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PURSUING RACIAL JUSTICE

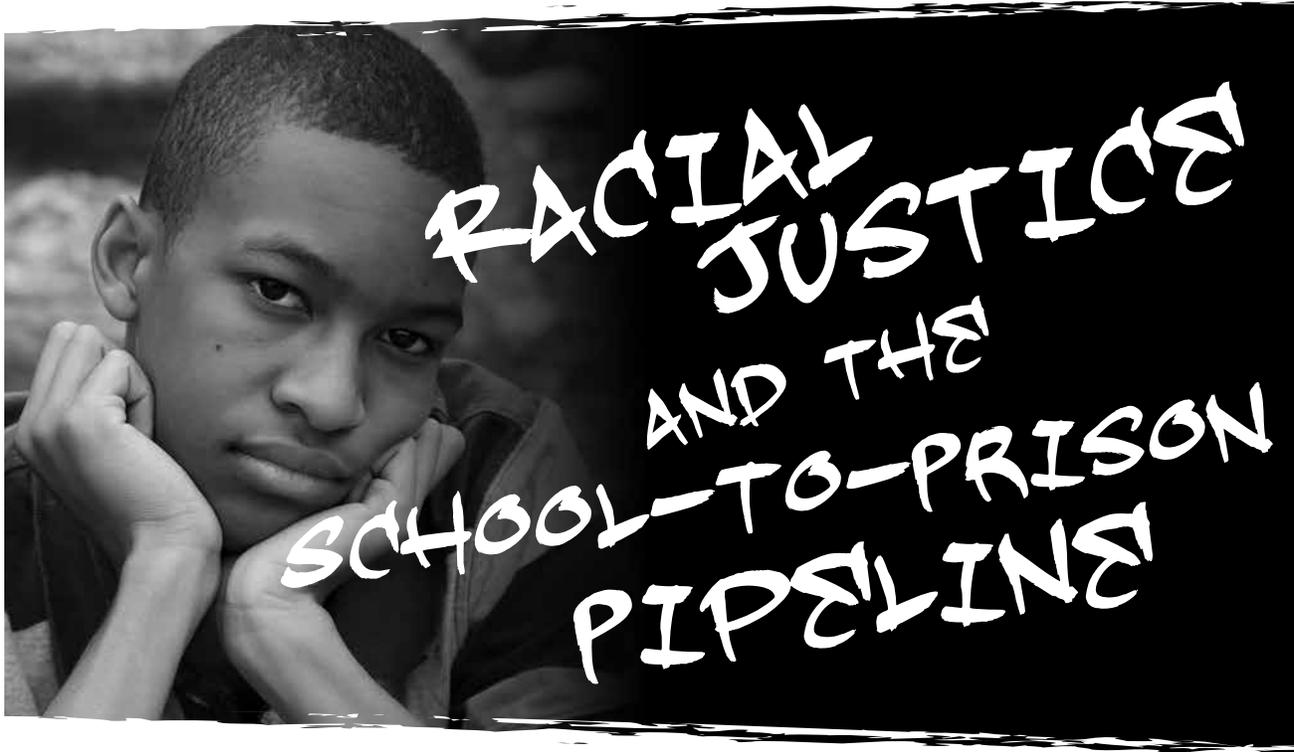
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Sargent Shriver National Center on Poverty Law



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T Tyler is a 16-year-old, eighth-grade student with a learning disability. He lives in public housing with his sisters and mother, who works two jobs. His father is in prison, and his brother died in a drive-by shooting. Tyler is reserved and has received only a few detentions for minor misbehavior.

Two weeks before the end-of-grade tests, Tyler is failing most of his classes, reading on a third-grade level, and not receiving individualized interventions. Tyler enters his high-poverty school through a metal detector and walks past surveillance cameras. He arrives at his crowded class and joins the other thirty-two black and Latino students. The teacher reviews material and then hands out a sixty-minute practice test.

Halfway through the test, Tyler becomes frustrated because he cannot solve most of the problems. He begins tapping his pencil. His teacher tells him to stop. He does for a few minutes but then, out of habit, continues to tap. The student seated in front of him yells "Stop it!" and slaps the pencil out of Tyler's hand. Tyler stands up, pushes the student, takes his pencil, and sits back down. The teacher calls for the principal and school resource officer.

