Addressing Racial Inequity in the School to Prison Pipeline

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OLO FFICE OF LEGISLATIVE OVERSIGHT

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Summary: The School to Prison Pipeline refers to the increased risk that students suspended, expelled, and arrested in schools face for entering the juvenile and adult justice systems. This report updates OLO's 2016 report with data and discussions about the persistent racial disparity in the Pipeline. Four findings emerge:

- The magnitude of the School to Prison Pipeline has remained the same on most school measures but has declined significantly for referrals to juvenile services, diversion programs, and delinquency cases.

- Racial disparities in the School to Prison Pipeline persist with Black children being twice as likely to be suspended or referred to juvenile services compared to their share of student enrollment.

- Racial inequities in schooling and policing foster racial disparities in the Pipeline.

- Structural approaches targeting systems and centering BIPOC stakeholders offer the greatest promise for reversing racial inequity in the Pipeline.

Based on these findings, OLO recommends that the Council requests Montgomery County Public Schools leaders to partner with Black, Indigenous, and other People of Color (BIPOC) community-based stakeholders to co-develop, implement, and evaluate a plan for reducing the over-representation of Black children in the Pipeline.

Agencies in the School to Prison Pipeline

Interactions among several local agencies can place children on a pathway to criminal justice involvement if they have been suspended or expelled from school. Chart 1 lists these agencies and the potential actions that place children at risk. ***This report focuses on the first two agencies as the main drivers of the local School to Prison Pipeline: Montgomery County Public Schools and the Montgomery County Police Department.***

Chart 1: School to Prison Pipeline Agencies

Agencies	Determinants and Actions
Montgomery County Public Schools (MCPS)	- School Climate - Code of Conduct - Suspensions and Expulsions - Referrals to Alternative Programs and Non-Public School Placements - Referrals to Department of Juvenile Services (DJS)
Montgomery County Police Department (MCPD)	- Police Officers in Schools - Juvenile Arrests (on campus and in the community) - Referrals to DJS and Diversion Programs
Department of Health and Human Services (DHHS)	- Juvenile Justice Diversion - Screening and Assessment Services for Children and Adolescents - Referrals to DJS
State's Attorney's Office (SAO)	- Juvenile Justice Diversion (Teen Court) and referrals to DJS - Prosecute children with juvenile charges
Maryland Department of Juvenile Services (DJS)	- Intakes and Charges - Services for Children under Informal Supervision - Services, Supervision, and Placements for Adjudicated Youth
Montgomery County Circuit Court	- Hears and Adjudicates Cases involving Juveniles Not Charged as Adults

As noted in Table 1, the size of the School to Prison Pipeline remained unchanged for most school measures. For example, the number of school removals tracked with changes in student enrollment from 2015 to 2020. Yet, the number of children referred to DJS and diversion programs declined during this time frame.

Table 1: Summary of Data Trends for School to Prison Pipeline Contact Points, 2014 – 2020

MCPS Data Points (School Years)	2015	2020	% Change
- School Enrollment	153,994	165,163	7%
- School Removal Incidents	2,447	2,561	5%
- Students Removed, Unduplicated Count	1,804	2,007	11%
- Percentage of Students Removed from School	1.20	1.21	1%
Juvenile Arrest Data Points (Fiscal Years)	**2015**	**2019**	
- Number of Arrests	1,776	1,761	-1%
- Number of Arrests per 10,000 Youth	195.6	159.6	-18%
DJS Data Points (Fiscal Years)	**2015**	**2020**	
- Total Intakes	2,303	1,360	-41%
- Total Charges	3,672	2,349	-36%
Circuit Court Data Points (Fiscal Years)	**2014**	**2020**	
- Delinquency Cases	2,354	1,946	-17%
DHHS Data Points (Fiscal Years)	**2015**	**2020**	
- Youth Screened by SASCA	591	185	-69%
SAO Data Points (Fiscal Years)	**2014**	**2019**	
- Referrals to Teen Court	331	171	-48%

As noted in Table 2, however, racial disparities in the Pipeline remained unchanged with Black students being twice as likely as their share of MCPS enrollment to be suspended, arrested, and referred to juvenile services.

Table 2: School to Prison Pipeline Contact Points by Race and Ethnicity, 2019 - 2020

	Black	Latinx	White	Asian
MCPS Data Points, 2020				
- School Enrollment	**21%**	**33%**	**27%**	**14%**
- Students Removed, Unduplicated Count	44%	36%	11%	4%
School Arrests, 2020				
- Number of Arrests	48%	39%	6%	4%
DJS Data Points, 2020				
- Intakes	52%	32%	16%	
- Probations	57%	33%	6%	
- Commitments	61%	10%	28%	
DHHS Data Point, 2020				
- Youth Screened by SASCA	25%	35%	42%	4%
SAO Data Point, 2019				
- Referrals to Teen Court	37%	18%	39%	5%

The 2016 report found that students with disabilities and boys were also over-represented in the Pipeline relative to enrollment. Yet, a review of suspension data disaggregated by race, ethnicity, gender, and disability status shows that only Black and multiracial students with disabilities and Black boys were over-represented among suspensions. More specifically, between 2011 and 2018, suspension rates for:

- Black and multiracial students with disabilities and Black boys without disabilities ranged from 4.8 percent (Black boys without disabilities) to 11.0 percent (Black boys with disabilities).

- Every other student subgroup by race, ethnicity, gender, and disability status ranged from 0.3 percent (White and Asian girls without disabilities) to 4.7 percent (Latino boys with disabilities).

In turn, Black students were the only subgroup over-represented in disciplinary actions for both students with and without disabilities. Whereas, during the 2017-18 school year, Black students accounted for:

- 21 percent of students without disabilities, they accounted for 44 percent of single out of school suspensions, 58 percent of multiple school suspensions, 44 percent of law enforcement referrals, 63 percent of school-related arrests, and 47 percent of expulsions among students without disabilities.

- 26 percent of students with disabilities, they accounted for 47 percent of single out of school suspensions, 53 percent of multiple school suspensions, 52 percent of law enforcement referrals, 64 percent of school-related arrests, and 100 percent of expulsions among students with disabilities.

Data from Table 3 demonstrates continuing racial disparities in school discipline post-pandemic and that MCPS campuses continue to suspend students for disruption and disrespect (referred to as discretionary suspensions) despite changes in MCPS policy that prohibit this. Racial disparities among suspensions for disruption and disrespect are wider than disparities for total suspensions overall.

