



# The Intersection of **JUVENILE COURTS** and **EXCLUSIONARY** **SCHOOL DISCIPLINE**

J. Guillermo Villalobos, MA  
Theresa L. Bohannon, MPH





The National Council of Juvenile and Family Court Judges® (NCJFCJ) provides cutting-edge training, wide-ranging technical assistance, and research to help the nation’s courts, judges, and staff in their important work. Since its founding in 1937 by a group of judges dedicated to improving the effectiveness of the nation’s juvenile courts, the NCJFCJ has pursued a mission to improve courts and systems practice and raise awareness of the core issues that touch the lives of many of our nation’s children and families.

For more information about the NCJFCJ or this document, please contact:  
National Council of Juvenile and Family Court Judges

P.O. Box 8970  
Reno, Nevada 89507  
[www.ncjfcj.org](http://www.ncjfcj.org)

©2017, National Council of Juvenile and Family Court Judges. All rights reserved.

Acknowledgments: The NCJFCJ wishes to acknowledge that this report is made possible by 2014-JZ-FX-K006 awarded by the Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, U.S. Department of Justice. Points of view or opinions are those of the authors and do not necessarily represent the official position or policies of the U.S. Department of Justice or the NCJFCJ.

Special acknowledgment: Logan Yelderman, Ph.D. for editing and proofreading assistance.

Suggested Citation: Villalobos, J.G., & Bohannon, T.L. (2017). *The Intersection of Juvenile Courts and Exclusionary School*. National Council of Juvenile and Family Court Judges.





# The Intersection of **JUVENILE COURTS** and **EXCLUSIONARY** **SCHOOL DISCIPLINE**

J. Guillermo Villalobos, MA  
Theresa L. Bohannan, MPH



---

## Reevaluating Current School Discipline Policies and Practices

**H**istorically, school administrators have been responsible for addressing students' misbehavior in school. However, over the past few decades, an increasing number of school-related issues have come before the juvenile court due to highly punitive school policies and practices. Zero-tolerance school discipline policies are a one-size-fits-all approach with predetermined punishments when students violate school rules, regardless of mitigating circumstances.<sup>1</sup> The American Civil Liberties Union refers to zero tolerance as policies and practices that simultaneously push students out of schools and into the juvenile and criminal justice systems, reflecting a prioritization of incarceration over education. Zero tolerance policies (ZTPs) often include arrest and/or referral to the juvenile court or exclusionary discipline practices, such as in-school and out-of-school suspension and expulsion. Those who support zero tolerance types of policies argue that severely punishing disruptive students will result in safer environments and discourage other students from engaging in similar disruptive behaviors.<sup>2</sup> On the other hand, opponents of ZTPs argue that these policies tend to be excessive, contribute to school push-out,<sup>3</sup> and disproportionately impact students of color and students with disabilities. When students are hastily removed from classrooms, they lose instruction time and can be held back academically. Removal of students can precipitate a chain of events that might lead to students' involvement in the juvenile justice system.

The basic premise of ZTPs is that students who engage in disruptive or problematic behaviors (e.g., possession of drugs or weapons) are to be punished, regardless of intentions or extenuating circumstances. This approach to discipline can lead to harsh consequences for students who unknowingly or accidentally commit infractions, such as bringing a nail clipper or prescription medications to school. Under exclusionary discipline

policies, students who have committed minor infractions (e.g., disorderly conduct or trespassing) could face severe consequences (e.g., suspension, expulsion, or referrals to law enforcement), potentially becoming an adjudicated delinquent.<sup>4,5</sup>

## History of Zero-Tolerance Policies in the United States Education System

**T**he Gun-Free School Zones Act was signed into law by President Bill Clinton in 1994. The Act stipulates that every state that receives federal funds for education must develop specific policies to refer students who possess firearms, or any other kind of weapon, on school property or at school events to the criminal or juvenile justice system. Also, the Act requires local schools to expel for at least one year any student deemed to have brought a weapon to school. However, the length of the expulsion can be determined by chief administrators on a case-by-case basis. The Act has been severely criticized mainly for its lack of provisions for procedural due process—except for a provision that covers students with disabilities under the Individual with Disabilities Education Act (IDEA)—resulting in states applying inconsistent standards and procedures when enforcing this law. Critics have also questioned the harshness of these policies because many children who do not pose a serious threat to school safety would suffer tremendously from suspensions and expulsions.



