

OREGON'S School-to-Prison PIPELINE



Oregon's school-to-prison pipeline is an urgent civil rights challenge in Oregon. Mirroring a national trend, the school-to-prison-pipeline in Oregon refers to the disproportionate punishment of students of color that begins with more serious punishment than their white peers in school and a greater likelihood of intervention by juvenile justice authorities. There is also ample evidence of disproportionate representation of people of color in the adult criminal justice system.

Current Oregon data shows a trend of criminalizing, rather than educating our state's children. It encompasses the growing use of zero-tolerance discipline, disciplinary alternative schools and juvenile arrests that marginalize our most at-risk youth and deny them access to education. With zero tolerance, behavior problems and infractions that used to be handled by teachers and school administrators are now effectively pushing students out of school and entangling many of them in the juvenile justice system.

Students of color are disproportionately represented at every stage of Oregon's school-to-prison pipeline. Data shows that children of color are more likely than their white peers to be subjected to harsher punishment and the effects are amplified the further up the justice system they move. Nationally, African-American students are far more likely than their white peers to be suspended or expelled for the same kind of conduct at school.¹ Although they represent 3% of the youth population in Oregon (age 10-17), African Americans make up 13% of those held in "close custody" in Oregon juvenile detention facilities. On the other hand, their white peers represent 76% of the same population and 56% of those held in close custody.²

In 1992, the Oregon Supreme Court established a task force on racial/ethnic issues in the judicial system. The task force, chaired by former Chief Justice Edwin J. Peterson, issued a



comprehensive report in May 1994 demonstrating that "racial minorities are at a disadvantage in virtually all aspects of the Oregon court system."³ In Oregon's juvenile justice system, the report concluded that, in comparable cases, children of color were more likely to be (1) arrested than their white peers, (2) charged with delinquent acts, (3) removed from their family's care and custody, (4) remanded for trial as adults, (5) found guilty of delinquent acts and (6) incarcerated.⁴

Recent data from the Oregon Department of Education⁵ and Oregon Youth Authority illuminates a parallel disadvantage that students of color face in Oregon's schools.

¹ Russell J. Skiba, *Zero Tolerance, Zero Evidence* (2000), pp. 11-12; The Advancement Project & The Civil Rights Project, *Opportunities Suspended: The Devastating Consequences of Zero Tolerance and School Discipline Policies* (June 2000), pp. 7-9; Russell J. Skiba, et al., *The Color of Discipline: Sources of Racial and Gender Disproportionality in School Punishment* (2000)

² Oregon Youth Authority *Quick Facts* July 2009

³ *Report of the Oregon Supreme Court Task Force on Racial/Ethnic Issues in the Judicial System* May 1994, p.2.

⁴ *Id.* at 3.

⁵ The Oregon Department of Education is the source for all data in this report related to school discipline.

Overall Discipline

In 2008-2009, overall discipline data in Oregon's schools begins to tell the story of disproportionate punishment of students of color.

For example, though African American youth represented 2.94% of the student population, they represented over twice the proportion (6.13%) of students disciplined. On the other hand, white students represented 68.42% of the student population and 65.47% of students disciplined.⁶

Suspensions in Oregon

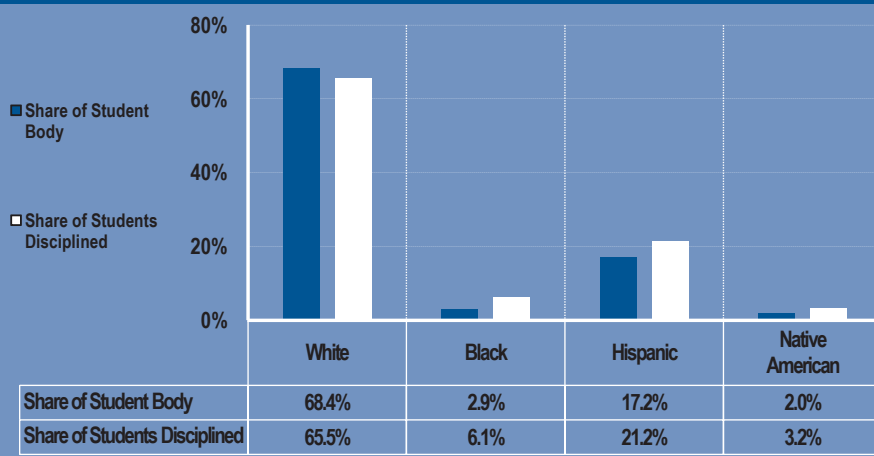
In 2008-2009, although African American youth represented 2.94% of the total student population in Oregon, they represented well over twice that proportion (7.37%) when it came to students suspended outside of school and 4.09% of those suspended in school.⁷