Table 3: First Semester School Removals by Race and Ethnicity, 2022-23

	MCPS Enrollment (2021-22)	Total Suspensions	Discretionary Suspensions
Total	158,186	1,411	282
Distribution of Suspensions by Race and Ethnicity			
Black	21.9%	43.7%	46.8%
Latinx	33.4%	37.0%	33.0%
White	25.3%	9.7%	12.4%
Asian	14.1%	3.9%	1.4%
Multiple Races	<5.0%	6.2%	6.4%
Indigenous	<5.0%	0.0%	0.0%

Racial Inequity in the School to Prison Pipeline

There is no evidence that the over-representation of Black children in the School to Prison Pipeline reflects higher levels of misconduct among Black children. Instead, historical and contemporary racial inequities in public schooling and policing foster and sustain the differential treatment of Black children by individuals and institutions better helps explain the persistence of racial disparities in the School to Prison Pipeline.

Racial Inequity in Public Schooling. Legacies of racial segregation in schooling concentrate Black, Latinx, and lower-income students in under-resourced, higher-poverty schools. This legacy begins with the County establishing a free public school system for White children in 1860 while establishing a separate, inferior system for Black children in 1872. Moreover, when the County desegregated public schools, it prioritized the preferences of White people for de facto segregation rather than advancing educational equity for Black children. In turn, the County's desegregation efforts were too weak to encourage significant racial integration.

Segregated public schools still characterizes the County where at the elementary level, most White and Asian children attend lower-poverty schools while most Black, Latinx, English learning and low-income children attend higher-poverty schools. Many studies document the negative impacts of segregated, high-poverty schools on math and reading scores. Higher-poverty schools have also been found to suspend students at higher rates.

Racial Inequity in Policing. Legacies of racial inequity in policing also foster racial disparities in the Pipeline. The County's earliest policing efforts focused on controlling Black people by apprehending those who had escaped enslavement. Post-Reconstruction, policing was used to enforce Jim Crow laws to control and extract Black labor through chain gains and prisons. Conversely, police often did not enforce the law in BIPOC communities. Yet, following the Civil Rights Era, law enforcement shifted from under-enforcement to the over-policing of BIPOC communities as part of the War on Drugs which has led to the mass incarceration of Black and Latinx people.

This over-policing of BIPOC stakeholders, and especially Black children, persists with the use of police officers in schools. Locally, this began with the Educational Facilities Officer Program that transitioned into the School Resource Officer Program and now into the Community Engagement Officer Program. Arrests have been concentrated among Black- and Latinx-majority campuses and among Black students in general.

Contemporary Racial Inequities. Historic inequities in schooling and policing foster contemporary racial inequities in the School to Prison Pipeline. Contemporary inequities that especially increase Black students' risk for suspensions and arrests include implicit bias in disciplinary decisions, the criminalization of student behavior, police in schools, segregated schools, under-resourced schools, and the marginalization of BIPOC voices in decision-making. Together, these six contemporary racial inequities manifest as three racialized gaps:

- **The Discipline Gap** that refers to the differential treatment of Black, Indigenous, Latinx, and multiracial students in school discipline. It reflects the combined impact of implicit bias, criminalization of student behavior, and police in schools that increases BIPOC students' risks for entering the Pipeline.

- **The Opportunity Gap** that refers to the gap in access to high quality educational opportunities by student race and ethnicity. It reflects the combined impact of segregated schools and under-resourced schools that increases Black, Indigenous, Latinx, and multiracial students' risk for entering the Pipeline.

- **The Power Gap** that refers to the gap in individual and institutional responses to stakeholders' concerns by their race and ethnicity. It reflects the greater power of White stakeholders compared to BIPOC voices to shape policy decisions that impact the School to Prison Pipeline.

Best Practices for Advancing Racial Equity

Promising practices for diminishing the School to Prison Pipeline often fail to diminish racial disparities because they ignore the racial inequities that drive them. Instead, best practices for developing policy options with the power to reduce racial disparities match the drivers of racial inequity to possible interventions, dismantle policies that perpetuate racial inequity, and reflect guiding principles for developing anti-racist policies.

Marlysa Gamblin of Gamblin Consults offers five racial equity principles for developing anti-racist policy solutions that advance racial equity in outcomes. These principles offer a roadmap for agencies to work with BIPOC communities to reduce racial disparities in the School to Prison Pipeline.

- **Principle 1 - Center the needs and leadership of BIPOC communities first.** When an idea is first raised, before the policy design is complete, agency leaders should ask what the impact will be on racial equity and include BIPOC stakeholders as full partners in the policy design, implementation, and evaluation.

- **Principle 2 - Name and consider each BIPOC community individually, avoiding terms such as "minority."** Each community has its own history, experiences, and challenges. It is essential to recognize that there are different reasons behind the outcomes that different communities experience.

- **Principle 3 - Analyze the specific outcomes for each racial and ethnic group.** Separately consider disparities by race and ethnicity, the reasons for the disparities experienced by each, disaggregated data on the populations policy options would serve, and the anticipated impact of policies per group.

- **Principle 4 - Set up policies and programs that are responsive in a way that is proportionate to the disparate impacts.** Most policies and programs treat all communities the same, regardless of the different starting points or barriers faced by specific racial and ethnic communities. Instead, responses should be community- and circumstance-driven and provide targeted support based on specific needs.

- **Principle 5 - Create a robust implementation and monitoring plan that is reflective of and accountable to BIPOC staff, institutions, and communities.** Inviting BIPOC experts in from the beginning should help inform implementation and monitoring. Moreover, policy options must be sufficiently resourced for effective implementation, enforcement, and evaluation.

Recommendations for Council Action

OLO finds that structural approaches rooted in historical and cultural understanding that focus on systems, institutions, and the needs and leadership of BIPOC stakeholders offer the greatest promise for reducing racial disparities in the Pipeline. Based on this finding, OLO offers four recommendations for Council action:

1. **Co-Develop Action Plan to Eliminate Racial Disparities in School Discipline with BIPOC Stakeholders.** Encourage MCPS to engage in a collaborative process with community partners led by BIPOC stakeholders to co-develop a systemwide action plan aimed at reducing the over-representation of Black children in school discipline and school arrests.

2. **Use OLO Report to Develop Action Plan.** Encourage MCPS and community stakeholders to use this OLO report to help co-develop, implement, and evaluate the action plan inclusive of policy options with the power to diminish racial disparities in the School to Prison Pipeline.

3. **Share Action Plan with County Council and Public.** Encourage MCPS to partner with community stakeholders to share action plan with the public at large and provide regular updates to the County Council and community on its progress.

4. **Allocate Sufficient Resources to Implement Action Plan.** Encourage the Board of Education to allocate sufficient resources to support the development, implementation, and evaluation of the systemwide action plan for reducing the over-representation of Black children in school discipline.

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Office of Legislative Oversight Report 2023-6

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Chapter 1:   Introduction

The mission of the Office of Legislative Oversight (OLO) is to provide accurate information, analysis, and independent findings and recommendations that help the County Council fulfill its legislative oversight function. In 2016, OLO authored a project report describing the School to Prison Pipeline in Montgomery County.[1] In 2020, the Council tasked OLO to update the data points included in the original report to discern whether the School to Prison Pipeline and racial disparity within it had diminished. With the pandemic limiting in school operations, OLO launched this update in 2022 and completed it in 2023.

