Center, a statewide family services and child welfare organization in California. Seneca won a $3 million grant from the Department of Education in December 2013 to expand its work at Cox to six other schools in the Bay Area. It's a local plan that's garnered national attention for taking a novel approach to meeting the needs of its most vulnerable students. Seneca's pitch: by taking a holistic, community-wide approach to dealing with the trauma kids confront outside of school, educators can better meet the academic challenges students face once they step inside the classroom. And by disentangling the threads of race, disability and school discipline, educators hope to keep kids on track and out of the school-to-prison pipeline.

"The goal is to understand the difference between disability and disadvantage," says Lihi Rosenthal, Division Director for Seneca Center.

There are over a dozen ways to be classified as a special education student under the federal Individuals with Disabilities Education Act, or IDEA. Enacted by Congress in 1974, IDEA spelled out for the first time that students with disabilities had a right to a "free, appropriate public education." Nearly 50 years later it's easy to take such protections for granted, but prior to 1975 states and school districts were under no obligation to provide an education for students with disabilities. By some estimates[2] nearly half of the roughly four million students with disabilities at the time were not served by public schools and when students did receive an education, it was one often isolated from their peers and subpar in academic rigor. Advocates fought for the development of special education programs to meet the needs of students with disabilities that general education clearly wasn't.

If that sounds analogous to desegregation efforts for African-American children, that's because IDEA was made possible by the Supreme Court's landmark 1954 desegregation ruling in Brown v. Board of Education, which marks its 60th anniversary this month. Brown v. Board of Education paved the way for IDEA by providing a legal basis to challenge the de-facto segregation of children with disabilities from their peers. If "separate but equal" was no longer sufficient justification for the educational segregation of African-American children from their white peers, advocates argued, it wasn't going to work for children based on disability status either.

Today, 6.4 million students in the U.S. are classified as needing special education. They make up 13 percent of the nation's K-12 enrollment.[3] For many children with disabilities, classification as an IDEA-eligible student opens up access to extra services and supports that can make the difference between graduating and dropping out. But because of strict IDEA funding streams, acquiring a special education label also becomes the vehicle for students and educators to get help for challenging classroom situations, help that may ironically be worsening those challenges for the students.

Among the myriad special education classifications are disabilities that can be medically diagnosed—like hearing and visual impairments, or traumatic brain injury. Racial disproportionality in these categories is just about nonexistent. With many of these disabilities, parents are already aware of them when they enroll their children in school.

Other designations, like "emotional and behavioral disturbance" or "specific learning disabilities," tend not to come until students arrive in the classroom. These so-called "soft disabilities" are catchalls for broad classes of learning challenges and anti-social behaviors, and the assessment and labeling process for them is open to much more subjectivity. Perhaps not surprisingly, they have come to be defined by deep racial disparities.

For example, white students are more likely to be labeled “autistic” than are students of color, while African-American students are at the highest risk of all races for being labeled with the broad term “specific learning disabilities.” In the 2011-2012 school year, black students were twice as likely as Latinos, four times as likely as Asians and 1.4 times as likely as whites to receive special education services for emotional disturbance, according to federal data.[4]

Emotional and behavioral disturbance, according to federal law, is marked by an “inability to learn which cannot be explained by intellectual, sensory, or health factors.” The law defines some of the warning signs as anti-social behavior, a child’s inability to build positive relationships with teachers and students, inappropriate behavior or even “a general, pervasive mood of unhappiness or depression.” Experts, parents and advocates have been sounding the alarm about racial disproportionality in these highly subjective classifications for decades. Documented evidence of the disparities date back to the 1960s. In the 2004 reauthorization of IDEA, Congress acknowledged the deep racial disproportionality that has come to characterize disability categories like “emotional disturbance” and “specific learning disabilities” or “intellectual disability,” the new name for what used to be known as “mental retardation.” Still, the disparities persist.

While the disproportionality in identification is well-documented—black students have been overrepresented in special education programs since the U.S. Office of Civil Rights started keeping data on the topic in 1968—there isn’t one clean answer to explain its causes. Experts have identified a host of possible explanations, ranging from unchecked implicit bias on the part of inadequately prepared teachers to explicit racial bias on the part of educators who want to circumvent federal mandates to integrate schools.

The U.S. public school teaching force is overwhelmingly white and female, and may have less understanding about black students and boys, some have offered. Cultural stereotypes about African Americans being inherently criminal or suspect can condition a teacher to react more harshly to a student who’s acting out. And while the use of IQ tests is controversial and waning, they are still deployed in some states as part of special education assessments, even though critics have long said IQ tests are biased against kids of color.