For the Hispanic or Latino population, though they represented 17.18% of the total student population, 19.73% of those suspended outside of school were Latino and 21% of those suspended in school were Latino.

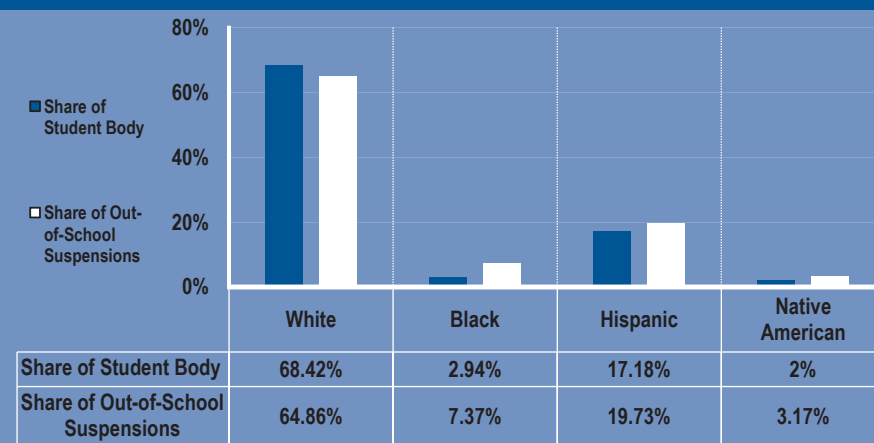
For Native American students, who represented 2% of the total student population in Oregon, their share of suspensions outside of school was 3.17% and 3.2% of those suspended in school.

White students, on the other hand, represented 68.42% of the total student population, but a smaller proportion of those suspended outside of school (64.86%) and a smaller proportion of students suspended in school (66.5%) as well.

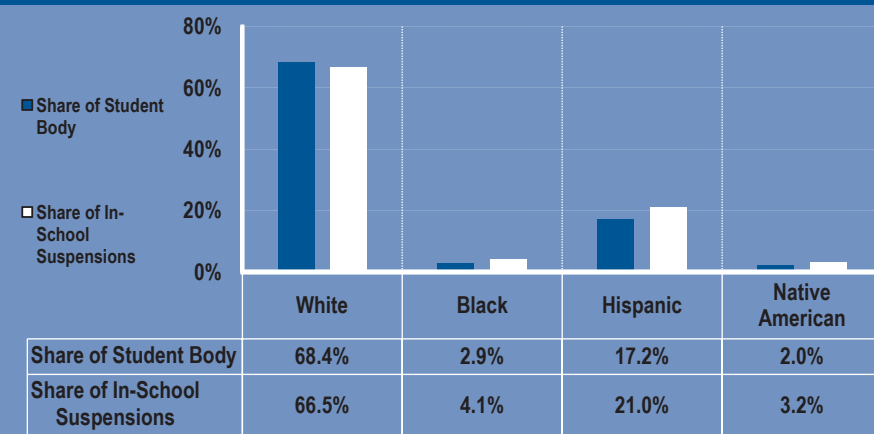
Students Disciplined 2008-2009



Out-of-School Suspensions 2008-2009



In-School Suspensions 2008-2009



⁶ According to Oregon Department of Education, "Students Disciplined" includes students suspended, expelled, removed to alternative education settings and truant. The 2008-2009 data for these various categories counts the number of times disciplined as follows: If a student is suspended more than once while attending the same school, only one suspension is counted in the data. If a student attends a second school during the same school year and is suspended one or more times at each school, the data counts as two suspensions (if three schools and one or more suspensions at each of the three schools, then it is counted as three suspensions, etc.). The same method of counting applies to expulsions, referrals and truanties.