Tyler is suspended for ten school days for disrespect, aggression, noncompliance, class disruption, and fighting, and cannot take the end-of-grade tests and finish assignments. He is at risk of being retained again and will spend two weeks unsupervised at home. He will be prosecuted in court for theft, assault, and disorderly conduct. Tyler is in the school-to-prison pipeline and on a path to ending up like his father or, worse yet, his brother.

I. Overview of the Pipeline

Tyler is one of millions of students trapped in the school-to-prison pipeline, which is a system of laws, policies, and practices pushing students out of school and toward the juvenile and criminal systems. Causes of the pipeline include overcrowding; untended academic failure and special education needs; excessive suspensions, expulsions,

and policing; and inadequate intervention services, due process, and alternative education. The pipeline contributes to achievement gaps, low graduation rates, crime, unemployment, and mass incarceration. It is a human and civil rights crisis. Here we hope to persuade legal organizations to join the movement to end this crisis and seek racial justice for students.

The rate at which students are pushed out of school has risen steadily over the last three decades.¹ The U.S. Department of Education estimates that during 2009–2010 there were 3.7 million out-of-school suspensions and 72,000 expulsions.² One out of every nine middle and high school students was suspended at least once. A majority of suspensions were for minor misbehavior.³ Suspensions persist despite the lack of evidence to suggest that suspension makes schools safer, improves behavior, or benefits nonsuspended students academically. Instead suspension is associated with negative educational outcomes, a less satisfactory school climate, mental health problems, and increased delinquent and criminal activity.⁴

As suspensions increase, so has the presence of law enforcement in schools. In the mid-1970s police patrolled 1 percent of schools. By 2008 the figure was 40 percent.⁵ In 1997 fewer than 10,000 offi-

cers were permanently placed in schools (called school resource officers); as of 2010, that number was closer to 17,000.⁶ Some school districts have their own police departments, while others employ private security guards in addition to school resource officers.⁷ In Texas officers write over 100,000 misdemeanor tickets each year.⁸ In North Carolina over 40 percent of delinquency complaints are school-based.⁹ There is no reliable evidence that school resource officers make schools safer. In fact, studies show that such officers can increase arrests and court referrals for minor misbehavior, disrupt the learning environment, and undermine the authority of teachers and administrators.¹⁰

The harm caused by the pipeline disproportionately affects males, students of color, students with disabilities, and students from low-wealth communities.¹¹ During 2009–2010 black students made up 18 percent of enrolled students but accounted for 35 percent of those suspended once, 46 percent of those suspended more than once, 39 percent of expulsions, 42 percent of referrals to law enforcement, and 35 percent of school-related arrests.¹² The racial discipline gap has increased dramatically since the 1970s.¹³ Although insufficient research explains this gap, several causes have been explored,

¹Judith Browne, *Zero Tolerance: Racially Biased Discipline in American Schools*, 36 CLEARINGHOUSE REVIEW 145 (May–June 2002); Advancement Project, *Test, Punish, and Push Out 20* (March 2010), <http://goo.gl/ZPjZq>.

²*Student Expulsion and Suspension Data, School Year 2009–10*, EDUCATION WEEK, Jan. 10, 2013, <http://goo.gl/Vuj8Y>.

³DANIEL LOSEN & TIA ELENA MARTINEZ, CENTER FOR CIVIL RIGHTS REMEDIES AT UCLA'S CIVIL RIGHTS PROJECT, *OUT OF SCHOOL AND OFF TRACK: THE OVERUSE OF SUSPENSION IN AMERICAN MIDDLE AND HIGH SCHOOLS* (April 8, 2013), <http://goo.gl/oZ2wS>.

⁴Barbara Fedders & Jason Langberg, *School Discipline Reform: Incorporating the Supreme Court's "Age Matters" Jurisprudence*, 46 LOYOLA OF LOS ANGELES LAW REVIEW (forthcoming 2013).

⁵Editorial, *Criminalizing Children at School*, NEW YORK TIMES (April 18, 2013), <http://goo.gl/wPm33>.

⁶Strategies for Youth, *If Not Now, When?: A Survey of Juvenile Justice Training in America's Police Academies* 9 (Feb. 2013), <http://goo.gl/AGmNw>.

⁷See, e.g., Los Angeles School Police Department, *What Is the LASPD About ...* (n.d.), <http://goo.gl/KbdfZ>.

