

A.R.T. EDUCATIONAL TOOLKIT

NOTES FROM THE FIELD DOING TIME IN EDUCATION





Welcome!

Urgent and inspiring, ***Notes from the Field: Doing Time in Education*** outlines the civil rights crisis currently erupting at the intersection between America's education system and its mass incarceration epidemic. In Act One, Anna Deavere Smith introduces the students, parents, teachers, and administrators caught in America's school-to-prison "pipeline" through her trademark portrait performances. In the tradition of call and response, a second act before a final coda performance invites audiences to reflect on how we might begin collectively to move forward from difficult histories and devastating social policies.

This Educational Toolkit is designed to complement the A.R.T. production of Anna Deavere Smith's ***Notes from the Field: Doing Time in Education***, featuring materials meant to encourage deep reflection on, foster critical self-reflection about, and inspire action against the the school-to-prison pipeline. This Toolkit includes articles and research from the creative team behind the production; data, research, reports and relevant commentary on the major themes of the play; suggested lesson plans for pre- and post-show engagement with the play; and much more.

We hope to see you at the theater!

BRENNA NICELY
Education & Community
Programs Manager

@americanrep #NotesFromTheField



Photo: Evgenia Elisavina

Anna Deavere Smith as Sherrilyn Ifill, President and Director-Counsel, NAACP Legal Defense and Education Fund, Inc.

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Thank you for participating in the A.R.T. Education Experience!

If you have questions about using this Toolkit in your class, or to schedule an A.R.T. teaching artist to visit your classroom, contact the A.R.T. Education and Community Programs department at:

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NOTES FROM THE FIELD: DOING TIME IN EDUCATION EDUCATIONAL TOOLKIT

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FROM THE ARTISTS



Anna Deavere Smith.
Photo: Evgenia Eliseeva

You may think that all theater is based on Shakespeare, Ibsen, or other canonical dramas, written by playwrights long deceased and presented by a group of actors to a typically silent audience. Some theater, like many of the shows produced at the A.R.T., seeks to engage the audience as active participants, presenting current issues and characters who confront the urgencies of their times and circumstances. In the **From the Artists** section (pages 4-13), we explore the making of *Notes from the Field: Doing Time in Education* and the legacy of activist theater, which asks the audience to step up to its role and become an active part of the life on stage — and then to carry that experience beyond the theater into the world.

Who is Anna Deavere Smith?

Actress, playwright, and teacher, Anna Deavere Smith is said to have created a new form of theater. She received the National Humanities Medal, presented to her by President Obama in 2013. She was the 2015 Jefferson Lecturer for the National Endowment for the Humanities, and a 2016 Guggenheim Fellow for Theatre Arts (for the development of *Notes from the Field: Doing Time in Education*). She is a MacArthur Fellow, and received The Dorothy and Lillian Gish Prize. She is the recipient of two Tony nominations and two Obie Awards. She has created over 15 one-person shows based on hundreds of interviews, most of which deal with social issues. *Twilight: Los Angeles*, about the Los Angeles race riots of 1992, was performed around the country and on Broadway. *Let Me Down Easy* (seen at

the A.R.T. in 2008) focused on health care in the U.S. In popular culture she has been seen in “Nurse Jackie,” “Black-ish,” “The West Wing,” *The American President*, *Rachel Getting Married*, and *Philadelphia*. Books include *Letters to a Young Artist* and *Talk to Me: Listening Between the Lines*. She has a number of honorary degrees including Yale, University of Pennsylvania, Juilliard, Union Theological Seminary, and The Radcliffe Medal. She sits on the board of trustees for the American Museum of Natural History, the Aspen Institute, Grace Cathedral in San Francisco, and the Museum of Modern Art in New York. She is University Professor in the department of Art & Public Policy at New York University. She also directs the Institute on the Arts and Civic Dialogue at New York University.

Toward Empathic Imagination and Action

by Anna Deavere Smith



While traveling in various parts of the country to do interviews upon which ***Notes From the Field*** is based, I was particularly influenced by two women I met in South Carolina, one in Charleston and the other in Summerton. They were both actively involved in the mid-twentieth century movement to desegregate American schools: Millicent Brown and Beatrice Rivers.

Ms. Brown helped integrate Rivers High School in Charleston, South Carolina in 1963. She told me about the trauma she suffered as the first Negro to walk the halls of Rivers when she was 15 years old, facing hostility from many students and teachers alike. After some months she began having symptoms of a heart attack. Today, at age 68, she still has those symptoms. She is collecting a series of interviews with others around her age, who were “firsts.” Many still have the same physical and psychological symptoms that they experienced as barrier-breaking youngsters.

Beatrice Rivers was a petitioner in the desegregation case *Briggs v. Elliot*. Filed in 1951, it preceded the more famous *Brown v. Board of Education* into which it was eventually subsumed. To this day, pulses go up for the old-time black folks in Summerton, South Carolina when they talk about their case. They are proud of their struggle and upset that most Americans evoke only the Brown case when they talk about civil rights history.

Toward Empathic Imagination and Action (cont'd)

The case began in 1947 as a demand for equality in transportation—a story that is easy to remember, once you hear it. The community asked the county for a school bus so that their children would not have to walk as many as nine miles to the school for Negroes. The county said no. The community somehow found a broken-down bus and got it running. They asked the county to pay for gas. The county said no. The NAACP stepped up to support the community in 1949, expanding the demand to one of equal educational opportunities in Clarendon County.

The first action was for black citizens to gather at their church to sign a petition for education equality. Beatrice Rivers's signature on that petition curls and curves in that old-fashioned, perfectly rounded "cursive" writing. She told me that all of the adults who signed the petition lost their jobs, her father among them. He was a janitor at the "white" high school, and many in the town liked him. He was the last to lose his job, but lose his job he did. Popularity was not enough to override racism.

As some of you well know, even though southern towns were eventually ordered to desegregate, they found ways around it. They created private "religious" schools for white children.

I spoke with Terry Peterson, a white man who was a young activist in those days. He is still at the forefront— fighting for social justice in Charleston. He looks like a southern gentleman, with a full head of white hair. I wanted to know his point of view about why the county refused even to supply gasoline for the bus. He shook his head. He shrugged. He pursed his lips. And he said that the same sentiments exist today. I told him that some white people say racism is not real. "It's real," he said simply. And he started to weep.

Have we squandered a generation's hard-won victories? In many American cities today, schools are as racially segregated as they were in the 1950s. And other social forces and institutions are separating us from each other even more.

Thomas Jefferson constructed a plan for public education in the Notes on the State of Virginia, as one speaker in the play, philosopher Maxine Greene, points out. His plan was for a system that would reveal the "excellent students" and throw out the "rubbish." The "rubbish," Maxine says, were the poor kids who couldn't make it.

Schools that work as sorting mechanisms are deep in our American DNA, whether the sorting is meant to find talent and aptitude, whether it is meant to weed out those who slow "us" down, or whether it is meant to keep races and social classes apart. Those working to dismantle the "school-to-prison pipeline" make a strong claim that schools sort out future prisoners, feeding the astonishing growth of America's prison industry and making us the developed country with the highest incarceration rate in the world.

Laws were one way we looked at the problem of integration six decades ago. I am grateful for the laws. My education and my career are byproducts of laws that helped make it possible for more of us to reach our arms over the chasm of racism and classism. But sixty years later, it's obvious that laws are not enough.

We have fine law schools in this country; one of the best in the world is on this campus. Could you ever imagine The Graduate School of Empathy and Love? I know that sounds ridiculous. But I also know that some individuals have a special aptitude for these core elements of our humanity. Those gifts should be honed, nourished, refined, and celebrated in the same way we cultivate athletic prowess, intellectual productivity, and business acumen. We need a generation of leaders who are as loving as they are strategic.

We need such leaders to help us find ways to imagine ourselves as beings who could extend our concern beyond the boundaries of our front doors, our fences, our perceived self-interests, our skins. How?

Toward Empathic Imagination and Action (cont'd)

As an artist, my effort has been to broaden the realm of my inquiry beyond my writing room and beyond understanding based on personal experience. For forty years, I have been creating plays out of fragments of conversations with diverse groups of people from all over the country. When I was a girl, my paternal grandfather and I used to spend hours talking. He said, “If you say a word often enough it becomes you.” I have been trying to become America word for word. I interview people—seeking to understand a problem from a variety of points of view. This practice allows me to enrich my understanding of my country. I choose moments of crisis as the pivot points.

I now seek to extend my work beyond the artistic product that evolves out of those many conversations. I now extend the realm of my work into the audience. What do you think? What is your position on the large and complex landscape of points where failed attempts at education meet prison walls, broken families, broken dreams, broken possibilities? Even the position that is far from the nexus of the problem is a position. We all live somewhere in the landscape. We are really all connected “to the person next door, down the street or whatever,” as a woman in a maximum security prison told me.

We must do the work required to make our democracy robust. I invite you, groups of strangers, to sit together during this play to chew, fret out loud, speculate, connect, invent, find. We need to be together. While I did research in my broken-down boarded-up hometown, Baltimore, I met a charismatic, articulate man in his late twenties. He had spent a lot of his young adulthood in prison, where he developed a rich vocabulary by studying the dictionary from beginning to end, and back again. With passion he said: “We can’t wait for the leaders to make it better. We have to make it better.”

DISCUSSION

- What are your core values — beliefs and morals that you could not live without? Would you sign a petition to defend your core values, knowing that you would lose your job? Would you join a protest, knowing you would be arrested and possibly imprisoned? How far would you go to defend your core values?
- Do you agree with Terry Peterson when he explains that the same sentiments that led Clarendon County to deny bus access to Black students still exist today? What are those sentiments, and what is your relationship to them? Where do you see or hear these sentiments?
- Smith states that “laws are not enough” to bridge the divides caused by racism and classism. What else do we need? What would be enough?
- Smith recalls a statement from her grandfather: “If you say a word often enough it becomes you.” What does this statement mean? Do you think it is always true? Is this true for any words in particular that you can think of?
- Smith asserts that we are all connected to each other, each and every one of us. Do you feel connected to everyone around you? Are there people you feel disconnected to, either in your community, in your country, or in the world?
- How would you answer Smith’s own question: “What is your position on the large and complex landscape of points where failed attempts at education meet prison walls, broken families, broken dreams, broken possibilities?”

Digging Up the Pipeline:

Anna Deavere Smith Takes Notes from the Field

by *Notes from the Field* Dramaturg Alisa Solomon



Anna Deavere Smith as Linda Wayman, Principal, Strawberry Mansion High School, Philadelphia, PA

What should happen to an elementary school student who declines to come in from recess when the teacher calls? Or who grabs a classmate's Play-Doh and refuses to give it back? Or doesn't take turns while playing with other kids? In Boston, according to Greater Boston Legal Services, kids in grades K-3 have been suspended for these specific behaviors—kicked out of school for a time simply for acting like children. Instead of disciplinary methods that help children to grow socially and academically, suspensions, studies repeatedly show, are counterproductive: they take kids out of a learning environment and leave them further behind in their studies. What's more, they do not help correct students' misbehavior; rather, they often confuse children, produce antipathy toward school, and, especially as students get older, leave them unsupervised with unstructured time, free to hang out and get into trouble—often, with the law.

School suspensions—disproportionately meted out to students of color and students with disabilities—make up just one of the conduits feeding what child advocates and policy experts have come to call the “school- to-prison pipeline”: the policies and practices that push schoolchildren, especially those most at risk, out of classrooms and into the juvenile and criminal justice systems.

It's a disturbing, astonishing term that conjures a rushing tide of young people being funneled behind bars. Some analysts have begun to call it the “cradle-to-prison pipeline,” noting that

Digging Up the Pipeline (cont'd)

kids born into precarious circumstances are thrown into this current even before they begin kindergarten.

Anna Deavere Smith was stunned when she first heard the phrase a few years ago as she listened to a discussion among social justice experts in New York. She learned about five-year-olds being handcuffed for throwing tantrums, about older kids arrested for pranks. The sorts of mischief that once would have landed kids in the principal's or guidance counselor's office were now sending them swirling down the drain into the pipeline. Smith's artistic pilot light—always fueled by a desire to understand the human encounter with our country's most vexing and pressing problems—flamed high. She set out to understand the plight of these children, using the unique and powerful form of documentary theater that she invented decades ago.

Smith builds her plays by interviewing a diverse group of people who all have some stake in a particular event or issue, and then culls rich monologues from what she calls the “organic poetry” in their expression. She performs these verbatim texts with complete fidelity to the rhythms and patterns of each person's speech and gestures. As a result, on stage, through the medium of her body, Smith brings into dialogue—into intimate conversation—people who would otherwise never occupy the same space. A Lubavitcher housewife, a Nation of Islam minister, an Orthodox rabbi, and a young rapper, for instance, are just four of some twenty-six characters Smith personified in ***Fires in the Mirror: Crown Heights, Brooklyn and Other Identities***, the 1992 work that dug into the heart of the violent clashes between that neighborhood's Hasidic and Caribbean-American communities and that catapulted Smith to international acclaim. With this same technique, Smith's *Twilight: Los Angeles, 1992* illuminated the causes and effects of the riots that followed the verdict in the Rodney King beating case. *House Arrest* examined the American presidency and its public image; ***Let Me Down Easy*** (presented here at the A.R.T. in 2008), illness and mortality within the context of a broken healthcare system.

