

LEGISLATIVE ADVOCACY DAY

SCCUWF



United
Women
in Faith

MASS INCARCERATION



Fight Back Against School Pushout!

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South Carolina Appleseed Legal Justice Center



SC Appleseed is...

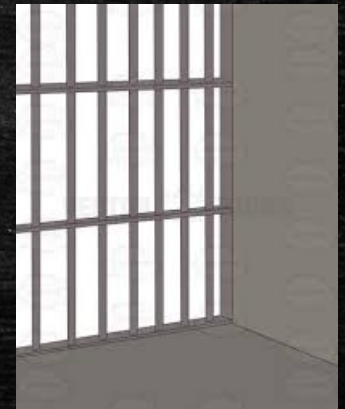
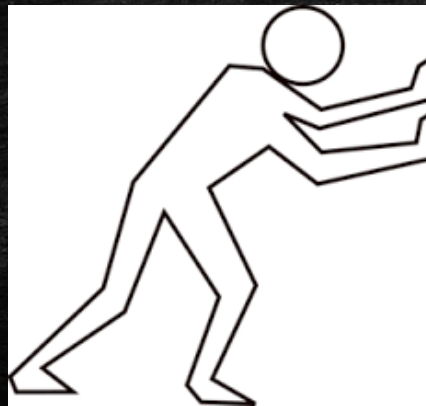
A non-profit organization that has been fighting for low-income South Carolinians to overcome social, economic and legal injustice since 1979. We do systemic advocacy, including impact litigation, in the in the following areas:

- Consumer Protection
- Education
- Healthcare
- Housing
- Hunger
- Immigration
- Public Benefits



What Does Pushout Mean?

- Pushout refers to practices that contribute to students dropping out. These include unwelcoming and uncaring school environments and over-reliance on zero tolerance school policies that push students out of school.



What is the School to Prison Pipeline?

- The “School to Prison Pipeline” refers to the policies and practices that push our nation's schoolchildren, especially our most at-risk children, out of classrooms and into the juvenile and criminal justice systems. This pipeline reflects the prioritization of incarceration over education.



First. What the Law Says About School Discipline



School Discipline

- State law sets loose guidelines, department of education has regulations and districts establish policies based on both.
- Discipline policies vary by district
 - Read the handbook
 - Check online for full discipline code
- Parents and students should review code of conduct each year.



Types of Discipline



Detention



Suspension



Expulsion



Alternative Placement



Suspension

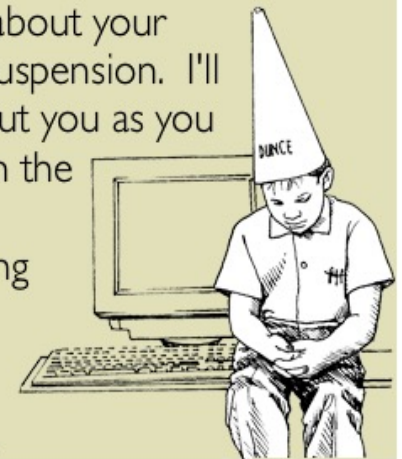
- 10 day maximum per offense
- 30 day maximum of total suspension (§59-63-220)
- Cannot suspend student on last 10 days of school year if suspension will make child ineligible for credit without approval of school board. (§59-63-220)
 - **Exception:** ACTUAL threat to school
 - Mandatory hearing within 24 hours of suspension
- If IEP or 504 must have a MDR after 10 cumulative days of suspension per school year.



Suspensions

- School must:
 - Conference with parent shall be set within 3 days of suspension.
 - § 59-63-230
- Student can:
 - “Give and take conversation”
- Parent can:
 - Appeal to school board only
 - Have false or misleading statements removed from the record

I sorry to hear about your out-of-school suspension. I'll be thinking about you as you spend all day on the couch in your underwear eating Doritos.



your  cards
someecards.com

Expulsion

- Can be referred to hearing board for:
 - Cumulative offenses
 - Severe infractions
 - Firearm
 - Incurrible student

Typically for the remainder of school year

- Parent has the right to petition for readmission the following school year
 - **Exception:**
 - Firearms §59-63-240
 - Incurrible §59-63-235





- All students deserve representation at an Expulsion hearing.
- Representation at an expulsion hearing can change the trajectory of a student's future

Expulsion Process

- Written notification of expulsion hearing
- Right to a hearing
 - State law says within 15 days
- Right to legal counsel and all other regular rights including the ability to question witnesses.
- Right to complete assignments while expulsion decision is pending (must be via parent)



