



ACLU FOUNDATION OF ARIZONA School to Prison Pipeline Project Summary of Current Activities

Zero-tolerance disciplinary policies: Many schools have embraced zero-tolerance policies, or policies that ensure that even technical violations of school rules (such as bringing nail clippers to school or displaying “gang colors”) automatically result in harsh disciplinary measures. The immediate result of these policies has been an increase rates student suspensions or expulsions. Last year alone, about 6% of students enrolled in Arizona schools were suspended or expelled (more than 51,000 kids). And, for example, in the **Tucson Unified School District**, Black children made up 11 percent of suspensions, and 33 percent of expulsions, even though they comprise only 7 percent of the student body. Sometimes, instead of being pushed out of school completely, the students are sent to disciplinary alternative schools (pursuant to A.R.S. 15-841(E)), who are notorious for failing to provide meaningful educational services. The ACLU-AZ is gathering student codes of conduct from each school district in the state to get a birds-eye view of where districts stand.

School resource officers: A.R.S. § 15-154 provides for schools to apply to the State Department of Education for funding to hire police officers or juvenile probation officers to address safety issues in Arizona schools. About 200 schools statewide participate in this program. Other schools have used their own funds to contract with local police or sheriff’s departments to have an officer on campus. The presence of law enforcement on campus has been tied to higher rates of school-based arrests and searches for incidents (such as disruptive behavior) that would have been dealt with by a visit to the principle’s office a generation ago. The ACLU-AZ’s school survey also includes questions about the role of school resource officers and the national Racial Justice Project has recently released a white paper that describes model standards and guidelines for school resource officers. We look forward to working with school districts to develop formal governance documents clarifying the role that SROs will play in school safety and ensuring that they receive training appropriate to the population they are working with (students as opposed to perpetrators on the street).

Examining referrals to the juvenile justice system and protecting diversion programs: Nearly as many kids as were suspended or expelled in Arizona were the subject of a delinquency referral in 2008 (46,000+), with almost half of the kids being 15 or younger. Only a small percentage of these referrals were for felonies against persons, with the vast majority of the remainder being for misdemeanors and status offenses. Some of the highest numbers of referrals were for truancy, alcohol possession, and disorderly conduct. Fortunately, about 20,000 of these kids, mostly the first-time offenders, were eligible for one of the court system’s many diversion programs. A professor in ASU’s Criminology Department, whom we may be working with soon, recently published a study confirming the detrimental impact of contact with the juvenile justice system – a first-time arrest increases the likelihood that a child will drop out of high school two-fold, while a single court appearance increases that likelihood four-fold. Because decreased educational attainment has a number of social costs, we all have an interest in promoting diversion programs and school-wide positive behavioral intervention and support (“PBIS” programs, which circumvent the juvenile justice system altogether) as an alternative to court involvement or incarceration. Arizona has a long way to go in this respect – it ranked one of the worst states in the county for locking up non-violent juvenile offenders.

Racial Disparities: Another aspect of the juvenile justice system that we are examining is the racial disparity that seems to intensify at each stage of the process. Latino kids in Arizona made up 40% of the referrals in 2008 (versus 30% of the general population) and African-American kids made up 8% (versus 4% of the population). Latino kids made up 46% of the kids who were subject to secure detention before their delinquency hearing, and African-American kids made up 10%; minorities were also less likely to be diverted. Next, Latino kids made up 53% of the kids who were placed on intensive probation, and African-American kids made up 9%. Finally, Latino kids made up 52% of the kids committed to the Arizona Department of Juvenile Corrections after a hearing, and African-American kids made up 11%. In addition, Latino kids made up 57% of the kids tried as adults (leading to more severe punishment, and often, the effective cessation of educational services), while African-American kids made up 18%. These disparities are unacceptable, and should be of concern to courts, educators, and the public alike.

We have filed public records requests with the **Maricopa and Pima County Juvenile Courts**, as well as with some law enforcement agencies that have school resource officers, and are awaiting results.

Advocating for special education students: As could probably be expected, children who have special learning or emotional needs are particularly vulnerable to pushout. This is because many schools do not feel adequately equipped to handle these youth and may look for ways to transfer them to an alternative school, or sadly, to jail. A nationwide study from 2001 revealed that while special needs children comprise an estimated 8.6% of public school students, they make up 32% of the population in juvenile corrections facilities. The Individuals with Disabilities in Education Act (IDEA) requires that schools may not remove a child from school if misconduct is a manifestation of the child's disability (and in most situations must hold a hearing within 10 days to determine if this is the case), and if the school does remove the child, it must still provide alternative education. In 1997, Congress amended the IDEA to allow many of these due process protections to go out the door when a child with special needs is referred to the juvenile justice system for any charge more serious than a status offense. We are working with the **Arizona Center for Disability Law** to explore legal strategies to hold school districts accountable to their obligation to provide these kids with quality education.