For her Pipeline Project, Smith traversed the country, beginning in California and Pennsylvania, interviewing students, teachers, principals, mentors, advocates, judges, inmates, government officials, and more. Smith arrived in her hometown of Baltimore to conduct more interviews on the heels of the death of Freddie Gray, one of hundreds of African American men to have died in police custody in 2015. She landed in Charleston, South Carolina after a young white man opened fire there on an African American Bible-study group at Emanuel African Methodist Episcopal Church. We geared up for rehearsals here in Cambridge amid the terrible events of July that saw the police shootings of Alton Sterling and Philando Castile, and the slaying of five police officers in Dallas, and that revealed, even more starkly in this divisive election year, national discord over not only the best policies for addressing social problems, but even over what the problems are. The pipeline gushes on in a context of racial disparity, gun violence, and racial profiling, a context in which—in the astounding words of Justice Sonia Sotomayor—an individual can become “not a citizen of a democracy but the subject of a carceral state just waiting to be catalogued.”

During her research, Smith saw how the punitive aggression of policing in poor communities of color lines up with young people's experience in the local schools. The populations disproportionately profiled, arrested, and met with violence by police—people of color and those with a history of abuse, neglect, poverty, or learning disabilities—are the same ones targeted by “zero-tolerance” school discipline, policies intended to keep schools free of drugs and weapons by imposing severe punishments, but that criminalize all kinds of rule-breaking or disruptive activities that in more affluent communities would be resolved with a good talking-to or, in severe cases, with therapy to help the child stabilize and succeed. The statistics—in this, the Western country with the highest incarceration rate—are not only staggering. They also reveal a web of predicaments entrenched in criminal justice practices, education policy, long-term poverty, and, as Dr. Victor Carrion, a character represented in the play, points out, the chronic stress of impoverishment and violence that hampers a child's ability to function in a classroom. Just a few examples from the overwhelming data: In 2012-13, 190 children in

Digging Up the Pipeline (cont'd)

kindergarten to third grade were suspended from California schools for the “crimes” of chewing gum in class, talking back, or wearing the wrong clothes. Seventy percent of students involved in “in-school arrests” or referred to law enforcement are Black or Latino. Being suspended in ninth grade doubles the likelihood that the student will not complete high school. Nearly seventy-four percent of males in state prison do not have a high school diploma.

Even in these polarized, violent times, there’s an opening for change now that Smith hopes her play can help pry wider. Activism for racial equality is responding to devastating events by working to accelerate the bend of America’s arc of history toward justice. As Democrats and Republicans alike agree that mass incarceration has to be scaled back, schools and local legislatures are beginning to inch away from “zero tolerance.” Massachusetts has helped lead the way with Chapter 222, the law that restricts the use of school suspension and requires schools to provide alternative learning programs for students in trouble. President Obama himself acknowledged, in his speech in Baltimore after the uproar over Freddie Gray’s death, how tightly the strands of poverty, violence, inadequate schooling, unemployment, and adversarial policing are woven together. More than in her previous plays, with ***Notes from the Field*** Smith wants, she has said, to “build a model for art to be in direct connection to advocacy.”

It’s an intricate model. Smith is not talking about agit-prop or hectoring audiences with her own answers. On the contrary, she regards theater as a place of radical hospitality that can convene a public and raise the most tangled questions. But how, then, do theater-goers think about and perhaps take action in response to those questions? For all her virtuosity, Smith doesn’t count her work a success if the only thing spectators say to each other after the play is, “Wow. That was powerful. So, where should we go for drinks?” She has long been consumed by an inquiry into what might happen after the houselights come up. She ran its first laboratory here at Harvard from 1998 to 2000, the Institute on the Arts and Civic Dialogue. Smith recruited a “core audience” of local residents committed to attending all the offerings in a summer season of works curated by Smith and developed at the Institute, and to participating in a variety of conversations spurred by them.

Now, for ***Notes from the Field***, Smith is conducting an even more ambitious experiment: You, the audience, are cast as the actors in Act II. While theater can’t do the work of organizing, it has a unique power to reveal issues in their layered complexity, stir up surprising empathies, spark the moral imagination, and move us to examine our positions in relation to the problems presented—perhaps leading to further engagement and action beyond the theater’s walls. At a time when there are too many reasons to feel what the Italian political theorist Antoni Gramsci famously called “pessimism of the intellect,” we hope that ***Notes from the Field: Doing Time in Education***—and the conversations it provokes—can fill our reservoirs with “optimism of the will.”

DISCUSSION

- If you were to create your own piece of documentary artwork around an important issue, which issue would you choose? Why?
- What are “zero tolerance” policies? Do you think there are any situations when “zero tolerance” is necessary?
- What does Solomon mean when she mentions the “arc of history toward justice”? Have events in American history been “arcing” toward justice? Why or why not?
- What does “radical hospitality” mean? How could a theater be a place of “radical hospitality,” and what is its ideal effect?

On Theater as Activism

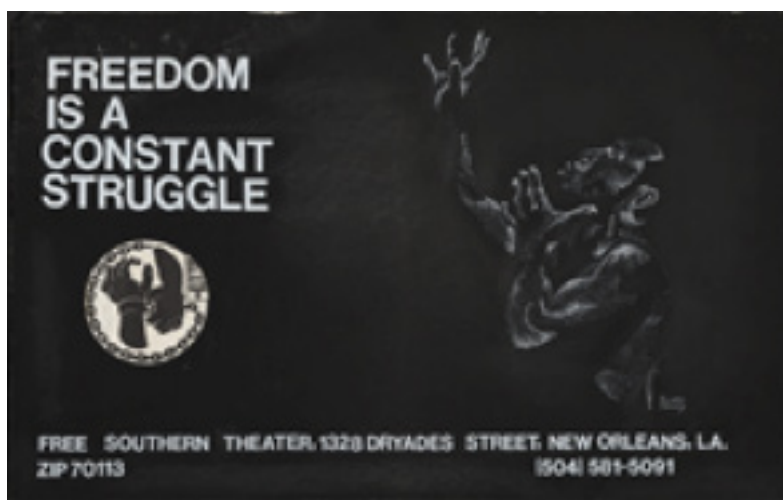
Compiled by **Notes from the Field** Dramaturg
Alisa Solomon

*As a unique art form, which involves performers and audiences sharing a live experience together—as opposed to watching TV at home alone or going to see a pre-recorded movie—theater has often been recognized as a powerful tool for social engagement. **Notes from the Field** is developing its own means of capturing this power by casting the audiences as the actors in Act II and encouraging them to discuss the issues the play raises.*

Over the years, many theater projects have developed means of engaging audiences as active participants. Here are a few historical examples from The Free Southern Theater, El Teatro Campesino, and Augusto Boal's Theater of the Oppressed.

THE FREE SOUTHERN THEATER

Founded in 1963 as part and parcel of the Civil Rights Movement – indeed, formed by activists in the Student Nonviolent Coordinating Committee – The Free Southern Theater proclaimed a radical purpose: “We propose to establish a theater in the deep South... A combination of art and social awareness... Through theater, we think to open a new area of protest.”



The company traveled through the segregated South, presenting plays by, for, and about African Americans at a time of segregation and inequality. The FST's founders – Doris Derby, Gilbert Moses, and John O'Neal – asserted in the theater's mission statement that their work would “act as a stimulus to the critical thought necessary for effective participation in a democratic society.” They sought to fill in gaps left by an inferior education system, to replace the misrepresentations of African Americans in the media, and to reflect their audience's reality back to them and engage them in the struggle for justice. The FST toured around the South, driving into small towns and setting up performances wherever there was space. They did not charge for tickets.

Historical text from “The Free Southern Theater: An Evaluation” by Thomas Dent, 1966:

Imagine that you are a Negro high school student in Bogalusa, Louisiana. It is late August, a hot, muggy Wednesday night. You are about to watch a play. The play will be performed by the Free Southern Theater, but not tonight from a written script.

The play tonight is about Bogalusa itself. The cast includes not only the members of the FST,

but some of your classmates, many of whom have participated in protest marches during the summer.

A huge crowd has gathered at the Union Hall despite the heat. It is as if the entire Negro community has come, plus the several CORE workers who have been in town, and others from neighboring towns.

From where you are standing you can see there are as many people outside as inside, even the windows are crowded with eager faces. Outside across the dirt road, the police chief leans against his automobile talking with several of his deputies. The chief is not sure what a play is, but he is present in case any 'trouble' develops. Anyway, amidst the excitement no one pays attention to the police. The Deacons for Defense of Equality and Justice are also present. They had escorted the Free Southern Theater without incident from McComb, Mississippi Monday and will provide a protective caravan of cars tomorrow morning when the company leaves for New Orleans.

After a brief introduction by Gilbert Moses who explains this will be an improvised play, the scenes begin. The play is about the demonstrations in Bogalusa that summer, about the violence in Bogalusa and the inflexibility of the Mayor, his City Council and the police in the face of that violence, and about the determination of the Negro citizens to fight back, to fight for their rights, and to take action to insure their safety while protesting for their rights.

The audience responds to the subtleties, humor, truth of every situation as it develops on the makeshift stage. And you, too, respond though you are not sure this is a great play or that plays should be about something like this. The plays by the Central High School drama club in Bogalusa are certainly not like this. But nevertheless this play is about your life, your problems, what you have been through — and you have heard truths stated tonight which have only been whispered in Bogalusa. And you wished the police chief (who is probably outside wondering what all the shouting, laughter, excitement is about), the Mayor, every white person in Bogalusa could be in the Union Hall tonight to see themselves portrayed as they really are.

For further reading: *The Free Southern Theater by The Free Southern Theater: A Documentary of the South's Radical Black Theater with Journals, Letters, Poetry, and Essays and a Play Written By Those Who Built It.*

EL TEATRO CAMPESINO

El Teatro Campesino ("farmworkers theater") started out in 1965 as the cultural wing of the United Farm Workers in the fields of California. At the time, the farmworkers were fighting for fair working conditions and wages through the UFW, their union. They went on strike against Delano Grapes and stood for long hours on picket lines. El Teatro Campesino drove up on a flatbed truck, parked in the field, and used the truck bed as a stage. With comedy and real-life stories about the plight of farmworkers, they entertained and inspired the picketers with "actos" – short skits that had clear messages, like "join the union" or "boycott grapes."

Under the founder and artistic director, Luis Valdez, the company quickly established itself as a leading progressive popular theater, developing additional forms of theater and addressing issues like education, racism, and cultural roots. Based in San Juan Bautista, California, the theater thrives to this day. It has as strong a purpose as ever:

It is our mission to create a popular art with 21st century tools that presents a more just and accurate account of human history, while encouraging the young women and men of a new generation to take control of their own destiny through creative discipline, vibrant education, economic independence, and artistic excellence.

WATCH El Teatro Campesino founder and artistic director, Luis Valdez describe the history and impact of the theater and see clips from their work over more than four decades:

THEATER OF THE OPPRESSED - AUGUSTO BOAL

Theater of the Oppressed is not a particular troupe, but a set of ideas and structures that any people can use to employ theater as a democratic tool for social change. The ideas were developed by a Brazilian man

named Augusto Boal in the 1970s, while he was working with poor people in Brazil and other parts of Latin America who wanted to improve their conditions. Boal sought to break the practice of spectators sitting passively in the dark watching a play. He invented the “spect-actor”: the person who both observes *and* acts.



Semana Chicana by El Teatro Campesino (1974).

Here is one of the structures Boal created that is now used all over the world.

Forum Theater: Members of the group present a problem from everyday life that they don’t have a solution for. They act out the scene, using improvisation. For example: a girl is teased by boys at school and tries to make them stop; a family is being evicted from their home by the landlord, but has nowhere to go; a teacher is trying to get a rowdy class to quiet down so he can teach the lesson; a student has his cellphone confiscated but needs it for a family emergency. Or whatever problem is troubling your group at the moment.

While the group members present the scene, any spect-actor who is watching and who has an idea for how the protagonist might solve the problem, may call out “Stop!” The action stops and the spect-actor takes the role of the protagonist, replacing the original actor. Now s/he tries out the new idea in an improvised scene, in which the other actors respond as realistically as possible. This process continues until the group of spect-actors agrees that a viable solution has been found.

Boal called Forum Theater “a collective rehearsal for reality.”

DISCUSSION

- How do performances like the ones you read about aim to effect social change? Do you think these performances would be effective today? Why or why not?
- How do you respond to the mission of El Teatro Campesino “to create a popular art with 21st century tools that presents a more just and accurate account of human history”? What do you think he means by “popular” art? Are there accounts of human history that are still unaccounted for?