School districts nationwide adopted ZTPs in response to violent incidents in schools (e.g., the Columbine High School shooting);<sup>6</sup> however, there is no research to support that the implementation of these policies reduces school violence.<sup>1</sup> Paradoxically, the implementation of these policies has led to a reduction in school and community safety.<sup>5</sup>

Most experts, juvenile justice advocates, and research organizations agree that ZTPs and exclusionary discipline impact children of color, particularly Black and Latino students, at disproportionately higher rates than those of their White counterparts.<sup>7</sup> The disparate impact of ZTPs on more Black versus White students may potentially account for the documented "achievement gap" between the two racial groups. According to the Center for Education Reform, 45% of White 8th grade students were proficient in math compared to only 14% of Black students and 21% of Latino students. The proficiency for reading is roughly the same for these groups. When Black students are overrepresented in suspensions, expulsions, and in-school arrests, they are overrepresented among students losing the most amount of instruction time.

---

## The Effectiveness of Exclusionary Discipline

**D**espite the far-reaching legislative support for exclusionary discipline policies, these policies' effectiveness has been called into question by education scholars who claim that these policies cause more harm than good. As mentioned previously, students of color tend to be disproportionately affected by zero tolerance and other exclusionary policies, which contributes to a broader school pathways to the juvenile justice system.

Zero tolerance policies are often enforced differently across school districts and among schools within the same district. While ZTPs might be simple and convenient, investing additional resources in alternative disciplinary approaches (e.g., Positive Behavioral Interventions and Supports, restorative justice practices) might prove challenging for under-resourced districts and schools and inadvertently create an environment where low performing students are pushed out. Students who are suspended or expelled are often left without proper supervision and are, thus, likely to fall behind on coursework, disengage academically, and potentially drop out of school. As argued by most experts, academic disengagement and school drop-out are strong indicators of eventual involvement with the juvenile or adult criminal justice systems whereas positive school engagement and connectedness can be strong protective factors for youths.<sup>18</sup>

Although ZTPs are still prevalent among many school districts in the U.S., several communities have taken important steps to address the issues related to such policies. For example, the state of Illinois has recently implemented laws to limit out-of-school suspensions and end ZTPs. Likewise, the head of the New York City Department of Education has implemented new rules that require principals to acquire approval from the Education Department's central office before a student can be suspended. Similarly, the Los Angeles Unified School Board has voted to ban suspensions resulting from "willful defiance," an offense that tends to be disproportionately applied to students of color. Additional alternatives to ZTPs have emerged in recent years. Graduated sanctions provide an array of options that can be imposed on offenders in an appropriate manner,<sup>8</sup> and multi-tiered systems of support involve interdisciplinary collaborations aimed at matching instruction and interventions to students in need.<sup>9</sup>

Although ZTPs tend to have an overall negative impact on the student body, schools, and communities, there are certain characteristics that put some students at a higher risk of being negatively affected by these policies. Students with learning disabilities or emotional disturbances are disproportionately being labeled as "bad apples" in schools, and this is often due to relatively minor offenses such as raising their voice to teachers or misbehaving in class.<sup>10</sup> In addition, students who have been exposed to trauma are more likely to be negatively impacted by exclusionary discipline. Youths who are "acting out" may simply be displaying symptoms of trauma exposure. These incidents can lead to referrals to law enforcement, detention, and/or becoming an adjudicated delinquent. Not only are students with disabilities negatively impacted by exclusionary discipline practice and ZTPs, but minority students are also disproportionately more likely to be disciplined due to school misbehavior when compared to their White counterparts. The U.S. Department of Education<sup>11</sup> (2014) indicates that, while only representing 16% of student enrollment, African American students represent 27% of students referred to law enforcement and 31% of students who were arrested in school, which is disproportionately higher than arrests of White students.

---

## National Statistics on School-Related Indicators and Discipline

### Number of Schools and Districts, Zero Tolerance Policies, and Advanced Courses

There are approximately **98,328** public schools and **30,861** private schools across **13,588** school districts in the U.S. (2011-12 school year)<sup>1</sup>

Approximately **50 million** students attend public schools – primary and secondary (2015)<sup>1</sup>

**94%** of U.S. schools have zero-tolerance policies for weapons or firearms<sup>2</sup> and **87%** for alcohol on campus

**79%** report mandatory suspensions or expulsions for violence or tobacco<sup>2</sup>

Advanced courses are not consistently offered throughout the nation's schools: only **48%** of high schools offer calculus, **60%** offer physics, **72%** offer chemistry, and **78%** offer Algebra II (2013-14 school year)<sup>4</sup>

### School Counselors and Resource Officers

**21%** of high schools and about **850,000** high school students have no access to any school counselor (2013-14 school year)<sup>4</sup>