The School to Prison Pipeline refers to the relationship between systems of school discipline and juvenile justice where students suspended from schools are more likely to be involved in the juvenile and adult justice systems and experience the adverse personal, educational, and economic consequences associated with justice system involvement.[2] The School to Prison Pipeline is a manifestation of racial inequity as Black children, especially Black students with disabilities, are disproportionately over-represented among students removed from schools and involved in the juvenile justice and adult criminal justice systems.

Based on review of the research literature, an analysis of available data, and interviews with key stakeholders, OLO found evidence of a School to Prison Pipeline in Montgomery County in 2016, characterized by the over-representation of Black students, students with disabilities, and boys among children suspended from schools, arrested, referred to the Department of Juvenile Services (DJS), and incarcerated. OLO also found the incidence of Black over-representation was higher for incarcerated youth than for suspended children, suggesting that racial disparities increased along the Pipeline. Conversely, youth diversion programs aimed at reducing the Pipeline over-enrolled White students compared to their share of suspended and DJS-involved youth.

OLO offered four recommendations for local action in the 2016 report:

- Task citizen's groups to regularly provide feedback on the Montgomery County Public Schools (MCPS) Code of Conduct for students and the School Resource Officer (SRO) Program with the Montgomery County Police Department (MCPD).

- Improve data available to agency leaders and community stakeholders to evaluate efforts and target program improvements.

- Expand juvenile justice diversion options for misdemeanor offenders to enhance the participation of low-income youth and Black youth in diversion programs.

- Task the Collaboration Council's Disproportionate Minority Contact (DMC) Committee to provide additional recommendations to the County Council for action.

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[1] Elaine Bonner-Tompkins, Leslie Rubin and Kristen Latham, The School to Prison Pipeline in Montgomery County, Office of Legislative Oversight Report 2016-6, https://www.montgomerycountymd.gov/OLO/Resources/Files/2016%20Reports/School%20to%20Prison%20Pipeline%20 with%20CAO%20Response%2020166.pdf

[2] As noted by Meredith Bouchein, the School to Prison Pipeline "is not a necessarily a direct channel from school to prison, but rather a chain reaction of consequential, biased disciplinary punishments that increase the likelihood of a student entering the criminal justice system." School-to-Prison Pipeline, A Comparison in Discipline Policy Between Maryland and Texas Public Schools, College of Education, University of Maryland, August 2015

As a follow up to the 2016 report, OLO partnered with the Collaboration Council's DMC Committee to better understand the drivers of the School to Prison Pipeline. We hypothesized that children at the intersection of the three identities with the highest risk for entering the Pipeline – Black boys with disabilities – were especially over-represented in the Pipeline and thus recommended that MCPS and other youth serving agencies undertake a study to identify the specific experiences of Black boys with disabilities in the Pipeline. This recommendation, however, was not undertaken, nor were the report's recommendations to create a regular citizen's review of the Code of Conduct and SRO program, a data report describing current efforts and performance, and diversion programs for simple assault.

In addition to updating data on metrics included in the 2016 report, this current report describes the systemic drivers of racial inequities in the School to Prison Pipeline and a racially equitable process for developing policy options with the power to reduce racial inequities in the Pipeline. This report also focuses on MCPS and to a lesser extent MCPD as the main institutional drivers of the School to Prison Pipeline in Montgomery County and does not revisit the roles of other agencies in the Pipeline as described in the original report, such as the State's Attorney's Office or Department of Juvenile Services.

Four key findings emerge from the information reviewed for this 2023 report:

- Between 2015 and 2020, the magnitude of the School to Prison Pipeline remained the same for school discipline and among the number of juveniles arrested but declined among diversion and juvenile justice measures. Yet racial disparities in the School to Prison Pipeline remained the same with Black youth remaining twice as likely to be suspended from school or referred to DJS.

- While disability and male gender are considered risk-factors for entering the School to Prison Pipeline, only Black and multiracial students with disabilities and Black boys are over-represented in school removals among students with disabilities and boys in the County.

- Research suggests racial inequities driven by individual and institutional racism drive racial disparities in the School to Prison Pipeline. This includes the historical legacies of racial inequity in public schooling and policing and contemporary inequities in school discipline, educational opportunity, and stakeholder power by race and ethnicity.

- Promising practices for reducing the School to Prison Pipeline rarely diminish racial disparities because they ignore racial inequities. Structural approaches rooted in historical and cultural understanding that focus on systems, institutions, and the needs and leadership of Black, Indigenous, and Other People of Color (BIPOC) stakeholders, offer the greatest promise for reducing racial disparities in the Pipeline.

Based on these findings, OLO offers four recommendations for Council action:

- Through the Board of Education, encourage MCPS to engage in a collaborative process with community partners led by BIPOC stakeholders to co-develop, implement, and evaluate a systemwide plan aimed at reducing the severe over-representation of Black children in school discipline and school arrests.

- Encourage MCPS and community stakeholders to use this report and other resources to help co-develop, implement, and evaluate policy options with the power to diminish racial disparities in the School to Prison Pipeline, especially for Black children with and without disabilities.

- Encourage MCPS to partner with community stakeholders to share a systemwide plan with the public at large for reducing the over-representation of Black children in school discipline and to provide regular updates to the County Council and community on its progress.

- Encourage the Board of Education to allocate sufficient resources to support the development, implementation, and evaluation of the systemwide plan for reducing the over-representation of Black children in school discipline.

Of note, this report's findings align and complement MCPS' Antiracist Audit[3] and Antiracist System Action Plan.[4] Together, these reports demonstrate the differential experience of BIPOC students within MCPS and recommend a focus on racial equity. Yet these reports differ in their focus and recommendations: Whereas MCPS' staff-developed plan focuses on amending current systems and processes to advance racial equity across several dimensions, this report recommends that MCPS launch a new process inclusive of community-based BIPOC stakeholders to co-develop and implement an action plan aimed at reducing the over-representation of Black students in school suspensions and arrests.

In short, whereas the MCPS antiracist action plan seeks to address some gaps in school discipline and opportunity that place Black and Latinx children at greater risk for school failure, OLO proposes that MCPS partner with BIPOC stakeholders to co-develop and implement policies with the power to reduce racial inequities in school discipline, opportunity, and power. To this end, OLO proposes that MCPS and BIPOC stakeholders review information on School to Prison Pipeline metrics, drivers of racial inequity, and best practices for developing policies with the power to eliminate racial inequities to help inform the co-development of an action plan for reducing racial disparities in school discipline and arrests.

The remainder of this report is presented in four chapters:

- **Chapter 2: School to Prison Pipeline Institutions and Data** describes the key local institutions impacting the School to Prison Pipeline, data findings from the 2016 report, and current data.