FOCUS ON THE ISSUES



The school-to-prison pipeline is a simple concept, though a complicated reality, which has developed in the United States over more than one hundred years. In the **Focus on the Issues** section of this Toolkit (pages 14-40), you will find resources to help define the school-to-prison pipeline, how it was built, and what we can do about it.

In pages 14-28, **Focus on the Facts** and data behind the school-to-prison pipeline.

In pages 29-38, **Focus on the tactics and regulations around Discipline and Students' Rights**

In pages 39-40, **Focus on the History and the Legacy** through reflections from Jesse Jackson and President Barack Obama.

FOCUS ON THE FACTS

A myriad of research, theories, and reports have been published around issues of the school-to-prison pipeline. In the following pages (29-38), **Focus on the Facts** and data available about key factors of the school-to-prison pipeline. Explore how the school-to-prison pipeline is defined (pages 15-17), how it is measured (18-19), findings about school discipline issues in Massachusetts (pages 20-22) and among Native American communities (pages 23-24), and the historical precedents leading up to where we are now (pages 25-28).



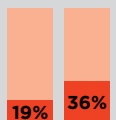
Nationwide, 70% of students arrested in school or referred to law enforcement are Black or Latino/a.

(Source: US Department of Education—Office of Civil Rights.)



In Massachusetts, one-third of children arrested before they turn 18 years old are arrested again within one year of their release.

(Source: Greater Boston Legal Services.)



Children with disabilities make up 19% of Boston Public School students and account for 36% of overall suspensions.

(source: Massachusetts Department of Elementary and Secondary Education.)



Nearly two-thirds of all out-of-school suspensions in Massachusetts in the 2012-13 school year were for “non-violent, noncriminal, non-drug” offenses.

(Source: “Not Measuring Up: The State of School Discipline in Massachusetts,” report by the Lawyers Committee for Civil Rights and Economic Justice, 2014.)



Nearly 60% of men in federal prison and 74% in state prison never earned a high school diploma.

(Source: Bureau of Justice Statistics.)



1.6 million American children go to public schools that employ law enforcement officers but no counselors.

(Source: US Department of Education.)



“... the presence of on-site police officers frequently results in both more student arrests and more arrests

for misbehavior previously handled informally by educators and parents.”

(Source: “ARRESTED FUTURES: The Criminalization of School Discipline in Massachusetts’ Three Largest School Districts,” report by ACLU, ACLU-MA, and Citizens for Juvenile Justice, 2012.)

The School-to-Prison Pipeline: Striking Figures and Concepts

by *Notes from the Field*
Dramaturg Alisa Solomon

DEFINITION

The school-to-prison pipeline refers to the punitive and discriminatory school disciplinary practices that drive children into the juvenile and criminal justice systems. Many experts say that underfunded public schools are ill-equipped to deal with the multiple needs of contemporary students. The pipeline is fed by “zero tolerance” policies, intended to keep schools free of drugs and weapons by imposing severe punishments, like year-long suspensions, for infractions, no matter the circumstances. Rather than improving school safety, these policies have ended up criminalizing all kinds of rule-breaking or disruptive activities that previously would have been handled by child-appropriate measures like trips to the principal’s or guidance counselor’s office. Students have been suspended or expelled at high rates over the last two decades. When young people are not in school, they are, quite simply, likely to be in trouble. Data show that zero-tolerance discipline disproportionately targets students of color and those with a history of abuse, neglect, poverty or learning disabilities. Beyond school walls, these same populations are disproportionately profiled, arrested, and responded to with violence by police.

THE BROADER CONTEXT

School discipline policies are not the only cause of the crises affecting American schoolchildren. Too many students grow up in environments that are not conducive to learning: they are surrounded by violence and poverty, suffer from trauma and physical and mental health challenges, lack the self-regulation that school culture requires, and are bereft of hope and a sense of purpose. Public schools, meanwhile, starved for resources and forced to focus on high-stakes testing, place unrealistic expectations on teachers. Often schools must cede disciplinary matters to police officers stationed in their buildings through federal

The School-to-Prison Pipeline (cont'd)

and local initiatives, even as counselors and nurses are eliminated from school staff due to budget cuts. Despite the commitment and expertise of dedicated educators, schools can become places where students encounter the same arbitrary, over-aggressive policing they face in their communities. Activists say that students come to perceive the school system as emphasizing control and punishment over a stimulating educational experience, and to sense that they are being prepared more for prison than for lives as engaged, imaginative, productive citizens. Many advocates, educators, and health professionals have suggested that we need to shift resources spent on the “back end”—the building of prisons and youth facilities—to the front end—richer, more deeply endowed schools, as well as support for early childhood and for pre-natal care, and, importantly, support and growth opportunities for parents.

Today, new technologies—smart-phone cameras, social media—have made more visible to the general public the problems these young people are facing. Videos of abuses go viral and affect events as they unfold; organizers wielding these technological tools reveal the urgency and dignity of struggle and expand the ranks of those who are urging change.

ON THE RIGHT PATH

The U.S. Department of Justice has investigated—and even sued—several states for violating the rights of children funneled into juvenile justice systems for minor infractions. In 2014 the U.S. Department of Justice, along with the U.S. Department of Education, published guidelines aimed at both curbing harsh, discriminatory over-punishments imposed for school discipline violations, and fostering safe, inclusive and positive learning environments while keeping students in school. “By ensuring federal civil rights protections, offering alternatives to exclusionary discipline, and providing useful information to school resource officers, we can keep America’s young people safe and on the right path,” said Attorney General Eric Holder when the guidelines were released. This year’s

THE LEGAL CONDUIT TO THE PIPELINE

DISTURBING SCHOOLS LAWS

National and state-wide efforts to reduce the criminalization of routine school infractions often center on changing local school district policies, reducing the heavy presence of police officers in hallways, and providing more guidance and academic counseling for students, and more opportunities for them to strive for excellence in academics, the arts, and athletics.

In some states, though, even these substantial improvements would still leave students vulnerable to criminal arrest.

These are states—**Massachusetts** remains one of them—that have on their books some version of a “**disturbing schools law**”: a vague and subjective means of charging a student for behaviors that would not constitute crimes if engaged outside school grounds.

South Carolina’s became notorious in the fall of 2015 when a girl in a Columbia, SC high school math class was reprimanded for using her cell phone; when she refused an order to leave the classroom, a school officer was called in. Video shot by fellow students show him pulling the student out of her desk and dragging her along the ground. The student was charged under the disturbing schools law, which makes it a misdemeanor “willfully or unnecessarily (a) to interfere with or to disturb in any way or in any place the students or teachers of any school or college in this State, (b) to loiter about such school or college premises or (c) to act in an obnoxious manner thereon...” Another student, Niya Kenny (who is represented in *Notes from the Field*), was also arrested under this law for standing up and objecting to how her classmate was being treated and encouraging fellow students to film it with their phones. Age 18 at the time, Ms. Kenny was charged as an adult and faces a \$1,000 fine or 90 days imprisonment. She is due in court on September 15, 2016.

Here in **Massachusetts**, students can be charged for “disturbance of schools or assemblies”—a crime punishable by up to a \$50 fine or a month of jail, with a third offense within a year requiring a one-month jail sentence. A 2012 investigation of Boston, Springfield, and Worcester by the ACLU and ACLU of MA, and Citizens for Juvenile Justice, found that in all three districts such “catch-all public order offenses” were often used to justify in-school arrests “based on misbehavior that could have been addressed more appropriately by teachers and school staff, and with significantly less harm to students.”

Introduced last year in the General Court, Senate bill S842, and the parallel House bill, H1623, seek to decriminalize student nonviolent and verbal misconduct like cursing, sassing or bouncing a basketball in a hallway—all misbehaviors for which students have been arrested and charged in criminal or juvenile court. The bills have failed to advance.

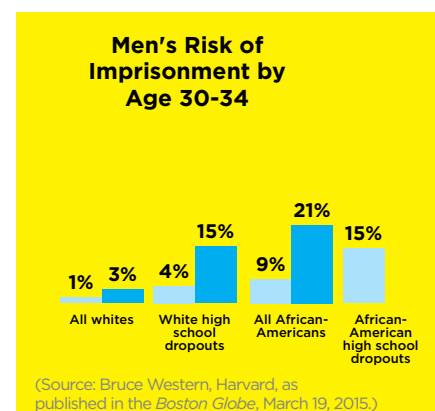
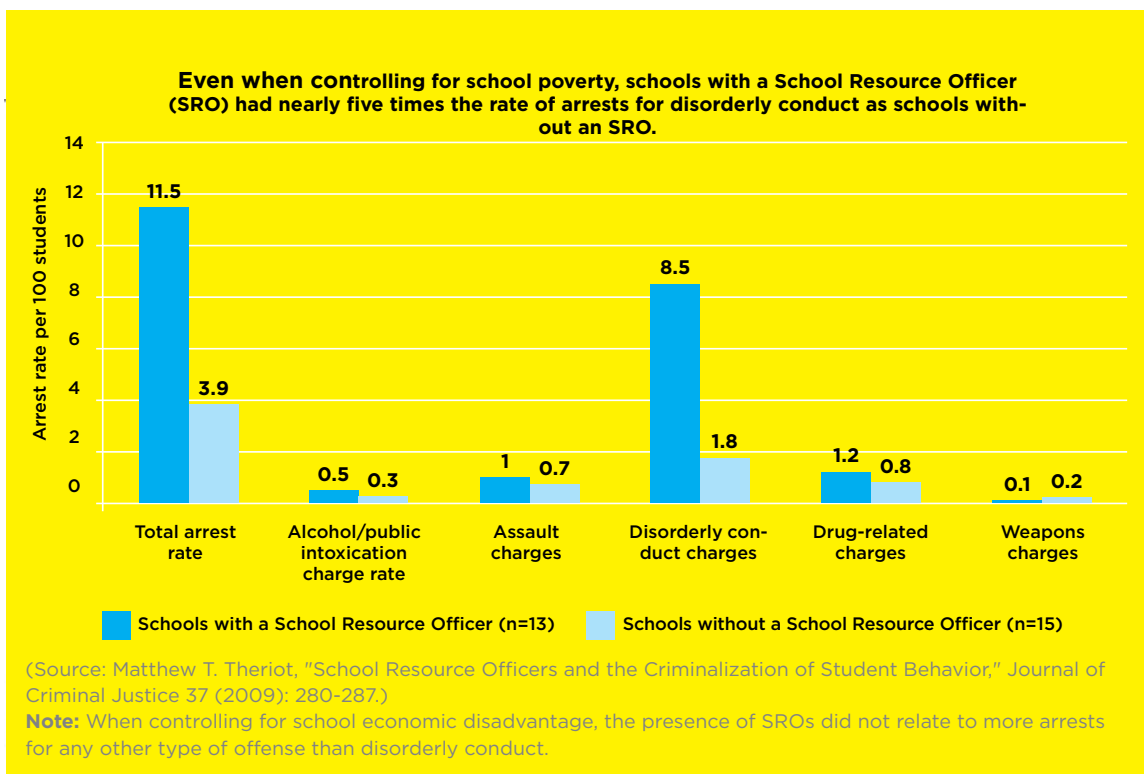
For more on “disturbing schools” laws, see page 38 of this Toolkit.

The School-to-Prison Pipeline (cont'd)

Democratic Party platform promises to end the school-to-prison pipeline and “build a cradle-to-college pipeline instead.”

Here in Massachusetts, in August of 2012, Governor Deval Patrick signed into law Chapter 222 of the Acts of 2012—An Act Relative to Students’ Access to Educational Services and Exclusion from School. It went into effect on July 1, 2014. It aims to keep children in school by restricting the use of suspension and expulsion and requires schools to collect data on student exclusions, establishes enhanced hearing provisions for students prior to suspension or exclusion, and promotes alternative programs to assure continued academic progress for students who are disciplined.

While students and their advocates welcomed this progressive law, according to the Boston Student Advisory Council, students are still being removed from their schools for minor offenses, with low-income students, students of color, and students with disabilities being more likely to be suspended unfairly. Students taken away from their education by out of school suspension are more likely to fall behind in schoolwork or drop out.



Fact Sheet: How Bad Is the School-to-Prison Pipeline?

by Carla Amurao

The school-to-prison pipeline: an epidemic that is plaguing schools across the nation. Far too often, students are suspended, expelled or even arrested for minor offenses that leave visits to the principal's office a thing of the past. Statistics reflect that these policies disproportionately target students of color and those with a history of abuse, neglect, poverty or learning disabilities.

Students who are forced out of school for disruptive behavior are usually sent back to the origin of their angst and unhappiness—their home environments or their neighborhoods, which are filled with negative influence. Those who are forced out for smaller offenses become hardened, confused, embittered. Those who are unnecessarily forced out of school become stigmatized and fall behind in their studies; many eventually decide to drop out of school altogether, and many others commit crimes in their communities.