**43%** of all public schools employ full-time or part-time security personnel (e.g., security guards, school resource officers, or sworn law enforcement officers) at their school at least once per week<sup>2</sup>

There was a steady increase in the number of school resource officers present in schools between 1997 and 2003, but between 2003 and 2007, there was a **decreased** presence<sup>3</sup>

## National Statistics on School-Related Indicators and Discipline

### Exclusionary Discipline Practices

About **2.8 million** of K-12 students received one or more out-of-school suspensions (2013-14 school year)<sup>4</sup>

More than **111,000** students received expulsions with educational services (2011-12 school year)<sup>4</sup>

More than **40,000** students received expulsions without educational services (2011-12 school year)<sup>4</sup>

More than **29,000** students received expulsions under zero tolerance policies (2011-12 school year)<sup>4</sup>

**249,752** students were referred to law enforcement (2011-12 school year)<sup>4</sup>

There were **64,218** school-related arrests (2011-12 school year)<sup>4</sup>

More than **100,000** students were placed in seclusion, involuntary confinement, or were physically restrained, including **67,000** students with disabilities served by IDEA (2013-14 school year)<sup>4</sup>

### Absenteeism

More than **6.5 million** (13% of all) students are chronically absent (2013-14 school year)<sup>4</sup>

More than **3 million** (18% of all) high school students are chronically absent (2013-14 school year)<sup>4</sup>

More than **3.5 million** (11% of all) elementary school students are chronically absent (2013-14 school year)<sup>4</sup>

About **6.5 million** students attend schools where more than **50%** of teachers are absent for more than 10 days per academic year (2013-14 school year)<sup>4</sup>

<sup>1</sup> National Center for Education Statistics (NCES)

<sup>3</sup> Bureau of Justice Statistics

<sup>2</sup> NCES's *Public School Safety and Discipline: 2013-14 report* (Gray, Lewis, & Ralph, 2015)

<sup>4</sup> Office of Civil Rights Data

## Building Positive School Climate

**A**nother way to combat the negative consequences of exclusionary policies is to support the implementation of programs aimed at preventing behavioral issues before they take place. Components of such programming include: 1) mental health supports (e.g., counseling and screening); 2) pro-social skill development (e.g., problem solving, mediation, restorative justice, and mentoring); and 3) environmental change (e.g., Positive Based Interventions and Supports (PBIS) and trauma-informed classrooms). According to the 2013-14 National Center for Educational Statistics (NCES) Public School Safety and Discipline report<sup>12</sup>: 81% of all public schools have positive based intervention strategies; 74% have crisis prevention and intervention; and 78% of public schools provided classroom management for teachers. Although these statistics are promising, there is still a lot of work that needs to be done to increase the number of schools with positive based interventions, crisis intervention, and effective classroom management strategies for teachers.

Promoting a healthy and positive school climate is crucial to preventing behavioral issues and reducing the need to employ harsh exclusionary discipline practices. Safe Supportive Learning<sup>19</sup> encompasses several important elements that contribute to building a positive school climate, including school safety, school engagement, and environment. Examples of building a safe and supportive learning environment might include: paying attention to fostering safety; promoting a supportive academic, disciplinary, and physical environment; and encouraging and maintaining respectful, trusting, and caring relationships in the school and communities. A positive school climate is strongly related to several indicators of school success, including increased rates of attendance, retention, academic achievement, and high school graduation.<sup>17</sup>



## The Intersection with the Juvenile Justice System

**A**ccording to a report on crime in schools and colleges by the Federal Bureau of Investigation (FBI), the number of arrestees in U.S. schools nearly doubled from around 22,300 in 2000 to more than 43,200 in 2004.<sup>13</sup> In an effort to keep schools safe and discourage other students from engaging in similar activities, many youths are arrested due to ZTPs and overly harsh reactions to school behaviors. However, due to the rigidity of ZTPs, many of these students are arrested for offenses that could have easily been handled in school, thus avoiding contact with the justice system and a potential juvenile record for youths who committed a first and/or minor offense. Relying on law enforcement to settle minor disputes in schools puts an additional and unnecessary burden on juvenile courts because many of these cases elicit little or no intervention from the court system. Undesired behaviors might result in an arrest at school even though they would not have if the same incident occurred on the street (e.g., disrespect, fighting, carrying a toy gun, etc.).

All school districts are required to collect and report data about school-based arrests and referrals to law enforcement. Nationwide, juvenile arrests are at an all-time low,<sup>20</sup> but the number of arrests originating from schools is an alarmingly high proportion of overall arrests.