- **Chapter 3: Drivers of Racial Inequity in the School to Prison Pipeline** examines the factors that foster racial inequities in the School to Prison Pipeline.

- **Chapter 4: Best Practices for Eliminating Racial Inequity in the Prison Pipeline** compares standard approaches for shrinking the School to Prison Pipeline to structural approaches aimed at reducing racial disparities within the Pipeline.

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[3] Mid-Atlantic Equity Consortium, Inc, MCPS Antiracist System Audit, 2022
https://drive.google.com/file/d/1AgWPzoKwZAZx6bleDBRiukArt9IBewNd/view
[4] Montgomery County Public Schools, Antiracist System Action Plan, 2023
https://www2.montgomeryschoolsmd.org/siteassets/district/antiracist/action-plan-final.pdf

- **Chapter 5: Findings and Recommendations** summarizes this report's key findings and offers four recommendations for Council action with MCPS.

Acknowledgments

Chapter 2:   School to Prison Pipeline Institutions and Data

The School to Prison Pipeline refers to the higher risk of students removed from school for disciplinary reasons to later be involved in the juvenile justice and criminal justice systems. Interactions among institutions can foster a pathway to prison among some students who have been suspended.   The consensus among stakeholders interviewed for the 2016 OLO report is that a School to Prison Pipeline exists locally, where some students experiencing difficulties in MCPS are suspended, often multiple times, and transferred to alternative schools, non-public programs, and/or expelled, increasing students' risk of dropping out, arrest, and involvement in the juvenile and criminal justice systems.

This chapter is presented in five parts to describe the local institutions associated with the School to Prison Pipeline and to provide an update on data trends since the 2016 OLO report:

- **Part 1, Agencies in the School to Prison Pipeline**, provides a brief description of the governmental institutions that shape the School to Prison Pipeline locally.

- **Part 2, 2016 Data Findings,** summarizes the 2016 report's key findings on the size and dimensions of the School to Prison Pipeline in the County.

- **Part 3, Updated Data Findings,** describes local data trends since the initial report, demonstrating mixed progress in shrinking the School to Prison Pipeline since then but the persistence of disparities in the Pipeline by race and ethnicity.

- **Part 4, Office of Civil Rights Data,** describes school discipline data within MCPS by student race, ethnicity, gender, and disability status to highlight the heightened risk that Black children with disabilities, especially boys, have of entering the Prison Pipeline.

- **Part 5, State and National Data,** describes how local trends in the School to Prison Pipeline mirror state and national trends regarding disproportionality by race, ethnicity, gender, and disability.

Four findings emerge from the information and data reviewed in this chapter.

- Between 2015 and the start of the pandemic, the magnitude of the School to Prison Pipeline remained essentially the same on most measures. However, the number of youth referred to diversion programs and the Department of Juvenile Services declined significantly.

- Racial disparities across the School to Prison Pipeline have also essentially remained the same. Black students remained twice as likely to be suspended or referred to DJS compared to Latinx students who were proportionately suspended and referred to DJS and White and Asian students who were under-represented on both measures relative to their shares of enrollment. Yet, White students remained over-represented among diversion program participants.

- Black students are over-represented in school discipline among boys and girls, and among students with and without disabilities. They are the only student subgroup that are at least twice as likely as their share of student enrollment to be removed from school, arrested in school, and referred to law enforcement. Among students with disabilities, multiracial students are also over-represented among students suspended from school.

- Recent data suggests that racial disparities in the School to Prison Pipeline have persisted post pandemic. First semester data for the 2022-23 school year shows that Black students were twice as likely to be suspended while Latinx students were proportionately suspended, and White and Asian students were less than half as likely to be suspended.

1. Agencies in the School to Prison Pipeline

As noted in the 2016 report, interactions among several local agencies can place children who have been removed from schools on a pathway to criminal justice involvement.[5] Chart 2.1 describes these agencies; for more information about each agency, see Chapters 4 and 6 of the original report.

Chart 2.1: School to Prison Pipeline Agencies

Agencies	Determinants and Actions	Stakeholder Roles
Montgomery County Public Schools (MCPS)	- School Climate - Code of Conduct - Suspensions and Expulsions - Referrals to Alternative Programs - Non-Public School Placements - Referrals to DJS	- Teachers - School Security - Counselors - Social Workers - Principals - Pupil Personnel Workers
Montgomery County Police Department (MCPD)	- Police Officers in Schools - Juvenile Arrests - Referrals to DJS - Referrals to Diversion Programs	- Community Engagement Officers (formerly known as School Resource Officers) - Family Crimes Division
Department of Health and Human Services (DHHS)	- Juvenile Justice Diversion - Screening and Assessment Services for Children and Adolescents (SASCA) - Referrals to DJS	SASCA Staff
State's Attorney's Office (SAO)	- Juvenile Justice Diversion (Teen Court) - Prosecute children with juvenile charges - Referrals to DJS	- Teen Court Personnel - Prosecutors
Maryland Department of Juvenile Services (DJS)	- Intakes - Services for children under informal supervision - Services, supervision, and placements for adjudicated youth	Case Workers and Supervisors
Montgomery County Circuit Court	Hears all cases involving juveniles not charged as adults	- Judges - Court Personnel

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[5] Bonner-Tompkins, Rubin, and Latham

Overall, School to Prison Pipeline interactions typically begin in MCPS with a suspension or expulsion before progressing to MCPD. MCPD then determines whether an arrest or referral to DJS is warranted or instead a referral to one of the County's two diversion programs if potential charges are eligible misdemeanors. Should MCPD seek charges, the SAO prosecutes the charges with a trial in the Circuit Court that hears all cases involving juveniles. If a child is found guilty in Juvenile Court, they are committed to DJS which provides services, supervision, and placements for adjudicated youth.

2.   2016 Data Findings[6]

Size of the School to Prison Pipeline. OLO Report 2016-6 found that the size of the School to Prison Pipeline in Montgomery County had declined between 2011 and 2015 as reflected by school removals, arrests, and Department of Juvenile Services intakes. More specifically, as described in Table 2.1:

- MCPS' out of school removals declined by half, from 2.6 percent of students (3,674 students) in 2011 to 1.2 percent of students (1,804 students) in 2015
- Juvenile arrests declined by 61 percent from 4,517 in 2011 to 1,776 in 2015
- DJS intakes declined by 18 percent from 2,817 in 2012 to 2,303 in 2015
- Juvenile delinquency cases declined by 45 percent from 4,245 in 2011 to 2,354 in 2014
- Substance abuse screenings for youth declined by 22 percent from 761 in 2011 to 591 in 2015
- Referrals to Teen Court declined by 14 percent from 387 in 2012 to 331 in 2014

Table 2.1: Summary of Data Trends for School to Prison Pipeline Contact Points, 2011 - 2015