⁸Erik Eckholm, *With Police in Schools, More Children in Court*, NEW YORK TIMES (April 12, 2013); DEBORAH FITZGERALD FOWLER, *TEXAS APPLESEED, TEXAS' SCHOOL-TO-PRISON PIPELINE* (Janis Monger ed., Oct. 2007), <http://goo.gl/KINcD>.

⁹North Carolina Division of Juvenile Justice, *2011 Annual Report* 13 (April 1, 2012), <http://goo.gl/MP8j6>.

¹⁰Barbara Fedders et al., *School Safety in North Carolina: Realities, Recommendations, and Resources* nn.41–43 (May 2013), <http://goo.gl/fr8P3>.

¹¹Office for Civil Rights, U.S. Department of Education, *Civil Rights Data Collection* (March 2012), <http://goo.gl/GPboj>.

¹²Tamar Lewin, *Black Students Face More Discipline, Data Suggests*, NEW YORK TIMES (March 6, 2012), <http://goo.gl/H9MJT>.

¹³LOSEN & MARTINEZ, *supra* note 3, at 9.

including differential poverty rates, neighborhood characteristics, school segregation, achievement gaps, cultural mismatch, implicit bias, and stereotyping. Investigations have found no evidence that disparate discipline is caused by racial differences in the intensity or frequency of misbehavior.¹⁴

II. Dismantling the Pipeline

Fortunately there is a powerful movement afoot to dismantle the pipeline. Students, parents, educators, and advocates are organizing to fight the criminalization of students and schools.¹⁵ National, state, and local organizations are complementing them with legal, lobbying, education, and communication strategies.¹⁶ Philanthropies—including The Atlantic Philanthropies and Open Society Foundations—are investing substantially in dismantling the pipeline.¹⁷

As a result of such organizing, education, advocacy, and investment, tremendous progress is being made. The pipeline is gaining attention from the mainstream media and the federal government.¹⁸

The U.S. Department of Justice and the U.S. Department of Education are slowly resuscitating civil rights protections for youth in the pipeline and, in 2011, announced the Supportive School Discipline Initiative.¹⁹ In 2012 the U.S. Senate Judiciary Committee's Subcommittee on the Constitution, Civil Rights and Human Rights held the first congressional hearing on "Ending the School-to-Prison Pipeline."

Communities and grassroots organizations—with the assistance of attorneys—are succeeding in pressuring states and school districts to reform laws and policies. Connecticut, North Carolina, Colorado, and Oregon have changed their school discipline laws to roll back zero tolerance and reduce suspensions.²⁰ School districts across the country—including New Orleans, Buffalo, Philadelphia, Chicago, and Los Angeles—are passing new codes of conduct that eliminate zero tolerance, prohibit suspensions for minor offenses, or require more effective interventions and alternatives or all three.²¹ School policing policies and practices are being overhauled—in Clayton County, Georgia;

¹⁴Russell Skiba et al., *Race Is Not Neutral: A National Investigation of African American and Latino Disproportionality in School Discipline*, 40 *SCHOOL PSYCHOLOGY REVIEW* 85 (2011); Anne Gregory et al., *The Achievement Gap and the Discipline Gap: Two Sides of the Same Coin?*, 39 *EDUCATIONAL RESEARCHER* 59 (2010); Russell Skiba et al., *African American Disproportionality in School Discipline: The Divide Between Best Evidence and Legal Remedy*, 54 *NEW YORK LAW SCHOOL LAW REVIEW* 1071 (2009–2010); R.J. Skiba et al., *Racial and Ethnic Disproportionality in Suspension and Expulsion*, in *DISPROPORTIONALITY IN EDUCATION AND SPECIAL EDUCATION: A GUIDE TO CREATING MORE EQUITABLE LEARNING ENVIRONMENTS* 89–118 (A.L. Noltemeyer & C.S. Mcloughlin eds., 2012).

¹⁵Groups that have organized include CADRE (Community Asset Development Redefining Education)—Los Angeles, Dignity in Schools Campaign, Families and Friends of Louisiana's Incarcerated Children, North Carolina Heroes Emerging Among Teens, Padres y Jóvenes Unidos, Philadelphia Student Union, and Power U Center for Social Change.

¹⁶E.g., Advancement Project, UCLA's Civil Rights Project, Dignity in Schools, NAACP Legal Defense and Educational Fund, Racial Justice Initiative of TimeBanks USA, Southern Poverty Law Center, Strategies for Youth, and Texas Appleseed.