If youths are arrested and referred to the juvenile court, there is higher probability that these same youths will remain involved in or go deeper into the juvenile justice system. The cycle that begins when youths are arrested and referred to the juvenile justice system often results in youths re-entering that same justice system later due to the effects of their initial contact with the law. Once youths are arrested or referred to juvenile court, there is an increased likelihood for them to have future incidents that involve juvenile justice. Rather than resolving situations in school, these youths are severely punished for relatively minor infractions. Furthermore, the contact with the juvenile justice system can and does result in in-school consequences as well, which could include suspension or expulsion from school. A single incident, such as an arrest in school, could result in a double punishment for the student (arrest and suspension/expulsion). This only reinforces the tendency for students to disengage academically by



either falling behind in their work, being transferred to an alternative education environment, or dropping out before graduation. This creates a double-bind for an individual who both lacks a high school diploma and has a

criminal record, which dramatically curtails employment opportunities and potentially leads to a life of poverty or crime. This is often referred to as the collateral consequences of juvenile adjudication.

Long-term economic costs to society are an important and often underestimated consequence of the high number of school suspensions, expulsions, and arrests. A report released by the Center of Civil Rights Remedies<sup>14</sup> estimates that school suspensions cost the U.S. more than \$35 billion in economic costs, over \$11 billion in fiscal costs, and \$24 billion in additional social costs. Additionally, the report estimates that lowering the suspension rate by only 1% (currently at 16%) could lead to more than \$2 billion in savings, and reducing the rate by half (8%) might save almost \$18 billion. Another report<sup>15</sup> released by the VERA Institute of Justice included a thorough cost-benefit analysis indicating a hypothetical society's monetary costs of implementing several juvenile justice programs across the nation (2014). For example, between 2005 and 2008, Florida's Office of Program Policy Analysis and Government Accountability (OPPAGA) implemented a diversion program that cost \$14.4 million, while the cost of housing the participating juveniles was estimated to be \$50.8 million, resulting in a gained cost benefit of \$36.4 million for the state of Florida. Similarly, the diversion program Wraparound Milwaukee—a program that helps youths with mental health disorders find appropriate resources—reported that the cost per participant per month in the year 2000 was about \$3,300, while traditional incarceration cost about \$5,000. Therefore, Wraparound Milwaukee effectively saved the state an average of \$1,700 per student every month.

Overall, these types of analyses allow evaluators to find the option with the greatest net social benefit; however, these analyses are not necessarily indicative of the programs' effectiveness or overall success. Although these analyses may not all involve school-based referrals to court, it is important to point out cost savings for communities that implement diversion programs compared to traditional incarceration or other deep end juvenile justice involvement.

## Building a School-Justice Collaborative

**F**air and supportive school discipline is a community issue and not just the responsibility of schools. An essential first step in developing effective strategies to reduce school-based arrests and exclusionary discipline is building a strong relationship with schools, law enforcement, mental health providers, parents/families, and the community. To do so, it is necessary to develop a community engagement strategy based on reaching out to all relevant stakeholders, engaging in conversations with notable leaders in all relevant agencies and organization, and making ongoing efforts to organize meetings, forums, focus groups, surveys, and any other communication efforts to engage other potential stakeholders.

### THE ROLE OF JUDGES

Judges can be effective conveners in school-justice collaboratives. Their experience and position enables them to promote alternatives to school referrals to court and influence community members to act. Judges can also take an important leadership role early on, helping spearhead intra-agency coordination and the development of shared goals, values, and vision among stakeholders. Once collaboratives are firmly established, shared leadership among all law,



education, and mental health agencies should work toward a sustainable and effective collaborative. For more information on judicially-led court and school partnerships, please see the NCJFCJ's *School Pathways to the Juvenile Justice System Project: A Practice Guide*.

## THE ROLE OF PARENTS

Parents must be advocates for their children in order to prevent harsh school disciplinary processes. Parents should be informed and up-to-date about all school policies and code of conduct and communicate with teachers and school staff about their children's behavior. If possible, parents should visit their children's schools and classrooms regularly and provide input in the development of district discipline policies. Furthermore, parents have the right to request copies of school discipline policies, as well as meet with teachers, counselors, and school administrators to discuss specific disciplinary issues. In addition, parents and students should understand the appeal process for school discipline or connect with a professional who specializes in education law.

School administrators and educators should explore multiple strategies to engage families of all economic backgrounds and cultures. Family engagement is linked to higher student achievement.<sup>24</sup> Communication between the school and family is critical to building strong family-school partnerships.