Expulsion Process

- Decision of Hearing Officer is to be made within 10 days of hearing and it **must be in writing**
- Either party can appeal any decision of the hearing officer to the school board
- Can appeal expulsion decision to Circuit Court



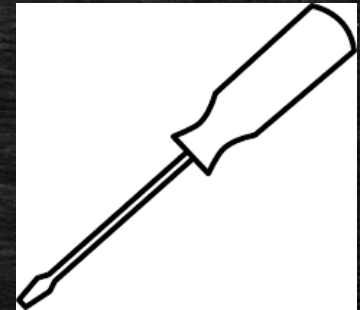
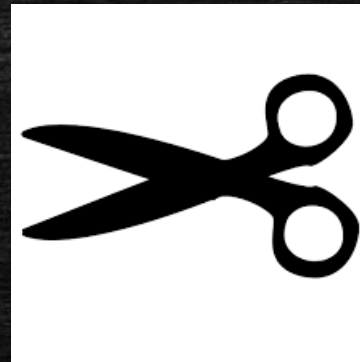
Appeal of Expulsion Decision

- Appeal to the school board in writing
- Can only appeal expulsion to circuit court
- Permanent expulsion authority rests solely with school board
- Either party can appeal



365 Day Expulsion

- Firearm= 1 calendar year/ 365 day expulsion
 - Not any weapon only firearm
 - Not water gun or toy gun



Transfer of Students

(Alternative School)

- Right to consent to transfer to avoid suspension or expulsion
- Right to a conference or hearing if you don't agree.
- Right to appeal to the school board only



Permanent Expulsions

- Students have the same due process rights as they do in regular expulsions but they **MUST** receive notice that the school district wants to permanently expel



Schools are Required to Report Certain Incidents to Law Enforcement

- School administrators **MUST** contact law enforcement authorities immediately upon notice that a person is engaging or has engaged in activities on school property or at a school sanctioned or sponsored activity which **may result or results in injury or serious threat of injury to the person or to another person or his property as defined in local board policy.**



Is this Discipline issue really a Special Education issue?

- Look for chronic behavior disruptions
 - Relationship problems at home or at school
 - History of suspensions, expulsions, or removal from the classroom setting
 - Behavior that isn't age appropriate- like biting
- Look for Academic issues
 - Poor grades and poor performance on standardized tests
 - Repeating grades
 - Cognitive, physical, and verbal processing issues
 - Poor school attendance or truancy
- If YES, then this student may be a student with special education needs



Special Education in Discipline

- Federal Law (IDEA) provides that Special Education students get FAPE
 - IEP, LRE with Related Services
- District can't say that they can't afford services that the student needs to get FAPE
- Must have MDR before expulsion hearing
- Student is entitled to services in IEP even if suspended or expelled (after 10th day)



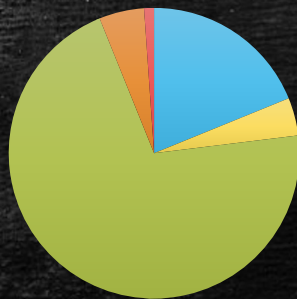
Second.
What is
Actually
Happening.



Enrollment/ OSS/ Law Enforcement

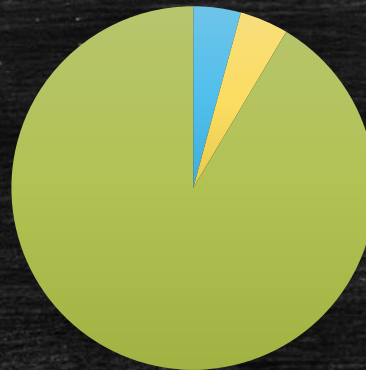
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Enrollment



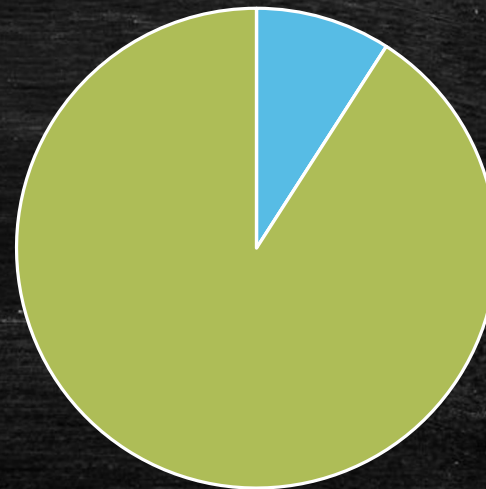
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■ White ■ 2 or More ■ Black

