

# **Evaluation of The Atlantic Philanthropies' School Discipline Reform Portfolio**

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## EXECUTIVE SUMMARY

This report summarizes findings from a two-year evaluation of The Atlantic Philanthropies' school discipline reform portfolio. The portfolio, which ran from late 2009 to 2016 and invested over \$47 million dollars in 57 grants to 38 different grantees, was created to improve educational outcomes for students by reducing the number of zero tolerance suspensions, expulsions, and arrests in schools, particularly for children of color, and enhancing the use of positive disciplinary practices that keep children in school and engaged in learning. Atlantic set a nationwide goal to reduce school suspensions by one half and reduce discipline disparities by one quarter.

To accomplish these aims, Atlantic employed a theory of change that emphasized creating widespread pressure and capacity for reform, as well as the ability to respond to opportunities with a well-coordinated network of people and resources. The strategy emphasized pressure from both the top down, as in the case of federal guidance, and from the bottom up, as can be seen in organizing parents and youth to push for key reforms in school districts and states. This was done through:

- *Mobilizing advocates*: The portfolio aimed to mobilize parents, students, and legal advocates to demand reform at the local, state, and federal levels through the support of grassroots lobbying groups, legal advocacy, and engagement of policymakers.
- *Building influential champions*: Grantees developed high profile allies among funders, the federal government, media, educators, judges, and law enforcement.
- *Promoting alternatives to exclusion*: Many grantees provided resources to reduce exclusionary discipline and racial disparities and increase implementation of positive behavioral interventions through tools and technical assistance for educators and advocacy organizations, as well as data to support advocacy efforts.

Although the grantmaking can be associated with these specific categories of work, the major advances in school discipline reform have been as a result of strategic and extensive layering and interweaving of these efforts, in addition to collaboration with other funders and government agencies. While this approach makes attribution of any one policy victory impossible, the momentum generated by Atlantic and its grantees greatly contributed to:

- The issuance of federal guidance and federal support for several school discipline initiatives.
- Actions by the Office of Civil Rights to improve data collection and investigate cases of discipline disparities.
- By the end of 2015, at least 14 states have passed legislation related to limiting expulsions and suspensions.
- At least 20 states have laws regarding the reporting of school discipline data.
- At the district level, most major urban districts have passed some reform policies, as well as many non-urban districts. Atlantic funding helped further reform efforts in Oakland, Los Angeles, Chicago, New York, and Denver; and Atlantic grantees have been involved in reforms in Dayton, Minneapolis, Boston, and New Orleans, and dozens of others districts.

However, challenges remain. These include:

- Finding constructive ways to engage educators and teachers' unions to mitigate or avoid pushback.
- Articulating alternatives to school policing that maintain a safe school environment while promoting improved school climate and student mental health.
- Continuing to probe on issues of accountability and disparate discipline practices in charter schools.
- Developing a fine-tuned understanding of the financial resources needed to implement school discipline reform.

Overall, grantees and stakeholders endorsed the strategy Atlantic used to guide the school discipline portfolio. The strategy resulted in grantees forming new relationships with each other as well as researchers, government agencies, and funders. This work also encouraged grantees to further develop alternative ways of positioning the issue, by aligning it with larger conversations about school climate, student health and wellbeing, institutional racism and other forms of discrimination, and the allocation of funding within public education.

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## INTRODUCTION

This report summarizes findings from a two-year evaluation of The Atlantic Philanthropies' school discipline reform portfolio of grants. The portfolio, which ran from late 2009 to 2016 and invested over \$47 million dollars in 57 grants to 38 different grantees,<sup>1</sup> was created to improve educational outcomes for students by reducing the number of zero tolerance suspensions, expulsions, and arrests in schools, particularly for children of color, and enhancing the use of positive disciplinary practices that keep children in school and engaged in learning.<sup>2</sup> Atlantic set a nationwide goal to reduce school suspensions by one half and reduce discipline disparities by one quarter.

The core objectives of the portfolio were to:

- Change state and local disciplinary codes and administrative regulations to limit the use of suspensions, expulsions, and school-based arrests and court referrals;
- Secure passage of federal, state, and local policy and funding for positive alternatives to suspensions that improve learning and reduce racial disparities; and
- Encourage development of new federal, state, and local regulations to restrict police involvement in routine school disciplinary matters.<sup>3</sup>

As this report details, Atlantic met all of these objectives and experienced success beyond the initial hopes. Much of this success was due to a strategy that emphasized the creation of new visibility of the issue and momentum for reform, and promoted collaboration between grantees, the federal government, and with other funders. This makes it difficult to attribute any one accomplishment to Atlantic. However, the consensus among the grantees and stakeholders we interviewed was that the Foundation had provided incomparable funding, vision, and strategy in a movement that—while still unfinished—has made enormous gains in the span of six years.

As we set out to document the accomplishments, challenges, and opportunities present in this grant portfolio, we were guided by the following research questions:

- What outcomes have been achieved by Atlantic's investment in school discipline reform?
- What approaches were used to produce those outcomes?
- What can be learned from the Initiative that will be of use to groups working in this area?
- What should be done next to enhance school discipline practices and maximize the utility of future donor investments in these issues?

To gather this information, we relied on interviews with grantees, stakeholders, and Atlantic program officers. Over the course of two years, we conducted over 80 interviews. We reviewed

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<sup>1</sup> [www.atlanticphilanthropies.org/subtheme/school-discipline-reform](http://www.atlanticphilanthropies.org/subtheme/school-discipline-reform)

<sup>2</sup> The Atlantic Philanthropies (2013) *Terms of Reference: Evaluation of The Atlantic Philanthropies' School Discipline Reform Portfolio*. New York: Atlantic Philanthropies.

<sup>3</sup> Ibid.

internal granting documents, grantees progress and summary reports, and research produced by grantees. We also conducted scans of academic literature, news outlets, and blog posts during this time. The last round of grants was scheduled to finish in 2016, slightly beyond the end of the evaluation. Therefore, there may be additional accomplishments that are not highlighted in this report. However, by Atlantic’s own planning, by 2014 they were winding down the portfolio, and the evaluation has had ample material upon which to draw.

### *History of early advocacy*

To understand the role of momentum in the school discipline reform movement, it is helpful to briefly review the history of the problem and the crucial early advocacy efforts that paved the way for Atlantic’s adoption of the issue.

School discipline reform is an education issue with roots in the Civil Rights Movement. In the United States, publicly funded education has always reflected larger societal issues that represent access, opportunity, and social control. School discipline has traditionally been—and still is—a largely local matter overseen by locally elected school boards and school district superintendents. The frequency and severity of punishment was not well documented until recent years, but historical accounts propose that there was a fundamental change in school discipline practice in the 1960s and 1970s as the Civil Rights and other grassroots movements advanced, schools were integrated, and students became more willing to question teachers’ authority. In many cases, teachers began using out of school suspension as a way to regain some of the control they felt they had lost in their classrooms. Frequently this was described as white teachers suspending African American students.<sup>4</sup>

The Children’s Defense Fund raised the issue of school discipline as a problem as early as 1974 with the publication of *Children Out of School in America* followed the next year by *School Suspensions: Are They Helping Children?* Those publications pointed out that among the school districts reporting to the Office of Civil Rights in 1973<sup>5</sup>, over one million students were suspended at least once during the school year, for a total of 4.2 percent of the students enrolled. The rate among African American children was twice as high as among children who were white.<sup>6</sup>

In the 1980s, schools faced an additional threat to maintaining order as drug use grew more problematic. In particular, the “crack cocaine epidemic” and related gang activities fostered a climate of fear, especially in urban schools. In 1994, Congress passed the Gun-Free Schools Act. This law required each state to adopt a law mandating the expulsion of any student who brought a weapon to school for at least one year. This was the introduction of zero-tolerance policies in school

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<sup>4</sup> Noguera, P. A. 2009. Preventing and Producing Violence: A Critical Analysis of Responses to School Violence, in *Disrupting the School-to-Prison Pipeline*. Edited by S. Bahena et al. Cambridge: Harvard Educational Review.

<sup>5</sup> These school districts enrolled approximately half of the students in the United States.

<sup>6</sup> Children’s Defense Fund. 1975. *School Suspensions: Are They Helping Children?* Cambridge: Children’s Defense Fund.



discipline.<sup>7</sup> Zero-tolerance policies impose mandatory penalties for violations of school rules. While they were originally adopted to prevent weapon possession, drug possession, and gang activity, they were soon expanded to include minor infractions, such as being late to class, talking back to teachers, disrespecting school officials by failing to address them as sir or ma'am, or chewing gum in class.

The number of zero tolerance policies grew even more dramatically after the Columbine High School shooting in 1999 and subsequent school shootings put pressure on schools to implement highly visible safety measures. They grew most rapidly in urban school districts which were more and more populated by students of color.

Not long after the adoption of zero-tolerance policies, schools began to criminalize student behavior. In 1998, the New York City Board of Education transferred responsibility for school security to the New York City Police Department. In Los Angeles, the Los Angeles School Police Department was already in existence. Other school districts followed the example of placing police in schools. Between 1997 and 2003, the number of school resource officers (police officers stationed in schools) increased over 50 percent to 13,056.<sup>8</sup> By the beginning of the century, an estimated one-third of all sheriffs' departments and half of all municipal police departments assigned officers to schools. Half of all public schools had assigned officers.<sup>9</sup> The offenses for which students were arrested were the same as those for which they were expelled or suspended under zero-tolerance policies. Texas went so far as to create Truancy Courts that imposed punishments on students who were tardy or truant from school.

The Children's Defense Fund could not have foreseen the dramatic increase in school suspensions that would occur after their early papers. Among middle school students, the rate would almost double between 1973 and 2006, increasing to 6.9 percent of the students enrolled. The rate among white students increased 55 percent, while the rate among African Americans increased 150 percent, leaving African Americans three times as likely to be suspended from school.<sup>10</sup>

By the turn of this century, school discipline practices were drawing increased attention from grassroots organizations, legal advocates, and national civil rights organizations. The Advancement Project and others were working with local community-based groups advocating for reform and providing training and legal policy guidance to assist their work. They also developed networking opportunities across organizations, media coverage, and public education in support of their efforts.

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<sup>7</sup> Shah, N. 2013. "Discipline Policies Squeezed as Views Shift on What Works." *Education Week* 32 (Issue 16): 4-5, 7, 9-11.

<sup>8</sup>Petteruti, A. 2011. *Education Under Arrest: The Case Against Police in Schools*. Washington, DC: Justice Policy Institute.