## THE ROLE OF TEACHERS

Educators are the first responders when students exhibit disruptive, aggressive, or atypical behaviors. Teachers are in the unique position to detect early signs of problems in youths and implement initial responses. Evidence-based programs and interventions aimed at increasing student engagement and reducing school discipline issues, such as creating emotionally safe classrooms and providing opportunities for students to contribute to discussions in meaningful ways, are abundant and have been implemented with generally positive results. Teachers are a primary vehicle for information tracking and sharing with parents, school administrators, and courts. It is critical to the success of any school-justice partnership to ensure that school administrators and educators are included initially in strategic or community action planning. Teachers and administrators are

instrumental in an effective school-justice partnership because they have first-hand knowledge of the underlying issues concerning the communities and students.

### **THE ROLE OF LAW ENFORCEMENT**

Although the decision to discipline a student is usually driven by school officials, law enforcement is also responsible for preventing excessive reactions to misbehavior. One way they can do this is through promoting diversion programs for low-risk offending youths. In situations when the school defers responsibility to law enforcement officers (LEOs) to handle youths, officers have discretion either to arrest or divert. According to the 2013-2014 Civil Rights Data, a large percentage of schools have sworn law enforcement officers (e.g., LEOs and SROs) on their campuses. LEOs and SROs have an important role in school safety and can also act as mentors for at-risk youths. As such, LEOs and SROs can play a crucial role in supporting and implementing school discipline reform programs.

### **THE ROLE OF MENTAL HEALTH PROVIDERS**

Many people who come into contact with the criminal and juvenile justice systems are likely to have histories of adversity or trauma.<sup>16</sup> Mental health providers have a pivotal role in preventing, identifying, and treating youths with emotional and behavioral issues. They can also be leaders in encouraging policies to include mental health screening as part of discipline policies. Mental and other health professionals, such as psychologists, social workers, nurses, and health clinic workers, can promote the handling of misconduct within the school or community without having to refer such cases to the justice system unnecessarily. Importantly, mental health professionals can have a significant influence in the healing and treatment process of afflicted youths, which would help these children to succeed in school and avoid further justice system involvement.

## Tips for Judges Who Handle School-related Cases

As leaders on disciplinary reform, judges need to assume leadership positions and ensure that the vision and goals of school-justice collaboratives are reflected in their own courts. Judges can follow several recommendations to handle school-related cases:



**Ensure that different perspectives are included when making decisions.**

It is important to be informed about the latest research and policy developments regarding education, adolescent development, and cultural competency in order to make more informed decisions when dealing with students referred from schools. In addition, it is imperative for judges to get to know school leadership, law enforcement, mental health, parents/families, and other community partners and listen to their suggestions and concerns.



**Make specific recommendations for change.**

Given their influence and expertise, judges can make recommendations for policy and implementation on school disciplinary policies based on their own personal experiences dealing with such cases. Judges can draft policy papers, get involved in policy committees, or write letters of support to promote change.



**Address disproportionality and other risk factors.**

Judges should be keenly aware of the factors that are predictive of students being involved in the school pathways to juvenile justice. Factors such as race, low socioeconomic status, disability status, and attending a school implementing ZTPs tend to be strong indicators of risk of contact with the justice system (but not necessarily of delinquency itself).



**Develop an MOU.**

A memorandum of understanding (MOU) is a multilateral document that establishes a shared vision and coordinated effort in a justice collaborative and is typically not legally binding. Given their leadership position, judges can ensure that all stakeholders' perspectives are included when developing an MOU because feelings of inclusion when drafting the collaborative's visions, goals, and activities are essential in creating a friendly work culture and enabling long-lasting efforts. Judges can make use of their respectable positions to make specific recommendations for change in courts, schools, and communities, as well as to disseminate any successful models and implementations with other jurisdictions and at state and national level forums.

## School-Based Diversion Programs

A number of school diversion programs, both evidence-based and emerging practices, have been successfully implemented around the nation to decrease the number of school-based referrals to law enforcement and/or juvenile court. Although each jurisdiction faces its own unique challenges, several programs have managed to be categorized as successful, based on how effectively they have met their program-specific goals. The following programs have each succeeded through the effective implementation of evidence-based practices and interventions.

### ILLINOIS - UNITED TOWNSHIP (UT) HIGH SCHOOL PROGRAM

Senate Bill 0100 in Illinois limits the number of school suspensions and eliminates ZTPs. As a result, United Township High School (UT) has implemented a new program to provide emotional and behavioral support for students aged 16 years old or younger who have been expelled. The students are also able to continue classes online. As a result, UT has reached an all-time high graduation rate of 90% in the 2014-2015 school year.