			% Change
MCPS Data Points (School Years)	**2011**	**2015**	
- School Removal Incidents	4,900	2,447	-50%
- Unduplicated Count of Students Removed	3,674	1,804	-51%
- Percentage of Students Removed from School	2.6	1.2	-54%
Juvenile Arrest Data Points (Fiscal Years)	**2012**	**2015**	
- Number of Arrests	4,517	1,776	-61%
- Number of Arrests per 10,000 Youth	485.1	195.6	-60%
DJS Data Points (Fiscal Years)	**2011**	**2015**	
- Total Intakes	2,817	2,303	-18%
- Total Charges	4,369	3,672	-16%
Circuit Court Data Points (Fiscal Years)	**2011**	**2014**	
- Delinquency Cases	4,245	2,354	-45%
DHHS Data Points (Fiscal Years)	**2011**	**2015**	
- Youth Screened by SASCA	761	591	-22%
SAO Data Points (Fiscal Years)	**2012**	**2014**	
- Referrals to Teen Court	387	331	-14%

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[6] Section information and data excerpted from OLO Report 2016-6 (Bonner-Tompkins, Rubin, and Latham)

Key Features of the School to Prison Pipeline. Data showed that 90 percent of out of school removals and arrests within MCPS were for *minor non-weapons offenses* that include minor assaults, disrespect, and drug offenses. Similarly, three in four cases referred to DJS were for misdemeanors and status offenses. Out of school removals were also *concentrated among a subset secondary school (middle and high schools)* and arrests among a subset of MCPS high schools. For example, in 2015:

- 8 of 38 middle schools accounted for nearly a half of middle school removals;
- 10 of 25 high schools accounted for 64 percent of high school removals; and
- 6 of 25 high schools accounted for 60 percent of high school arrests.[7]

Demographics of the School to Prison Pipeline. Like national trends, local data compiled in the 2016 OLO report showed that the School to Prison Pipeline disproportionately impacted Black students, boys, and students receiving special education services where:

- Black students accounted for a fifth of MCPS students in 2015 but half of school removals.
- Boys comprised half of MCPS students in 2015 but accounted for three in four school removals and DJS intakes in 2014 and 2015 respectively.
- Students with disabilities accounted for one in ten MCPS students in 2015 but accounted for three in ten school removals.

Yet, as referenced in Table 2.2, while Black students accounted for most school removals, DJS intakes, probations, and new commitments, they accounted for only a quarter to a third of the youth referred to juvenile diversion programs aimed at reducing the School to Prison Pipeline.

Table 2.2: School to Prison Pipeline Contact Points by Race and Ethnicity, 2014 - 2015

	Black	Latinx	White	Asian
MCPS Data Points, 2015				
- School Enrollment	21%	28%	31%	14%
- Students Removed, Unduplicated Count	50%	32%	12%	2%
DJS Data Points, 2014				
- Intakes	52%	22%	19%	
- Probations	58%	29%	13%	
- Commitments	69%	23%	6%	
DHHS Data Point, 2015				
- Youth Screened by SASCA	23%	27%	56%	5%
SAO Data Point, 2014				
- Referrals to Teen Court	33%	21%	43%	3%

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[7] See Tables 3.15 and 3.18 from OLO Report 2016-6. Moreover, MCPS staff indicate that for first semester of 2022-23 school year, 18 secondary schools (9 middle and 9 high schools) account for 70 percent of out of school suspensions and expulsions (Board of Education Strategic Planning Committee, February 21, 2023)

3.   Updated Data Findings

Size of the School to Prison Pipeline. Whereas the 2016 OLO report found that the size of the School to Prison Pipeline diminished across every dimension, a review of updated data offers mixed results as described in Table 2.3. Generally, for school-based measures, the magnitude of the Pipeline remained the same, but for juvenile arrests, juvenile justice system referrals, diversion programs, and delinquency cases, the overall magnitude of the Pipeline declined.

Table 2.3: Summary of Data Trends for School to Prison Pipeline Contact Points, 2014 – 2020

MCPS Data Points (School Years)	**2015**	**2020**	**% Change**
- School Enrollment	153,994	165,163	7%
- School Removal Incidents	2,447	2,561	5%
- Students Removed, Unduplicated Count	1,804	2,007	11%
- Percentage of Students Removed from School	1.20	1.21	1%
Juvenile Arrest Data Points (Fiscal Years)	**2015**	**2019**	
- Number of Arrests	1,776	1,761	-1%
- Number of Arrests per 10,000 Youth	195.6	159.6	-18%
DJS Data Points (Fiscal Years)	**2015**	**2020**	
- Total Intakes	2,303	1,360	-41%
- Total Charges	3,672	2,349	-36%
Circuit Court Data Points (Fiscal Years)	**2014**	**2020**	
- Delinquency Cases	2,354	1,946	-17%
DHHS Data Points (Fiscal Years)	**2015**	**2020**	
- Youth Screened by SASCA	591	185	-69%
SAO Data Points (Fiscal Years)	**2014**	**2019**	
- Referrals to Teen Court	331	171	-56%

Sources: OLO Report 2016-6, Department of Juvenile Services, Maryland Judicial Annual Statistical Abstract, Maryland State Department of Education, and unpublished data from Montgomery County Department of Health and Human Services and State's Attorney's Office.

More specifically, on measures of juvenile arrests and school removal incidents, the size of the School to Prison Pipeline remained unchanged where:

- Compared to a 7 percent increase in enrollment from 2015 to 2020, the number of school removal incidents increased by 5 percent from 2,447 to 2,561 incidents.
- The number of juvenile arrests between 2015 and 2019 diminished by one percent, from 1,776 to 1,761 arrests.

On measures reflecting the unduplicated number of students removed from school, however, the School to Prison Pipeline increased by 11 percent, from 1,804 students in 2015 to 2,007 students in 2020. Finally, across measures of Department of Juvenile Service involvement, juvenile delinquency cases, and teen diversion enrollment, the size of the School to Prison Pipeline has diminished where:

- DJS intakes declined by 41 percent from 2,303 in 2015 to 1,360 in 2020.
- Juvenile delinquency cases adjudicated by the Circuit Court decreased by 17 percent from 2,354 cases in 2014 to 1,946 cases in 2020.

- Referrals to Teen Court declined by 48 percent from 331 in 2014 to 171 in 2019.
- Substance abuse screenings for youth declined by 69 percent from 591 in 2015 to 185 in 2020.

Updated Suspension Data. In February 2023, MCPS staff provided an update on school removals to the Board of Education's Strategic Planning Committee.[8] They noted:

- During the 2021-22 school year, there were 2,392 school removal incidents compared to none during the 2020-21 school year when students attended school virtually.
- Between the 2017-18 and 2019-20 school years, the number of school removals diminished by 27 percent from 3,697 to 2,699.
- For the first semester of the current school year (2022-23), there have been 1,411 school removals.