⁷ According to Oregon Department of Education, if a student is suspended more than once while attending the same school, only one suspension is counted in the data. If a student attends a second school during the same school year and is suspended one or more times at each school, data counts this as two suspensions (if three schools and one or more suspensions at each of the three schools, then it is counted as three suspensions, etc.).

Expulsions in Oregon

The disproportionate impact of expulsions on youth of color in Oregon is similar to that for suspensions.

Again, although African Americans comprised 2.94% of the total student population, they made up 4.93% of those students expelled.⁸

Hispanic or Latinos represented 17.18% of the total student population and made up 25.24% of those expelled. Native Americans comprised 2% of the total student population and 2.43% of those students expelled.

White students, on the other hand, made up 68.42% of the total students and 61.5% of those expelled.

Removal to Alternative Education Settings

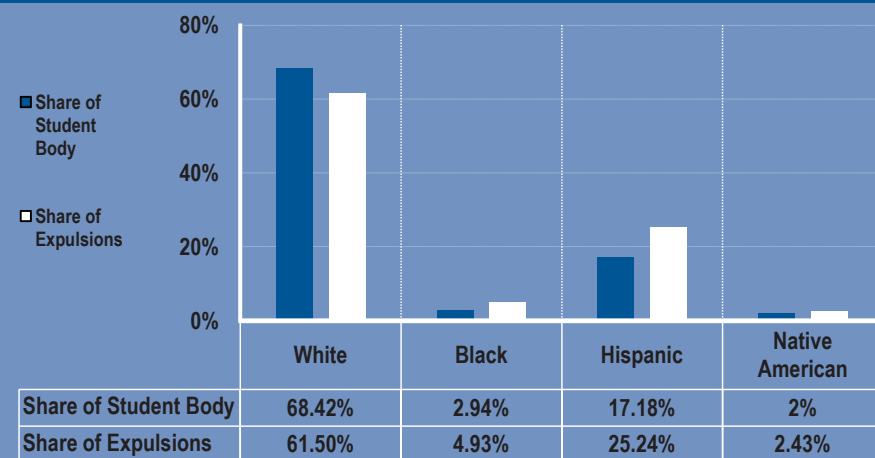
The disproportionate effect of removal to alternative education settings on some youth of color is even more striking. Although African Americans comprised 2.94% of the total student population in 2008-2009, they represented over twice that proportion when it came to removal to alternative education settings [7.23%].⁹ When looking at the share of the racial group removed, 9.26% of African American students – almost one in ten – were removed.

For the Hispanic or Latino student population, though they represented 17.18% of the total number of students, 24.34% of the students removed were Latino. For Native American students, who represented 2% of the total student population in Oregon, the share that was removed was 2.97%. White students, representing 68.42% of the total student population, represented 60.46% of the students removed.

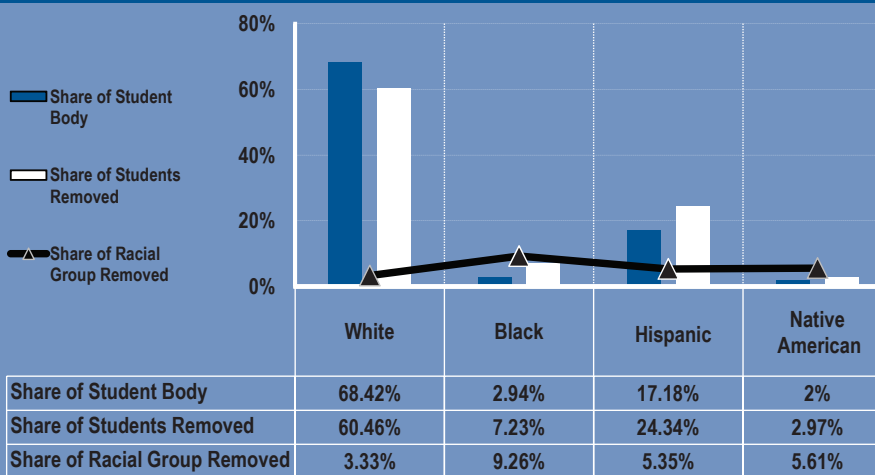
⁸ According to Oregon Department of Education, if a student is expelled from one school and then attends another school during the same school year and is expelled again, this will count as two expulsions in the data.

