



# **A VISION FOR BLACK LIVES:** **POLICY DEMANDS FOR BLACK POWER, FREEDOM, & JUSTICE**

## **An Immediate End to the Criminalization and Dehumanization of Black Youth Across All Areas of Society Including, but Not Limited to, Our Nation's Justice and Education Systems, Social Service Agencies, Media, and Pop Culture**

### **What is the problem?**

- Across the country, Black children attend under-resourced schools where they are often pushed off of an academic track onto a track to prison. Zero-tolerance policies — a combination of exclusionary disciplinary policies and school-based arrests — are often the first stop along the school-to-prison pipeline and play a key role in pushing students out of the school system and funneling them into jails and prisons.
- Each year more than three million students are suspended from school — often for vague and subjective infractions such as “willful defiance” and “disrespect” — amounting to countless hours of lost instructional time. As a result, Black students are denied an opportunity to learn and punished for routine child and adolescent behaviors that their white peers are often not disciplined for at all.
- For Black youth, the impact of exclusionary school discipline is far reaching — disengaging them from academic and developmental opportunities and increasing the likelihood that they will be incarcerated later in life. In addition, current research emphasizes the need to examine the unique ways in which Black girls are impacted by punitive zero-tolerance policies.<sup>1</sup> There are higher disciplinary disparities between Black girls and white girls than disciplinary disparities between Black boys and white boys; yet, Black girls have historically been overlooked in the national discourse around youth impacted by the school-to-prison pipeline.
- Black youth are also more likely to experience higher rates of corporal punishment. According to the Office of Civil Rights (OCR) at the U.S. Department of Education, Black students constitute 17.1 percent of the nationwide student population, but 35.6 percent of those paddled. In addition, while girls are paddled less than boys, Black girls are more than twice as likely to be paddled than white girls. In the 13 states that paddle more than 1,000 students per year, Black girls are 2.07 times as likely as white girls to be beaten.<sup>2</sup>

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<sup>1</sup> *Black Girls Matter: Pushed Out, Overpoliced, and Underprotected*, African American Policy Forum and Center for Intersectionality and Social Policy Studies (February 2015)

[http://www.atlanticphilanthropies.org/sites/default/files/uploads/BlackGirlsMatter\\_Report.pdf](http://www.atlanticphilanthropies.org/sites/default/files/uploads/BlackGirlsMatter_Report.pdf)

<sup>2</sup> *A Violent Education: Corporal Punishment of Children in U.S. Public Schools*, American Civil Liberties Union and Human Rights Watch (February 2009)



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- Outside of schools, young Black people are criminalized in ways that limit their life chances at every point. 2010 data shows that while Black youth comprised 17 percent of all youth, they represented 31 percent of all arrests. These disparities persist even as juvenile “crime” rates have fallen. Among youth arrests, young Black people are more likely to be referred to a juvenile court than their white peers, and are more likely to be processed (and less likely to be diverted). Among those adjudicated delinquent, they are more likely to be sent to solitary confinement. Among those detained, Black youth are more likely to be transferred to adult facilities. The disparities grow at almost every step, stealing the dignity of young Black people and forcing them onto lifelong pathways of criminalization and diminished opportunity.<sup>3</sup>
- For Black girls, the U.S.’s failure to address gender-based violence, which they experience at greater levels than any other group, is paramount to the criminalization they experience. In fact, sexual abuse is one of the primary predictors of girls’ entry into the juvenile justice system, with girls often being routed to the system specifically because of their victimization. For instance, girls who are victims of sex trafficking are often arrested on prostitution charges. The punitive nature of this system is ill-equipped to support young girls through the violence and trauma they’ve experienced, which further subjects them to sexual victimization and a lifelong path of criminalization and abuse.<sup>4</sup>
- There is a critical need for a coordinated strategy in local communities that addresses rampant racial disparities in the application of zero-tolerance policies and criminalization practices that impact Black boys and girls. Fortunately, a powerful grassroots movement, led primarily by youth and parents of color, has taken shape across the country to address these harmful policies — but much more work remains.
- Tens of thousands of youth under the age of 21 are currently incarcerated for offenses ranging from truancy to more serious charges. Every crime bill passed by Congress throughout the 1980s and 1990s included new federal laws against juvenile crimes and increased penalties against children. Similar trends can be seen throughout state legislation. There is mounting research that children under the age of 23 do not have fully-developed brains and that the cheapest, most humane, and most cost-effective way to respond to juvenile crime is not incarceration, but programs and investments that