<sup>9</sup> Raymond, B. 2010. *Assigning Police Officers to Schools*. Washington, DC: US Department of Justice

<sup>10</sup> Losen, D & Skiba, R. 2010. *Suspended Education: Urban Middle Schools in Crisis*. Montgomery: Southern Poverty Law Center.

An early funder of the movement, the Open Society Foundations began to support school discipline reform efforts in Baltimore in 2004 through its local field office, the Open Society Institute – Baltimore. With the Foundations’ support, it was possible for the Open Society Institute to engage the Advancement Project to provide research and analysis that resulted in the production of four major reports and to create Baltimore Community School Connections to facilitate meetings. The Open Society Institute was invited by Baltimore Public Schools to co-chair the Discipline Policies Working Group charged with drafting revisions to the district’s code of conduct. Baltimore City Schools revised its code of conduct in 2008, minimizing suspensions and expulsions. This was one of the earliest wins for the school discipline reform movement.

The Dignity in Schools campaign was organized in 2006 by local grassroots groups and legal advocates to share information and build a common framework to reform school discipline nationally. Through advocacy and education, it promotes alternatives to zero tolerance rules and practices of suspension and expulsion. Today 91 organizations in 23 states and the District of Columbia are part of the campaign.

In 2007, the Southern Education Foundation began working to reform school discipline practices in Alabama in collaboration with grassroots organizations. They documented a link between school drop-out and suspension rates. To address this link across the South they created the School Climate and Juvenile Justice Initiative. The Initiative provides public education, support for coalitions, encouragement of state leaders to monitor and report discipline data, and support for addressing school discipline practices through teacher training programs.

The first major report connecting school discipline practices to involvement in the juvenile justice system was produced in Texas in 2009, where the Open Society Foundations provided support to the Council of State Governments Justice Center and the Public Policy Research Institute at Texas A&M University for a groundbreaking analysis. They analyzed school and juvenile justice records to document who was being suspended and expelled from public secondary schools in Texas and what impact that had on students’ academic performance and juvenile justice involvement – documenting the school to prison pipeline.

In 2009, the world of education was struggling with the legacy of No Child Left Behind and crushing contingencies that linked test scores and school performance to school funding. School suspensions were used not just to control student behavior, but also to exclude students who might bring down a school’s standardized test scores by draining its slim resources<sup>11</sup>. Tensions were high in the education world. The media was beginning to focus on the bizarre paths zero tolerance policies had taken, from suspending preschoolers to expelling students who brought camping knives to school. Teachers, school administrators, and policy makers were facing a growing public discontent with the education system, but they were left with few viable paths to improving school climate and achievement.

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<sup>11</sup> Figlio, D. 2006. “Testing, Crime and Punishment.” *Journal of Public Economics* 90:837-851.

In 2009, as Atlantic embarked on its final five years of grantmaking in the US, its leaders were searching for a well-defined, actionable issue to challenge racial disparities and facilitate a large amount of change in a small amount of time. Donna Lawrence, Director of Atlantic's Children and Youth Programme, had previously led the Children's Defense Fund New York office and had a long history of work promoting children's wellbeing. She was instrumental in selecting the issue and developing the staff team to lead the work. As Atlantic prepared to invest, staff turned to the array of grassroots groups, academics, and civil rights advocates to create a foundation for the movement they hoped to build.

The consultant, and later senior consultant, Tanya Coke, a civil rights attorney with a broad understanding of the juvenile justice system, was the first to lay out the cornerstones of the portfolio. She was soon joined by program officer Kavitha Mediratta, who had overseen the education portfolio at the New York Community Trust and worked previously with grassroots youth organizing groups in New York City on this issue. Mediratta was a former teacher with a background in community organizing who was nearing completion of a Ph.D. in education policy. Together, they had a comprehensive understanding of the "school to prison pipeline" and the institutions that supported it. This allowed for a sophisticated theory of change that is one of the enduring hallmarks of the portfolio.

### *Theory of change*

The theory of change undergirding Atlantic's school discipline reform portfolio emphasized two main elements: building widespread pressure and capacity for reform, and responding to opportunities with a well-coordinated network of people and resources. Atlantic, in consultation with many experts in the field, drew on social movement theory and social science concepts of "policy windows" advanced by John Kingdon and the "tipping point" popularized by Malcolm Gladwell, to formulate a strategy. Combined, these theories and concepts emphasize how social change occurs as a result of an alignment of resources, networks of people, influential champions, a palatable alternative, and a favorable social context. These elements are mutually reinforcing and combine to increase pressure for change, as well as new capacity within systems to undertake reform.

Actions and expectations were guided by the following elements.

## THEORY OF CHANGE

*Strategies*

<p style="text-align: center;"><b>Mobilize Advocates</b></p> <p>Parents, students &amp; legal advocates demand reform at local, state, &amp; federal levels</p> <ul style="list-style-type: none"> <li>• Support for grassroots lobbying groups</li> <li>• Legal advocacy</li> <li>• Engagement of policymakers</li> </ul>	<p style="text-align: center;"><b>Build Influential Champions</b></p> <p>Create awareness &amp; develop high profile allies among:</p> <ul style="list-style-type: none"> <li>• Funders</li> <li>• Federal government</li> <li>• Media</li> <li>• Educators</li> <li>• Judges</li> <li>• Law enforcement</li> </ul>	<p style="text-align: center;"><b>Enhance Capacity</b></p> <p>Provide resources to reduce exclusionary discipline &amp; racial disparities &amp; increase implementation of positive behavioral interventions through:</p> <ul style="list-style-type: none"> <li>• Tools &amp; technical assistance for educators &amp; advocacy organizations</li> <li>• Data to support advocacy efforts</li> </ul>
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*Interim Outcomes*

<p style="text-align: center;"><b>Strengthened Organizations</b></p> <ul style="list-style-type: none"> <li>• Stronger capacity for state level advocacy campaigns &amp; advocacy groups in jurisdictions</li> <li>• Increased sustainability planning</li> <li>• Increased number of stakeholders engaged</li> <li>• Increased knowledge &amp; dissemination of field learning, learning structures &amp; networks available for educators</li> <li>• Increased use of data by campaigns, regular data reporting, &amp; ties to resources for high-risk schools</li> </ul>	<p style="text-align: center;"><b>Shift in Social Norms</b></p> <ul style="list-style-type: none"> <li>• Funders support the initiative &amp; its role in larger school reform</li> <li>• Media frames are identified &amp; used consistently by grantees. These are picked by the media &amp; generate increased public understanding.</li> <li>• US DOE &amp; DOJ show support through reports, guidelines, &amp; funded initiatives &amp; research</li> <li>• High profile efforts in districts &amp; states to demonstrate alternative discipline policies</li> </ul>
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*Longer-term Outcomes*

<p style="text-align: center;"><b>Policy Change</b></p> <ul style="list-style-type: none"> <li>• Increased number of bills or code revisions introduced at the district and state levels</li> <li>• Increased number of administrative/legal complaints filed &amp; successful appeals of suspensions</li> <li>• Legislation passed in states limiting zero tolerance policies &amp; promoting positive school discipline</li> <li>• Codes reformed in influential jurisdictions</li> <li>• Federal mandate presented</li> </ul>	<p style="text-align: center;"><b>Impacts</b></p> <ul style="list-style-type: none"> <li>• Reduction in national suspension &amp; expulsion rates &amp; reduction in disparities therein</li> </ul>
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## *Portfolio of grantees*

Between 2009 and 2014, The Atlantic Philanthropies made 57 grants to 38 different grantees in support of school discipline reform. Those grants were for the purpose of implementing the strategies that The Atlantic Philanthropies believed would result in school discipline reform. These grants included grants to:

- Mobilize advocates by:
  - Supporting grassroots lobbying groups
  - Supporting legal advocacy
  - Engaging policymakers
- Build influential champions by:
  - Creating awareness
  - Developing high profile allies
- Enhance capacity by:
  - Improving organizational capacity
  - Providing tools and technical assistance to improve practice
  - Providing data and research

Many of the awards granted by The Atlantic Philanthropies were for purposes of re-granting, which enlarged the number of organizations working for school discipline reform. Re-granting also increased the amount of sharing and collaboration. The Just and Fair School Fund and the Donors Education Collaborative are made up of donors that combine their funds to support school discipline reform. The Legal Strategies Collaborative of the NAACP's Legal Defense and Educational Fund consists of fifteen organizations supported by The Atlantic Philanthropies that meet quarterly to discuss litigation strategies for federal, state, and local complaints. The Dignity in Schools Campaign has almost a hundred organizational members with seventeen in California and fourteen in New York where efforts to reform school discipline were targeted.

## **KEY STRATEGIES FOR LOCAL AND FEDERAL ADVOCACY**

The strategy for this portfolio has been to fund a diverse array of organizations to foster pressure from the top down, in the case of federal guidance, and pressure from the bottom up, as can be seen in organizing parents and youth to push for key reforms in school districts and states.

Although each grant can be associated with a specific category of work, the major advances in school discipline reform have been as a result of strategic and extensive layering and interweaving of these efforts. These components were further strengthened by:

- Support to grassroots organizations in order to mobilize advocates by supporting legal, research, communication, and funding resources;

- Grants that supported core grantees to work across national, state, and local levels to bring together advocates and key stakeholders;
- Pass-through funding to support a variety of learning collaboratives;
- Funding to increase capacity and work with the media to promote consistent message framing, compelling personal stories, and knowledgeable experts;
- Support for federal initiatives through sponsorship, advising capacity, and placement of a fellow in the Department of Justice to help coordinate inter-agency communication; and
- A flexible regional approach that promoted coalition building, especially in New York and the southern U.S.

### *Top-down advocacy*

Federal action was important to convince school districts of the need to examine disciplinary practices and to hold them accountable through a process that included mandatory data collection and subsequent legal action if disparities were present. The top-down component of the pressure strategy included advocacy to build awareness and support for reform in Congress, the White House, and federal agencies.

Social and political contexts have shifted in important ways since the portfolio began in 2009. In the original round of Atlantic funding, national efforts focused on the impending re-authorization of the Elementary and Secondary Education Act (ESEA). However, the midterm elections and ensuing political climate delayed legislative action. With a gridlocked Congress, the Obama administration looked inward to see how they could affect change through the regulatory actions of federal agencies and White House-based initiatives. From this perspective President Obama, Attorney General Eric Holder, and Secretary of Education Arne Duncan, as well as key Congressional leaders, had enormous influence.

Atlantic created a fellowship in the Department of Justice’s Office of Juvenile Justice and Delinquency Prevention to coordinate communication not only between government agencies, but also between government agencies and other grantees. Many grantees, especially the funded researchers, served as advisors to federal initiatives. Atlantic also provided sponsorship and guidance to several initiatives sponsored by federal agencies and the White House.