It is difficult to pinpoint the exact reason for the school-to-prison pipeline. Many attribute it to the zero tolerance policies that took form after the 1999 Columbine High School massacre. Others blame educators, accusing them of pushing out students who score lower on standardized tests in order to improve the school's overall test scores. And some blame overzealous policing efforts. The reasons are many, but the solutions are not as plentiful.

So how bad is the school-to-prison pipeline? See the stats for yourself, leave suggestions, find programs in your local community, take a stance.

Facts and Statistics:

- [A 2007 study by the Advancement Project and the Power U Center for Social Change](#) says that for every 100 students who were suspended, 15 were Black, 7.9 were American Indian, 6.8 were Latino and 4.8 were white.
- The same study reports that the U.S. spends almost \$70 billion annually on incarceration, probation and parole. This number lends itself to a 127% funding increase for incarceration between 1987-2007. Compare that to a 21% increase in funding for higher education in the same 20-year span.
- Based on statistics from the Civil Rights Data Collection (see sources below), in 2009, the Los Angeles Unified School District reported the following numbers for out-of-school suspensions: 62% Hispanic students, 33% Black students, 3% white and 2% Asian. LAUSD also reported that of their expulsions, 67% of Hispanic students and 5% of Black students were not offered educational services. Lastly, 77% of Hispanics and 8% of Asian, Black and white students were expelled under zero tolerance policies.
- The CRDC also shows that in 2009, the West Valley School District in Spokane, WA expelled 20% Black students and 60% white students and offered no educational services. Of those who were expelled, 10% Black students and 60% white students were done so under zero tolerance policies. Those who were referred to law enforcement included 10% Black students and 80% white students. However, Spokane school districts reported a higher number of enrolled white students. West Valley School district consisted of 86% white students and 4% Black students.
- In St. Louis, MO schools, the Normandy School District's 98% Black student population

How Bad Is the School-to-Prison Pipeline? (cont'd)

drew in the following: 100% of all students who received more than one out-of-school suspension, 100% of those who were expelled without educational services and 100% of those who were referred to law enforcement. In Missouri's Ritenour School District, 67% of Black students vs. 33% white students were referred to law enforcement.

- New Orleans, LA has numbers equally as staggering. The Orleans Parish School Board's expulsions under zero tolerance policies were 100% Black, with 67% of their school-related arrests being Black students. The RSD-Algiers Charter School Association had 75% of their expelled students without educational services Black. Furthermore, 100% of their expulsions under zero tolerance policies and 100% of their school-related arrests were all Black students.

This infographic from SuspensionStories.com demonstrates an overview:



Remember: While it's easy to think the school-to-prison pipeline only impacts particular students and their respective families, we must remember that our whole society will feel the consequences. Today's youth are tomorrow's leaders. And we must remember that we cannot teach a student who is not in school.

[Click here](#) to view the full article on the PBS website.

Arrested Futures:

The Criminalization of School Discipline in Massachusetts' Three Largest School Districts

The American Civil Liberties Union (ACLU) has a well documented history of advocating for the Constitutional rights of individuals, ranging from freedom of speech to equal protection under the 14th Amendment. Much of their work revolves around political lobbying, research, and policy proposals. The following article is the Executive Summary of an ACLU report entitled "Arrested Futures;" the report, written in 2012, is an analysis of discriminatory discipline practices against minority students in certain Massachusetts public schools. You can find the full report [here](#).



On October 23, 2007, a 14-year-old boy at the Kennedy Middle School in Springfield, Massachusetts, was arrested after he refused to walk with a teacher to her office and instead returned to his classroom. According to the police report, he yelled at the teacher, bounced a basketball in a school hallway, failed to respond to a police officer's request to go with the teacher and slammed his classroom door shut. He was subsequently taken into police custody, handcuffed, transported to the police station and charged with "disturbing a lawful assembly."

This incident illustrates a matter of growing concern to educators, parents and advocates: the extent to which the permanent on-site presence of police officers in public schools results in the criminalization of disruptive behavior. While other research has focused on zero-tolerance policies and the overuse of out-of-school suspension and expulsion as significant factors in feeding the "School-to-Prison Pipeline," this report focuses on the additional problem of arrest, in particular the use of arrest to address behavior that would likely be handled in the school by school staff if not for the presence of on-site officers.

While some school districts use on-site officers to apprehend students who pose a real and immediate threat to the physical safety of those around them, others predominantly use these officers to enforce their code of student conduct. In such districts, officers are encouraged to arrest, in many cases using public order offenses as a justification, students who are unruly, disrespectful, use profanity, or show "attitude."

Schools have every right to hold disruptive youth accountable for their actions. However,

Arrested Futures (cont'd)

criminalizing those actions and diverting kids away from school and into the juvenile or adult criminal justice system are harmful to everyone. Students who are arrested at school are three times more likely to drop out than those who are not. Students who drop out are eight times more likely to end up in the criminal justice system than those who remain in school and graduate, and the cost of housing, feeding and caring for prison inmates is nearly three times that of educating public school students.

Using police officers to maintain order and address student behavior is also costly, and an imprudent use of taxpayer dollars in these difficult economic times. Evidence-based school disciplinary programs that are designed to improve overall school climate, and that can be implemented by teachers and administrators, are not only cheaper but more effective at keeping schools safe and orderly. Among other things, such programs train teachers on how best to manage their classrooms and permit schools to more accurately identify those students who may need additional supports and services or a different type of educational program to function in the classroom. In this report, the Racial Justice Program of the American Civil Liberties Union's National Legal Department and the American Civil Liberties Union of Massachusetts (collectively, the "ACLU"), in partnership with Citizens for Juvenile Justice, examine the rate at which Massachusetts' three largest school districts—Boston, Springfield and Worcester—arrest students for public order offenses that occur at school during the school day and the extent to which school-based policing influences arrest rates.

While police and school officials in the three districts were not particularly receptive to this inquiry (initially refusing to provide the information or denying that it existed, and then demanding tens of thousands of dollars to produce it), we eventually obtained sufficient information from the 2007-08, 2008-09 and 2009-10 school years to conclude the following:

- **In all three districts, there were numerous arrests at school during the school day ("school-based arrests") based on misbehavior that could have been addressed more appropriately by teachers and school staff, and with significantly less harm to students.** These arrests were often justified using catch-all public order offenses (such as "disturbing a lawful assembly").
- **While all three districts appear to overuse "public order" offenses as a justification for arrests, Springfield had significantly more such arrests than Boston or Worcester, as well as a much higher overall arrest rate than either of the other two districts.** Although the number of public order arrests fell during the three years covered by our study, they fell the least in Springfield and remain unacceptably high.
- **While there are undoubtedly many reasons why there are more public order arrests in Springfield than in Boston or Worcester, it appears that the manner in which Springfield deploys police officers in its public schools is a contributing factor.** Springfield is the only district that has armed, uniformed police officers from the local police department stationed in selected schools for the entire duration of the school day. These officers report to the Chief of the Springfield Police Department, not the Springfield school district. Although Boston has officers stationed in selected schools, these officers are employed by the Boston Public Schools, are answerable to the Public Schools' superintendent, and are unarmed. Worcester does not have any officers with arresting authority permanently stationed in its schools.
- **Youth of color were disproportionately affected by the policing practices in all three districts.** This disproportionality was greatest in Boston. Although African-American students accounted for approximately one-third of Boston's student body during the 2008-09 and 2009-10 school years, two-thirds of all Boston arrests during that period were of African-American students. Seventy percent of those arrested for public order offenses were African-American.

Arrested Futures (cont'd)

- **Youth with behavioral and learning disabilities were disproportionately affected by the policing practices in Boston and Springfield.** The schools with the highest rates of arrest (arrests per 1000 students) in these districts were schools for students with diagnosed learning and behavioral disabilities, raising serious questions about the manner in which these schools are administered.

Based on these findings, we recommend strategies to keep schools safe that do not rely on police officers as a replacement for strong leadership, well-trained and supported staff, and a school culture of mutual respect and accountability. In particular, we recommend the following:

1. Districts should ensure that calling upon police officers with the power to arrest is always viewed as a last resort by replacing permanent in-school officers with “on-call” officers who can immediately respond to truly serious events. Money now spent on in-school police should be reallocated to schools to give them the flexibility to develop in-school alternatives to arrest and to hire trained personnel to provide leadership on disciplinary matters and related concerns, such as mental health issues or inadequate staffing.
2. Districts should develop policies and programs to improve school climate, including policies to help staff distinguish between schoolhouse behavior problems and more serious offenses, and in-school intervention programs to address student misbehavior.
3. To the extent that police officers are involved in schools, responsibilities between school staff and police departments should be clearly delineated to ensure that school staff remain responsible for all school discipline issues, and to emphasize that arrest is not an acceptable method for dealing with disruptive students. There should be qualification and training requirements for all school-based officers, as well as policies to prohibit the use of catch-all public order offenses as a basis for arrest.
4. Localities should designate an individual in each school district to collect and make public comprehensive statistical data about school-based arrests or other referrals to law enforcement, including the underlying justification for all arrests (i.e. public order, assault, drug, etc.), and the age, race/ethnicity, gender, and disability status of arrestees. Federal, state and local officials, as well as parents and other community members, should hold schools accountable for failing to address unreasonably high arrest rates or using arrest to exclude, disproportionately, students of color or students with disabilities.
5. Districts, state and federal officials should immediately investigate and address the clearly disproportionate use of arrest against youth of color and students attending therapeutic schools, many of whom are arrested for behavior that appears to be a manifestation of their disability. The use of arrest to remove, disproportionately, students of color and disabled students from Massachusetts schools raises serious legal and fairness concerns and must stop now.

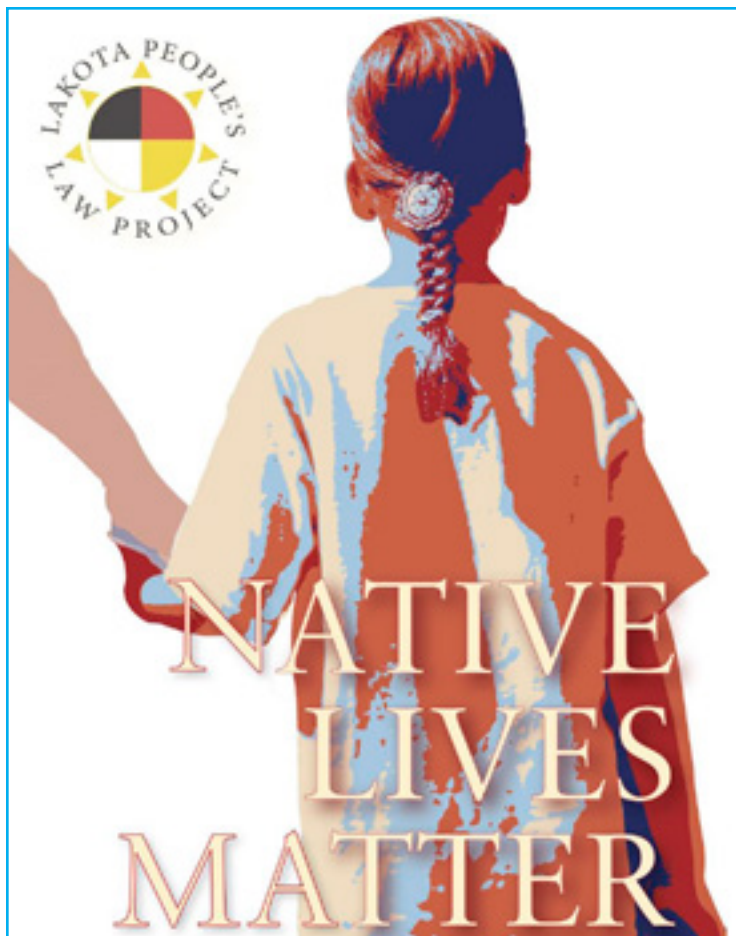
DISCUSSION

- Do you believe that having law enforcement officers in schools is helpful or detrimental to the school environment? Are there any behaviors that you think should lead to a student being arrested? Where do you think the line is between a visit to the principal's office and a visit to the police station?
- Which of the findings of the ACLU reflect anything about your experience in school? Are any of the findings surprising? Is there anything significant you think they left out?
- Do you agree with the recommendations of the ACLU? Why or why not? Which alternative solutions would you propose?

Native Lives Matter

by the Lakota People's Law Project

The disproportionate level of adverse disciplinary effects among Native American populations often goes unnoticed and under-addressed. This is an excerpt from a February 2015 report detailing various instances of discrimination against Native Americans in South Dakota's criminal justice system, ranging from disproportionate juvenile detention to the failures of state leaders to address these issues. The full report can be found [here](#).



II: Native Youth

Native American youth are found to disproportionately suffer adverse effects at the stages of arrest, diversion, detention, petition, adjudication, probation, and secure placement in the juvenile justice system.

General wellness and performance outcomes on paper seem incredibly bleak for Native American populations and especially for Native youth populations. [Considering that 44 percent of American Indians are under the age of 25](#), we cannot begin discussing justice for Native peoples without first talking about justice for Native youth.