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<sup>3</sup> The Sentencing Project

(<http://www.sentencingproject.org/wp-content/uploads/2015/11/Disproportionate-Minority-Contact-in-the-Juvenile-Justice-System.pdf>)

<sup>4</sup> The Sexual Abuse to Prison Pipeline

([http://rights4girls.org/wp-content/uploads/r4g/2015/02/2015\\_COP\\_sexual-abuse\\_layout\\_web-1.pdf](http://rights4girls.org/wp-content/uploads/r4g/2015/02/2015_COP_sexual-abuse_layout_web-1.pdf))



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strengthen families, increase stability and provide access to educational and employment opportunities. Prosecuting youth with crimes is not only cruel; but it also permanently disadvantages them with a criminal record, which makes completing their education, getting a job, finding housing and growing up to be contributing members of society unfairly difficult.

## **What does this solution do?**

- Advances a grassroots organizing strategy at the local and state level that centers the work of ending the criminalization of Black youth through a racial and gender justice framework — led and informed by youth and parents.
- Addresses state-sanctioned violence that stems from over-policed schools and the deprivation of resources to public schools.
- Opens resources for alternative practices like restorative justice as a way to train students, parents and staff to deal with interpersonal conflict. Restorative justice practices are used as an alternative to zero-tolerance policies by helping to build stronger school communities through: 1) Developing effective leadership; 2) Building trust, interconnection and deeper relationships amongst students, parents, teachers and staff; 3) Providing methods to address misbehavior in away that gets to the root cause of conflicts and holds individuals accountable; 4) Repairing harm in a way that maintains the integrity of the community and doesn't further isolate offenders.
- By ending the practice of charging youth with misdemeanors and limiting the ability to charge them with felonies we would save hundreds of millions of dollars annually and provide the opportunity for our children to outlive their mistakes.

## **Federal Action:**

- Target(s): U.S. Congress and Federal Agencies (Office of Civil Rights, Department of Education, Department of Justice)
- Process: The potential for policy reforms to zero-tolerance and punitive disciplinary practices at the federal level are somewhat limited. In December 2015, the U.S. Senate approved the most recent iteration of the Elementary and Secondary Education Act, also known as “No Child Left Behind.” The new law reduces the role of the federal government in education matters and leaves in place punitive high-stakes testing requirements that have been a force behind removing students from the classroom and closing schools in Black and Brown communities, creating a “test, punish, pushout” effect. However, there are opportunities to demand greater enforcement of civil rights



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violations, particularly within federal agencies responsible for enforcing claims of racial disparities involving the administration of school discipline.<sup>5</sup> In January 2014, the Department of Education and Department of Justice issued joint guidance outlining school district's obligations to ensure that school discipline policies are not administered in a manner that fuels racial disparities.<sup>6</sup> There is strong potential for additional guidance documents around these issues that can be used as a lever for local and statewide organizing efforts — although these documents lack the force to truly push real transformation in schools.

- Target: Legislative
- Process: This would require passage of a bill through both houses of Congress and signed by the President. The Bill would repeal all federal juvenile crimes and amend the Juvenile Justice and Delinquency Prevention Act. It would also provide incentives to states, including the tying of federal prison and policing grants, to adopt statutes that ban the prosecution of children under the age 23. The bill would also include a mandatory reinvestment strategy where federal and state savings would be captured and reinvested in programs shown to reduce juvenile crime, increase youth educational attainment and support communities where youth incarceration has been most prevalent.

## **State Action:**

- Target: Legislative
- Process: The passage of state law banning exclusionary discipline (suspensions, expulsions, and arrests) for all students pre-K through 12th grade.
- State law banning exclusionary discipline (suspensions, expulsions, arrests) for vague and subjective behaviors including willful defiance, disrespect, insubordination, obnoxious, and disturbing the peace.
- The passage of state law prohibiting the use of corporal punishment in all educational settings.
- State law requiring the use of supportive services for students including fully funding restorative programs and support for students in crisis in educational settings.

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<sup>5</sup> The Office of Civil Rights (OCR) has the mission of ensuring “equal access to education and to promote educational excellence through vigorous enforcement of civil rights...”

