

# State Action to Narrow the School-to-Prison Pipeline (Part Two)

## Encouraging Examples from State Elementary and Secondary School Emergency Relief Fund (ESSER) Plans

As the Sentencing Project explained in our August 2021 publication, [Back-to-School Action Guide: Re-Engaging Students and Closing the School-to-Prison Pipeline](#), schools and communities across the U.S. have been granted an unprecedented opportunity to close the school to prison pipeline.

The American Rescue Plan Act (ARPA), the \$1.9 trillion COVID relief law approved by Congress in March 2021, included \$122 billion for public education systems nationwide, an unprecedented sum. Combined with important lessons learned in recent years, this funding provides educators, advocates, and community leaders with the resources necessary to end the counterproductive criminalization of adolescent misbehavior and to keep students in school and on track for future success.

Recently, The Sentencing Project completed an analysis of the plans submitted by states for utilization of the relief funds. Our analysis found that, while states are proposing to undertake many promising activities to re-engage students and to support their academic progress and behavioral health, few are taking action to reverse counterproductive practices that have long fueled the school-to-prison pipeline.

More specifically, The Sentencing Project's found that eleven states and the District of Columbia pledged in their state plans to undertake significant new multi-pronged efforts to reduce exclusionary discipline using funds from the American Rescue Plan's \$122 billion allocation to the Elementary and Secondary School Emergency Relief (ESSER) Fund (See [State Action to Narrow the School-to-Prison Pipeline \(Part One\)](#)). Some state plans also described promising

efforts to improve responses to truancy and to strengthen instruction for youth who are incarcerated or otherwise involved in the justice system.

This Fact Sheet provides specific examples of promising approaches described by states in their [ARP ESSER plans](#) to close the school-to-prison pipeline.

**Reform School Discipline Practices.** Perhaps the most ambitious state efforts to reform school discipline were found in six states and the District of Columbia:

- [Nevada](#) is developing a "Statewide Restorative Justice/Practices Framework" that will require each school district to submit a "Plan for Restorative Justice." Further, Nevada – using an earlier round of ESSER funding – has launched a train-the-trainers project (p.34) that will prepare 20 educators to support the spread of restorative justice practices in schools statewide.
- [Louisiana](#) plans to reduce exclusionary discipline through intensive training and technical assistance for school districts with high rates of exclusionary discipline (p.9). Other plan highlights include a new dropout "Dropout Early Warning System" (p.34) that will include discipline data; a new guidance on student behavior and discipline (p.55); and a variety of other resources to promote promising alternative discipline strategies.
- [Delaware](#) has created a "School Climate Advisory Group" (p.41) which is evaluating school discipline codes and will recommend changes to make

them more trauma-informed. The state has also created a “Consortia for Discipline Alternative Programs” (p.42) which is advocating for new approaches to discipline. Additionally, Delaware is promoting alternatives to suspensions by providing training for school counselors (p.23) and sharing resources on restorative justice (p.41) as well as disaggregating data on exclusionary discipline (p.39). The state will host webinars to train school personnel on discipline issues throughout 2021-22.

- **Michigan** has revised its model code of conduct to reduce exclusionary discipline and promote expanded use of alternative discipline strategies (including restorative justice practices), and state law requires districts to consider many factors before suspending a student (p.56). The plan also notes that Michigan has developed a process to assess districts’ treatment of children with disabilities and help ensure that children with disabilities are treated equitably; and the state has created a [discipline toolkit](#) to help local school systems reduce suspensions and expulsions (p.56).
- The **District of Columbia's** plan requires local school districts to describe their approaches to discipline and explain how they will “use positive, relevant and developmentally appropriate discipline practices that account for the challenge of transitioning from distance learning back to the school building” (p.40). The District’s Office of the State Superintendent of Education has also provided resources to help schools “build equitable and inclusive environments, trauma-informed practices, and a restorative justice framework for addressing behavior challenges” (p.40). The Office of the State Superintendent of Education will create a School Culture and Climate Resource Hub, and it is providing ongoing training on trauma-informed approaches, social emotional learning, restorative justice, equity, and multi-tiered systems of support (p.40).
- **South Carolina's** state superintendent of education convened a task force on discipline in 2018 (p.44), and the state issued new guidelines to prohibit exclusionary discipline in response to

several types of misbehavior. In its plan the state committed to providing training programs on a range of discipline topics including equity issues, restorative and trauma-informed practices, and Social and Emotional Learning (p.45).

- **Illinois'** plan notes that the state Board of Education will provide statewide training on “Trauma Responsive School Assessment” and will also support and train district school personnel on restorative practices as well as race equity, family and community engagement, youth voice, and Social and Emotional Learning (p.38). In addition, the state will provide “community partnership grants” to create or enhance partnerships between school districts, community health providers, and community-based organizations to address children’s needs (p.38).

In addition, five other states also outlined significant new multi-pronged efforts to reduce exclusionary discipline:

- **Connecticut's** plan emphasizes the state’s longstanding efforts to document and reduce the use of exclusionary discipline. Connecticut has developed an evidence-based practice guide on school culture, including a section on discipline (p.55), and for years it has produced annual reports documenting trends in the use of exclusionary discipline, broken down by race/ethnicity, and highlighting promising efforts to reduce exclusionary discipline (p.69). Since 2016-17, the state has produced an annual table sorting school districts into tiers based on their overall suspension rates and disparities in suspension rates by race/ethnicity (p.69). In its plan, Connecticut noted it will be exploring opportunities to provide “supports and trainings that reduce the use of exclusionary student discipline practices in school districts, especially those with high incidences of such practices, especially in students of color” (p.50).
- **Indiana's** plan requires all local school districts to report how they will reduce the use of exclusionary discipline (p.17). Also, Indiana is conducting a “learning loss study” that will include information

on use of exclusionary discipline. Indiana will make these data available daily to assess progress and guide planning (p.41).