Native youth are disproportionately affected throughout the juvenile justice system. More commonly than any other ethnic group, [Native Americans suffer the two most severe punishments that juvenile justice can offer, out-of-home placements and a transfer to the adult system](#). The Center for Disease Control has found that children who are transferred to the adult criminal

justice system have a [39 percent higher recidivism rate to violent crime](#), which is a contributing factor towards the higher arrest and incarceration rate for Native adults.

Although Native youth are only 1 percent of the national youth population, 70 percent of youth committed to the Federal Bureau of Prisons (BOP) as delinquents are Native American, as are [31 percent of youth committed to the BOP as adults](#).

In 2003, litigation over conditions in a South Dakota state training school revealed horrible abuses in the use of restraints and isolation, yet little in the way of education or mental health services.

Native Lives Matter (cont'd)

Findings also showed that Native youth were significantly overrepresented in the lockdown unit and were thus subject to the worst abuses. For example, one young girl from the Pine Ridge Reservation had been held in a secure unit within the facility for almost two years, during which she was placed in four-point restraints and made to “spread eagle” on a cement slab for hours at a time. She was also kept in isolation for days and even weeks and pepper-sprayed numerous times. In addition the facility also instituted a rule that penalized Native youth for speaking in their Native language — several were placed on lockdown status for speaking Lakota to each other.

It was also found that youth were sometimes held in makeshift quarters within adult facilities or kept with the adult population. For example, a 13-year-old victim was being held in the jail for social services because there was no other place to hold him.

Cruel and sadistic forms of punishment are not constructive to human development; statistics demonstrate that it significantly contributes to recidivism of violent crime in the prison system. (...)

VII: What We Can Do to Move Forward

Local organizing must continue in our community. If Rapid City and the rest of South Dakota are to understand our position, we must speak in unison, explicitly to these issues.

The Department of Justice has already recommended that the court system ease the stress on those who are struggling financially, which is entirely applicable to South Dakota's Native populations, who rank among the highest in nationwide poverty indices. In order to transcend the paradox of increasing incarceration expenditures, the federal government must begin empowering Indian tribes by funding tribal child and family service programs and tribal juvenile detention and drug rehabilitation centers. Alcoholism continues to pose a problem on reservations. Seventy percent of jailed Native Americans convicted of violent crimes reported that they had been drinking at the time of the offense. If a reallocation of resources towards drug rehabilitation, housing services, transportation, and cultural healing programs addressing intergenerational trauma begins to transpire, it will reduce the burden on governmental expenditures overall as well as reduce tensions between the Native population and South Dakota police. These components can then become the basis for a positive relationship, and ultimately contribute to forming a partnership with tribes who are in the process of developing child and family service programs and preventative initiatives.

Lastly, despite the best of intentions bolstering “cultural awareness” initiatives, South Dakota cannot remedy the current situation without hiring a police force which more accurately reflects its’ service population. As FBI Director James Comey recently remarked, “It’s hard to hate up close.” Until a tightly knit relationship is forged between local police and Native communities across the state by means of community policing and a shift in hiring practices, South Dakota will continue struggling with attempts to address racial issues involving the Native population and state police.

DISCUSSION

- Before reading this article, had you thought or learned about the experience of Native American populations in the school system? What was new to you, and did you find anything in this report surprising?
- Why do you think Native youth were punished for speaking their native language? Are there particular biases or assumptions at play in that scenario?
- Which of the problems outlined in this article can you relate to? Is there anything similar to your experience in school? Is there anything drastically different from your own experience?

An Interactive Timeline of the School-to-Prison Pipeline

Compiled by Nicolas O'Connor

The journey to where the American school-to-prison pipeline is now spans decades, even centuries. However, starting at the end of World War II, a new wave of legislation, court activism, and social change began and continues to this day. Below is a non-exhaustive, interactive timeline of key events in modern civil rights movements, ranging from Supreme Court cases to Boston's busing-based desegregation. Click on underlined terms to learn more. You can also find the full URLs for all links in the Resources section (page 46).

- **1946:** [Mendez v. Westminster School District](#): Although the court found that both Mexican and Mexican-American students were considered white and could not be segregated, this case tested the Equal Protection Clause, ruling that equal schooling is protected under the 14th Amendment. This helped pave the way for *Brown v. Board of Education*.
- **1946-52:** [Briggs v. Elliot](#): A case from South Carolina over unequal access to school bus services which was absorbed into the more famous *Brown v. Board of Education*.
 - Black students were actively denied access to any transportation services by the superintendent, and with funding from the NAACP, they filed suit seeking to declare that segregation is unequal and unconstitutional, going against the "separate but equal" standard of the time.
 - Despite "winning" the case through *Brown v. BoE*, the backlash against those on the plaintiff's side were immense: Reverend Joseph De Laine, who originally petitioned the NAACP for assistance, had his church burned down and attempts were made on his life. Many others lost their jobs in retaliation.
- **1952:** [Brown v. Board of Education](#): overturned *Plessy v. Ferguson* and determined that segregated schools are inherently unequal; it mandated that all school districts integrate with all due haste, but it failed to specify a method by which they would integrate.
- **July 26, 1948:** President **Harry S. Truman** signs [Executive Order 9981](#) which officially ended racial discrimination in the armed forces and led to the desegregation of the military.
- **1951:** **Boggs Act**: the first instance of mandatory sentencing in the US: a minimum of two to ten years in prison with up to a \$20,000 fine for first time cannabis possession.
- **1954:** [Hernandez v. Texas](#): Determined that the 14th amendment Equal Protection Clause extended beyond "white and negro" to other races, such as Hispanics.
- **April 1960:** [The Student Nonviolent Coordinating Committee \(SNCC\)](#) was founded.
- **August 1963:** The [March on Washington](#) occurs to press for the passage of the Civil Rights Bill of 1964. Martin Luther King Jr. gives his famous "[I Have a Dream](#)" speech on August 28th. The SNCC played a significant role in protesting the current failures of the Kennedy Administration to protect civil rights workers in the South.

A Timeline of the School-to-Prison Pipeline (cont'd)

- **1963:** The [Committee on Racial Equality](#) determines that Boston Public Schools are *de facto* segregated.
 - Throughout the year there are a series of protests over whether or not BPS is segregated. The school district holds out against these accusations, but also establishes a committee to implement the demands of the NAACP.
 - Sept 22: “March on Roxbury” held to highlight educational inequalities.
- **1966:** The **Rough Rock Demonstration School** opens in the Navajo Nation in Arizona, becoming the first Native American-administered school in modern times.
- **March 1968:** Latino students and activists stage a series of protests in Los Angeles in response to discriminatory practices in schools.
- **1970:** The American Indian Movement opens “[survival schools](#)” in Minneapolis and elsewhere as an alternative to public/Bureau of Indian Education schools. As traditional schools failed indigenous children, these survival schools teach topics relevant to Native American life and culture. Now, some charter schools serve a similar purpose.
- **1970:** [Cisneros v. Corpus Christi \(TX\) Independent School District](#): A supreme court case determining that Latino children are an identifiable minority groups and therefore can benefit from *Brown v. BoE*; until this point, many school districts used Latino children to fulfill their desegregation mandates since Latinos were considered “white.”
- **June 18, 1971:** Richard Nixon begins the “[War on Drugs](#)”. Drugs become “public enemy no. 1.”
- **July 1972:** Nixon creates the **Drug Enforcement Administration** (DEA).
- **June 21, 1974:** Judge W. Arthur Garrity ordered that Boston desegregate its public schools in his decision on [Morgan v. Hennigan](#) by **busing black students** into predominantly white schools. This resulted in severe backlash from Boston’s white communities; despite official “desegregation,” white enrollment in public schools has dropped tremendously as white parents prefer to send their kids to private or parochial schools.
- **1980s:** Cocaine imports from Colombia drastically increase, leading to an escalation of the War on Drugs in Colombia, Miami, and the Mexican border.
- **1982:** **Wilson and Kelling** release an article describing “[broken windows](#)” **policing**. It states that low level crime creates disorder, which breeds fear in the residents of an area, who withdraw their communities. This allows other, more serious crimes to take hold due to the decreased levels of informal social control.
 - It does not state that people who commit low level crime are bound to become the criminals that commit more serious crimes.
 - The theory behind broken windows is inconclusive and the effectiveness of such methods is up for debate as well. While many methods of policing can be used under broken windows theory, many police departments opt for “zero tolerance” policing, which has been shown to exacerbate crime and damage minority communities.
- **1984:** **Nancy Reagan** launches her “[Just Say No](#)” anti-drug campaign, which failed in terms of its educational value.
 - Places the fault for drug abuse on the individual as a form of “moral failure” as opposed to a symptom of greater societal ills and a public health issue, further alienating already alienated youths.
- **Mid-1980s:** The Mexican border becomes the main point of entry for narcotics; **crack**

cocaine is first formulated at this time.

- **1984-1990:** Broken windows policing is tested in the NYC subway system by targeting the production of graffiti and litter.
- **1985: *New Jersey v. TLO*:** In this case, the Supreme Court upheld a conviction for a girl (TLO) who was searched by a teacher after the student was caught smoking in a school bathroom. In the search, the teacher found marijuana paraphernalia, and the girl was tried and convicted for possession. The SCOTUS found that the teacher's search did not violate the student's rights to unreasonable search and seizure because according to the court students have a diminished expectation of the right to privacy while in school. The case ruled that schools do not need "probable cause" to search a student; instead, "reasonableness" was established as the appropriate standard.
- **Oct 1986:** Reagan signs the **Anti-Drug Abuse Act of 1986**, creating mandatory minimum punishments for a wide variety of drug related crimes.
- Most notably is the 100:1 disparity between crack cocaine and powder cocaine: because of the alleged (and unfounded) increased harms of crack cocaine, crimes related to crack received significantly harsher penalties. Because of crack's lower cost, it is used more often by low income minorities, leading to a drastic increase in racial disparities in prison populations for drug related crimes.
- **1989:** President Bush creates the **Office of National Drug Control Policy (ONDCP)**.
- **1990: Bill Bratton** becomes the head of the NYC Transit Police and implements zero tolerance policing for crimes related to the subway system, such as fare dodging.
- **1993: Rudy Giuliani** is elected mayor of NYC. He hires Bill Bratton as the police commissioner to implement zero-tolerance broken windows policing across NYC.
 - The apparent "success" of these policies have influenced some portion of school discipline, such as language codes, dress codes, etc. which target minor infractions with the aim of preventing larger infractions.
- **1994: *The Gun Free Schools Act of 1994*** is passed, marking the first federally mandated school zero tolerance policy and setting precedent to expand these practices.
 - In order for states to receive federal funding for education, they must require all schools to write a zero tolerance policy that prohibits students from bringing any weapons onto campus under pain of one year mandatory expulsion and mandatory referral to the criminal justice system.
- **1994: *Violent Crime Control and Law Enforcement Act*:** This bill, signed into law by Bill Clinton, fed mass incarceration in the United States (an outcome Clinton later regretted). It implemented "three strikes," expanded the category of "gang-related crimes," expanded the federal death penalty, and authorized state-run "boot camps" as a method of alternative education.
- **Nov 8, 1994:** California passed **Proposition 187**, banning undocumented immigrants from receiving subsidized public services. It required that public officials report anyone who is undocumented or suspected of being undocumented. It was declared **unconstitutional in 1996** since only the federal government has the power to regulate immigration.
- **1995: *Vernonia School District 47J v. Acton*:** A Supreme Court case mandating random drug testing for all athletes.
 - The plaintiff claimed the random drug tests violate 4th Amendment protections against unreasonable search and seizure. The SCOTUS determined that, in the reasonable interest of maintaining school order, school officials do not need

a warrant to conduct searches nor do they require probable cause since they are acting *in loco parentis*. Precedent exists for mandating similar intrusions, and that students participating in athletics understand they have a lower expectation of privacy than other students.

- Some schools took this as a mandate to impose other restrictions on students' expectations of privacy.
- **1995: The US Sentencing Commission** releases a [report](#) which exposes the racial disparity in the prison system caused by the 100:1 ratio for crack and powder cocaine penalties. Congress ignored their recommendations to reduce the ratio.
- **April 20, 1999: The Columbine High School Massacre:** A planned school shooting reported as the deadliest high school mass shooting in US history. Responses to the massacre include what's termed "The Columbine Effect": schools double down on zero tolerance policies, fearing similar incidents to Columbine.
- **2001:** The [No Child Left Behind Act \(NCLB\)](#) is passed, tying school funding to standardized test scores.
 - Schools with below grade level averages were given a series of punishments, culminating in school closure.
 - Administrators feared these punishments and used expulsion to remove "problem children" who could lower scores and put the school at risk.
- Notably, "achievement" as determined by the NCLB Act has risen for every demographic (possibly due to the weeding out of "undesirable elements"), except for Native American populations.
- **2006:** The Centers for Disease Control and Prevention (CDC) reports most schools have zero tolerance policies for weapons, gang-related activity, and drugs/alcohol.
- **2013:** The Education Trust released a report ("[The State of Education for Native Students](#)"), concluding that between 2005 and 2013, Native students showed no improvement in test scores.
- **Oct 22, 2013: Andy Lopez Cruz**, 13, is shot and killed by police in Santa Rosa, California. He was holding a toy rifle which police claimed they believed was a real rifle. No charges.
- **July 14, 2014: Eric Garner** is killed in New York by police who used an illegal chokehold technique on him. He was illegally selling loose cigarettes. No charges.
- **Aug 9, 2014: Michael Brown** shot and killed in Ferguson, Missouri. No charges.
- **April 15, 2015: Freddie Gray** dies of a spinal cord injury suffered while in the back of a police van. Charges pressed, no conviction.
- **December 10, 2015:** President Obama signs the [Every Student Succeeds Act](#), a notable step towards ending the school-to-prison pipeline by ameliorating some of the issues with the NCLB Act.