#### **Sponsorships included:**

- the Supportive School Discipline Initiative,
- expansion of Civil Rights Data Collection,
- National Leadership Summit on School Discipline and Climate,
- National Youth Summit, and
- My Brother’s Keeper Initiative.

#### **Guidance included:**

- federal guidance on school discipline,
- expansion of funding for school discipline interventions, and

- designation of discipline disparities for federal research dollars and *Race to the Top* grants.

### *Bottom-up advocacy*

The approach to building pressure from the bottom up was shaped by the local and decentralized nature of school discipline policy. Individual school districts have traditionally had considerable autonomy to design and adopt their own policies, with varying degrees of oversight from state and federal government. Program staff chose not to focus on specific districts because of the unstable and unpredictable nature of education reform at the local level. Instead, Atlantic focused on building sufficient density among grassroots youth, community and parent leaders and legal advocates, by providing resources to clusters of organizations working together in districts and states, and helping advocates to develop a common language and metric for the measurement of progress. Atlantic directly supported grassroots organizing and advocacy work in 16 states, reaching roughly a third of the US and close to 16 million students.<sup>12</sup>

In later grants, grantees were also invested with regranting portfolios that brought in teachers' unions, potential donors, legal advocates, educators, and university researchers to exchange ideas and perspectives with advocates. These organizations combined to regrant to dozens of groups and in almost every state. Collaboratives included the Legal Strategies Collaborative, the Research to Practice Collaborative, the Discipline Disparities Learning Network, and the New York City based Donor Education Collaborative.

The strategy allowed Atlantic to rely on the expertise of each regranting organization and simultaneously expand their reach. It also allowed the recipient organizations to combine Atlantic funding with other pools of funding. In some cases, they were able to support more groups with smaller amounts of money (around \$15,000) than most foundations are able to give.

There was a heavy emphasis on building capacity for grassroots organizing and advocacy. This was accomplished in a variety of ways. The Dignity in Schools Campaign (DSC) brought their local member organizations together to undertake advocacy at the local, national, and sometimes state level. They worked with the NAACP Legal Defense Fund, which provided federal policy expertise and conducted congressional lobbying on behalf of the Dignity in Schools Campaign. The Advancement Project and others provided grassroots organizations with tools to do data analysis, media training, direct action (protest), and connections with other groups across state lines. One of the simplest benefits of pass-through grants often mentioned by grantees was travel funding. Grassroots groups were able to attend meetings around the country and meet with their legislators in Washington, D.C. The DSC also offered subcontracts for groups that wanted to undertake their model discipline code. Later DSC grants shifted to supporting groups that had won victories and wanted to continue their advocacy efforts.

Grant funding also prioritized connecting groups to each other, and connecting "grassroots to grassroots." Atlantic took several measures to ensure that local advocates were visible to federal

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<sup>12</sup> Atlantic Philanthropies' internal communication.



administration, the media, and policymakers at all levels. Atlantic took care to support groups to come together in a collective strategy space, and to do it regularly. One regular meeting was coordinated quarterly by the Dignity in Schools Campaign and was mentioned frequently by grantees as having been key to their progress. Another distinctive feature of these meetings was that they did not require groups to be aligned or coordinated. Groups were added with the permission of previous members to maintain a safe space for sharing.

Where there was not an infrastructure of grassroots organizing and advocacy that could be further developed, Atlantic used different tactics.

### *Role of legal advocacy*

Legal advocacy played a key role in the school discipline portfolio. Where possible, Atlantic supported legal advocates working with grassroots organizing groups because Atlantic felt their combined assets would make for more powerful and influential work. Legal advocacy groups brought the following to the movement:

- Provided pro bono representation of students in suspension and expulsion hearings. These cases provided a starting point when evidence was needed to prove unfair practices by a school district. This individual casework both helped advocates learn about the problems, and also lent itself to media coverage.
- Worked with school and local administrators to provide legal guidance on fair discipline codes and policies.
- Worked in cross-sector coalitions with judges, educators, grassroots leaders, and others from the juvenile justice community to address situations where students with discipline violations ended up in court.
- Requested data under federal and state freedom of information laws and reported it to the public in an accessible way.
- Brought litigation at the state level to challenge practices that obscure the reporting of school push-out or present harsh punishments for school discipline violations.
- Filed complaints to the US Department of Education's Office of Civil Rights in cases of racial discrimination and disparate impact.

The Legal Strategies Collaborative members and other national groups were key to this kind of advocacy. The Legal Strategies Collaborative brought 15 legal advocacy groups together quarterly to talk about litigation strategies for federal complaints, state-level, and local actions. In addition, the Advancement Project partnered with NAACP LDF on matters of litigation, and the American Civil Liberties Union brought legal litigation in several areas of the country.

The US Department of Education's Office of Civil Rights cannot bring litigation until a local actor files an administrative complaint. Atlantic grantees helped identify those local actors and file local complaints. The federal guidance issued by the Office of Civil Rights under the Obama administration was widely seen as extremely helpful in indicating what kinds of complaints would be pursued. Contribution toward the crafting of this guidance was one of the defining achievements of school discipline grantees, as well as The Atlantic Philanthropies acting in an advisory role.



Many legal advocates interviewed mentioned the advantages of being an attorney when doing advocacy work. They knew how to read legal code reform, and this gave them credibility on the policy level. Sometimes legal groups did not want to push change as far or as quickly as other advocates because they saw the limitations, and this made it easier to pursue incremental progress with reluctant school administrators.

### *Role of research*

The extent of school suspensions, expulsions, and related disparities was difficult to gauge without uniform data with which to compare schools and districts. On the federal level, the Gun-Free Schools Act required reporting of expulsions for weapons, and the Individuals with Disabilities Education Act (IDEA) required reporting disciplinary actions against special education and disabled students. Federal school discipline data were available from the US Department Office of Civil Rights, but in 2010 they represented a sample of only about 50 to 60 percent of districts, lagged by two years, and were notoriously difficult to access. The Office of Civil Rights has worked to improve the Civil Rights Data Collection and in the 2013-2014 survey data were collected from over 99 percent of all public schools. Additional measures of school discipline were also collected.

There are several hurdles to the use of local data by grassroots organizations within school districts. First, the right data must be collected in the first place, which may require changes to state or district policies and regulations. Second, gaining access to data is not always easy: there may be technical or legal issues requiring specialized expertise. Third, the data required to show the relationship between school discipline policies and juvenile justice involvement may be housed in very different agencies and require extensive agreements to facilitate sharing. Fourth, the data must be understood within context, which requires meaningful interaction with education administrators, parents, students, and teachers. And fifth, the data need to be reported accurately and in a media-savvy fashion to have any impact.

Early in the portfolio, there were calls from many quarters—especially from participants in the Advancement Project Action Camps—to bring researchers together with grassroots organizations. It was clear that to counter pushback arguments most effectively, grassroots organizations would need to have more research in hand. Although these groups, in some cases, requested and analyzed their own data, they often needed the help and/or credibility of research experts and they wanted more information about alternatives to suspensions, expulsions, arrests, and ticketing that schools could use to better address student needs and reduce discipline disparities.

In order to best advise the federal government on school discipline policy, it was also advantageous to have a set of researchers on call who were familiar with the universe of data that were and were not available. In turn, for researchers, it was crucial to have an ongoing dialogue with practitioners who could provide a meaningful context for the interpretation of data. Atlantic helped form the Research to Practice (RtP) Collaborative for this purpose.

The RtP Collaborative, funded in 2011, was housed at Indiana University's Equity Project and organized by Dr. Russell Skiba. The approximately 25 members came from top universities, leading civil rights and education organizations, school districts, and foundations. The group has served

many functions to support other grantees and advance the field. They have hosted meetings, sponsored original research, and provided key experts to grassroots groups, the media, and federal agencies. The RtP Collaborative, along with other grantees, has fostered key research on discipline disparities, implicit bias, charter school discipline policies, and alternative school discipline policies.

The RtP Collaborative joined with the Center for Civil Rights Remedies at the Civil Rights Project at UCLA to produce sixteen studies focusing on disparities in school discipline and alternatives to suspension. The studies were presented at the Closing the School Discipline Gap conference, edited by Daniel Losen, and published under the same name by Teachers College Press in 2014. Daniel Losen is the director of the Center for Civil Rights Remedies and leads the Center's research into school discipline practices and disparities.

### *Role of young people*

Atlantic deliberately funded work that would bring youth voices to policy makers and media. Much of this work was done through the Alliance for Educational Justice and by youth-led groups funded through the Just and Fair Schools Fund (later transitioned to the Communities for Just Schools Fund). Youth presented themselves as creators and knowledge makers with valid experiences. Youth groups, in turn, were able to access audiences they would not normally reach, and were guided through the process of translating their work so that other funders would see it as valuable. Some of the most defining turning points in the portfolio were when young people went to Washington to speak with their legislators and participate in White House led initiatives.

Atlantic knew that the White House would not always feel comfortable bringing in a young person who had been involved in the juvenile justice system, and worked with groups to make sure that youth representatives were prepared. As one grantee put it, the White House “wouldn't have had the bandwidth without philanthropy helping them identify the young people. If you want a real narrative, you need them.”

Many grantees also worked to get youth stories in front of the media in a meaningful and compelling way. This involved training groups in how to lift up local stories and connect them to big fights or victories. They encouraged young people and parents and teachers to speak directly to the media, and to include solutions when they spoke about problems.

A third way Atlantic promoted the stories of youth came via legal advocacy. Legal advocates were often the first to hear about stories of unfair school practices when they were called on to represent youth in school suspension and expulsion proceedings. These advocates were in position to help tell these stories to the media, and work with youth and families to fight back, either through working with the education community or through pursuing legal action. Some of these cases later formed the basis of complaints submitted to the federal Office of Civil Rights.

## ADVOCACY ACHIEVEMENTS

A simple but consistent pattern emerged from the reform efforts in locations across the country. Advocates requested data to illustrate the problem, wrote reports that made the case, presented the reports to the schools and the media, and participated in the conversation as states and school districts implemented reforms. They also met with school principals, district administrators and school board members; attended school board meetings to draw attention to these issues; led rallies and press conferences; informed and engaged important allies such as teachers' unions and academics; wrote op-eds to local news publications; and created videos, surveys and new apps to educate their peers and elicit their views. Sometimes this happened in multiple cycles, as states and schools improved reporting as a part of their reform efforts. Sometimes organizing by young people and parents or legal action provided the pressure, sometimes influential champions led the way, and in many ways the larger societal conversations about race and education lent themselves to timely and influential media coverage.