- **Maryland's** plan notes that the state revised its guidance to local districts about school codes of discipline prior to 2021-22 to call for more restorative and rehabilitative approaches, avoiding exclusionary discipline “unless the safety of staff and students is compromised or if a behavior causes severe disruption to the instructional setting” (p.68). Maryland will continue providing technical assistance (through the Mid-Atlantic Regional Education Lab) to promote reductions in exclusionary discipline and to eliminate discipline disparities (p.68).
- **Montana's** plan commits the state to using data analysis to identify disproportionate use of discipline against particular groups, and to provide training and resources to help LEAs address discipline disparities (p.43). The state has included discipline information as part of a new “early warning system” to identify students at risk for dropout, and it is building a statewide longitudinal education data system that includes discipline data (p.44).
- **Virginia's** plan notes that the state created a workgroup and crafted a new “Model Guidance for Positive, Preventive Code of Student Conduct Policy and Alternatives to Suspension” (p.43). That guidance advocates for a multi-tiered system of supports (MTSS) approach and includes resources for developing alternatives to suspension. Also, Virginia's plan notes that the state data system includes information on exclusionary discipline (p.49).

**Improve Responses to Truancy.** Few plans addressed concerns with current practices around truancy despite powerful research showing that prosecuting truancy cases in court, still the practice in many states, is deeply counterproductive. However, Illinois and the District of Columbia included promising strategies in their ESSER plans to promote attendance and improve truancy responses.

- **Illinois'** plan cites research showing the link between chronic absences and truancy with subsequent school failure and delinquency (p.15), and its plan discusses a state program, Truants Alternative and Optional Education Programs, which will serve an estimated 26,000 students in 2021, on a budget of \$11.5 million (p.16).
- The **District of Columbia's** plan highlights truancy and chronic absenteeism as a top priority. The plan mentions data sharing agreements to identify students who are chronically absent or truant (p.32), and it indicates that students who are truant or chronically absent will be a focus of DC's “Out of School Time” program, which provides grants to community-based organizations to serve youth most in need of out-of-school-time learning opportunities (p.34).

**Strengthen learning opportunities for youth who are incarcerated or otherwise involved in the justice system.** A number of state plans included promising efforts to improve instruction and educational support for youth in the justice system.

- **Arizona's** plan includes a detailed section describing the educational needs of youth involved in the justice system (p.17), and it calls for individualized and evidence-based interventions both for confined youth in detention and correctional education programs, and for youth returning to the community following confinement (p.17).
- **Connecticut's** plan indicates that the state education department will assist education programs serving confined youth to ensure they have access to “high quality instructional resources, devices, and access to digital curricula to align with public school settings” (p.42). Connecticut's plan also says that “resources will be focused on credit recovery, access to enhanced career-technical education, tutors, and partnering with Reintegration Mentors to ensure a successful transition back to the community (p.42). This investment will support student transition from placement settings ensuring they are on pace with their same age peers.”

- The District of Columbia's plan indicates that the "Out of School Time" program will be expanded with ARP ESSER funds to support summer (p.31) and afterschool programming (p.33) for youth involved in the justice system. The DC plan also states that ESSER funds will support a "Re-imagining School" project that will offer targeted efforts to support credit recovery for the most "hard-to-reach student populations," including youth involved in the justice system (p.34).
- Maryland's plan states that the population participating in juvenile justice education programs (for confined youth) fell dramatically after the emergence of COVID, but that attendance in these classes was 98% in 2020-21. Teachers remained onsite in the juvenile facilities throughout the pandemic and supported youth in virtual instruction. The plan also notes that the state prioritized efforts to assist confined students with special needs during the pandemic, including telephone meetings for students on quarantine, additional case management time, and a special educator assigned to each teaching team (p.20).
- Minnesota's plan notes that the state's "Children's Cabinet" has identified goals and strategies to improve children's mental health, one of which is: "Developing a Juvenile Justice mental health continuum to support coordination of long-term mental health services through partnerships with local correctional facilities to ensure continuity of care after youth have transitioned out of correctional or in-patient treatment" (p.50).
- Ohio's plan includes nearly a full page about justice-involved students; which is the most expansive of the state plans. It notes that during the pandemic, many youth have been released back to the community with no educational plan or goals (p.22). The plan identifies three priorities for better serving this population: "whole child transition planning" (supported with guidance, professional development and best practices); "collaboration for student success" to improve coordination between detention facilities and local schools; and "community partnership for additional services and supports" (p.22).
- South Carolina's plan describes an array of difficulties that have emerged in efforts to provide instruction in state youth correctional facilities since the pandemic began (teacher absenteeism, increases in disruptive behaviors, and fewer volunteers within facilities) (p.9), as well as difficulties faced by local school districts with large numbers of students in detention and other local facilities (p.10). However, the plan notes that South Carolina allocated \$12 million from a prior round of federal COVID relief to support community-based delinquency prevention and intervention programs. "These interventions will include the areas of Multisystemic Therapy and Functional Family Therapy. Funds will also be used to expand summer programs... especially in rural areas of the state. These funds will also help implement full-time mentoring programs in public schools for the 2021–22 school year" (p.9).

This fact sheet was written by Dick Mendel, Senior Research Fellow for Youth Justice. Published February 2022.

The Sentencing Project promotes effective and humane responses to crime that minimize imprisonment and criminalization of youth and adults by promoting racial, ethnic, economic, and gender justice.