⁹ According to Oregon Department of Education, if a student is removed from one school to an alternative education setting and then attends another school during the same school year and is removed again to yet another school, this will count as two removals in the data.

Expulsions 2008-2009



Students Removed to Alternative Education Settings 2008-2009



Dropout Rates in Oregon

When we look at dropout rates in Oregon, we continue to see the same disparities.

In 2007-2008, African Americans represented 2.97% of the total 9-12 grade student population and 5.71% of the dropouts.

Hispanic or Latinos represented 13.87% of the total high school student population and 24.12% of the dropouts.

Native Americans represented 2.24% of all the 9-12 grade students and 3.52% of the dropouts.

Once again, white students comprised 73.2% of the total 9-12 grade students and 59.3% of all dropouts.

Oregon Youth on Probation, Held in Close Custody and on Parole

A significant step along the school-to-prison pipeline involves youth in the criminal justice system, either on probation, held in close custody or on parole. Oregon Youth Authority data¹⁰ indeed reflects the same trends related to disproportionate representation as does the discipline and dropout data from the Oregon Department of Education.

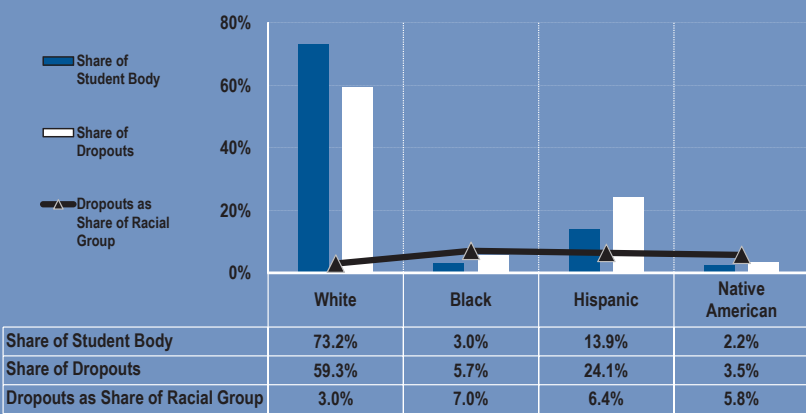
While African Americans make up 3% of the total Oregon population Age 10-17, they represent 5% of those on probation, 13% of those held in close custody and 9% of those on parole.

With Hispanics or Latinos representing 15% of Oregon's total population Age 10-17, they make up 20% of those on probation, 25% of those held in close custody and 22% of those on parole.

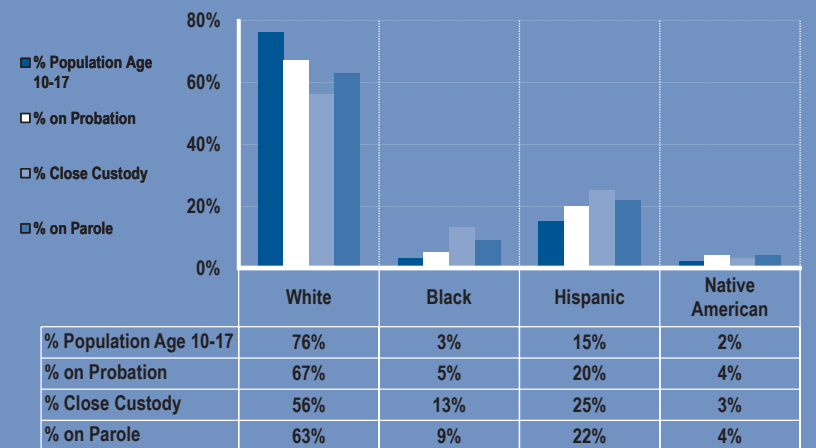
Native Americans make up 2% of Oregon's population Age 10-17 and 4% of those on probation, 3% of those held in close custody and 4% of those on parole.

Whites represent 76% of Oregon's total population Age-10-17 and they make up 67% of those on probation, 56% of those held in close custody and 63% of those on parole.