FOCUS ON DISCIPLINE AND STUDENTS' RIGHTS



Anna Deavere Smith as Tony Eady, Student Concerns Specialist, North Charleston High School, Charleston, SC.

What is the purpose of discipline, rules, and consequences? How do these play out in schools, and who holds the power, the responsibility, and the privilege to create, uphold, or challenge rules and regulations? Many schools work to create a positive learning environment where all students can gain new skills and information, engage complex questions, think critically and creatively, interact productively with fellow students and teachers, grow intellectually and socially and in other spheres, and have opportunities to strive for excellence. Rules and regulations are created to help produce and protect this environment, and how these rules are enforced, interpreted, and challenged is a major factor in how successful a school is at creating a positive learning environment. However, teachers, principals, and government officials are not the only ones who hold the power and responsibility over creating a space for effective learning. Students bear some responsibilities for helping to produce such an environment for themselves and others. In this section, **Focus on Discipline and Students' Rights**; learn about disciplinary tactics in schools such as zero tolerance (pages 30-34) as well as the rights and responsibilities of students (pages 35-37), and some of the “disturbing schools” laws contributing to current debates about school discipline (page 38). Think about what you can do to help create a positive, safe, and equitable place for all students.

Zeroing Out Zero Tolerance

by Carly Berwick

This article from The Atlantic zeroes in on one particular cause of the school-to-prison pipeline: zero tolerance policies. These types of policies, while popular with schools as a “quick and just” administration of discipline, are often criticized due to how widespread and inconsistently the policies are used, often to the detriment of minority students. This article describes the legislative history of these policies, analyzes different criticisms of zero tolerance, and explains steps schools are currently taking to change their approaches. The article can be found online [here](#).



Urban districts are increasingly doing away with harsh, no-excuses discipline—a tactic that was once seen as the only way to address misconduct at big, high-poverty schools.

Last month, New York City’s Department of Education, under Chancellor Carmen Fariña, called for an [end to principal-led school suspensions](#) without prior approval—a practice that grew in popularity during the Bloomberg years as part of a focus on [broken windows](#), or small crimes that herald disorder. And the Los Angeles Unified School District made a similar move two years ago, when it [banned suspensions](#) for “willful defiance,” punishment that had a disproportionate impact on students of color. These large cities are at the vanguard of a shift away from zero-tolerance school discipline toward less punitive strategies that emphasize talking it out and resolving disputes among students to keep them in school.

To some extent, these massive districts are rejuvenating the “whole-child” approach integral to

Zeroing Out Zero Tolerance (cont'd)

what's known as "progressive education"—a model that was once viewed as incompatible with urban school systems. The contours of this model, which is often vaguely defined as schooling that is "child-centered" and focused on "active learning," are outlined by the educator Tom Little and writer Katherine Ellison in [Loving Learning: How Progressive Education Can Save America's Schools](#). Little (who died last year) toured 45 so-called progressive schools in 2013 and found several consistent features: attention to relationships; the students' freedom, within limits, to follow their interests; and hands-on, creative projects.

But despite the allure of progressive education, Little's findings illustrate the challenge of scaling the model up to districts with large, high-poverty schools. After all, the campuses he identified are small and either private or dependent on a charismatic, passionate leader. And for the most part, little convincing evidence has existed to demonstrate that progressive education is more than just an ideal—until now.

Research has long showed that stringent discipline policies are alive and well at public schools across America. As a [recent report](#) from UCLA's Center for Civil Rights Remedies makes clear, many of the country's schools are a long way off from enjoying the values typical of progressive education. That's particularly true of the second quality identified by Little—student freedom—given that the nation's schools since 2009 have, on average, reported an annual suspension rate of 10 percent, the highest it's ever been. The rate, which started steadily increasing in 1972, is based on U.S. Department of Education's civil-rights data and pertains to the percentage of individual students who were suspended once or more in any given year; it doesn't use the total number of suspensions at a school, which could include the same student numerous times. African Americans and students with disabilities, the report shows, are suspended at much higher rates than their white and general-education peers.

Zero-tolerance policies mean that suspension is used as a consequence for infractions ranging from severe (such as weapon possession) to minor (defiance or chronic tardiness). In some charter-school networks, including Success Academy in New York and Uncommon in Newark, as well as some public-school districts—such as Pontiac, Michigan, and Saint Louis, Missouri—nearly a third of students are suspended annually, according to the UCLA study. Meanwhile, Florida as a whole has a 19 percent suspension rate. And in Texas, nearly 60 percent of students have been suspended by the time they graduate high school, according to a 2011 report by the Council of State Governments' Justice Center. As that report documented, suspensions and expulsions can predict a cascade of [poor outcomes for kids](#), including failing a grade, dropping out, or becoming incarcerated. (The UCLA report excluded New York City because of inconsistently reported data.)

Nationally, African American students are suspended at three times the rate of their white counterparts, creating a "discipline gap," as Daniel Losen, the director of the Center for Civil Rights Remedies, puts it. The term, he said, shows the link between discipline trends and the socioeconomic chasm in academic achievement. The discipline gap is so well-documented that the U.S. education and justice departments issued a joint ["Dear Colleague" letter](#) last January telling school systems to fix discriminatory punitive practices.

Because numbers vary widely by school district, the prevalence of suspensions appears to correlate more with policy than it does student behavior. Suspensions have come to serve as a proxy for school climate—and on campus, climate, as anyone who went to school knows, can be warm and embracing or severe and righteous, depending on the district, school, and even classroom. "No-excuses" charter networks, such as Uncommon, [Achievement First](#) and KIPP, have managed to get low-income students to graduate and enroll in college at higher rates than [the national average](#). Yet as Sarah Carr reported in [The Atlantic](#) last year, the strict discipline policies of these networks, whose methods have filtered into many urban-district schools, alienates many students. And some experts have concluded that these approaches are unnecessary.

Zeroing Out Zero Tolerance (cont'd)



In the stereotypical urban school, fights break out in hallways and hair gets set on fire in the stairwells (I remember both happening at my urban public school in the early '90s). Leaders at these schools, in turn, may feel they have no choice but to institute tough-love rules.

The Princeton researcher Joanne Golann observed an unnamed no-excuses urban charter school in the Northeast over the course of a year and a half between 2011 and 2013 and is slated to share her results in [a paper](#) that will be published next month in *Sociology of Education*. She cites one middle-school principal who witnessed the before-and-after of a strict discipline policy, explaining, “we had students who tried to burn down the school, students who brought weapons.” When the principal installed typical no-excuses rules—mandates that students walk in straight lines between rooms or sit in silence if a teacher raises two fingers, for example—the atmosphere of the school apparently calmed and test scores went up. The principal concluded that “what works in urban education are rigid structures and hierarchical relations,” Golann said.

But Golann points out that no one actually knows for sure if zero-tolerance practices are critical to the schools' success. “The schools believe that they are,” she said. “But actually the research evidence is much more mixed.” Any positive impacts of no-excuses schools may lie more in supplementary features such as longer school days and intensive tutoring.

Getting suspended for minor offenses may even be counterproductive if a school's goal is preparing kids for college and their careers: The practice enforces obedience more than the kind of independent thinking valued by four-year colleges, according to Golann. KIPP has even [publicly expressed concern](#) that it might be able to get low-income kids to college but not keep them there at rates comparable to those of higher-income students, in part because

Zeroing Out Zero Tolerance (cont'd)

they need to develop the self-advocacy skills familiar to children who have been taught to negotiate for themselves throughout their lives.

And administrators' beliefs about how to control students often determine the number of kids who get suspended rather than the actual misdemeanor count, according to some studies. In 2008, principals in Indiana took a survey about their thoughts on discipline. [Russell Skiba](#), the lead researcher, found that principals who favored zero-tolerance approaches over preventative ones suspended and expelled students at higher rates. While this may not be surprising, what was striking was that this belief in zero tolerance outweighed other factors, such as poverty or the type of infraction; the only other variable that strongly associated with suspension rates was race. "Administrators don't suspend kids because they love kicking kids out of school," Skiba said. "It happens because they don't know what else to do." In other words, if you don't send a message that the student caught smoking in the bathroom needs to cool off at home, what other options do you have?

It turns out that there are plenty of options, and that's where progressive education steps in. Indeed, many of these options hark back to the era of early 20th-century schooling, when educators pushed back against the teaching philosophies typical of the 1800s: an emphasis on rote memorization and physical obedience, for one. "Talking only when called upon to recite, teaching where the teacher did the thinking; these conditions have meant and will always mean an imposed discipline, an imposed routine, whereas real discipline is a personal thing," explained the New York City principal Angelo Petri in his 1917 memoir [A Schoolmaster of the Great City](#).

Self-proclaimed progressive schools deemphasized testing and discipline, replacing those practices with student-driven, hands-on learning; collaboration among schools and families; and social-emotional well-being. Petri for his part focused on making his Lower East Side school a community center for families. And that philosophy has stuck in some circles, with experts such as Little arguing nearly a century later that while progressive education's hallmark strategies may sound "touchy-feely," they in fact lead to huge student gains and require rigorous planning.

The problem is, until now evidence demonstrating their benefits has been largely anecdotal. It's hard to pin down the gains that come with these settings: an eighth-grade class at Cambridge Friends School that's producing a magazine with younger students' work, for example; or the third-graders at Oakland's Park Day School who are writing notes in a confidential book to express worries about conflict in class; or Boston's public Mission Hill, where a teacher ties green string between children's pictures of their dreams to help them to visualize connections. Charming as they are, the absence of hard data showing these strategies are more than just a nice idea has hampered efforts to formalize these less punitive practices as district policy.

But now that large school districts are adopting similar practices, however, clearer evidence is emerging. "Students learn best when they are being actively engaged in a supportive environment, not when they are worried about getting suspended for any minor incident," says Jason Fink, a spokesman for the New York City Department of Education, about the new discipline approach. New York City, which with 1.1 million students is the largest school district in the country, may have looked for inspiration from No. 2 on the list: Los Angeles, which saw suspension rates for its roughly 700,000 students plummet by [53 percent](#) in the two years since it [banned suspensions](#) for subjective offenses such as willful defiance. Graduation rates in Los Angeles, meanwhile, rose by [12 percent](#) between the 2012-13 and 2013-14 school years.

New York City's DOE is slated to allocate \$1.2 million toward expanding "[restorative practices](#)," a term used to describe talk-it-out behavior interventions. In these interventions, students involved in disputes or infractions participate in developing their resolutions, which include

Zeroing Out Zero Tolerance (cont'd)

peer mediation, restorative circles, and group conferences.

The restorative approach is already well-established in some parts of the country—and outcomes suggest that it's working. After Denver Public Schools, for example, implemented a district-wide “restorative justice program” in the early 2000s, suspension rates were cut in half over seven years and the discipline gap between African American and white students shrunk by a third, according to a study conducted by the Occidental professor Thalia Gonzalez and published in the new book [Closing the School Discipline Gap](#).

Denver's initiative was comprehensive; personnel from district staff to teachers trained in how to use a variety of restorative techniques depending on the situation, such as one-on-one talks and group conferences. Gonzalez describes one incident in which several freshmen football players decided to throw each other in dumpsters and then grabbed unwilling students to toss in as well. Instead of suspending the students, the school held a conference involving all parties, with the offenders owning up to the harm they had done and school personnel admitting that their supervision had been lax. The players volunteered in the end to miss the homecoming game and to apologize to the entire school. The goal was to get students to reflect on the effect their actions had on others and correct them, rather to simply ostracize the miscreants. After a decade of using restorative justice, standardized test scores in Denver's schools have gone up, as have graduation rates.

Meanwhile, some small public schools in New York with high percentages of low-income students, including [Urban Assembly School for Law and Justice](#) and [Humanities Preparatory Academy](#), have also sent almost all graduates to college (88 percent and 83 percent, respectively) with near-zero suspension rates.

As Skiba's research demonstrates, a school leader who fundamentally understands why kids misbehave and prioritizes community building can have profound impact on how students do academically. The Metropolitan Expeditionary Learning School, a new high-performing public secondary institution in Queens where 60 percent of the 800 students are low-income, attests to that finding.