OLO observes that if school removals for the remainder of this school year keep pace with school removals from the first semester, MCPS will experience an overall increase in school removals for this school year compared to last year.

Demographics of the School to Prison Pipeline. While there has been mixed progress in reducing the School to Prison Pipeline since 2015, disparities by race and ethnicity persist. As described in Table 2.4:

- Black students were twice as likely as their share of MCPS students to be removed from school and more than twice as likely to be involved with DJS or arrested. Yet, relative to DJS intakes and school removals, Black students were under-represented among diversion programs.

- Latinx students were proportionately represented among students removed from school and slightly over-represented among school arrests. Latinx students were also proportionately represented among DJS intakes and probations and in DHHS' teen diversion program. Yet, Latinx youth were only about half as likely to participate in Teen Court compared to their share of DJS intakes.

- White and Asian students were less than half as likely as their shares of MCPS enrollment to be removed from or arrested at school. Conversely, White youth continued to be over-represented in the County's diversion programs while the share of Asian youth in the County's diversion programs matched their shares of Asian youth removed and arrested at school.

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[8] Ibid

Table 2.4: School to Prison Pipeline Contact Points by Race and Ethnicity, 2019 - 2020

	Black	Latinx	White	Asian
MCPS Data Points, 2020				
- **School Enrollment**	**21%**	**33%**	**27%**	**14%**
- Students Removed, Unduplicated Count	44%	36%	11%	4%
School Arrests, 2020				
- Number of Arrests	48%	39%	6%	4%
DJS Data Points, 2020				
- Intakes	52%	32%	16%	
- Probations	57%	33%	6%	
- Commitments	61%	10%	28%	
DHHS Data Point, 2020				
- Youth Screened by SASCA	25%	35%	42%	4%
SAO Data Point, 2019				
- Referrals to Teen Court	37%	18%	39%	5%

Sources: Montgomery County Public Schools' Schools at a Glance, Maryland Public School Arrest Data, Department of Juvenile Services, Montgomery County Department of Health and Human Services and State's Attorney's Office

An analysis of data also suggests that changes in demographics of the School to Prison Pipeline generally matched changes to the demographics of all students over time. For example, between 2015 and 2020:

- The share of White students among MCPS enrollment diminished by four-percentage points as did the share of White students among DJS intakes and Teen Court enrollment. However, the share of White youth referred to SASCA diminished by 14-percentage points compared to a one percent point decline in school removals.

- The share of Black students among MCPS enrollment remained unchanged as did the share of Black students among DJS intakes. The over-representation of Black students removed from schools however diminished slightly as did the under-representation of Black youth in diversion programs. More specifically, Black over-representation among school removals diminished by six-percentage points and Black under-representation in diversion programs diminished by two-percentage points for SASCA and by four-percentage points for Teen Court.

- The share of Latinx students among MCPS enrollment increased by five-percentage points compared to a four-percentage point increase in school removals. Latinx students share of SASCA participants and DJS intakes increased by eight-percentage points and by ten-percentage points, respectively. Yet, the Latinx share of Teen Court participants decreased by three-percentage points.

- The share of Asian students among MCPS students remained unchanged as did their relative shares among students removed from MCPS and participating in SASCA or Teen Court, which changed by two-percentage points or less during similar time frames.

2023 Data on Suspensions. MCPS recently provided an update to the Board of Education (BOE) on suspension data by race and ethnicity.[9] The data describes total suspensions and discretionary ones, defined as suspensions for disruption and disrespect, for the first semester of the 2022-23 school year.

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[9] Strategic Planning Committee Meeting of Montgomery County Board of Education, February 23, 2023

During the BOE Strategic Planning Committee Meeting, MCPS staff acknowledged that last year's changes to the school system's Code of Conduct now prohibit out of school suspensions for incidents of disruption or disrespect. As such, the 282 discretionary suspensions rendered during the first semester of the 2022-23 school year violated MCPS policy. MCPS staff reports that schools that violated this policy will be counseled.

Overall, MCPS staff reported that Black and Latinx students accounted for 80 percent of suspensions and were thus over-represented among school removals. Yet, understanding disproportionality requires comparing suspensions to student enrollment by race and ethnicity. Table 2.5 describes this data to illustrate the magnitude of current racial disparities in suspensions. Several observations emerge:

- Grouping suspension data for Black and Latinx students together obfuscates the level of disproportionality experienced by each subgroup. While MCPS staff contend that Black and Latinx students are over-represented in school suspensions, that is not accurate.

- Compared to their enrollment, Black students were twice as likely to be suspended, comprising 44 percent of suspensions compared to 22 percent of enrollment. Latinx students, however, were suspended in proportion to their enrollment, accounting for 37 percent of suspensions and 33 percent of enrollment.

- Both Asian and White students were less than half as likely as their shares of enrollment to be suspended. Asian students comprised 4 percent of suspensions compared to 14 percent of enrollment; White students comprised 10 percent of total suspensions compared to 25 percent of enrollment.

- Multiple race and Indigenous students accounted for too small a share of enrollment to discern the existence or the magnitude of disproportionality in their suspensions.

OLO observes that 20 percent of MCPS suspensions during the first semester of the 2022-23 school year violated school system policy by removing students for discretionary offenses that did not merit suspension. Had individual campuses followed MCPS policy, the school system would be on track to experience an overall decline in school removals compared to last year.

Table 2.5: First Semester School Removals by Race and Ethnicity, 2022-23

	MCPS Enrollment (2021-22)	Total Suspensions	Discretionary Suspensions
Total	**158,186**	**1,411**	**282**
Distribution by Race and Ethnicity			
Black	21.9%	43.7%	46.8%
Latinx	33.4%	37.0%	33.0%
Asian	14.1%	3.9%	1.4%
White	25.3%	9.7%	12.4%
Multiple Races	<5.0%	6.2%	6.4%
Indigenous	<5.0%	0.0%	0.0%

Sources: MCPS Schools at a Glance and Strategic Planning Committee of Board of Education, February 23, 2023

4.   Office of Civil Rights Data

Disability Demographics. The prior OLO report and other research have identified disability as a risk factor for entering the School to Prison Pipeline. Biannually, MCPS submits data to the U.S. Department of Education's Office of Civil Rights (OCR) describing the demographics of students eligible for special education and related services by gender, race, and ethnicity. Table 2.6 describes data on disability classification rates by gender, race, and ethnicity for MCPS from 2011 to 2018.