### CONNECTICUT - SCHOOL-BASED DIVERSION INITIATIVE (SBDI)

This program helps schools to recognize and address behavioral and mental health crises instead of involving the police. Teachers and staff are trained on handling community resource referrals and techniques such as in-school crisis stabilization. In this program, teachers and staff are also supported by psychiatric services providers. Strong partnerships between schools and community providers are vital to the success of SBDI. Evaluations suggest that students referred from schools with SBDI were more likely to meet the criteria for a Serious Emotional Disturbance (SED) and have serious trauma, compared to students referred from non-SBDI schools. Since its inception, the SBDI has reduced court referrals and increased behavioral health services in 21 schools across the state.<sup>22</sup>

### JACKSON COUNTY, OHIO - TEEN TALK

Teen Talk was based on the implementation of an earlier program established in two middle schools in Akron in which a responder was employed to respond to disturbances involving students with mental

health needs and behavioral issues. In this initial program, responders contacted the families, conducted an assessment, and developed a mental health treatment and intervention plan. Teen Talk began in Jackson County and followed the same principles, culminating with the establishment of a full-scale behavioral health clinic, the Tri-Country Mental Health and Counseling Services, Inc.

### **PHILADELPHIA, PA - PHILADELPHIA POLICE SCHOOL DIVERSION PROGRAM**



The Philadelphia Police School Diversion Program (PPSDP) is led by the Philadelphia Police Department in conjunction with local partners. The PPSDP diverts students from arrest and formal processing, and connects them and their families to support through local social service agencies. The PPSDP's specific goals include: a) reducing the number of children arrested in the SDP and referred to the juvenile justice system; b) eliminating the racial and ethnic disparities of those students arrested, suspended, and expelled from SDP schools; and c) sustaining and expanding a shared framework to help all students succeed. More than 1,000 students who would have otherwise been arrested and/or referred to juvenile court have been diverted since the implementation of PPSDP. There was an overall decrease in the number of youths arrested in school by approximately 54% in the first year.<sup>21</sup>

### **CLAYTON COUNTY, GA - SYSTEMS OF CARE**

In 2013, several governmental agencies in Clayton County, Georgia, teamed up to keep students in school and out of the criminal and juvenile justice systems. Their School Referral Reduction Protocol (SRRP) effectively limits the types of school offenses eligible to be filed in juvenile court. In addition, the collaborative has developed a System of Care (SOC), which serves as the single entry point to provide access to local resources for youths, including life skills workshops, family counseling, tutoring, mentoring, mental health

assessments, and treatment. The SOC has several objectives: a) school discipline alternatives that do not push students out of school (and potentially into the criminal and juvenile justice systems); b) intervention options aimed at preventing school dropout; c) mental health alternatives for both youths in need and their parents; and d) career training opportunities. Positive results between 2003 and 2011 demonstrated a 73% reduction in school-based referrals to juvenile court and an increased graduation rate.<sup>23</sup>

### **CLARK COUNTY, NV - TRUANCY DIVERSION PROGRAM**

The Truancy Diversion Program (TDP) in Las Vegas, NV was founded in 2002 with the goal of improving attendance and grades of students within the Clark County School District. Given that the county had been struggling with some of the highest rates of truancy and lowest graduation rates in the country for years, the TDP aimed to address these issues by having a team of TDP workers and advocates directly address the needs of at-risk youths and their families. Students with excessive and unexcused absences are referred to family advocates who explain the program and offer them the opportunity to enroll. The TDP judges (who are volunteer attorneys) preside over a weekly diversion court on school property and meet with the students, family, and advocates to address issues, monitor progress, make recommendations, and reward achievements. The program has seen remarkable success. TDP overall graduation rates were 69% for the 2010-2011 school year (as high as 73% for Hispanic students who have been identified as the largest ethnic truant population in the county).

### **MAHONING COUNTY, OH EARLY WARNING SYSTEM**

As a way to improve overall school climate and decrease truancy, the Mahoning County Juvenile Court, in partnership with several schools in four districts, implemented an Early Warning System (EWS) in 2015. The EWS uses already-existing administrative data on attendance, behavioral issues, and curriculum completion to identify at-risk youths and connect them with appropriate support. Once identified, each school coordinates efforts with school employees, school staff, and others to address individual and family needs, which might include referrals to community resources or involvement with school-based groups facilitated by court staff. Although still in its initial stages of implementation, the EWS has already found early success through building a strong school-court collaborative.