¹⁷See Atlantic Philanthropies, *Programmes: Children and Youth* (2013), <http://goo.gl/NFXvA>; Open Society Foundations, *Education and Youth* (2013), <http://goo.gl/7aovV>.

¹⁸See, e.g., Editorial, *Criminalizing Children at School*, *supra* note 5; Donna St. George, "School-to-Prison Pipeline" Hearing Puts Spotlight on School Discipline, *WASHINGTON POST* (Dec. 13, 2012), <http://goo.gl/Vtjhj>.

¹⁹Press release, U.S. Department of Justice, Attorney General Holder, Secretary Duncan Announce Effort to Respond to School-to-Prison Pipeline by Supporting Good Discipline Practices (July 21, 2011), <http://goo.gl/G2fBB>.

²⁰Ending the Schoolhouse to Jailhouse Track, Advancement Project, Youth Rights Media (2013), <http://goo.gl/7AKnF>; *North Carolina Has New School Discipline Law*, *DUKE LAW NEWS* (June 28, 2011), <http://goo.gl/Zf16F>; Melanie Zuch, *Oregon Legislature Passes Bill to Roll Back "Zero Tolerance" Policies*, *DIGNITY IN SCHOOLS CAMPAIGN* (June 4, 2013), <http://goo.gl/EC6TA>; Ending the Schoolhouse to Jailhouse Track, Advancement Project, Colorado Legislature Promotes Common Sense Discipline in Schools (2013), <http://goo.gl/znp5H>.

²¹Sandra Tan, *City Schools Adopt More Tolerant Discipline Policy*, *BUFFALO NEWS* (updated April 24, 2013), <http://goo.gl/33IE7>; Ending the Schoolhouse to Jailhouse Track, Advancement Project, Youth Leaders Score Victory for Common Sense Discipline in Philadelphia (2013), <http://goo.gl/znp5H>; Damekia Morgan, *One Change at a Time: Parents in New Orleans Win Changes in Their Student Code of Conduct*, *DIGNITY IN SCHOOLS CAMPAIGN* (Aug. 10, 2011), <http://goo.gl/SBd5W>; Ending the Schoolhouse to Jailhouse Track, Advancement Project, Chicago Schools Reduce Suspensions with New Code of Conduct (2013), <http://goo.gl/qAKlQ>; Teresa Watanabe, *L.A. Unified Bans Suspension for "Willful Defiance"*, *LOS ANGELES TIMES* (May 14, 2013), <http://goo.gl/iwrkx>.

Jefferson County, Alabama; Oakland; and Denver—to reduce court referrals and create accountability.²² These success stories can be replicated, especially if individuals and organizations, including legal organizations, coordinate to push for reform.

III. Challenging Racial Disparities in the Pipeline

Many legal organizations are already working on school discipline issues.²³ There are many incentives for organizations to take on this work. First, there is a large demand for but low supply of legal services providers in this area. Second, representing students in the pipeline may open new funding streams, such as grants and attorney fees.²⁴ Third, by extricating students from the pipeline and helping them remain in school, providers increase the odds that students will graduate, thrive in adulthood, and no longer need legal services. With a focus on eliminating racial injustice and by using three core strategies, legal representation, community education, and collaboration, legal organizations can participate in dismantling the pipeline.

A. Legal Representation

Attorneys can reduce the flow of students entering the pipeline and reduce racial disparities by providing legal representation to students in suspension appeals, filing discrimination complaints, and using other legal tools.

1. Suspension Appeals

All public school students have a protected property interest in receiving an edu-

cation and a liberty interest in reputation subject to the due process clause of the Fourteenth Amendment of the U.S. Constitution.²⁵ Due process, at minimum, requires notice and an opportunity to be heard for students facing suspension. Attorneys can use suspension appeal hearings to keep individual students out of the pipeline and to fuel systemic change to reduce racial disparities.²⁶

One of the reasons that hearings can help effect change is that schools may try to use suspension as a way to manage student behavior. Suspension is misperceived as less expensive than more effective alternatives such as in-school suspension, restorative justice programs, and counseling services. By providing quality representation in suspension appeals, attorneys drive up the transaction costs of suspension because the districts have to take time and provide resources to conduct and participate in hearings. Thus suspension appeals may encourage schools to look for more cost-effective discipline measures that keep the student in school and do not require costly due process hearings.²⁷