### *Mobilizing advocates*

The Atlantic Philanthropies sponsored several campaigns, events, and collaborations that brought groups together, many of which overlapped. These served to network existing advocates and bring new players into the field.

- The Dignity in Schools Campaign consisted (in 2016) of 91 organizations in 23 states and the District of Columbia. Among other things, Dignity in Schools sponsored an annual National Week of Action and, in conjunction with the Opportunity to Learn Campaign, sponsored the Solutions Not Suspension Campaign calling for a moratorium on school suspensions.
- The Opportunity to Learn Campaign, an initiative of the Schott Foundation for Public Education, supported a network of advocates and grassroots organizations through campaign updates, policy guides, infographics, and network building events.
- The Advancement Project supported (in 2016) the efforts of 96 organizations in 26 states and the District of Columbia.
- The Just and Fair Schools Fund (which later transitioned to become Communities for Just Schools Fund) supported grassroots organizing to reform school discipline policies and practices. Between 2013 and 2015 JFSF supported 35 organizations in 15 states.
- The Legal Strategies Collaborative was a collective of 17 organizations with expertise in using litigation and policy strategies to impact school discipline reform.

Atlantic joined the Donor Education Collaborative, which consisted of 13 funders who supported constituency building and advocacy for education reforms in NYC public schools. Atlantic used the opportunity to increase awareness among these funders for the need for school discipline reform. In turn, the Donor Education Collaborative supported local grassroots organizing and legal advocacy for these reforms.

Not only did these collaborations bring together groups with a common goal, they also brought together an increasingly diverse field of players. For example, the Just and Fair Schools Fund brought in LGBTQ organizations, along with youth organizing, racial justice advocates, social-emotional learning advocates, and foundations focused on education—groups that had never all been in the same room together.

There were several other local and state coalitions and task forces formed as a result of increased funding and networking. Atlantic directly funded efforts in New York in the form of the New York City School Discipline Task Force and the New York State Judicial Commission. For example, the NYC Permanent Judicial Commission convened a multidisciplinary task force in NYC to analyze data on school suspensions, arrests, and expulsions, review existing school discipline and safety policies and practices, and investigate alternative models and approaches. This cross-sector group brought together people from the courts, prosecutors, unions, and educators who are not often at the table together. New York State has since modeled its approach on the Taskforce's recommendations.

More localized efforts also included the Positive Learning Collaborative, organized by the United Federation of Teachers (UFT). The Positive Learning Collaborative trained more than 1,000 staff members in Therapeutic Crisis Intervention for Schools in partnership with Cornell University and the New York City Department of Education. Funding from Atlantic enabled an expansion to support more than 15 schools.

Several grantees created coalitions at the state level that interacted with local advocacy efforts. These state-based efforts took very different forms depending on the nature of politics within the state. For example, in Georgia, the Southern Education Foundation (SEF) launched a statewide coalition that included representatives from the Georgia Department of Education and other governmental agencies on the broad issue of school climate. The coalition capitalized on the earlier work of Judge Stephen Teske, chief judge of the Juvenile Court of Clayton County, GA, and the National State Board of Educators (NASBE) that provided technical assistance and modest resources to state boards to investigate the issue of school discipline. Conversely, SEF's work in North Carolina was from bottom up, since the chief state school officer viewed it as a local issue and the clear intent was to leave it to local school districts to set policy. The North Carolina coalition brought together members that focused on secondary education and alternative education with representatives from the juvenile justice system in that state. Jason Langberg, director of the Push Out Prevention Project conducted by Advocates for Children's Services as part of Legal Aid of North Carolina, was working for reform in Wake County supported by the Legal Strategies Collaborative. These groups worked together on drafting legislative proposals to stimulate more state involvement in the issue.

Other states with funded coalition work included New York, Colorado, and California. In the South, some activism was on the county level, as in Broward County, Florida and Wake County, North Carolina.

## *Building influential champions*

Grantees, as well as the Foundation itself, were key sponsors, partners and advisors in several national and federal initiatives that brought advocates together with influential educational organizations, government agencies, and funders. These convenings and their planning meetings included participation from the White House and its education and justice secretaries. Prominent judges Kaye and Teske were instrumental in bringing many of these multi-sector efforts together.

- 2011 National Youth Summit, organized by the US Department of Education, was widely seen as the event that inspired momentum at the federal level. The Summit, held in Washington DC, brought together nearly 400 students, administration officials, and education policy leaders in workshops and breakout sessions. Over 100 organizations participated.<sup>13</sup>
- 2012 National Leadership Summit on School Justice Partnerships, convened by the New York State Permanent Judicial Commission on Children, was the first of its kind. Following the collaborative approach of ground-breaking judicial leadership summits, the Summit drew judicial, education, and other stakeholder representation from 45 states, DC, Puerto Rico, and the Virgin Islands. This included 15 chief justices and 8 associate justices of the states' highest courts, 6 top officials and 8 assistants to the states' top education officials, and 12 Native American leaders. Participants also included over 13 national organizations influential in education and juvenile justice, as well as top researchers and a large contingent from the US Department of Education.<sup>14</sup> One outgrowth of this influential summit was the formation of the *Supportive School Discipline Community of Practice*.
- 2014 National Leadership Summit on School Discipline and Climate was designed to continue the conversation that began with the March 2012 National Leadership Summit on School-Justice Partnerships. The conference was co-sponsored by eight key partners that have jointly partnered on several federal initiatives: The US Departments of Education and Justice, The Atlantic Philanthropies, the Hazen Foundation, The Open Society Foundations, The Kellogg Foundation, The Schott Foundation, and the Robert Wood Johnson Foundation.<sup>15</sup>
- 2015 White House Summit "Rethink School Discipline," sponsored by the US Departments of Education and Justice, hosted teams of superintendents, principals, and teachers from 20 states and 42 school districts. The conference brought together districts that had faced civil rights complaints with those that had already implemented substantial reforms.<sup>16</sup> Several new federally sponsored resources and initiatives were unveiled at the conference.

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<sup>13</sup> <http://www.ed.gov/news/press-releases/youth-leaders-join-secretary-duncan-administration-officials-policy-makers-us-education-departments-first-ever-national-youth-summit>

<sup>14</sup> <https://www.nycourts.gov/ip/justiceforchildren/NationalSummit.shtml>

<sup>15</sup> <https://safesupportivelearning.ed.gov/summit-homepage/partners>

<sup>16</sup> <http://www.ed.gov/news/press-releases/educators-gather-white-house-rethink-school-discipline>

- 2015 Advancing Racial Justice Conference was co-sponsored by the Schott Foundation and the United Federation of Teachers. This annual convening in New Orleans drew over 700 students, teachers, and parents. The conference focused on school discipline with a social justice frame, and came during a season of two high profile incidents: the video of the South Carolina sheriff's deputy assaulting a teenage girl in her classroom for refusing to hand over her cell phone, and the exposure of the egregious pushout practices of New York City's charter school, Success Academy. The conference brought together education, racial, immigrant, and economic justice advocates to look at how these issues converge in school discipline issues. Many teachers' union representatives participated in the conference. Shortly after that Randy Weingarten, the president of the AFT, published an editorial in the New York Daily News titled, "Our school discipline mistake: We should never have imposed zero-tolerance policies on kids." Later the AFT adopted a resolution promoting the adoption of restorative justice in schools that receive public funds.
- The Southern Education Foundation convened and supported coalitions and campaigns in Georgia and North Carolina, as well as other Southern states to explore ways to improve discipline policies and practices.
- My Brother's Keeper Task Force was created by President Obama to address opportunity gaps faced by boys and young men of color. The reform of school discipline policies was targeted as a strategy to improve the number of young men of color graduating from high school ready for college and career. The Task Force enlisted almost 200 communities to review local policies, host local summits, and implement local plans. Philanthropy committed more than \$300 million in grants and resources.

### *Increasing awareness*

A key component of Atlantic's initial grant to the Advancement Project was to analyze trends in media coverage of school discipline issues up to that point and help develop messages that could be used by the entire advocacy community. This work included focus groups and polling to determine if campaign messages were having an effect, and holding national media trainings to equip advocates to use new message frames effectively. Overall, by 2011, as compared with previous years, many more articles were critical of harsh school discipline. By 2016, in addition to the terms "zero tolerance," and "school discipline," the term "school to prison pipeline" was more commonly employed as a way of framing a systemic problem manifest in multiple core societal institutions.

Many grantees reported that the incentive structure for educators to support school discipline reform changed over time. In 2012 the conversation was framed to be able to get the "bad kids" out of school to improve the test scores mandated by No Child Left Behind. Teachers were very reluctant to do away with zero tolerance policies—at the same time, they did not want to be accused of contributing to a "school to prison pipeline." Research clearly showed that suspension made a child lose ground in school. With more states tracking graduation rates based on the 9th grade cohort, the incentive shifted to an emphasis on keeping children in school and doing well.

Atlantic funded efforts to help advocates frame the message in a common way and find special ways of having the conversation with schools and teachers' unions. For educators, grantees worked to



frame the issue as a lack of resources, methods, and training in classroom management. Some advocates used the term “unintended consequences” when speaking of school exclusion. They approached teachers by saying something like “if you knew that by suspending a child you would increase their chances of dropping out of school and entering the juvenile justice system, would you be willing to try something else?” and this worked frequently. Many shared the Texas report that showed the connection between exclusion and the criminal justice system.

Atlantic funded several projects focused on strategic messaging—assisting grantees with reviewing and improving their media coverage, tracking media coverage nationally and in some local areas, and placing editorials from influential champions in high profile newspapers. It commissioned the media firm, The Hatcher Group, to provide intensive media relations support to grassroots and legal advocates and national grantees conducting research and data analyses. The portfolio also supported two training institutes for education reporters on this issue, and funded a beat at *Education Week*, the largest educator-oriented periodical. In general, these efforts were aimed at encouraging the integration of data with compelling personal stories and the creation of “echo chambers” to amplify the key messages of the movement.

*Education Week Magazine* created a School Climate and Discipline column that included a special issue on school discipline and an annual survey of educators. The magazine produced over 5 dozen articles on school climate issues and published 16 multimedia features. Six webinars were hosted and a Rules for Engagement blog was established. There have been almost half a million views of the material. Other publications cited the information 270 times in 2015. Among school teachers, 83 percent of those surveyed followed the coverage on school discipline.

Resources were also developed to increase the knowledge and awareness of policymakers. The Council of State Governments Justice Center produced *The School Discipline Consensus Report* with recommendations to reform school discipline directed to federal, state, and local policymakers, as well as judicial and educational leaders. Dignity in Schools published their *Model School Discipline Code*. The National Association of State Boards of Education published *State Policy’s Role in Reversing Trend toward Punitive Discipline*, a consensus statement endorsed by 90,000 members. The United States Department of Education, Office for Civil Rights and the Department of Justice, Civil Rights Division created a *School Discipline Guidance Package*.