“The idea of the whole child and supporting the whole child is basic to our approach,” said Patrick Finley, one of its leaders. That approach relieves the campus of “a lot of the discipline work that goes on in other schools.” Students start the day in advisory groups, where they discuss common challenges, and all new sixth-graders go on a five-day bonding trip at the beginning of the year. “When kids are struggling, it's not that they don't want to learn; it's that they are missing some set of skills that are preventing them from learning,” Finley said. “Removing them from the classroom is not building those skills.”

DISCUSSION

- Based on Little and Ellison's description of “progressive education,” why do you think it might be difficult to implement in a large, urban school? Can you think of ways that urban schools can adopt some of the effective aspects of progressive education?
- Do you think suspension is a useful and effective form of punishment? Are there any alternative disciplinary measures you think would be more effective?
- Why do you think Black and Latinx students are suspended more often than White students? What are the social, economic, and geographic influences on this data?
- Why do you think KIPP schools voiced concerns about students developing “self-advocacy skills? Why are those skills necessary for success in college and beyond?

Boston Public School Student Rights and Responsibilities

Although legislation around student rights is constantly changing, it is important to keep informed about your rights. Below is a non-exhaustive list of the rights students have in the Boston Public School system compiled by the Boston Student Advisory Council (BSAC). You can find this article and links to the BSAC website [here](#).

As a student in Boston Public Schools, **you have rights** that entitle you to a free public education and you have responsibilities as a partner in your own education.

This is a list of some of your rights around certain policies as a BPS student. The [Code of Conduct](#) provides a complete list of your rights as a BPS student.

ALTERNATIVE DISCIPLINE

Suspension and expulsion should be your administrator's last resort. You have the right to disciplinary interventions and a hearing before exclusion from school.

Source: [Chapter 222 of Massachusetts Laws of 2012, effective 2014](#)

ALTERNATIVE EDUCATION

If, for disciplinary reasons, you are excluded for more than 10 consecutive school days, you have the right to alternative educational services.

Source: [Chapter 222 of Massachusetts Laws of 2012, effective 2014](#)

CELL PHONES

Cell phones must remain off (not on vibrate) and hidden during school. You may use cell phones before or after school hours outside or inside the school building, at after-school or sports activities (with permission of your coach, instructor, or program directors), and at evening or weekend activities inside the school building. If it is your first offense your confiscated phone must be returned to you by the end of the school day and cannot be held overnight or until a parent can retrieve it.

SOURCE: [Superintendent's Circular #SUP-9, 2013-2014](#), [Code of Conduct, Section 7.8.20, p. 27](#)

DRESS CODE

You have the right to determine your own appearance, including your style of hair and clothing, as long as it is consistent with "reasonable rules necessary for health and safety."

You cannot be suspended in-school or out-of-school for a uniform or dress code violation or for not having a uniform or clothing required for a certain class.

Source: [BPS Code of Conduct, Section A, p. 8](#); [BPS Code of Conduct, Section 4.2.1](#)

FREE SPEECH

You can use your First Amendment rights of free speech, assembly, press, and association

Student Rights and Responsibilities (cont'd)

in school. This means you can (if it is not illegal, obscene, or overly disruptive) wear political buttons or badges, distribute materials or petitions (during school lunch or before and after school hours), make announcements, and form political or social organizations.

Source: [BPS Code of Conduct, p.7](#)

HOMEWORK

Homework should be relevant to the day's lesson, provide preparation for the next day and should be reviewed in class every day. Your teachers should coordinate assignments so you do not have too much homework on any given night.

Source: [Guide to the Boston Public Schools for Families and Students, 2015-2016, p. 22](#)

LGBTQ RIGHTS

You can't be discriminated against or denied from participating in school activities based on your gender identity or sexual orientation. You have the right to be addressed by the name and pronoun of your choice and the right to use the restrooms/locker rooms consistent with your gender identity or gender neutral ones if you prefer. You have the right to determine your own appearance, including your style of hair and clothing, as long as it is consistent with "reasonable rules necessary for health and safety."

Source: [BPS Code of Conduct, Section A, p. 6](#)

MILITARY RECRUITMENT

By filling out the Release of Information to Military and Higher Education Recruiters form, or middle insert of the Guide to Boston Public Schools for Families and Students military recruiters cannot access your personal information.

Source: [Superintendent's Circular #LGL-10, 2015-2016, p. 1](#)

NON-DISCRIMINATION

You have the right to participate fully in classroom instruction and extracurricular activities at your school regardless of your "race, color, ethnicity, national origin, religion, sex, sexual orientation, gender identity, handicap, disability, age, active military status, or genetics."

Source: [BPS Code of Conduct, Section A, p. 6](#)

PHYSICAL EDUCATION

Schools are required to offer at least 45 minutes of PE weekly in grades K-8 and at least one semester of PE per grade in grade 9-12.

Source: [Guide to the Boston Public Schools for Families and Students, 2015-2016, p. 32](#)

PUNCTUALITY

You have the right to enter the school building even if you arrive late.

Source: [Superintendent's Circular ACA-18A 2015-2016, p. 3](#)

SCHOOL RULES

You have the right to participate in the development of rules and regulations at your school. Contact your Principal, Headmaster, or Director about your School Site Council, which must

Student Rights and Responsibilities (cont'd)

contain two students elected by their peers. School Site Councils make decisions on staffing, budgeting, and school rules.

Source: [Boston Public Schools Code of Conduct, p. 6](#)

STUDENT GOVERNMENT

Students have a right to elect a government of their peers by secret ballot, and you have the right to seek and hold office at your school. Each year, elections must be held by October 15th. Your school's student government should reflect the diversity of the student body in terms of race/ethnicity, gender, grade level, educational program (e.g. general, special, and bilingual education), and other factors.

Source: [Boston Public Schools Code of Conduct, p. 6](#); [Guide to the Boston Public Schools for Families and Students, 2015-2016, p. 56](#)

STUDENT TO TEACHER CONSTRUCTIVE FEEDBACK

All BPS high school students have the opportunity to fill out a student-to-teacher Constructive Feedback form for every teacher as a way to give feedback on classroom management and instruction.

Source: [Superintendent's Circular, SUP-19 2013-2014](#)

TEACHER EVALUATIONS

All districts in the state of Massachusetts must collect student feedback as evidence of educator evaluations.

Source: [#603 CMR 35.00: M.G.L. c.69 1B c.71, 38](#)

METAL DETECTOR

You have the right to be treated with respect when you walk through metal detectors at school.

Source: [Superintendent's Circular SAF-7, 2015-2016](#)

DISCUSSION

- Are you surprised by any of the rights and responsibilities listed here? Did you know about any of them before reading them here? Do you follow them? Are you surprised by any of them? If you are not a Boston Public School student, do you think that rights and responsibilities like this are in place at your school? Should they be?
- What do you think "reasonable rules necessary for health and safety" regarding dress code means? Which particular outfits or items of clothing that should be prohibited in schools?
- Have you ever been in a situation in school where you have been denied any of the rights listed here? Have you ever been in a situation in school where you haven't fulfilled one of the responsibilities on this list?

Disturbing Schools Laws

Compiled by Nicolas O'Connor

Many states have on their books some version of a “disturbing schools law.” Originally, such laws were designed to prevent interlopers from coming onto school grounds and disturbing the activities there. Though these laws were not meant to apply to students, they have turned into a vague and subjective means of charging students for behaviors that would not constitute crimes if engaged outside school grounds.

Such a law exists in our own state. Officially it is called section 40 of Chapter 272 of the General Laws of Massachusetts: Disturbance of assemblies. This is the text of the law.

“Whoever willfully interrupts or disturbs a school or other assembly of people met for a lawful purpose shall be punished by imprisonment for not more than one month or by a fine of not more than fifty dollars; provided, however, that whoever, within one year after being twice convicted of a violation of this section, again violates the provisions of this section shall be punished by imprisonment for one month, and the sentence imposing such imprisonment shall not be suspended.”

This law has been used to arrest students at school for cursing, walking away from an officer or teacher who told them to stop, talking back to an authority, or using a cellphone. Some lawmakers are trying to revise this bill.

How would you rewrite this law? (Spend some time working on a revision. You can include in the discussion the revision some legislators have proposed to change the law back to its original intent. This is the text of the proposed revision.)

“Whoever willfully interrupts or disturbs an assembly of people met for a lawful purpose shall be punished by imprisonment for not more than one month or by a fine of not more than fifty dollars; provided, however, that K-12 students shall not be charged, adjudicated, or convicted for alleged violation of this provision due to conduct within school buildings or grounds or in the course of school-related events. Whoever, within one year after being twice convicted of a violation of this section, again violates the provisions of this section shall be punished by imprisonment for one month, and the sentence imposing such imprisonment shall not be suspended.”

So far, the revision has not been voted on by the legislature. Why not? How does a bill get drafted and introduced, anyway? What has to happen to change a law? What do you think are the best ways to deal with students who act disrespectfully, curse, or disobey school rules, or are disruptive to the learning environment for other students?

For additional background on how a similar law operates in South Carolina, see:

[“Criminal Defense or Adolescent Misbehavior: ‘Disturbing Schools’ Blurs the Line”](#), *The Post and Courier*, August 6, 2016.

FOCUS ON THE HISTORY:

Jesse Jackson on the 1994 Crime Bill

The following 25-minute video features civil rights activist Jesse Jackson speaking before the Congressional Black Caucus on the 1994 Crime Bill. In his testimony, he advocates against the bill, analyzes its potential consequences, and make his own suggestions for the future of law enforcement, American race relations, and community development. Click below or find the video online [here](#).



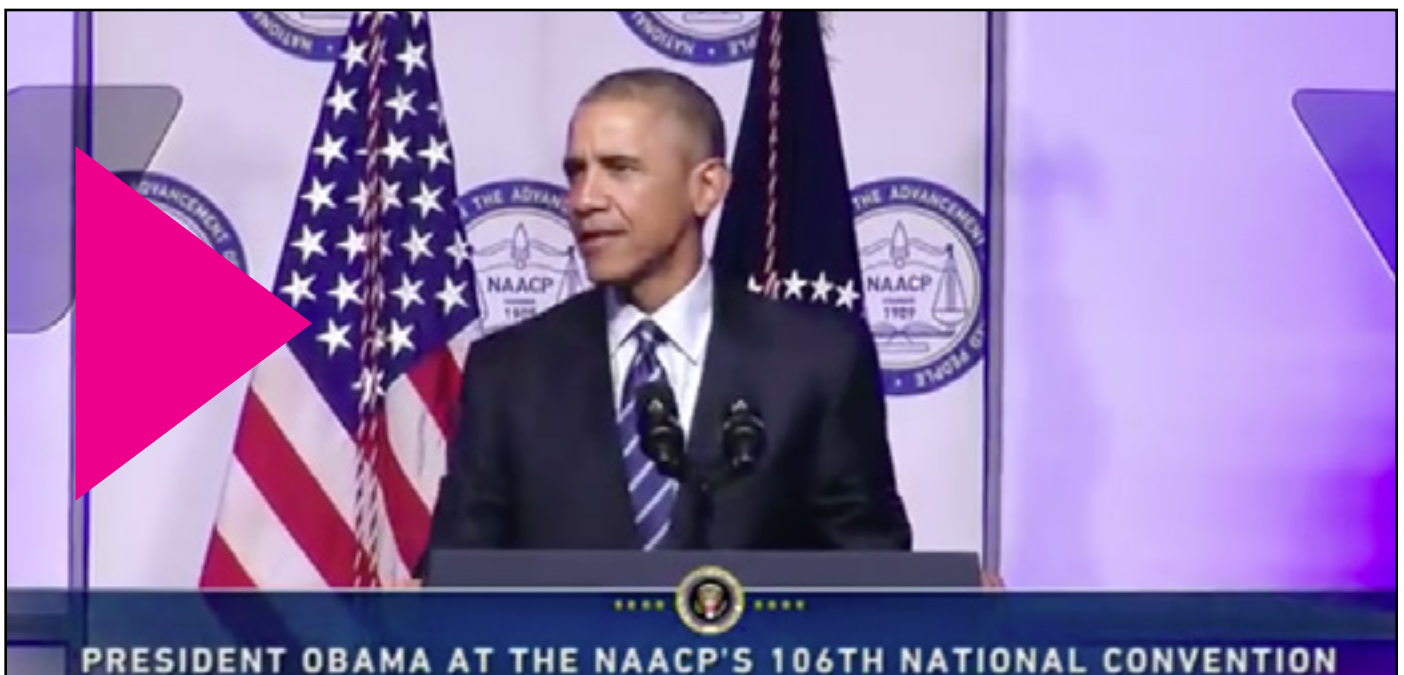
DISCUSSION

- What is Jackson's perspective on the Crime Bill? What are the central arguments he makes to support his perspective?
- What does Jackson mean when he says that "victims still have the burden of transforming the society, not imitating the worst in it"?
- What solutions does Jackson suggest to help "break the cycle" of violence? Do you think we have achieved any of these solutions?
- Jackson mentions the lack of media coverage of some violent crimes. Is this still a problem?