Attorneys can use the hearing as a forum to give the decision maker (e.g., hearing officer, superintendent, or school board) data on racial disparities. For example, attorneys can incorporate data and arguments about discrimination into their oral arguments, written briefs, and cross-examinations of school officials. Utilizing disparities data in suspension appeal hearings encourages the decision maker to look beyond the individual case and

²²Michael Soller, *Oakland Students, Parents Say New School Police Complaint Policy Gives Them a Voice*, OAKLAND LOCAL (Sept. 11, 2012), <http://goo.gl/EnsD6>; Ending the Schoolhouse to Jailhouse Track, Advancement Project, Clayton County, Georgia (2013), <http://goo.gl/XTFwI>; Ending the Schoolhouse to Jailhouse Track, Advancement Project, Jefferson County, Alabama (2013), <http://goo.gl/mFmho>; Alexandra Tilsley, *Denver Schools Agree on Restricting Police Roles, Making Distinction Between Discipline and Crimes*, HUFF POST (Feb. 19, 2013), <http://goo.gl/86V6Z>.

²³E.g., Atlanta Legal Aid Society—TeamChild, Georgia Legal Services Program, Legal Aid of North Carolina—Advocates for Children’s Services, Southern Minnesota Regional Legal Services—Education Law Advocacy Project, Berkeley Youth Defender Clinic, Suffolk Educational Advocacy Clinical Program, University of the District of Columbia Juvenile and Special Education Law Clinic, Committee for Public Counsel Services of Massachusetts—EdLaw Project, Center for Children’s Advocacy, and Public Counsel Law Center.

²⁴See Individuals with Disabilities Education Improvement Act, 20 U.S.C. §§ 1415(i)(3)(B)(i); IDEIA Regulations, 34 C.F.R. § 300.517 (2012).

²⁵*Goss v. Lopez*, 419 U.S. 565, 572–76 (1975).

²⁶Dean Hill Rivkin, *Legal Advocacy and Education Reform: Litigating School Exclusion*, 75 TENNESSEE LAW REVIEW 265, 271 (2008).

²⁷See Michael O’Hear, *Plea Bargaining and Procedural Justice*, 42 GEORGIA LAW REVIEW 407, 446–78 (2008).

consider the systemic, disproportionate effects of suspension.

2. Equal Protection Claims

Racially disproportionate suspension rates make school discipline practices suspect under the equal protection clause of the Fourteenth Amendment of the U.S. Constitution. Classification based on race is subject to strict scrutiny.²⁸ Even so, when a contested law, policy, or practice is facially neutral on race, there is no equal protection violation without proof of a discriminatory purpose, the U.S. Supreme Court held.²⁹ Because racist motives are rarely explicit and difficult to prove, equal protection cases are often unproductive for attorneys fighting the pipeline. However, a school's deliberate indifference to practices or policies that maintain a racially hostile educational environment constitute intentional discrimination, the Court held.³⁰ Thus this theory may be an attorney's best bet in using equal protection as an argument in court to challenge the discriminatory effects of the pipeline.

3. Civil Rights Complaints

In general, civil rights complaints to administrative agencies are more likely to be a winning strategy. Attorneys can file, with the U.S. Department of Education's Office for Civil Rights, complaints alleging violations of Title VI of the Civil Rights Act of 1964.³¹ Enforced by the Office for Civil Rights in all districts that receive federal funding, Title VI prohibits discrimination on the basis of race, color, or national origin in programs or activities that receive federal financial assistance.³² (Note

that many states, local governments, and school districts similarly have laws or policies prohibiting discrimination based on race. Attorneys can use state and local procedures to pursue remedies under such laws or policies.)

Title VI complaints may be based on discrimination that is a product of different treatment—intentional discrimination—or on discrimination resulting from facially race-neutral policies that have a disparate impact based on race or national origin.³³ Unlike cases involving different treatment, which often require evidence of overt racial animus, cases involving disparate impact do not require that a school intended to discriminate and may be an easier way for attorneys to deal with racial disparities in the pipeline.³⁴

Title VI complaints may be filed on behalf of individual students or groups of students or both. For example, Advocates for Children's Services of Legal Aid of North Carolina recently collaborated with the Center for Civil Rights Remedies at UCLA's Civil Rights Project to file, in Durham, North Carolina, a complaint alleging that the district's suspension policies and practices have a discriminatory impact on two named clients and on all black students, students with disabilities, and black students with disabilities. To learn more about how complaints are filed and processed, visit the Office for Civil Rights' website.³⁵

Title VI complaints are less complicated, time-consuming, and costly than litigation. And adding clients and information after the initial filing is easy. Title VI

²⁸See Robert Bennett, "Mere" Rationality in Constitutional Law: Judicial Review and Democratic Theory, 67 CALIFORNIA LAW REVIEW 1049, 1076 (1979).