Increased public awareness was fostered through such projects as Stone Lantern Films’ production of *REFORM: A Sequel to SCHOOL* for the Public Broadcasting System and the New York Foundation for the Arts’ production of *Anna Deavere Smith Pipeline Project*, a theatre production examining the school-to-prison pipeline.

Media coverage of the issue exploded. The Hatcher Group reported that in 2011, there were 490 stories on school discipline that appeared in newspapers, blogs, television, and radio. In the 18 months between February 2013, and August 2014, there were 3,010 such stories. In the 14 months from September 2014 to November 2015 there were 3,459 stories. In 2014-2015, media in all 50 states, as well as in national and international outlets, covered school discipline issues. Coverage was most highly concentrated in New York, California, Illinois, Texas, and Virginia—states where

advocates were most active releasing reports, filing complaints, advocating for new legislation, or participating in other public action.<sup>17</sup>

### *Increasing accountability*

In one of its first grants in 2010, Atlantic supported the publication and distribution of the Council of State Governments Justice Center's *Breaking Schools' Rules*, a report on the relationship between school discipline and students' academic success and involvement in the juvenile justice system in Texas. This report had a major impact on increasing awareness of the magnitude and impact of school suspension and expulsion. Even in 2016, this report was still used as an exemplar when advocates were working with educators and other groups.

School discipline data have been gathered as a part of the mandatory Civil Rights Data Collection (CRDC) since 1964 as a part of the Civil Rights Act and several subsequent pieces of legislation. It is collected by the Office for Civil Rights (OCR) within the Department of Education. The CRDC covers public schools and school districts, including juvenile justice facilities, charter schools, alternative schools, and schools serving students with disabilities. Most data are disaggregated by race/ethnicity, gender, disability, and Limited English Proficiency (LEP) status.

Until 2010, CRDC data were not easily accessible because the project, in general, was relatively under-resourced. Data collection from the entire universe of schools and school districts had not been conducted since 2000, with the CRDC relying on samples every two years in the interim. Under the leadership of then-Assistant Secretary Russlynn Ali, OCR began taking steps to expand its data collection, increasing both the number of indicators collected (including a variety of indicators related to school discipline) and the frequency and reach of its data collection efforts. This focus continued under her successor, Catherine Lhamon, who had previously led school discipline reform efforts while on staff at Public Counsel in Los Angeles, another Atlantic grantee.

In a move that was unusual for Atlantic, given how extensively it was investing in putting advocacy pressure on government, Atlantic provided a small grant directly to support OCR's efforts to upgrade its staffing, data cleaning processes, and website, in order to facilitate the release of its expanded data collection. Equally important, Atlantic staff and key members of the RtP Collaborative consulted extensively with OCR to provide them with the research needed to justify mandatory data collection from all schools and specific indicators to add to the data collection, especially on students with disabilities, in-school suspensions, or one/multiple suspensions. One federal official noted that the support from Atlantic grantees and the sophisticated media coverage that have been facilitated by the portfolio greatly reduced the amount of backlash to federal school discipline reform efforts.

Atlantic also funded the Center for Civil Rights Remedies at the UCLA Civil Rights Project's production of several reports based on publicly available data from the Office of Civil Rights Data

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<sup>17</sup> The Hatcher Group. *Reforming Harsh School Discipline Practices: A Continuing Analysis of Key Media Messages and Coverage*. January 2016. Report prepared for The Atlantic Philanthropies.



Collection. These include *Closing the School Discipline Gap* in 2014 and *Are We Closing the Discipline Gap* in 2015, which analyze discipline data at the elementary and secondary school level for every school district in the nation.

The Council of State Governments' Justice Center and the Center for Civil Rights Remedies at the UCLA Civil Rights Project conducted a 50-state survey of SEA websites to assess the availability of state level data to the public. These surveys, which took place from August 2012 to May 2013, found that ten states still did not report any school discipline data on their SEA website; less than half of the states reported how many students were suspended annually; and only one out of three states disaggregated discipline data by race. This project has resulted in an online spreadsheet that pulls all of the information together in one place.

Additional reports began to document school discipline practices in particular regions or states, including reports that were not directly funded by The Atlantic Philanthropies. The Center for the Study of Race and Equality in Education at the University of Pennsylvania documented racial disparities in southern states.<sup>18</sup> Padres & Jóvenes Unidos produced *The Colorado School Discipline Report Card* (2014); the Lawyers Committee for Civil Rights and Economic Justice analyzed data from Massachusetts in *Not Measuring Up: The State of School Discipline in Massachusetts* (2014); New Hampshire's school discipline practices were reported by the University of New Hampshire's Carsey School of Public Policy in *Exclusionary Discipline Highest in New Hampshire's Urban Schools* (2016); the Institute of Education Sciences reported the status in Maryland in *Disproportionality in School Discipline: An Assessment of Trends in Maryland* (2014); and the S. J. Quinney College of Law at the University of Utah disclosed school discipline practices in Utah in *From Fingerprint to Fingerprints: The School-to-Prison Pipeline in Utah* (2014).

As the school discipline reform movement gained momentum in public education, The Atlantic Philanthropies began to question the status of school discipline in charter schools. Projects were funded to document the policies and practices in these schools. *Education Week*, published an analysis of 2009-2010 federal data and reported that the suspension and expulsion rates in charter schools were similar to public schools. However, in some charter schools those rates were much higher. Charter school officials in Newark, San Diego, and New Orleans revised school discipline policies to ensure that students were treated fairly.<sup>19</sup> In New Orleans, the Recovery School District revised policies to create uniformity across schools.<sup>20</sup> That same year, The Atlantic Philanthropies enabled the University of Colorado, Boulder, National Education Policy Center to begin a study of state charter school laws.

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<sup>18</sup> Smith E & Harper S (2015) *Disproportionate Impact of K-12 School Suspension and Expulsion on Black Students in Southern States*. Philadelphia: University of Pennsylvania

<sup>19</sup> Zubrzycki J, Cavanagh S & McNeil M. (2013) Charter Schools' Discipline Policies Face Scrutiny. *Education Week*

<sup>20</sup> Zubrzycki J (2013) New Orleans Schools Unite on Expulsions *Education Week*

Advocates for Children of New York, published *Civil Rights Suspended: An Analysis of New York City Charter School Discipline Policies*. That analysis found that many policies were unduly harsh and in violation of state or federal laws.<sup>21</sup> The Center for Civil Rights Remedies of the UCLA Civil Rights Project followed with *Charter Schools, Civil Rights and School Discipline: A Comprehensive Review* in March, 2016, based on the out-of-school suspension rates of 5,250 charter schools in the 2011-2012 school year and the disparities that existed for racial minorities and students with disabilities.<sup>22</sup>

### ***Cultivating additional funders***

When The Atlantic Philanthropies began the School Discipline Reform Initiative, few other funders were involved. The Open Society Institute was a notable exception having funded school discipline reform efforts in Baltimore and, through modest funding from the national Open Society Foundations, for efforts like the Council of States Government Justice Center research that led to the publication of *Breaking Schools' Rules*. The Southern Education Foundation was also working on school reform in the southern states. Atlantic recognized that the only way to reach the scale necessary to meet the challenges of school discipline reform was to engage more private funders and ultimately reshape the way public funds were spent.

The Atlantic Philanthropies joined with other funders to create the Just and Fair Schools Fund, now the Communities for Just Schools Fund at New Venture Fund. The fund is a donor collaborative that re-grants to grassroots organizing groups working for school discipline reform and improvements in school climate. Atlantic also joined the Donors' Education Collaborative which supports reform efforts in New York City Schools, including school discipline reform.

In addition to helping create and strengthen donors' collaboratives, Atlantic worked with other funders to support individual efforts. As already mentioned, it supported CSG to publish and disseminate *Breaking Schools Rules*, the study of school discipline in Texas. It assisted the Schott Foundation for Public Education in the Opportunity to Learn Campaign. With the Public Welfare Foundation, the Brown Foundation, Simmons Foundation and Houston Endowment it supported Texas Appleseed's School-to-Prison Pipeline Project. The Supportive School Discipline Initiative is a collaboration of the U. S. Departments of Education and Justice supported by The Atlantic Philanthropies along with other foundations.

### ***Promoting alternative strategies***

If school systems were going to reduce their reliance on suspensions and expulsions to maintain discipline, they needed to have alternatives. Grantees worked to equip school officials, policy makers, and teachers with knowledge of alternatives and the skills to use them. The Advancement

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<sup>21</sup> Advocates for Children of New York. (2015) *Civil Rights Suspended: An Analysis of New York City Charter School Discipline Policies*.

<sup>22</sup> Losen D, Keith, M, Hodson C, & Martinez T. (2016) *Charter Schools, Civil Rights and School Discipline: A Comprehensive Review*. Los Angeles: The Center for Civil Rights Remedies at the Civil Rights Project at UCLA

Project, Schott Foundation, Dignity in Schools Campaign, and Fix School Discipline provided infographics, toolkits, and videos to inform administrators, teachers, parents, and community leaders about the extent and impact of suspensions and expulsions.

The Discipline Disparities Research to Practice Collaborative (RtP) was funded to develop research and practical interventions that would reduce disparities in discipline and reduce pushout of students from school. An important product of their work, *Closing the School Discipline Gap: Equitable Remedies for Excessive Exclusion*, published by Teachers College Press at Columbia University, included 15 studies by leading scholars. This work was designed to inform policymakers at all levels and each chapter ends with policy relevant research-based recommendations.

The Supportive School Discipline Initiative, which Atlantic partially funded and participated in, supported the Facilitating School-Court Partnerships project organized by the National Council of Juvenile and Family Court Judges. The project was intended to help judges build successful school-court partnerships to reduce the number of student referrals to court for “non-serious behavior.” The Council developed a curriculum to train a cadre of judges in convening school-court teams, as well as funded the evaluation of demonstration sites.

The Oakland Unified School District experienced notable declines in its rates of out-of-school suspension between 2012 and 2015. Suspension rates for all students, as well as African American males, dropped 56 percent. The District accomplished this by transforming its schools into full service community schools and making specific efforts to reduce its disproportionate use of harsh discipline practices toward African American youth. The District created an Office of African American Male Achievement that asks every school to set specific goals and outcomes for this population at their sites. Two grants from Atlantic were used to create various written products to describe these changes and to provide the field with supporting educational materials, such as a school transformation handbook, a binder of best practices, videos, case studies, and web based tools. They planned to disseminate these materials to educational donors, practitioners, and policymakers, as well as in media story placements.