Table 2.6: Disability Classification Rates by Race, Ethnicity, and Gender, 2011 – 2018

Student Subgroups	Average 2011-2018	2011-12	2013-14	2015-16	2017-18	% Change 2011-2018
Disability Classification Rate for Boys (%)						
- Black	**17.4**	17.1	17.0	17.4	18.1	5.8
- Latinx	**16.9**	16.8	16.5	17.0	17.1	1.8
- Asian	**7.3**	6.7	6.6	7.6	8.3	23.9
- White	**13.6**	13.5	13.3	13.7	13.9	3.0
- Multiracial	**9.6**	8.3	9.2	8.5	12.5	50.6
- Indigenous					15.1	
Disability Classification Rate for Girls (%)						
- Black	**8.5**	8.4	8.4	8.3	8.8	4.8
- Latinx	**8.2**	8.1	8.0	8.1	8.5	4.9
- Asian	**2.7**	2.5	2.3	2.4	3.5	40.0
- White	**6.4**	6.0	6.1	6.5	6.8	13.3
- Multiracial	**3.3**	2.8	2.1	3.1	5.3	89.2
- Indigenous					7.7	

Sources: OLO Calculations of U.S. Department of Education Civil Rights Data for MCPS

A review of the data shows that, on average, boys are classified as disabled at least at twice the rate of girls and that Black and Latinx students have the highest classification rates within each gender subgroup. On average:

- 17 percent of Black and Latino boys were classified as having a disability compared to 14 percent of White boys, 10 percent of multiracial boys, and seven percent of Asian boys.

- Eight to nine percent of Black and Latina girls were classified as having a disability compared to six percent of White girls, and three percent of Asian and multiracial girls.

A review of data trends further shows that disability classification rates increased for every student subgroup by race, ethnicity, and gender, between the 2011-12 and 2017-18 school years.

Out of School Suspensions. MCPS also submits data to OCR describing the rate of out of school suspensions among students by gender, race, ethnicity, and disability status. On the next page, Table 2.7 describes data compiled by OCR on annual suspensions rates among boys from 2011 to 2018 and Table 2.8 describes comparable data for girls. Several findings emerge from the data reviewed:

- Especially among boys and students with disabilities, Black students had the highest suspension rates. Across gender and disability categories, Black students were suspended at twice the rate of Latinx peers and at three to seven times the rate of Asian and White peers. Suspension rates for multiracial students with disabilities were almost as a high as rates for their Black peers.

- Suspension rates declined for every student subgroup between 2011 and 2018, diminishing by a third to 79 percent. Yet Black boys continued to have the highest suspension rates during this time frame. Black girls were also suspended disproportionately such that Black girls, with and without disabilities, often experienced higher suspension rates than White and Asian boy peers.

- Among boys without disabilities, on average 4.8 percent of Black boys were suspended versus 2.6 percent of Latino boys, 2.4 percent of multiracial boys, 1.3 percent of Indigenous boys, 1.0 percent of White boys, and 0.8 percent of Asian boys. Among boys with disabilities, 11.0 percent of Black boys and 9.9 percent of multiracial boys were suspended compared to 4.7 percent of Latino boys, 3.8 percent of White boys, and 3.0 percent of Asian boys.

- Among girls without disabilities, on average 2.3 percent of Black girls were suspended compared to 1.4 percent of Indigenous girls, 1.1 percent of multiracial girls, 0.9 percent of Latina girls, and 0.3 percent of Asian girls and White girls. Among girls with disabilities, 6.5 percent of Black girls and 6.3 percent of multiracial girls were suspended compared to 3.3 percent of Latina girls, 1.5 percent of White girls, and 1.4 percent of Asian girls.

Table 2.7: Suspension Rates for Boys by Race, Ethnicity, and Disability Status, 2011 – 2018

Student Subgroups	Average 2011-2018	2011-12	2013-14	2015-16	2017-18	% Change 2011-2018
Suspension Rate for Boys without Disabilities (%)						
- Black	**4.8**	6.3	5.0	3.7	4.0	-36.5
- Latinx	**2.6**	3.3	2.7	2.2	2.2	-33.3
- Asian	**0.8**	1.1	0.8	0.5	0.6	-45.5
- White	**1.0**	1.7	0.9	0.7	0.8	-52.9
- Multiracial	**2.4**	3.5	2.5	2.2	1.4	-60.0
- Indigenous	**1.3**	-	2.2	1.0	0.8	
Suspension Rate for Boys with Disabilities (%)						
- Black	**11.0**	15.9	12.1	8.9	7.2	-54.7
- Latinx	**4.7**	7.1	4.7	3.7	3.4	-52.1
- Asian	**3.0**	5.5	3.0	3.0	0.7	-87.3
- White	**3.8**	6.1	4.0	2.9	2.2	-63.9
- Multiracial	**9.9**	12.9	9.6	12.2	4.9	-62.0
- Indigenous		-	-	-	-	

Sources: OLO Calculations of U.S. Department of Education Civil Rights Data for MCPS

Table 2.8: Suspension Rates for Girls by Race, Ethnicity, and Disability Status, 2011 – 2018

Student Subgroups	Average 2011-2018	2011-12	2013-14	2015-16	2017-18	% Change 2011-2018
Suspension Rate for Girls without Disabilities (%)						
- Black	**2.3**	3.5	2.0	1.6	1.9	-45.7
- Latinx	**0.9**	1.4	1.0	0.9	0.4	-71.4
- Asian	**0.3**	0.4	0.2	0.2	0.2	-50.0
- White	**0.3**	0.4	0.3	0.2	0.2	-50.0
- Multiracial	**1.1**	1.9	1.1	1.1	0.4	-78.9
- Indigenous	**1.4**		2.0	-	0.8	
Suspension Rate for Girls with Disabilities (%)						
- Black	**6.5**	7.1	8.4	6.2	4.2	-40.8
- Latinx	**3.3**	4.9	3.9	2.9	1.6	-67.3
- Asian	**1.4**	3.2	0.8	0.8	0.8	-75.0
- White	**1.5**	2.8	1.0	1.1	1.0	-64.3
- Multiracial	**6.3**	9.1	8.6	3.5	4.0	-56.0
- Indigenous		-	-	-	9.1	

Sources: OLO Calculations of U.S. Department of Education Civil Rights Data for MCPS

Higher suspension rates among students with disabilities begs the question of whether MCPS complies with federal law that prohibits suspending students with disabilities for behaviors that directly result from their disabilities.[10] Rather than suspending students for behaviors that manifest from disabilities, federal law requires schools to provide behavioral assessments and improvement plans for students whose behaviors result from disabilities to ensure they receive the supports and services that they need. OLO also observes that Black students in MCPS are at highest risk for entering the School to Prison Pipeline as they have the highest disability classification rate by gender (as described in Table 2.6) and the highest suspension rates among boys and girls both with and without disabilities.

Other School Discipline Measures. MCPS also submits data to OCR describing trends in other school discipline measures beyond out of school suspensions by disability status, race, and ethnicity. Table 2.9 on the next page describes the number of MCPS disciplinary actions by disability status from 2011 to 2018 and Table 2.10 on the following page describes the distribution of disciplinary actions by race, ethnicity, and disability status for the 2017-18 school year.

Two sets of key findings emerge from the data reviewed.