---

## CONCLUSION

It is important to understand the dire consequences of using zero tolerance policies and exclusionary discipline practices to maintain school safety. Indeed, most data indicate that exclusionary policies are ineffective at achieving their intended goals and can even lead to less safe school environments.<sup>5</sup> In addition, there is strong evidence that economically disadvantaged students and students of color are disproportionately affected by these policies,<sup>10</sup> thus placing these groups at a higher risk of dropping out of school and getting involved in the criminal and juvenile justice systems.

Juvenile justice systems have an opportunity to exert an influence on changing policies through inter-agency collaboration. Many jurisdictions across the country have already begun to implement programs aimed at reforming exclusionary policies and dismantling the pathways from schools to the juvenile justice system. Much work remains to understand both the ramifications of exclusionary policy and effectively address disciplinary issues to maintain better a healthy school culture and students' safety. Inter-agency collaboratives that include members of the justice system, schools, and communities are an important first step in accomplishing such goals.

## Additional Resources

For more information on the subject of exclusionary discipline and its impact on the juvenile justice system please see:

- *School Pathways to the Juvenile Justice System: The Context for a Practice Guide for Courts and Schools* – NCJFCJ
- *School Pathways to the Juvenile Justice System: A Practice Guide* – NCJFCJ
- *Rethink School Discipline: School District Leader Summit on Improving School Climate and Discipline* – U.S. Department of Education (2015)
- Positive Behavioral Interventions and Supports: OSEP Technical Assistance Center – [www.pbis.org](http://www.pbis.org)
- *Fix School Discipline: How We Can Fix School Discipline Toolkit for Community Members* – Public Counsel
- Safe Supportive Learning – [safesupportivelearning.ed.gov](http://safesupportivelearning.ed.gov)
- National Center for Education Statistics – [nces.ed.gov/](http://nces.ed.gov/)
- Civil Rights Data Collection – [ocrdata.ed.gov](http://ocrdata.ed.gov)
- *2011 C.A.R.E. Guide: Strategies for Closing the Achievement Gaps* – National Education Association
- *Advancing School Discipline Reform* – National Association of State Boards of Education
- *Child Trauma Toolkit for Educators* – National Child Traumatic Stress Network
- *The SBDI Toolkit: A Community Resource for Reducing School-Based Arrests* – Child Health and Development Institute of Connecticut, Inc.
- *Educational Aftercare & Reintegration Toolkit for Juvenile Justice Professionals* – Models for Change
- *The School Discipline Consensus Report* – The Council of State Governments Justice Center
- *Blueprint for Change: A Comprehensive Model for the Identification and Treatment of Youth with Mental Health Needs in Contact with the Juvenile Justice System* – National Center for Mental Health and Juvenile Justice