American Institutes of Research created a National Clearinghouse on Supportive School Discipline, a website that offers actionable and practitioner-friendly data, research resources, and on-line training courses, as well as a discipline disparities risk assessment tool developed with the National Center on Safe Supportive Learning Environments.

The University of Virginia, Curry School of Education developed training modules in school discipline and culturally responsive pedagogy.

The W. Haywood Burns Institute developed a training curriculum to teach educators about trauma and its impact among students. The emphasis is on empathy with students and develops mediation and relationship skills among teachers.

Johns Hopkins University, Center for Social Organizations of Schools conducted a randomized control trial to test the impacts of restorative justice practices and its use in schools. Rather than a crime and punishment mentality, restorative justice asks those who do harm to take responsibility for their actions and make amends to those harmed. It is designed to not only create justice but to

restore equilibrium and a sense of safety to a school, and involves the school community rather than only an assistant principal in charge of discipline.

In 2014, the U. S. Department of Education released new guidelines recommending that school districts revise their discipline policies and shift from zero tolerance policies to positive discipline approaches, such as restorative practices or positive behavioral interventions and supports (PBIS). School districts are rapidly implementing reforms across the nation.

## POLICY ACHIEVEMENTS

In order to reform school discipline practices, it would be necessary to involve federal, state, and local governments, as well as school districts. Atlantic worked with grantees at all three levels to make necessary changes in policy.

### *Federal actions*

Federal guidance was issued by the Departments of Education and Justice in January, 2014, as a result of the Supportive School Discipline Initiative. That guidance explained the obligations of school systems under Title IV and Title VI of the Civil Rights Act of 1964 which address fair and nondiscriminatory practices in schools.

In addition to co-sponsoring several coalition-building initiatives and improving the Civil Rights Data Collection, the federal government has been willing to use legal action to bring about policy change. While Atlantic was not directly involved in these efforts, in many cases grantees either brought complaints or served in an advisory capacity as settlements were reached.

The Office for Civil Rights investigates complaints against school districts and brings pressure to reform school discipline practices. School districts often revise their practices to avoid legal action or loss of funding from the Department of Education. For example:

- In October, 2011, the Los Angeles Unified School District reached an agreement with the Office for Civil Rights agreeing to report disparate discipline rates, eliminate inequitable and disproportionate discipline practices, and provide comparable resource for African American students.
- Advocates for Children's Services of North Carolina filed a successful complaint with the Office for Civil Rights charging the Wake County Public School System was discriminating against limited English proficient, Spanish speaking parents.
- In Oakland, the Office for Civil Rights began an investigation into discriminatory practices of discipline. They developed a five-year resolution in cooperation with the district to reduce suspensions, expulsions, and racial disparity. The reforms include a major emphasis on restorative justice.
- In 2013, Texas Appleseed, along with other organizations, filed a complaint against the Bryan Independent School District, asking the Office for Civil Rights to require the district to

change policies they say disproportionately harm African American students. Although African Americans were only 21 percent of the student population they received over 50 percent of disciplinary punishments.

- The Office for Civil Rights opened an investigation in May 2014 into the school discipline practices of Oklahoma City Public Schools. The complaint alleged that the school system punished Hispanic and African American students more frequently and more harshly than white students for similar infractions. Oklahoma City Public Schools conducted an internal investigation simultaneously with the investigation of the Office for Civil Rights and voluntarily agreed to change its practices.

Other branches of the federal government hear similar complaints. In January, 2010, New York Civil Liberties Union and the American Civil Liberties Union brought a class action lawsuit in federal court against the NYPD School Safety Division alleging NYPD arrests students for minor violations of school rules that are not criminal, handcuffs students and locks them in seclusion rooms without parent or teacher consent or probable cause of criminal activity, and removes misbehaving school children without parent or teacher consent, and transports them to hospitals for emergency psychiatric evaluations. New York City revised its school discipline code and the role of police in school.

Legal Services of New York City brought action in U. S. District Court against the city's Department of Education for repeatedly removing disruptive special needs children by calling 911 to have them removed by Emergency Medical Services. The settlement, reached in January 2015, requires NYC-Department of Education to provide training in Therapeutic Crisis Intervention to 500 employees from worst offending schools, and form a crisis intervention team to create a plan to avoid calling 911.

In 2013, Texas Appleseed, joined by Disability Rights Texas and the National Center for Youth Law filed a suit with the U.S Department of Justice Civil Rights Division alleging that Dallas County's four school districts and truancy courts violated the constitutional and civil rights of students by prosecuting them for Failure to Attend School. The suit alleges students are arrested, handcuffed for missing school, and subjected to substantial fines for missing school. The suit requests the Department of Justice to declare prosecuting truancy as a crime unconstitutional.

### *State support*

State policy makers have also been influential in bringing about school discipline reform. In New York, for example, Advocates for Children New York filed a complaint with the NYS Education Department against NYC-DOE for failure to provide students with disabilities behavioral supports. The City Department of Education agreed to a settlement in May, 2015.

In Syracuse, New York, the New York State Attorney General's Office opened an investigation into the disciplinary practices of the city school district after the Center for Civil Rights Remedies published that Syracuse had one of the highest suspension rates in the nation. The Attorney General's report concluded that suspensions and expulsions in the Syracuse City School District were excessively high, disproportionately high for students of color, and violated the legal rights of

many students. In order to correct the problem, among other requirements the Attorney General insisted that the school district retain an independent monitor to oversee compliance with the agreement, revise its code of conduct, require school staff and resource officers to attend training, and reduce the use of suspensions, expulsions, and referrals to law enforcement.

Texas was one of two states in the nation that prosecuted students in adult court for truancy. The Texas Education Code permitted a school district to file a criminal complaint against a student as young as ten who has received at least three unexcused absences within a four-week period, but it required a school district to file a complaint against a student who had ten or more unexcused absences within six months. The complaint was a Class C misdemeanor for Failure to Attend School. It was usually settled by a fine, but could require time in jail. In spring 2015, the Texas Legislature passed and the governor signed legislation decriminalizing truancy and requiring schools to take steps to address truancy.

California has accomplished one of the most comprehensive set of school discipline reforms. In 2012 the governor signed into law five school discipline reform bills which included: providing a list of alternatives to suspension, giving additional discretion to school administrators not to expel, giving expelled students a second opportunity to complete their rehabilitation plans, ensuring social workers and attorneys representing foster youth know of pending expulsions and can offer service and supports, and giving school districts more discretion in determining whether a pupil is truant and whether a truant youth should be referred to the courts. The school finance law passed in 2013 requires school districts to specify goals, actions, and funding in eight priority areas including school climate as measured by student suspension and expulsion rates. AB420, enacted in 2014 limits suspensions for willful defiance. Suspensions for students in grades K- 3 for disruptive behavior were eliminated, as well as expulsions in all grades for minor misbehavior, such as talking back or dress code violations.

At least 20 states as of the end of 2015 have laws regarding the reporting of school discipline data: Alaska, Arkansas, California, Colorado, Delaware, Florida, Georgia, Illinois, Kentucky, Louisiana, Maryland, Michigan, North Carolina, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Utah, and Washington. The nature of state level statutes varies enormously, and usually the requirement for data collection and reporting is part of a larger bill that instructs school districts to establish some kind of new policy or program regarding school discipline. The general themes regarding data collection are mandating local reporting; increasing the grain of reporting to include certain types of offenses; disaggregating reports by demographic subgroups; requiring or authorizing the review of school discipline and other related data, such as academic achievement, attendance data, or teacher-student ratio at the local level, often in conjunction with appointed agencies; and increasing public access to data.

Fourteen states have passed legislation related to limiting expulsions and suspensions. Since 2010, laws have been passed in Arkansas, California, Colorado, Georgia, Illinois, Louisiana, Maryland, Massachusetts, Michigan, Oregon, South Carolina, Virginia, Texas, and Washington. Additional



reform efforts are underway in public discussions in Vermont<sup>23</sup>, Georgia, Delaware<sup>24</sup> and legislation packages furthering existing reforms in New York, Nevada<sup>25</sup> and Washington<sup>26</sup>.

### *Local reforms*

Reforms at the local level are so numerous and taking place so quickly that it is difficult to comprehensively document them. Early victories drew attention to the issue and mobilized advocates to work for reform. In Baltimore, the Open Society Foundations began to support school discipline reform efforts in 2004. With that support, it was possible to engage the Advancement Project to provide research and analysis that resulted in the production of four major reports and create Baltimore Community School Connections to facilitate meetings. Baltimore City Schools revised its code of conduct in 2008, minimizing suspensions and expulsions.

The Los Angeles Unified School District has enacted progressive reforms to limit school suspensions and expulsions within the district for several years. In 2007, LAUSD adopted a Discipline Foundation Policy requiring the implementation of a consistent school-wide positive behavior support and discipline plan for every school. In 2011, the superintendent mandated that only an administrator could authorize an out-of-school suspension. As part of an agreement reached with the U.S. Department of Education's Office for Civil Rights in October, 2011, LAUSD agreed to eliminate inequitable and disproportionate discipline practices. In 2012, the Los Angeles School Police Department revised its policies to limit issuing tickets with fines to students who were tardy or truant. In 2013, LASPD agreed to stop issuing tickets to students who were thirteen years old or younger. The School Climate Bill of Rights was passed in 2013 eliminating willful defiance as a reason for suspension. In August 2014, LASPD agreed to discontinue issuing tickets to students for minor violations, such as most campus fights, petty thefts, vandalism, trespassing, or possession of tobacco or small amounts of marijuana.

More recent reforms often reflect many years of work. The NAACP began working for school discipline reform in Broward County, Florida in 2005, with the help of The Advancement Project. Padres & Jóvenes Unidos worked to reform school discipline practices in Denver for over a decade. The Student Safety Coalition began work on New York City school discipline reform in 2007 but major reforms did not occur until 2015.

The Dignity in Schools Campaign is working in a number of cities to reform school discipline practices. Over a dozen districts have incorporated elements of their model in revised school codes

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<sup>23</sup> <http://csgjusticecenter.org/youth/media-clips/state-looks-at-inequity-in-school-discipline-of-disabled-minority-students/>

<sup>24</sup> <http://csgjusticecenter.org/youth/media-clips/coalition-wants-school-discipline-changes/>

<sup>25</sup> <http://csgjusticecenter.org/youth/media-clips/nevada-school-discipline-rules-change-bill-moves-to-assembly/>

<sup>26</sup> <http://csgjusticecenter.org/youth/media-clips/house-passes-proposal-to-add-cultural-competence-to-school-discipline-rules/>

and policies. Those successes include Dayton, Minneapolis, Boston, Chicago, Greenville (Mississippi), Denver, and Los Angeles.