<http://www2.ed.gov/about/offices/list/ocr/index.html>

<sup>6</sup> U.S. Dept of Education/Dept of Justice Federal Discipline Guidance (released January 2014)

<http://www2.ed.gov/policy/gen/guid/school-discipline/guiding-principles.pdf>



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- Improve the child welfare system's identification of victims of abuse, implement a gender-responsive approach to victims of abuse, and use Medicaid funds to improve quality care and trauma-related services for girls in child welfare.
- Target: Legislative
- Process: This would require passage of a bill through the State legislature. The Bill would repeal all existing juvenile offenses and would also include a mandatory reinvestment strategy where State savings would be captured and reinvested in programs shown to reduce juvenile crime, increase youth educational attainment and support communities where juvenile incarceration has been most prevalent.

### **Local Action:**

- Passage of local school district policy banning exclusionary discipline (suspensions, expulsions, and arrests) for all students pre-K through 12th grade).
- Passage of local school district policy banning exclusionary discipline (suspensions, expulsions, arrests) for vague and subjective behaviors including willful defiance, disrespect, insubordination, obnoxious, and disturbing the peace.
- Passage of local school district policy prohibiting the use of corporal punishment in all educational settings.
- Passage of local school district policy requiring the use of supportive services for students including fully funding restorative programs and support for students in crisis in educational settings.
- Invest in creating safe and supportive group homes with specialized services for teenage girls.
- Invest in training for students, parents, teachers and staff on restorative justice practices as an alternative to zero-tolerance policies.
- Process: At the local level, reducing the prosecution of juvenile misdemeanors can be accomplished in a variety of ways:
  - Campaigns that target City and County prosecutors and demand that instead prosecution, youth defendants are diverted to non-punitive programs.
  - Campaigns that target police, who often have wide discretion in the arrest of misdemeanors, to publically de-prioritize the arrest of youth for misdemeanors.

**How does this solution address the specific needs of some of the most marginalized Black people?**



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- These solutions address exclusionary and overly punitive school discipline policies in public schools across the nation that deny Black youth an opportunity to learn. These policies have the greatest impact on queer and trans youth, foster care youth, and girls.
- These solutions will propel Black youth towards graduation, and create a school-to-college pipeline.
- Students will not have minor offenses on their academic records.
- Legislation banning the prosecution of youth for all misdemeanors would have the largest impact on people who are made most vulnerable by incarceration including LGBTQ, undocumented and trans people. It would also reduce the number of incarcerated people significantly. The reinvestment aspect of the legislation would positively impact homeless people by providing increased services.

## Model Legislation:

- [Model school discipline policy](#)
- [Trayvon's Law](#)

## Resources:

- [www.safequalityschools.org](http://www.safequalityschools.org)
- [Black Girls Matter: Pushed Out, Overpoliced and Underprotected](#)
- [Pushout: The Criminalization of Black Girls in Schools](#)
- [The Sexual Assault to Prison Pipeline: The Girls' Story](#)
- [Telling It Like It Is! Miami Youth Speak Out on the School-to-Prison Pipeline](#)
- [Intro to Restorative Practices](#)

## Organizations Currently Working on Policy:

- *National*
  - Advancement Project
  - Alliance for Educational Justice
  - Dignity in Schools Campaign
  - Genders & Sexualities Alliance Network
  - NAACP Legal Defense Fund
- *Local*
  - Alliance for Quality Education (New York)
  - Baltimore Algebra Project (Baltimore)
  - Boston Youth Organizing Project (Boston)



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- Community Justice Project (Miami)
- Critical Exposure (District of Columbia)
- DeSoto County Parents and Students for Justice (Mississippi)
- Dream Defenders (Florida)
- Desis Rising Up and Moving (New York)
- Families and Friends of Louisiana's Incarcerated Children (New Orleans)
- Girls for Gender Equity (New York)
- Labor Community Strategies Center (Los Angeles)
- Nollie Jenkins Family Center (Mississippi)
- One Voice (Mississippi)
- Padres y Jóvenes Unidos (Denver)
- Philadelphia Student Union (Philly)
- Power U Center for Social Change (Miami)
- Portland Parents Union (Portland)
- Project South (Atlanta)
- Racial Justice Now! (Ohio)
- Rethink (New Orleans)
- SpiritHouse (North Carolina)
- Tenants and Workers United (Virginia)
- Tunica Teens in Action (Mississippi)
- Urban Youth Collaborative (New York)
- Voices of Youth in Chicago Education (Chicago)
- Youth Justice Coalition (Los Angeles)
- Youth United for Change (Philly)
- \*Local NAACP branches
- And many others! (see map: <http://safequalityschools.org/map>)

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