## REFERENCES

1. American Psychological Association Zero Tolerance Task Force. (2008). Are zero tolerance policies effective in the schools? An evidentiary review and recommendations. *American Psychologist*, 63, 852–862.
2. Skiba, R., & Peterson, R. (1999). The dark side of zero tolerance: Can punishment lead to safe schools? *The Phi Delta Kappan*, 80(5), 372–382.
3. Borgwald, K., & Theixos, H. (2013). Bullying the bully: Why zero-tolerance policies get a failing grade. *Social Influence*, 8(2-3), 149–160. doi:10.1080/15534510.2012.724030.
4. Gonzalez, T. (2012). Keeping kids in schools: Restorative justice, punitive discipline, and the school to prison pipeline. *Journal of Law and Education*, 41(2), 281–235.
5. Fabelo, T., Thompson, M. D., Plotkin, M., Carmichael, D., Marchbanks, M. P., & Booth, E. A. (2011). *Breaking schools' rules: A statewide study of how school discipline relates to students' success and juvenile justice involvement*. New York, NY: Council of State Governments Justice Center.
6. Skiba, R. J., & Knesting, K. (2001). *Zero tolerance, zero evidence: An analysis of school disciplinary practice. New directions for youth development*, 2001(92), 17–43.
7. The National Assessment of Educational Progress. (2015). *School composition and the Black-White achievement gap*. Retrieved from [http://nces.ed.gov/nationsreportcard/subject/studies/pdf/school\\_composition\\_and\\_the\\_bw\\_achievement\\_gap\\_2015.pdf](http://nces.ed.gov/nationsreportcard/subject/studies/pdf/school_composition_and_the_bw_achievement_gap_2015.pdf).
8. Taxman, F. S., Soule, D., & Gelb, A. (1999). Graduated sanctions: Stepping into accountable systems and offenders. *The Prison Journal*, 79, 182–204.
9. Eagle, J. W., Dowd-Eagle, S. E., Snyder, A., & Holtzman, E. G. (2015). Implementing a Multi-Tiered System of Support (MTSS): Collaboration between school psychologists and administrators to promote systems-level change. *Journal of Educational & Psychological Consultation*, 25(2-3), 160–177. doi:10.1080/10474412.2014.929960.
10. Petras, H., Masyn, K., Buckley, J., Ialongo, N., & Kellam, S. (2011). Who is most at risk for school removal? A multilevel discrete-time survival analysis of individual- and context-level influences. *Journal of Educational Psychology*, 103, 223–237.
11. U.S. Department of Education Office for Civil Rights (2014). *Civil Rights Data Collection, Data Snapshot: School Discipline, Issue Brief No. 1*. Retrieved from <http://www2.ed.gov/about/offices/list/ocr/docs/crdc-discipline-snapshot.pdf>.
12. Gray, L., Lewis, L., & Ralph, J. (2015). Public school safety and discipline: 2013–14. Retrieved from <http://nces.ed.gov/pubs2015/2015051.pdf>.
13. Noonan, J. H., & Vavra, M. C. (2007). *Crime in schools and colleges: A study of offenders and arrestees reported via national incident-based reporting system data*. Retrieved from <https://www.fbi.gov/about-us/cjis/ucr/nibrs/crime-in-schools-and-colleges-pdf>.
14. Rumberger, R. S., & Losen, D. J. (2016). The high cost of harsh discipline and its disparate impact. Retrieved from [https://www.civilrightsproject.ucla.edu/resources/projects/center-for-civil-rights-remedies/school-to-prison-folder/federal-reports/the-high-cost-of-harsh-discipline-and-its-disparate-impact/UCLA\\_HighCost\\_6-2\\_948.pdf](https://www.civilrightsproject.ucla.edu/resources/projects/center-for-civil-rights-remedies/school-to-prison-folder/federal-reports/the-high-cost-of-harsh-discipline-and-its-disparate-impact/UCLA_HighCost_6-2_948.pdf).
15. Vera Institute of Justice (2014). Cost-benefit analysis and justice policy toolkit. Retrieved from <http://www.vera.org/sites/default/files/resources/downloads/cba-justice-policy-toolkit.pdf>.
16. Baglivio, M. T., Epps, N., Swartz, K., Sayedul Huq, M., Sheer, A., & Hardt, N. S. (2014). The prevalence of adverse childhood experiences (ACE) in the lives of juvenile offenders. *Journal of Juvenile Justice*, 3(2), 1–23. doi: 10.1177/0011128715570628.
17. Sugai, G., & Horner, R. R. (2006). A promising approach for expanding and sustaining school-wide positive behavior support. *School psychology review*, 35(2), 245–259.
18. Centers for Disease Control and Prevention. (2009). *School connectedness: Strategies for increasing protective factors among youth*. Atlanta, GA: U.S. Department of Health and Human Services.
19. The National Center on Safe Supportive Learning Environments (NCSSLE). Retrieved from <https://safesupportivelearning.ed.gov/>.
20. OJJDP Statistical Briefing Book. Online. Retrieved from: [http://www.ojjdp.gov/ojstatbb/crime/JAR\\_Display.asp?ID=qa05201](http://www.ojjdp.gov/ojstatbb/crime/JAR_Display.asp?ID=qa05201).
21. Juvenile Justice Research and Reform Lab, Drexel University. Police School Diversion Program. Online. Retrieved: <http://www.pages.drexel.edu/~neg23/schooldiversion.html>.
22. Child Health and Development Institute of Connecticut, Inc. SBDI (The Connecticut School-Based Diversion Initiative). Retrieved from: <http://www.chdi.org/our-work/mental-health/school-based-mental-health/sbdi/>.
23. Status Offense Reform Center (2014). Clayton County, Georgia. Retrieved from: [http://www.statusoffensereform.org/wp-content/uploads/2014/07/Clayton\\_Final.pdf](http://www.statusoffensereform.org/wp-content/uploads/2014/07/Clayton_Final.pdf).
24. Jaynes, W. H. (2005). Parental Involvement and Student Achievement: A Meta-Analysis. Harvard Family Research Projects. Retrieved from: <http://www.hfrp.org/publications-resources/browse-our-publications/parental-involvement-and-student-achievement-a-meta-analysis>.



NCJFCJ  
est. 1937

NATIONAL COUNCIL OF  
JUVENILE AND FAMILY COURT JUDGES

[WWW.NCJFCJ.ORG](http://WWW.NCJFCJ.ORG)