Charter school officials in Newark, San Diego, and New Orleans revised school discipline policies to ensure that students were treated fairly.<sup>27</sup> Atlantic made a grant to the Juvenile Justice Project of Louisiana in 2011 as part of the Legal Strategies Collaborative. The project worked with the Orleans Parish Recovery School District to develop a revised manual of policies and procedures for school security systems. They also provided volunteers to ensure that students facing disciplinary action had access to representation.

Many districts are including positive alternatives to school discipline, such as Positive Behavioral Interventions and Supports (PBIS) and Restorative Justice Practices. Among other places, these practices have been implemented in Oakland, New York City, Columbia (Missouri), Los Angeles, Waco (Texas) and Grand Rapids (Michigan).

PASSAGE aims to harness educators' and community members' insights to understand and reduce disparities in school discipline practices. Led by the Annenberg Institute for School Reform at Brown University, PASSAGE includes Los Angeles, Chicago, New York City, and Nashville.

## REDUCTIONS IN SUSPENSIONS AND EXPULSIONS

School districts that have implemented school discipline reform are seeing major changes in the number of students suspended or expelled. Los Angeles' suspension rate declined 81 percent between the 2008 and 2013 school year; it declined 38 percent since 2012. Expulsions declined 15 percent between 2012 and 2013. Oakland realized a 71 percent decline in suspensions between 2010 and 2015 and a 38 percent reduction in expulsions. Between the 2014 and 2015 school year (the first year since reforms were introduced) in New York City, suspensions declined 32 percent. Denver has seen a 64 percent drop in suspensions since 2005.

The rate of suspensions has decreased across racial/ethnic groups and among those with learning disabilities. While the rates are down, the disparities between male students of color and other students remains unchanged and the disparities for students with learning disabilities remain the same.

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<sup>27</sup> Zubrzycki J, Cavanagh S & McNeil M. (2013) Charter Schools' Discipline Policies Face Scrutiny. *Education Week*



## CHALLENGES

In the years since the portfolio was launched, the broader public conversations about education, race, violence, and the disparate impact of school discipline policies on African American youth and other groups have shifted in important ways.

Since 2009, there have been several high profile incidents that have drawn attention to the use of violence against children and young men of color. The shooting of Trayvon Martin in Florida in February 2012 and his killer's acquittal in 2013 sparked a deep response from civil rights advocates and fueled a public debate about the safety of young African American men. In 2014, the shooting of an unarmed African American teenager, Michael Brown, by a white police officer resulted in civil unrest and a federal inquiry. Subsequent incidents further inflamed communities in the cases of Eric Garner in New York City in 2014 and Freddie Gray in Baltimore in 2015.

These incidents, and many others, have been of deep concern to many of the Atlantic grantees and stakeholders, many of whom also participate in the Black Lives Matter movement. In our interviews, many mentioned that they sometimes had to step away from school discipline reform work to address the more urgent calls for justice in these communities. In many cases however, they were able to link issues back to fundamental inequalities in the education system and get these messages into the media. Additionally, for many, the President and Attorney General Holder's willingness to embrace initiatives that specifically address racial inequality allowed for a more open public conversation about race and policing than had previously been possible.

While school discipline reform is making substantial gains in many places, in our interviews with grantees and stakeholders we found four main themes in the most pressing challenges: the need to better anticipate pushback; the increasing urgency to eliminate school policing; the problem of accountability in charter schools; and the importance of understanding the funding required to implement alternative school discipline approaches. These issues will continue to be present as the movement unfolds after Atlantic exits the field.

### *Anticipating pushback from educators and local teachers' unions*

While advocates have made great strides in getting both national teachers' unions to endorse and promote school discipline reform, local unions remain resistant. With the exception of Chicago, most unions representing the large urban school districts are still resistant to change. However, in many cases they are at the table with advocates having the discussion. One grantee mentioned that these conversations are so difficult they would benefit from hiring facilitators.

To illustrate the complexity of this issue, we offer two examples of districts where teachers opposed school discipline reform, even when state or federal governments investigated their practices. In Syracuse, New York, the issue of school discipline was raised in April 2013 by the UCLA Center for Civil Rights Remedies, when it published the fact that Syracuse had one of the highest suspension

rates of any place in the nation – three times the national average.<sup>28</sup> That prompted an investigation starting in October 2013 by the New York State’s Attorney General into the disciplinary practices of the Syracuse City School District. Superintendent of Schools, Sharon Contreras, cooperated with the investigation.<sup>29</sup>

From the time the UCLA report was released, the Syracuse Teachers Association opposed school discipline reforms that would lower the rates of suspension and expulsion. They cited increased disruptions in the schools and argued for more aggressive discipline practices.<sup>30</sup>

The Attorney General’s office completed its report in June 2014. That report concluded that suspensions and expulsions in the Syracuse City School District were excessively high, disproportionately high for students of color, and violated the legal rights of many students. In order to correct the problem, the Attorney General insisted that the school district revise its code of conduct; reduce the use of suspensions, expulsions, and referrals to law enforcement; require school staff and resource officers to attend training; and retain an independent monitor to oversee compliance with the agreement<sup>31</sup>

The Syracuse Teachers Association responded with a vote of *no confidence* in the Superintendent of Schools.<sup>32</sup> However, the Syracuse City School District accepted the Attorney General’s offer to settle the complaint by implementing the required reforms.<sup>33</sup>

In Oklahoma City, Oklahoma, the Office for Civil Rights opened an investigation in May 2014 into the school discipline practices of Oklahoma City Public Schools. The complaint alleged that the school system punished Hispanic and African American students more frequently and more harshly than white students for similar infractions.<sup>34</sup> Oklahoma City Public Schools conducted an internal investigation simultaneously with the investigation of the Office for Civil Rights. The school system’s report, released in April 2015, concluded that students of color were suspended at a higher rate than white students, punishments were inconsistent for similar offenses, and school

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<sup>28</sup> Riede, P (2013) UCLA Expert Decries Syracuse’s high Student Suspension Rates, *Syracuse.com*

<sup>29</sup> Delaney, R (2013) Syracuse School District’s Disciplinary Policies Under Investigation

<sup>30</sup> Riede, P (2013) Disruptions in Syracuse Schools Spur Debate Over Discipline, Suspensions, *Syracuse.com*

<sup>31</sup> Riede, P (2014) Attorney General’s Plan Would Set Strict Rules on Discipline in Syracuse Schools, *Syracuse.com*

<sup>32</sup> Riede, P (2014) Syracuse Teachers Association: 95 Percent of Members Lack Confidence in Superintendent Sharon Contreras, *Syracuse.com*

<sup>33</sup> Attorney General’s Office (2014) A.G. Schneiderman Announces Agreement Addressing School Discipline Issues in Syracuse.

<sup>34</sup> Office of Civil Rights (2016) Letter to Robert Neu, Superintendent Oklahoma City Public Schools

discipline records were kept haphazardly. The superintendent of schools wanted to revise the code of conduct.<sup>35</sup>

The teachers' union, the Oklahoma City American Federation of Teachers, came out in opposition to the district's report, disagreeing with both the conclusions of the report and the call for the reform of the code of conduct. The president of the union held that school discipline was not the responsibility of the teacher while at least some teachers threatened to quit.<sup>36</sup>

The Oklahoma City School District began to implement changes in its school discipline policies and practices. A revised code of conduct was presented in June 2015. It was strongly opposed by the president of the teachers' union on the grounds that it placed too much responsibility on teachers for maintaining school discipline.<sup>37</sup> In August, the school district began discipline intervention training for teachers and site administrators.<sup>38</sup> In September, the school board approved a new school discipline plan designed to reduce suspensions.<sup>39</sup> By the end of September, the school district was able to document a decline in suspensions.<sup>40</sup>

In October, the teachers' union conducted a survey of its members about the new school discipline policies and practices. Sixty percent of the teachers who responded felt that school discipline was declining while only eleven percent felt it was better. Eleven percent complained about having to spend time dealing with discipline issues.<sup>41</sup> At the school board meeting in November, the president of the union complained that more students needed to be suspended.<sup>42</sup>

In April, 2016, the Office for Civil Rights reported the results of its investigation and recommendations. On April 7<sup>th</sup>, the district expressed a desire to enter into a voluntary agreement with the Office for Civil Rights. Under the terms of that agreement, the district would take steps to ensure that students of all races are disciplined equally and fairly, revise district policies, practices and procedures, provide training for teachers, administrators, and resource officers, and designate

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<sup>35</sup> Willert, T (2015) Oklahoma City Middle School Teachers Say Lack of Student Discipline Could Mean Departure. *The Oklahoman*.

<sup>36</sup> Ibid

<sup>37</sup>Torp, K (2015) Debate Continues over Oklahoma City Public Schools' Code of Conduct Changes. *News9*

<sup>38</sup> Willert, T (2015) Oklahoma City School District Begins Discipline Intervention Training. *NewsOK*

<sup>39</sup> Wendler, E (2015) Oklahoma City Public Schools Board Approves New Discipline Plan. *KOSU*

<sup>40</sup> Associated Press (2015) Oklahoma City Schools Suspending Fewer Students. *KSL.com*

<sup>41</sup> Willert, T (2015) Many Oklahoma City School District Teachers Criticize Discipline Policies in Survey. *The Oklahoman*

<sup>42</sup> Wendler, E (2015) Concerns About Discipline at Oklahoma City Public Schools Continue. *KOSU*

an employee to serve as discipline supervisor and oversee the implementation of the district's policies.<sup>43</sup>

A third instance of teacher opposition took place in Houston, Texas. Houston was one of the initial cities selected to participate in an American Federation of Teachers Educational Foundation grant from The Atlantic Philanthropies to engage teacher union affiliates in promoting positive behavior policies and disparity reduction strategies in schools. However, as the project began, it became immediately obvious that the president of the Houston affiliate was sufficiently opposed to school discipline reform and that little would be gained there. Another city was selected to implement the project.

### *Controversy over school policing*

The criminalization of school discipline violations brought a large increase in the number of police assigned to schools. The Center for Problem-Oriented Policing estimated that by 2010, half of all cities and a third of all sheriff departments had officers stationed in schools.<sup>44</sup> These officers are typically called School Resource Officers. New York City public schools had 5,000 school safety agents and 200 police officers and Los Angeles had over 400 police officers and 101 school safety officers. As the pressure for school discipline reform grew, these positions developed with respect to police in schools.

Many school administrators and policymakers argue that the police presence in schools makes the school safer and thus promotes learning opportunities. They point out that unruly students prevent other students from learning and that teachers are diverted from teaching to dealing with discipline issues. After the school shooting in Newtown, Connecticut, the National Rifle Association took the position that armed police officers should be in every school.