Referrals to Law Enforcement

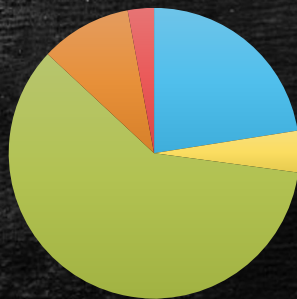


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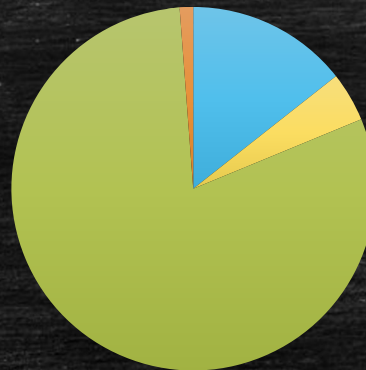
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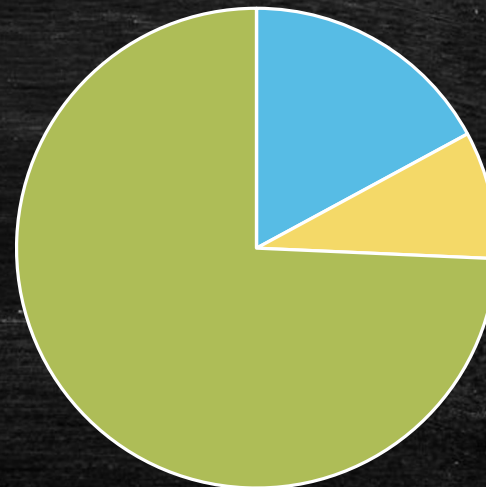
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4th Qtr

Referrals to Law Enforcement

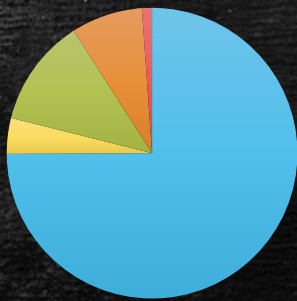


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Enrollment/ OSS/ Law Enforcement

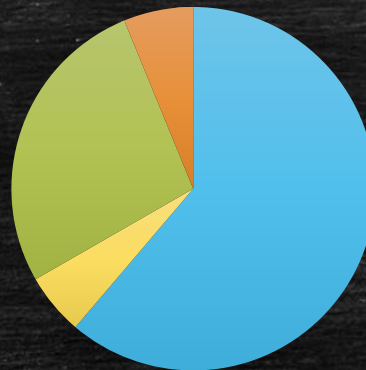
Lexington 1

Enrollment



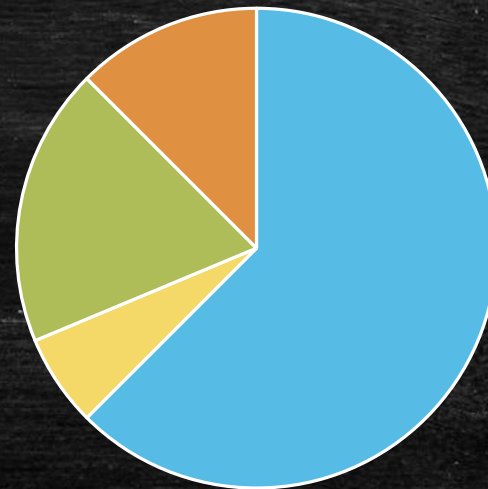
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2 or More
Hispanic

Referrals to Law Enforcement

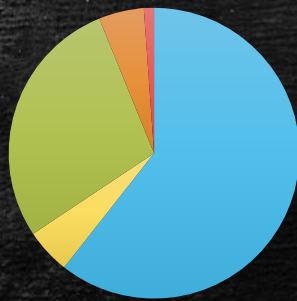


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Enrollment/ OSS/ Law Enforcement

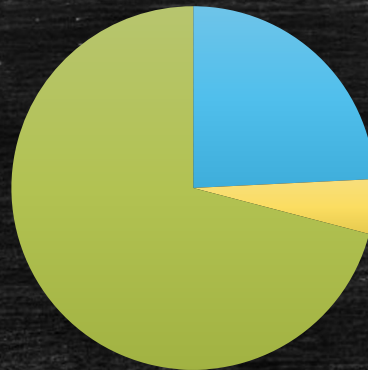
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Enrollment