In the wake of Brown v. Board of Education, some states, particularly Southern ones, also used special education classifications as a way to give the illusion of compliance with the law. By slapping black children with special education designations, schools could move them to classrooms separate from their white, general education classmates and still technically be running integrated schools. Roslyn Mickelson, a professor of sociology at the University of North Carolina at Charlotte, has called this kind of academic tracking “second-generation segregation.” What is clear, says UCLA’s Civil Rights Project Director Dan Losen, is that disproportionality in special education highlights the many places where “bias can seep in.”

Once students are labeled as special education, they’re placed on an accelerated path toward the school-to-prison pipeline. Students designated as having disabilities are two times as likely as their peers to be punished with suspension and expulsion, and researchers have found that even one suspension in ninth grade doubles[5] the likelihood that students will drop out eventually. In essence, a disability classification heightens the risk that a student will drop out eventually.

The pipeline works most ruthlessly if that student who's been labeled as disabled happens to also be an African-American boy. More than one in every four black boys identified as having disabilities was suspended in the 2011–2012 school year, according to the Department of Education's Office of Civil Rights.[6] The same can be said for American Indian, Pacific Islander and multiracial boys classified with disabilities. Meanwhile, 12 percent of white boys classified with disabilities and 10 percent of Asian boys were suspended.

Having been over-identified as disabled and far disproportionately suspended from school, black students are also subjected to some of the highest rates of school-based arrests. This is the final step along the school-to-prison pipeline. Students of color who are already vulnerable academically and emotionally, and who are most likely to go to under resourced schools, are also met with the highest levels of punishment. Ultimately, they are pushed out of the classroom and too often into the back of a police car. Black students are 16 percent of the nation's student population but 31 percent of those who are arrested at school, while white students are 51 percent of the student population and 39 percent of those arrested at school.

The basic inefficiency of all of this, particularly of suspensions as a sanction for bad behavior, is part of what informs Seneca's alternative approach. "When was the last time you heard, 'Well, this kid got suspended and all of a sudden his behavior just turned around?' " Seneca's CEO Ken Berrick says. "If I thought suspensions worked as an intervention, I'm not sure I'd be against it, but they just don't." In Lihi Rosenthal's experience, exclusionary discipline doesn't get at the root problem. A kid's bad behavior, she says, often masks other troubles. "When you're a fifth grader, it's always better to look bad than to look stupid," she says. Being disruptive can be a great coping skill to get out of doing something you're afraid to do, especially if a teacher's standard response is to send you out of the room. "Of course you're going to flip over a desk every time math work comes," Rosenthal says. "It's actually a brilliant intervention."

The End of Segregation

Cox Academy is located in a particularly rough part of East Oakland. "If you know anything about East Oakland you know there's a lot of crime, and there's a lot of poverty," says Ford-Morthel. Lockdowns triggered by shootings near the school are a regular occurrence. Three days before Thanksgiving last year, seven men were shot across the street from Cox Academy, in what the Contra Costa Times reported[7] as "a hail of gunfire." Five months earlier, two 14-year-olds were shot[8] within a one-block radius of Cox. In 2011, 16-year-old Najon Jackson was shot and killed[9] on the front steps of his grandmother's home one block north of the school. It's not uncommon for a student at Cox Academy to be directly affected by all of this community and police violence just outside the schoolhouse doors, says Ford-Morthel.

Elmhurst Park, where Cox is located, is one of the poorest neighborhoods in Oakland. More than 90 percent of the students at Education for Change schools qualify for free or reduced lunch, according to Ford-Morthel. Students come to school hungry because they haven't eaten breakfast, or even hungrier because they didn't eat dinner the night before. Some students move around from night to night, with no fixed place that they call home. "All-In" was informed by research which has found that dealing with sustained trauma affects kids' ability to form positive relationships, adjust their emotions and tell the difference between threatening and non-threatening relationships, all of which affects how well they're able to do in school. "If you're worried about your mom and whether she's safe at home while you're in math class and you're fidgety and not getting your math work done, that makes sense," says Rosenthal. "That's basic survival."

Given the racial disparities in special education identification and school discipline, it's easy to assume that it's the adults who are failing students facing these kinds of challenges. And yet, Seneca's insistence on reimagining an entire school ecosystem suggests that it's broader than that—that the school-to-prison pipeline stems from fundamental flaws in the structural design of schools. It's not simply that adults are failing kids. It's that the system is failing everyone.