Some advocates accept the presence of police in school but argue that School Resource Officers need special training. The American Civil Liberties Union argued that the role of School Resource Officers needed to be spelled out and made clear that they were responsible for safety and not there to discipline or punish students. They also argued for minimum training requirements.<sup>45</sup> The mission statement of the National Association of School Resource Officers, which has participated in some of the Atlantic-sponsored meetings, states that they are there to train school police officers to make schools safe.

However, many advocates are becoming increasingly vocal that police officers in schools do more harm than good. They argue that school administrators and teachers should be responsible for school discipline, and that the money saved on police could be better used to hire counselors to

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<sup>43</sup> Oklahoma City Public Schools (2016) Resolution Agreement, OCR Docket #07141149

<sup>44</sup> Center for Problem-Oriented Policing (2010) *Assigning Police Officers to Schools*. Albany, State University of New York at Albany.

<sup>45</sup> American Civil Liberties Union (2009) *Policing in Schools: Developing a Governance Document for School Resource Officers in K-12 Schools*

intervene when there is a safety concern. In testimony before the New York City Council Committees on Education and Public Safety, Donna Lieberman of the New York Civil Liberties Union argued that a police presence in school leads to a perception that students are criminals. The relationship between the police and students is often adversarial and not conducive to a learning environment.

The research on the impact of police in schools is not totally clear. Na and Gottfredson found that the increase of police in schools was associated with more arrests involving weapons and drugs but also was associated with arrests for non-serious behaviors.<sup>46</sup> There was no evidence that a police presence in school reduced crime, but there was evidence that more arrests were made for non-criminal infractions, such as talking back to teachers, chewing gum, talking on phones, and being late to class.

### *Charter schools*

In many school districts, there has been a sharp turn away from neighborhood schools and toward charter schools in an effort to control school costs and boost academic achievement. However, this privatization of the education system works against grassroots reform in many ways. Advocates have pointed out that they have little ability to organize charter school parents and students, and that charter schools are not overseen by democratically elected school boards. States and districts vary enormously in the level of public accountability they require of charter schools.

In February 2013, *Education Week*, with the support of The Atlantic Philanthropies, published an analysis of 2009-2010 federal data and reported that the suspension and expulsion rates in charter schools were similar to public schools. However, in some charter schools those rates were much higher. Subsequent investigations found that many charter schools were more selective about who they accepted and more aggressive in removing students who are seen as problematic, than is typically allowed in a publicly funded school. In Philadelphia, for example, nearly one quarter of all students are in charter schools. However, these schools are far less likely to include poorer students, English language learners, students with disabilities, or students who are “system involved” (i.e. in foster care, homeless shelters, or the juvenile justice system). In New York City, the issue of push-out was brought into sharp focus in 2015, when the Success Academy Charter School Network (composed of 34 schools) was exposed by the New York Times for repeated suspensions and intentional expulsion of students who were perceived as a drain on school resources.

In February 2015, Advocates for Children of New York, with the support of The Atlantic Philanthropies, published *Civil Rights Suspended: An Analysis of New York City Charter School Discipline Policies*. That analysis found that many policies were unduly harsh and in violation of state or federal laws.<sup>47</sup>

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<sup>46</sup> Na C & Gottfredson D (2011) “Police Officers in Schools: Effects on School Crime and the Processing of Offending Behaviors” *Justice Quarterly*

<sup>47</sup> Advocates for Children of New York. (2015) *Civil Rights Suspended: An Analysis of New York City Charter School Discipline Policies*.

The Center for Civil Rights Remedies of the Civil Rights Project at the University of California, Los Angeles, with the support of The Atlantic Philanthropies, published *Charter Schools, Civil Rights and School Discipline: A Comprehensive Review* in March 2016. The review is based on the out-of-school suspension rates of 5,250 charter schools in the 2011-2012 school year and the disparities that existed for racial minorities and students with disabilities. The study found that the average suspension rate in charter schools was 16 percent higher than the rate in public schools, black students were four times more likely to be suspended than white students, and students with disabilities were twice as likely to be suspended as those who did not have disabilities.<sup>48</sup>

### ***Understanding resources needed to change school policies and maintain reform efforts***

Eventually, despite the philanthropic investment in school discipline reform, states and districts will need to pay for it. Changing a policy is easier and less expensive than implementing that policy. If teachers are going to take greater responsibility for school discipline, they must have greater classroom management skills. It takes both time and money to provide sufficient training so teachers can develop these skills. Schools and districts have also been reluctant to re-allocate funding from school policing to alternative discipline programs or school counselors. One grantee noted that finding additional funding sources and applying for them is also a job in itself. She noted that federal grant applications were overly complicated and would require grant writers on staff—which is a luxury most schools and districts cannot afford.

Many of the agreements reached between the Office of Civil Rights and local school districts require the district to appoint an individual to supervise the terms of an agreement to ensure that the district does what it has promised to do. Some places appoint staff for specialized functions. For example, Oakland hired a person to be responsible for black male achievement programs. It takes resources to hire people and provide them what they need to do the job expected of them.

In addition, many of the alternatives to suspension, such as restorative justice programs, have been funded as demonstration projects. But in the long run, school administrators and teachers have to be trained to carry out these programs and administrators often have to be assigned to ensure that the programs are implemented in school buildings. LAUSD agreed to implement PBIS programs in every school in 2007, but as late as 2014 they still had not been implemented in many schools.

## **LESSONS LEARNED**

As a part of this portfolio evaluation, we interviewed Atlantic grantees, stakeholders, and internal staff. These interviews asked about greatest accomplishments and challenges, lessons learned, and areas where Atlantic did well or could have done better. Everyone we interviewed felt the portfolio

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<sup>48</sup> Losen D, Keith, M, Hodson C, & Martinez T. (2016) *Charter Schools, Civil Rights and School Discipline: A Comprehensive Review*. Los Angeles: The Center for Civil Rights Remedies at the Civil Rights Project at UCLA

had been a major success, but this success was viewed through different lenses. The following is a summary of the themes that emerged.

### ***The scope and depth of the portfolio was key to its success***

As one grantee pointed out, the school discipline issue was “solvable and contained.” Although this was a social justice issue, it was also a practical policy issue with clear routes to reform. The outcomes—reductions in suspensions and expulsions—were also measurable. To the extent that data were not collected or made available, Atlantic funded efforts to make that possible.

Grantees were very aware of the top-down, bottom-up, and cross-sector holistic strategy. Almost everyone we spoke with had benefited from meeting and working with other grantees. In many cases, they also received funding from other grantees or worked on related funded efforts. Grantees noted that Atlantic program officers had been open to new ideas and collaborations and helped make those a reality.

Atlantic invested a large amount of money in an issue that was relatively small in scope and over a relatively short period of time. Rather than focus on geographic areas, one stakeholder observed that they had funded “categories of work.” This allowed for a natural momentum to occur as grantees were able to assist each other with their developing expertise in organizing, legal advocacy, research, and media strategy, among other things.

Grantees reported that one thing that particularly distinguished Atlantic’s contribution was the foundation staff’s expertise and willingness to act as a relationship broker. By keeping the portfolio to a manageable scope and depth, Atlantic was able to remain very hands-on when it was helpful and to play a less visible role when grantee expertise was already fostering momentum. There was a steady rhythm of meetings of major stakeholders and advocates which allowed for an efficiency of time and depth of collaboration that only a highly cohesive group could manage.

Many grantees were able to take advantage of the highly networked nature of the portfolio to develop new and diverse connections between school discipline reform and other policy reform issues. These grantees were also able to develop new funding avenues as Atlantic began to exit the field.

### ***School discipline reform must be integrated with top policy issues that affect youth***

One of the advocates’ consistent observations was that it was very hard to compete with the larger issues in education. Many educators have been overwhelmed with the national momentum toward standardized testing and the implementation of the Common Core curriculum. However, grantees have consistently found a way to connect these issues to school discipline reform.

Many favor a holistic approach that begins with how trauma and poverty affect the school climate. Linking educational outcomes to physical and mental health has allowed for a shift away from the controversy surrounding school policing to overall school climate and the supports provided to students. Students who lack basic supports tend to miss school for a variety of reasons. Multiple absences—whether due to health issues such as asthma, factors at home, or school push-out—are



clearly linked with lower academic achievement. Keeping students healthy, happy, and in school has been successfully framed as a way for educators to maintain safer, more positive classroom environments that benefit everyone.

Additionally, grantees have long illustrated how school discipline policies interface with the juvenile justice system, with school police forces as a key conduit in many school districts. In these cases, the incentive for reform is less about promotion of student achievement but rather shifting the enormous amount of local, state, and federal resources away from policing children and toward supporting schools and communities. Similarly, as increasing portions of local and state budgets are spent on charter schools, there is a growing conversation about school funding and accountability in an ever more privatized education environment.

Atlantic has always promoted racial equity, and that has been a prominent piece of the school discipline reform portfolio. While the portfolio began in the tailwind of prominent school shooting incidents that shaped thinking about school violence and zero tolerance, the way societal events unfolded over the life of the portfolio greatly amplified the conversation about race, policing, and violence in this country. Many Atlantic grantees also participate in the Black Lives Matter movement, and link school discipline reform to racial justice issues that affect youth of color. As one grantee phrased it, “education justice is about changing society.” Funded work on implicit bias and disparate impact has been crucial to this effort, as have high level allies in federal government and national education organizations.

***The nature of funding and leadership in school discipline reform will inevitably change.***

Interviewees felt the school discipline reform initiative had been unprecedented in many ways. Many remarked that they had never seen a foundation put so much money into an issue in so little time, and achieve such large results. They felt that the program officer, Kavitha Mediratta, had a vision and strategy that provided a compass to the field. No one felt there was a natural successor to the role Atlantic had staked out.

Atlantic made several moves to bring additional funders into the field, not in an effort to find a replacement, but in an effort to diversify the players involved. In their last round of funding, Atlantic required grantees to come up with matching grants from other sources. Although they were later concerned that this had been too large a challenge, the grantees did not mention it as a hardship.

However, most grantees were worried about the future of the movement. They worried that the connective tissue Atlantic had provided would fall away, and that their own organizations would not be able to sustain the momentum they had achieved on the issue. Many were concerned that they would never find a comparable source of funding. Grantees worried most about the survival of the features of the initiative that had made Atlantic stand out: the inclusion of youth voices, the prioritization of grass roots organizing, the funding of collaboratives and task forces, the emphasis on racial equity, and the extension of the research to cover bias against students with disabilities and LGBTQ youth, as well as further explorations of alternative practices.