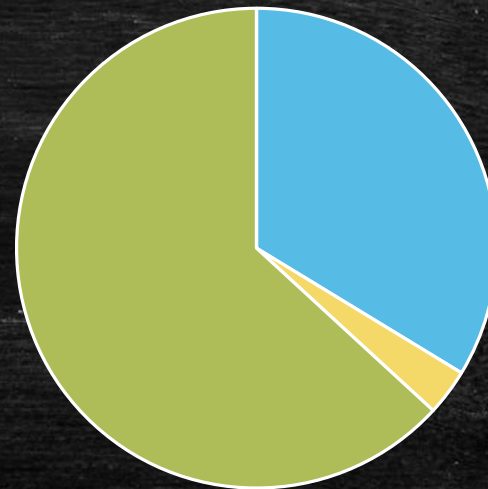
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■ 2 or More
■ Hispanic

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■ White
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Referrals to Law Enforcement



■ White
■ 2 or More
■ Black

Top Five Referral Offenses in Juvenile Cases 2019

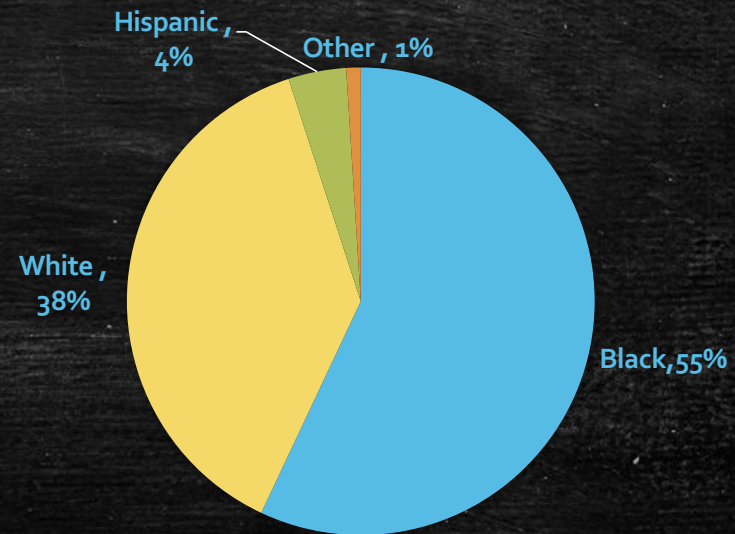
Statewide

- Assault & Battery 3rd
- Public Disorderly Conduct*
- Simple Possession Marijuana
- Truancy (status)
- Shoplifting

Demographics of DJJ Population

- Somewhere between 32% to 41% of these kids receive Special Education services
- DJJ's Average Daily Population is 603
- 4,822 cases were heard by family court
- 60% of kids end up on probation
- 15.7% Recidivism Rate

STATEWIDE RACE OF OFFENDER



Let's Talk About Money\$\$\$

- Cost to Educate a Student - \$15,561
- Cost to Incarcerate a Student - \$155,490*



Urban Legends, Rumors, Myths, and Lies

- School Resource officers are there to protect children and they make our schools safer.
- Bad, disruptive children keep the good kids from learning
- If the parents were doing a better job kids would behave better.
- Students can do better work, but they refuse to try.
- We have a zero-tolerance policy, so we have no choice but to expel.



Urban Legends, Rumors, Myths, and Lies

- The school knows the law/ the school will follow the law/ or will protect children's rights.
- Kids with IEPs can't be expelled.
- All a student with ADHD can handle is a shortened school day
- Kids must take medicine in order to come to school or have an IEP.



The Truth, Facts, and Reality

SRO's

- Role, duty, responsibility
- SRO School Discipline
- Is there a better way?



What Police in Our Schools Look Like

Trigger WARNING

<https://www.youtube.com/watch?v=qtlO4cESO8Q>

<https://www.youtube.com/watch?v=qBSrccdaqXow.youtube.com/watch?v=qBSrccdaqXo=g>

<https://www.youtube.com/watch?v=72vu6nxZX58>

<https://www.counton2.com/news/local-news/berkeley-county-news/sled-interviewing-moncks-corner-officers-about-school-rso-accused-in-sexual-assault-case/>

Bad, Disruptive Kids Keep the Good Kids From Learning.