FOCUS ON THE LEGACY:

Remarks by the President at the 2015 NAACP Conference

The following is a 45-minute video given by President Obama on July 14, 2015 at the 106th NAACP National Convention at the Philadelphia Convention Center. In this speech, President Obama addresses the current climate of race relations in America and presents his hopes and suggestions for future legislation and social change regarding American race relations. Click below or find the video online [here](#), and read the transcript of the speech [here](#).



DISCUSSION

- Are there any issues addressed by President Obama that were also brought up by Jesse Jackson in the video on page 39? How does the tone of Obama's speech compare with Jackson's testimony?
- What are the major issues President Obama covers in this speech, and how does he link the criminal justice system to American school systems? What are the solutions he suggests? Why do you think he chose to bring up these topics at this setting, the NAACP National Convention?
- This speech was given a little more than one year ago. Is there anything that has developed or happened in the past year you think Obama would have added to this speech if he were to give it today?

ENGAGE

LESSON PLANS



The following lesson plans are designed to deepen students' understanding of the issues surrounding the school-to-prison pipeline through direct, personal reflection on students' own lives and introductions to creative theater and storytelling techniques that can be used in any classroom.

Forum Theater (pages 42-43): An introduction to a “Theater of the Oppressed” method, using theatrical techniques as a catalyst of social change.

Tell It Like It Is (pages 44-45): A documentary theater-based exercise encouraging self-expression, deep listening, and empathy.

Lesson Plan: Forum Theater

OBJECTIVES

This lesson is designed to introduce students to alternative styles of theater and theater as a form of activism. This activity builds on the following skills: critical thinking, creative writing, constructive criticism, character analysis, scene analysis, metaphorical thinking, and public speaking.

MATERIALS

Description of Forum Theater and activist theaters on pages 11-13
Notebook with writing instruments or a word processor

PROCEDURE

Setup

Students work in groups of 4 to 5. A space at the front of the class should be cleared away so that the students have space to perform their scenes. Instructors should explain the rules, process and bolded terminology listed below. Instructors may want to model the process with a small group of students in front of the whole class before students work on their own.

The teacher acts as the **Joker** (a facilitator) who doesn't share their personal opinions (very important the **Joker** stays as neutral as humanly possible). The Joker will guide people who are nervous and ensure that the playing space is a safe space.

Rules

- Students should applaud each other every time they perform their scenes.
- No previous theatrical experience is necessary to succeed.

Process

- In groups, students brainstorm experiences in their lives where they have felt oppressed. This could be in a specific incident, by a specific person, or by a social force, but the feeling of oppression must be personal.
- Students will now start working on devising a scene to present in front of the class. Choosing one example from their brainstorm, groups should determine the following about the scenario they have chosen:
 - Who is the **Protagonist** fighting against the oppression?
 - Who or what is the **Antagonist**, which is causing the oppression? This can be one or multiple entities.
 - What are the obstacles in the **Protagonist's** way? What is keeping

Lesson Plan: Forum Theater (cont'd)

- them from overcoming their oppression?
- What is the beginning, middle, and end of the scenario? Which moments and events within the scenario are the most important?
- Two or three students in each group act out the scenario based on the information they have gathered. The goal is not to be “good,” but instead to experiment with ways of telling the story.
- The group will perform their scene many times, and it will continue to change.
- During the next performance of the scene, any students watching may shout “stop” and step in as any of the characters. This is when the students watching become “**spect-actors**.” The spect-actors can also create new characters who want to support the **Protagonist** and offer new solutions to try and overcome their oppression.
 - *The goal is to “**rehearse change**.” Each time someone new enters or takes over, they are enacting their own ideas about solutions to the scenario. They are participating in and watching progress and change happen before them.*
- Each group should perform their scene at least five or six times in order to assume sufficient participation.
- After each group finishes with the final rendition of their scene, the class should comment on what they noticed: the power dynamics at play, the goals of each character, the different things each character did to either change or perpetuate the status quo, and whether or not the Protagonist was able to make any change to the situation. Once this discussion is concluded, the next group should present and continue the process until all groups have finished.

Extension Option

- Groups of students can reenact a scene done by another group, adding their own twist to the scene and repeating the process listed above.

Starting Points for Reflection

- Could Forum Theater or other modes of theatrical activism be effective in addressing community and social issues? Can you think of any issues in your communities (i.e. your school, your neighborhood, your group of friends, the United States, the world) which could benefit from these forms of activism?
- Are there other art forms outside of theater that can be used in activism? Compare and contrast these other forms with theatrical activism.

Lesson Plan: Tell It Like It Is

OBJECTIVES

This exercise introduces students to the core processes of interview-based, documentary theater and challenges students to put themselves in the shoes of their peers, empathizing with the stories of the people around them. In this exercise, the teacher's role is to encourage students to respect and support one another. This is an opportunity for students to build understanding and community among their peers. It may help to explain the format of the exercise: that students will be living in each other's shoes just for a moment. Additionally, the storyteller has the opportunity to watch their story be told by another person which can be a great moment for personal reflection and analysis.

This activity develops the following skills: critical listening, public speaking, self-reflection, attention to detail, creative self-expression, and character analysis.

PROCEDURE

Setup

Students will work in pairs.

Process

1. The instructor prompts the students to think of a real time in their life when they were unfairly judged or punished – the more specific, the better. Give students a few minutes to think back on how that event made them feel and any details they remember about the story (i.e. where did it happen, how old were they, who was involved, etc.)
2. Each student takes turns relaying a 2-minute version of their story to a partner. Listeners should focus on active listening, making sure they understand as many of the details and feelings of the story as they can.
3. After hearing the story, the listener interviews the storyteller for 4 or 5 minutes in order to understand as much of the background and details of the story. Questions should focus on clarifying details of the story, understanding the storyteller's emotions regarding what happened and the people involved, and why this story is significant to the storyteller.
4. After both partners share their stories and interview each other, each student will take some time to re-tell their partner's story as their partner. During this time, students should consider:
 - Which details of the story need to be retold
 - How their partner felt while telling the story, and how they can express that in retelling
 - How their partner spoke (volume, tone, speed, word choice, stutters, etc.)

Lesson Plan: Tell It Like It Is (cont'd)

- What physical mannerisms did their partner show (how they sat or stood, hand gestures, facial expressions, etc.)
5. The goal is for students to try and become their partner for a moment. If they forget certain details of the story or how it was told, that is okay as long as they try to honor the unique experience and personality of their partner.
 6. Students present their stories to the class and discuss (see “Starting Points for Reflection” below).

Extension Options

- Either as a take-home or in-class assignment before the storytelling and interviews, students could spend time developing their own interview questions.
- If class time allows, students may tell longer stories.
- If technology is available, stories and interviews may be videotaped for students to use in preparing their stories.
- If the class has a deeper interest in developing this project into a more polished performance, students may edit, rehearse, and refine their performances over a period of additional days or weeks.

Starting Points for Reflection

- (to the audience) Do you know which classmate this student was portraying? What about the story was memorable? What are some specific things the performer did to transform into a different, believable person?
- (to the student who originally told the story) How does it feel to watch your own story be told by someone else? Did you learn anything about yourself or your own story by watching someone else portray it? Did your partner capture all of the details accurately (this question is often fun when a class is comfortable and amiable with each other, though may not be appropriate if there's a danger of antagonism)?
- (to the performer) What did you learn about your partner by telling their stories? Which specific mannerisms did you notice in your partner and decide to include in your presentation? Why?
- (to the whole class) How are personal stories changed when they're told by someone else? Does the story still belong to the original storyteller?

Resources

ARTICLES REPRODUCED IN THIS TOOLKIT

- “Fact Sheet: How Bad is the School-to-Prison Pipeline?” by Carla Amurao: <http://www.pbs.org/wnet/tavismsiley/tsr/education-under-arrest/school-to-prison-pipeline-fact-sheet/>
- “Arrested Futures” by the American Civil Liberties Union (ACLU): https://www.aclu.org/files/assets/maarrest_reportweb.pdf
- “Native Lives Matter” by the Lakota People’s Law Project: <http://www.docs.lakotalaw.org/reports/Native%20Lives%20Matter%20PDF.pdf>
- “Zeroing Out Zero Tolerance” by Carly Berwick: <http://www.theatlantic.com/education/archive/2015/03/zeroing-out-zero-tolerance/388003/>
- “Boston Public School Student Rights and Responsibilities”: <http://www.bostonstudentrights.org/boston-student-rights/>

INTERACTIVE TIMELINE LINKS

Mendez v. Westminster School District: <http://www.uscourts.gov/educational-resources/educational-activities/background-mendez-v-westminster-re-enactment>

Briggs v. Elliot: <http://brownvboard.org/content/brown-case-briggs-v-elliott>

Brown v. Board of Education: http://www.pbs.org/wnet/supremecourt/rights/landmark_brown.html

Executive Order 9981: <https://www.trumanlibrary.org/9981.htm>

Hernandez v. Texas: <https://www.texasbar.com/civics/High%20School%20cases/hernandez-v-texas.html>

The Student Nonviolent Coordinating Committee (SNCC): <http://www.history.com/topics/black-history/sncc>

March on Washington: <http://www.history.com/topics/black-history/march-on-washington>

“I Have a Dream”: <http://abcnews.go.com/US/video/march-washington-back-41512351>

Committee on Racial Equality: <http://www.racialequitytools.org/resourcefiles/Boston%20Desegregation%20Timeline.pdf>

Survival Schools: <http://www.aimovement.org/ggc/history.html>

Cisneros v. Corpus Christi (TX) Independent School District: <https://tshaonline.org/handbook/online/articles/jrc02>

“War on Drugs”: <https://www.youtube.com/watch?v=y8TGLLQID9M>

Morgan v. Hennigan: <http://www.masshist.org/longroad/02education/morgan.htm>

“Broken Windows”: <http://cebcp.org/evidence-based-policing/what-works-in-policing/research-evidence-review/broken-windows-policing/>

“Just Say No”: <https://www.theguardian.com/society/2016/mar/08/nancy-reagan-drugs-just-say-no-dare-program-opioid-epidemic>

New Jersey v. TLO: <http://www.uscourts.gov/about-federal-courts/educational-resources/supreme-court-landmarks/new-jersey-v-tlo-podcast>

Anti-Drug Abuse Act of 1986: http://www.salon.com/2011/06/19/len_bias_cocaine_tragedy_still_affecting_us_drug_law/

Rudy Giuliani: <http://www.businessinsider.com/criticism-for-giulianis-broken-windows-theory-2014-12>

The Gun Free Schools Act of 1994: <http://www.nytimes.com/1995/03/15/us/policies-to-bar-guns-in-school-vary-widely.html>

Violent Crime Control and Law Enforcement Act: <http://www.bbc.com/news/world-us-canada-36020717>

Proposition 187: <https://migration.ucdavis.edu/mn/more.php?id=492>

The Columbine High School Massacre: <http://content.time.com/time/magazine/article/0,9171,35098,00.html>

No Child Left Behind Act (NCLB): <http://www.advancementproject.org/news/entry/press-release-no-child-left-behind-catalyzes-school-to-prison-pipeline>

“The State of Education for Native Students”: http://edtrust.org/wp-content/uploads/2013/10/NativeStudentBrief_0.pdf

Andy Lopes Cruz: <http://www.nbcbayarea.com/news/local/No-Charges-Expected-in-Shooting-of-13-Year-Old-Andy-Lopez-By-Sonoma-County-Sheriffs-Deputy-266094361.html>

Eric Garner: http://www.slate.com/articles/news_and_politics/politics/2014/12/daniel_pantaleo_not_indicted_why_the_nypd_officer_wasn_t_indicted_in_the.html

Michael Brown: <http://www.bbc.com/news/world-us-canada-28841715>

Freddie Gray: <http://www.baltimoresun.com/news/maryland/freddie-gray/bs-md-ci-miller-pretrial-motions-20160727-story.html>

Every Student Succeeds Act: <http://www.theatlantic.com/education/archive/2015/12/the-bloated-rhetoric-of-no-child-left-behind-demise/419688/>

VIDEO CONTENT REPRODUCED IN THIS TOOLKIT

Teatro Campesino Artistic Director Luis Valdez: <https://youtu.be/XdelwysKwJM>

Jesse Jackson on the 1994 Crime Bill: <https://www.c-span.org/video/?c4545493/jesse-jackson-testimony-crime-bill>

Remarks by the President at the NAACP Conference: <https://www.youtube.com/watch?v=UBkFE3sErE8>

Transcript: <https://www.whitehouse.gov/the-press-office/2015/07/14/remarks-president-naacp-conference>

Want to get involved? Check this page for local resources and organizations:
americanrepertorytheater.org/page/notes-field-get-involved

To view the full A.R.T. Toolkit Library, visit americanrepertorytheater.org/toolkits