²⁹See *McCleskey v. Kemp*, 481 U.S. 279, 292 (1987) (in order to demonstrate equal protection violation, defendant "must prove that the decision-makers in his case acted with discriminatory purpose").

³⁰*Davis v. Monroe County Board of Education*, 526 U.S. 629, 633 (1999).

³¹Rosa Hirji & Benetta Standly, American Bar Association, The OCR as a Tool in Dismantling the School-to-Prison Pipeline (May 23, 2011), <http://goo.gl/RqJB7>.

³²Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d to 2000d-7 (2012); 34 C.F.R. § 100 (2012).

³³MARTIN CASTRO, U.S. COMMISSION ON CIVIL RIGHTS, SCHOOL DISCIPLINE AND DISPARATE IMPACT: A BRIEFING BEFORE THE UNITED STATES COMMISSION ON CIVIL RIGHTS HELD IN WASHINGTON, DC (Oct. 21, 2011), <http://goo.gl/5elcw>.

³⁴Daniel Losen & Jonathan Gillespie, Center for Civil Rights Remedies at UCLA's Civil Rights Project, Opportunities Suspended: The Disparate Impact of Disciplinary Exclusion from School (Aug. 2012), <http://goo.gl/jw0qs>.

³⁵Office for Civil Rights, U.S. Department of Education, How to File a Discrimination Complaint with the Office for Civil Rights (Sept. 2010), <http://goo.gl/y0sJh>; *id.*, OCR Case Processing Manual (CPM) (Dec. 11, 2012), <http://goo.gl/9LX2r>.

complaints may be filed by anyone, even if the complainant has not personally been subject to discrimination. These benefits make Title VI complaints good vehicles for public education and community mobilization.

However, there are downsides to using Title VI complaints to challenge the pipeline. First, the success of complaints may depend on the current presidential administration's commitment to enforcing antidiscrimination laws. Second, the Office for Civil Rights can be slow in responding to complaints. And, third, the Office for Civil Rights does not involve complainants in the resolution process and negotiates only with school districts.

Still, filing a Title VI complaint is an opportunity to request systemic remedies for discrimination such as asking the district to collect and publish better data; revise policies to reduce discretion, subjectivity, and suspension for minor misbehavior; regularly solicit community input; conduct cultural competency training for staff; or expand prevention efforts, interventions, and alternatives to suspension; or asking the district to do some or all of the above. Further, after the Supreme Court severely limited an individual's ability to enforce civil rights, filing a Title VI complaint is one of a few legal remedies for racial discrimination.³⁶

4. Other Legal Advocacy

Students of color may be trapped in the pipeline due to being disproportionately affected by other factors that push students out of school—unresolved academic failure, unmet special education

needs, denial of language access, and school policing.³⁷ By pursuing remedies for such violations (e.g., lawsuits, state special education complaints, and internal affairs complaints), attorneys can help reduce racial disparities in the pipeline.³⁸ For example, in 2010 the American Civil Liberties Union and the New York Civil Liberties Union filed, against the New York City police department and public schools, a lawsuit challenging wrongful arrests and excessive force in schools—issues that have a disproportionate impact on students of color.³⁹ And advocates should consider adding school discipline to desegregation consent decrees.⁴⁰

B. Community Education

One of the most important components of any systemic reform movement is community education. Attorneys can coordinate or attend events (e.g., meetings, rallies, conferences, and church services) to present data and client stories illustrating the disproportionate effect that the pipeline is having on certain groups within that community. These data are obtainable through public records requests to the district or state. The Office for Civil Rights collects and publishes pipeline-related data, disaggregated by race, for all school districts that receive federal funds.⁴¹

Attorneys can conduct training sessions that inform people of the rights and remedies they can use to challenge racial disparities in the pipeline. Some organizations, such as the Dignity in Schools Campaign, host training webinars and

³⁶See *Alexander v. Sandoval*, 532 U.S. 275, 293 (2001).

³⁷Texas Appleseed, *Texas' School to Prison Pipeline: School Expulsion—the Path from Lockout to Lockup* (April 2010), <http://goo.gl/gdkrB>; Justice Policy Institute, *Education Under Arrest: The Case Against Police in Schools 21–23* (Nov. 2011), <http://goo.gl/n9xWU>.