School Dropouts 2008-2009



Offender Rates by Race, July 2009



Oregon Department of Corrections Population Demographics, Oct. 2009

| | White | Black | Hispanic | Native American |
|---|-----------|----------|-----------|-----------------|
| Share of Oregon Population (2008) ¹¹ | 90.1% (a) | 2.0% (a) | 11.0% (b) | 1.4% (a) |
| Share on Felony Probation ¹² | 84.2% | 6.5% | 5.9% | 1.3% |
| Share of Prison Population ¹² | 73.5% | 9.7% | 13.0% | 2.4% |
| Share on Parole/PPS ¹² | 82.4% | 8.9% | 5.6% | 1.9% |

Oregon Adults on Felony Probation, in Prison and on Parole/Post Prison Supervision

Disproportionate representation of people of color in Oregon's adult criminal justice system is a logical extension of the school-to-prison pipeline. Justice Peterson's 1994 task force report states:

"The legacy of centuries of discrimination in the United States is a society in which racial discrimination continues to exist. The Oregon court system is no more immune from its effects than are other segments of society. While overt, intended discrimination against minorities by nonminority judges, prosecutors, lawyers and court staff is not common, strong evidence demonstrates that racial minorities are at a disadvantage in virtually all aspects of the Oregon court system..."

Indeed, "the evidence suggests that, as compared to similarly situated nonminorities, minorities are" (1) more likely to be arrested, (2) more likely to be charged, (3) less likely to be released on bail, (4) more likely to be convicted, (5) less likely to be put on probation and (6) more likely to be incarcerated.¹³

As in 1994, the current population data from the Department of Corrections shows a continuing disparity by race.



¹¹ Source U.S. Census Bureau: State and County QuickFacts. Data derived from Population Estimates.

(a) Includes persons reporting only one race.

(b) Hispanics may be of any race, so also are included in applicable race categories.

¹² Source Oregon Department of Corrections, October 1, 2009

¹³ *Report of the Oregon Supreme Court Task Force on Racial/Ethnic Issues in the Judicial System* May 1994, p.2-3

CONCLUSION

School-to-prison pipeline issues in Oregon need and deserve serious attention by school officials, government leaders and the community at large. The ACLU of Oregon shares the concern of many community organizations and leaders who have been working on these issues for years. We are making this data available to encourage further development and implementation of strategies to effectively eliminate the school-to-prison pipeline that exists in Oregon. The ACLU of Oregon looks forward to working with those who share a vision where all Oregonians, regardless of race and ethnicity, can achieve full access and success in our schools.

Starting with the 2009-2010 school year, the U.S. Department of Education Office for Civil Rights is requiring that additional discipline

data be collected from schools for its Civil Rights Data Collection. That data will be broken down by race-ethnicity, gender, Limited English Proficient (LEP) status and disability and will be provided by individual school districts directly to the U.S. Department of Education. The expanded data collection includes corporal punishment,¹⁴ suspensions, expulsions with and without educational services, expulsions under zero tolerance policies, referrals to law enforcement and school-related arrests. It also includes information about alternative schools, including whether the school is designed to meet the needs of students with academic difficulties, students with discipline problems or both.

The Oregon Department of Education has notified us that the new federal rules do not require this additional data to be reported by districts to the state. We believe that is a mistake, because the state needs ready access to all relevant data in order to promote programs and policies designed to eliminate the disproportionate impact of disciplinary policies and practices on students of color in Oregon.

At a minimum, the statewide education data in this document should be compiled annually by the Oregon Department of Education in a format similar to what we have provided here. The Department should also annually publish the data for each school district.¹⁵ These annual reports should be in a form that is designed for a general audience and be made available to the public at no charge.

We understand that collecting and publishing this data annually, while important, will not change the practices that have led to these results. It will, however, allow school and government officials as well as the public to measure any progress in eliminating disproportionate impacts on our youth. It will also help in evaluating and pushing for more effective policies aimed at shutting off the school-to-prison pipeline at the front end.



¹⁴ Corporal punishment is prohibited in public and charter schools in Oregon. See ORS 339.250(12)

¹⁵ We have shared our recommendations with Superintendent of Public Instruction Susan Castillo and her staff. They have explained that they do not release individual school or district data when doing so might inadvertently disclose the identity of individual students. While we agree that it is important to protect the privacy of students and their families, we think that there are steps that can be taken to protect individuals while at the same time allowing the public a better understanding of practices at the local school district level.

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