FALSE

- Schools with higher rates of OSS and Expulsion have LOWER:
 - Academic quality
 - Performance in standardized tests
 - Student and parent engagement
- Schools are not any safer



If the parents were doing a better job kids would behave better.

- Overall, kids are not misbehaving at a higher rate.
- Actually, a reduction in juvenile crime
- Students who receive free lunch are at a greater risk for suspension.
- Criminally charging students for typical behaviors
- Teacher/ Staffing Shortage

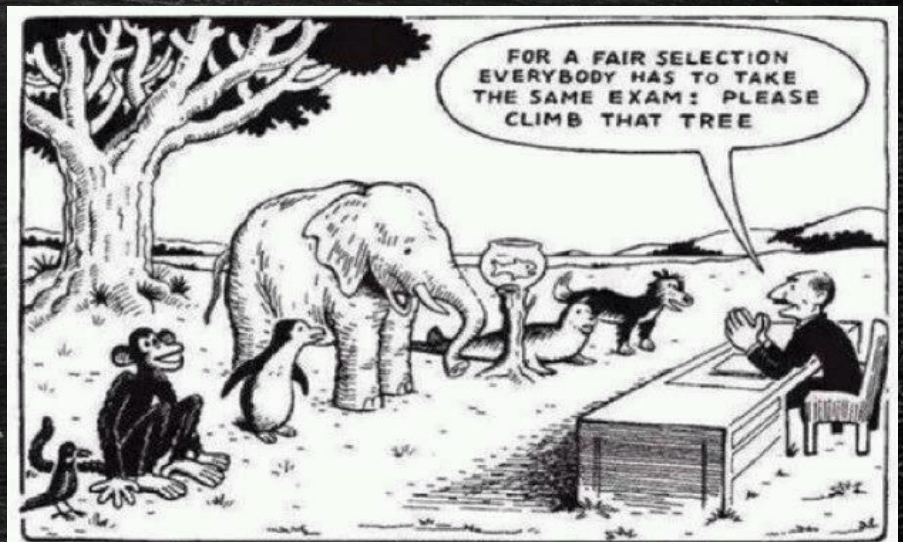
I wish my teacher knew
Sometimes my reading log
is not signed because
my mom is not around a lot

I wish
Teacher knew I Don't
Have Pencils at home



Students can do better work but refuse to try.

- Don't know what's going on inside someone else's brain
- Trauma
- Learning Differences



Our Education System

"Everybody is a genius. But if you judge a fish by its ability to climb a tree, it will live its whole life believing that it is stupid."






- Albert Einstein

Zero Tolerance Polices

- Zero Tolerance is more like zero common sense
- Districts state that they have no choice but to expel
- Black middle school girls are suspended 4X more frequently than white girls
- Black middle school males are suspended 3X more than white males
- Over 50% of all students arrested at school nationally are Black or Hispanic

SchoolDoodle™

Test Your ZERO TOLERANCE Aptitude
Pick the appropriate response for each situation.

	
A) "It's not polite to point." B) "We don't play guns at school." C) "You are suspended!"	A) "Please quiet down." B) "Why not play a nice game?" C) "You are suspended!"
	
A) "Leave the boys alone." B) "That behavior is inappropriate." C) "You are suspended!"	A) "Pay attention to your work." B) "Thank you for drawing me thin." C) "You are suspended!"
	
A) "You did the right thing." B) "Tell your mom no plastic knives." C) "You are suspended!"	

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If you picked C), the kids lose.

Not Fun Facts!

- SC was the second highest suspending state for ALL secondary students.
- Tied with Alabama, and Mississippi.
- ED students and students with significant learning disabilities have the highest risk of being suspended.
- Only 1/3 of children in poverty are reading on grade level
- 50.2% of students in 3rd grade are not meeting reading standards



Third.
How we Fix it.



How to Stop School Push Out

- Eliminate policies that don't make sense (Zero Tolerance)
- Limit the role of the SRO or Remove them
- SROs training for students with IEPs
- Mental Health Services in all schools
- Trauma informed schools
- Social Workers in all schools



How to Push Students In

- Substance Abuse Interventions
- Community Service Programs
- Community-School Partnerships
- Restorative Justice
- Professional Development and Support for Teachers
- Safe and Responsive Schools (SRS)
- Objective Threat Assessment
- PBIS





HOW CAN I
HELP?

- Get involved in your schools
- Get involved with your school board
- Spread the word about resources designed to help
- Call your legislator and get involved at the Statehouse



QUESTIONS?



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Thank you!!