³⁸See Ronald K. Lospennato, *Multifaceted Strategies to Stop the School-to-Prison Pipeline*, 42 CLEARINGHOUSE REVIEW 528, 531–35 (March–April 2009); Joseph Tulman & Douglas Weck, *Shutting Off the School-to-Prison Pipeline for Status Offenders with Education-Related Disabilities*, 54 NEW YORK LAW SCHOOL LAW REVIEW 875 (2009–10).

³⁹Amended Complaint and Demand for Jury Trial, *B.H. v. City of New York*, No. 10 CV 0210 (E.D.N.Y. filed June 11, 2010), <http://goo.gl/NNRTs>.

⁴⁰Consent Order, *Barnhardt v. Meridian Municipal Separate School District*, No. 4:65-cv-01300-HTW-LRA 1300(E) (S.D. Miss. filed March 21, 2013), <http://goo.gl/hSYqM>; Press Release, U.S. Department of Justice, Justice Department Files Consent Decree to Prevent and Address Racial Discrimination in Student Discipline in Meridian, Miss. (March 22, 2013), <http://goo.gl/DN8lp>.

⁴¹U.S. Department of Education, Civil Rights Data Collection (n.d.), <http://goo.gl/gfUcH>.

conference calls. Other organizations, such as Strategies for Youth, train school resource officers to improve interactions between youth and police.

If organizational regulations allow, attorneys can testify at public meetings and recommend solutions to racial disparities in the pipeline. For example, many organizations recently testified at the “Ending the School to Prison Pipeline” hearing described above. The Racial Justice Initiative of TimeBanks USA recently organized a “Public Documentation Forum” involving families, advocates, and experts and putting policymakers on notice about discriminatory discipline and less discriminatory alternatives.⁴²

Using data, individual client stories, and research, legal organizations can produce and distribute publications (e.g., newsletters, fact sheets, issue briefs, and reports) to educate the public on the pipeline. Organizations such as UCLA’s Civil Rights Project and Advancement Project have led in producing national publications on the pipeline, as have statewide organizations such as Advocates for Children’s Services and Texas Appleseed and local organizations such as the New York Civil Liberties Union.

Organizations can utilize traditional media (e.g., press releases, press conferences, and interviews) and social media (e.g., Twitter, Facebook, and YouTube) to educate the community about students’ rights, the pipeline, and racial justice. Individuals can share their experiences and information on blogs and websites such as “Suspension Stories,” a platform for organizing against the pipeline.

C. Collaboration

Legal organizations should team up with nonlegal organizations to serve better

those communities of color most affected by the pipeline. For example, Advocates for Children’s Services trains, gets referrals from, and refers clients to mental health and child welfare agencies, public defenders, and other community-based organizations serving youth of color from low-income families.

Attorneys can serve on task forces and committees on issues related to the pipeline and present disparities data and research about evidence-based practices tackling discrimination. Participating in these groups, attorneys can help ensure that the rights of students and parents are protected in any recommendations developed by the groups. For example, attorneys from Advocates for Children’s Services served on task forces and committees in the Wake County, North Carolina, Public School System.

By providing organizations and individuals with legal services, research, publications, training, and other forms of technical assistance, attorneys and legal services organizations can support grassroots reduction of racial disparities.⁴³ Organizations that are not subject to restrictions may participate in grassroots organizing and lobbying.



As the rates of suspension and school-based arrests rise, so does the number of students of color funneled into the school-to-prison pipeline. However, there is mounting resistance to this new expression of racial injustice. Given the abundance of advocacy tools at their disposal—including representation, community education, collaboration, and other creative strategies—legal organizations can and should make the fight against the pipeline and for racial justice a part of their overall strategy to fight poverty.

⁴²Press Release, Racial Justice Initiative of TimeBanks USA, The Racial Justice Initiative Brings National Experts to Launch a “Breakthrough” in School Discipline at the First Ever Official DC Public Documentation Forum: We know what to do! Let’s just do it! (July 25, 2012), <http://goo.gl/jOo5O>.

⁴³Monique L. Dixon, *Combating the Schoolhouse-to-Jailhouse Track Through Community Lawyers*, 39 CLEARINGHOUSE REVIEW 135, 141–43 (July–Aug. 2005).



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