Amo's teacher was far from an easy caricature of a clueless, prejudiced educator intent on shoving black kids out of her classroom. She was a young Latina with a social justice background who Ford-Morthel praised as one of the school's best-performing teachers. Still, she felt defeated dealing with Amo every day. She sent Amo out of the classroom not out of spite but out of desperation. ”Teachers, our job is to get results," Ford-Morthel says. "We're experts in instruction. Most teachers just don't have the tools."

"All-In" pairs a general education teacher with a special education teacher, and places two additional counselors in the classroom to provide behavioral support for students for a full year. In a second-grade classroom I visited, that meant there were four adults in a classroom of 24 students. The team works in tandem for the entire year, during which the counselors and special education teacher are helping to build the capacity of the general education teacher to better identify and intervene when students are having difficulties in class. And then the team of counselors and special ed teacher moves on to work in another teacher's classroom. A team of psychologists, counselors, social workers, special education teachers and learning specialists are also on hand at the school to support teachers and students in smaller settings. Instead of merely asking, "What do we need to do to fix these kids?" "All-In" provides school-wide training and support for teachers and other educators to rethink their roles as well.

This is the opposite of what happens in a typical school. There, a teacher's classroom is their kingdom, but it can also be an isolating island, says Seneca's Rosenthal. Typically, a general education teacher is best equipped to handle their general education students, and special education interventions are handled away from the general education environment. The more serious the need, the further special education students are pulled away from the general education setting. School districts end up paying large sums of money to educate children outside of school, which means general education teachers never get training they need to identify and help future students with disabilities. Additionally, a student must gain an Individualized Education Plan (an IEP) that comes with a special education designation in order to be eligible for extra academic and behavioral support. So a special education designation becomes a student's ticket to more supports and services, even though special education is an educational ghetto that's extremely difficult to leave.

The difference with "All-In" is that the model doesn't concern itself so deeply with the line between students with disabilities and students without. Ninety-seven percent of Cox students are MediCal-eligible, which means that they're also entitled to mental health services at their school. So, by pulling together special education and mental health funds, the school can make its broadest level of services available to just about every single student, while saving its most intense interventions for those with the most serious needs. "It's an extraordinarily artificial distinction," Berrick says. "Special education is a continuum. It's not, 'I have no disability, I have no disability, I have no disability. Oh, I have a disability.'" This is especially true for the kinds of emotional and behavioral disabilities which most disproportionately affect the population of students "All-In" is aimed at. Amo, for example, did not have an IEP. "Left unchecked though," says Ford-Morthel, "I can very easily see him being [labeled emotionally disturbed]."

The pilot program allowed the adults in the school to interrupt that journey. "There was violence and separation in his life that he was working out," she says. "And so him talking back wasn't him being like, 'I'm being disrespectful as an African-American boy.' It was about: this is what my life has taught me I need to do."

The obvious question, though, is how replicable is All-In's approach? Placing four adults in one classroom and providing a phalanx of social workers and counselors on-site sounds like extremely expensive, posh schooling. But Seneca CEO Berrick turns the question around on itself: How sustainable is the current approach? Eighty-one percent of Oakland Unified School District's $64.2 million special education budget goes to educating kids in separate classes and in off-site, non-public schools. It costs a district $75,000 per child to educate a kid in a specialized school for students with behavioral and learning disabilities. At that rate, says Rosenthal, "you could get that one student their very own teacher." Oakland Unified School District spends an average of $1,794 per special education student, and the "All-In" model costs $1,052 per student. The funds are there to sustain a reimagined school community.

Oakland Unified's Associate Superintendent Sheilagh Andujar calls All-In "very timely." The racial disparities in special education identification and school discipline are not lost on Andujar, who was appointed to lead the district's special education services last summer. "We're looking into possibilities with this new model," Andujar said, with an emphasis on taking a "system-wide" approach. The ultimate hope is to intervene as soon as possible so "we see a decline in the number of students who are referred for special ed, and those who are labeled in that 'emotionally disturbed' category."

Today, Amo is in seventh grade, and Ford-Morthel still checks in on him. He's hanging on, attending class every day and keeping up decent grades. "He's a stronger kid," says Ford-Morthel, but she knows it'll be all too easy for Amo to fall apart in a system that isn't prepared to acknowledge everything that's going on in his life outside of school. "This is only a start."

NOTES

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