- Generally, the number of disciplinary actions diminished for both students with and without disabilities between 2011-12 and 2017-18 despite increased enrollment for both groups. The largest declines occurred for multiple suspensions and expulsions.

- Yet, among students with and without disabilities, Black students remained significantly over-represented in disciplinary actions in 2017-18. Compared to accounting for 21 percent of all students without disabilities in MCPS, they accounted for:

  - 44 percent of singular out of school suspensions and referrals to law enforcement
  - 47 percent of expulsions
  - 58 percent of multiple out of school suspensions
  - 63 percent of school-related arrests

  Compared to accounting for 26 percent of all students with disabilities, they accounted for:

  - 47 percent of singular out of school suspensions
  - 52 percent of referrals to law enforcement
  - 53 percent of multiple out of school suspensions
  - 64 percent of school-related arrests
  - 100 percent of expulsions

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[10] See page 72 of U.S. Commission on Civil Rights, Beyond Suspensions: Examining School Discipline Policies and Connections to the School-to-Prison Pipeline for Students of Color with Disabilities, July 2019

Table 2.9: Number of Disciplinary Actions by Enrollment Type, 2011 – 2018

	2011-12	2013-14	2015-16	2017-18	% Change 2011 - 2018
Non-Special Education Enrollment	**132,021**	**137,533**	**140,252**	**143,883**	**9.0**
Disciplinary Actions for Students without Disabilities					
In School Suspensions	418	298	278	269	-35.6
One Out of School Suspension (OSS)	2,337	1,698	1,365	1,586	-32.1
Multiple OSSs	574	394	368	329	-42.7
Law Enforcement Referrals	596	445	548	617	3.5
School-Related Arrests	163	203	72	118	-27.6
Expulsions	34	12	15	19	-44.1
Special Education Enrollment	**15,011**	**15,480**	**16,567**	**18,138**	**20.8**
Disciplinary Actions for Students with Disabilities					
In School Suspensions	149	116	115	105	-29.5
One Out of School Suspension (OSS)	831	615	514	438	-47.3
Multiple OSSs	384	284	224	175	-54.4
Law Enforcement Referrals	243	668	262	216	-11.1
School-Related Arrests	82	287	79	47	-42.7
Expulsions	34	4	0	4	-88.2

Source: OLO Calculations of U.S. Department of Education Civil Rights Data for MCPS

Table 2.10: Distribution of Disciplinary Actions by Race, Ethnicity, and Enrollment Type, 2017 – 18

	Black	Latinx	Asian	White	Two+*	Indigenous
Percentages of Enrollment						
Total Enrollment	**21.4**	**30.8**	**14.4**	**28.3**	**4.8**	**0.2**
Non-Special Education Enrollment	**20.9**	**30.2**	**15.2**	**28.6**	**5.0**	**0.2**
Percentages of Disciplinary Actions for Students without Disabilities						
In School Suspensions	39.4	33.5	7.0	15.2	4.8	
One Out of School Suspension (OSS)	43.5	37.2	4.7	11.5	3.0	0.1
Multiple OSSs	57.8	27.7	2.7	7.0	4.9	
Law Enforcement Referrals	43.7	31.6	5.7	14.1	4.9	
School-Related Arrests	62.7	23.7	3.4	5.9	4.2	
Expulsions	47.4	26.3	5.2	15.8	5.2	
Percentages of Enrollment						
Special Education Enrollment	**26.0**	**35.7**	**7.7**	**26.5**	**3.9**	**0.2**
Percentages of Disciplinary Actions for Students with Disabilities						
In School Suspensions	48.6	26.7	1.9	20.0	2.9	
One Out of School Suspension (OSS)	47.3	30.6	1.4	16.2	4.3	0.2
Multiple OSSs	52.6	27.5	1.8	9.9	8.2	
Law Enforcement Referrals	52.3	25.9	1.9	13.9	5.6	0.4
School-Related Arrests	63.8	25.5		6.4	4.3	
Expulsions	100.0					

Note: Two+ (Two or more races) same as Multiracial students
Source: OLO Calculations of U.S. Department of Education Civil Rights Data for MCPS

5.   National and State Data

The over-representation of Black students in the School to Prison Pipeline in Montgomery County is consistent with national trends. For example,

- A 2018 review of data from the U.S. Department of Education's Office of Civil Rights (OCR) found that Black boys made up 25 percent of children suspended from school, and Black girls made up another 14 percent despite each group comprising only 8 percent of all students.[11]

- The same review also found that while Black children accounted for 15 percent of all students, they accounted for 31 percent of students arrested or referred to police for school incidents.[12]

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[11] Kimberly Quick, Commentary, K-12, The Century Foundation, May 21, 2018
[12] Ibid

- The U.S. Commission on Civil Rights also found an over-representation of Black girls in the Pipeline noting that "Black girls are suspended and expelled from school at rates that exceed other girls and all other boys, except Black boys."[13]

The over-representation of Black students with disabilities in the School to Prison Pipeline locally is consistent with national trends. For example, the U.S. Commission on Civil Rights found that:[14]

- Black students with disabilities were suspended or expelled at greater rates than their percentage in the population of students with disabilities.

- Black girls with disabilities were four times more likely than White girls with disabilities to experience one or more out of school suspensions.

- Black students with disabilities experience the greatest risk of being suspended multiple times during a school year.

- Black and Indigenous students with disabilities were more likely than White students with disabilities to be expelled without educational services.

- Black students with disabilities constituted 19 percent of all students with disabilities but were over-represented as 50 percent of students with disabilities in correctional facilities.

A 2018 review of discipline data by the Government Accountability Office (GAO) also found that the over-representation of Black children in the School to Prison Pipeline begins with racial disparities in school discipline in public pre-schools.[15] Whereas Black students accounted for 19 percent of public pre-school students in 2013-14, they accounted for 47 percent of students suspended from public pre-schools. Yet, students with disabilities were not disproportionately suspended from public pre-schools.

Overall, at the K-12 level, the GAO analysis found that Black students with disabilities and boys with disabilities were disproportionately disciplined across six actions:

- Out of school suspensions
- In school suspensions
- Referral to law enforcement
- Expulsion
- Corporal punishment
- School-related arrest

GAO concluded that regardless of the level of school poverty, Black students, boys, and students with disabilities were suspended from school at disproportionately higher rates than their peers and that disproportionality was particularly acute for Black students in high-poverty schools, "where they were overrepresented by nearly 25 percentage points in suspensions from school."

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[13] U.S. Commission on Civil Rights, Beyond Suspensions: Examining School Discipline Policies and Connections to the School-to-Prison Pipeline for Students of Color with Disabilities, July 2019

[14] Ibid

[15] Government Accountability Office, K-12 Education: Discipline Disparities for Black Students, Boys, and Students with Disabilities. GAO-18-258, March 2018

Reviews of national level data also demonstrate that students with disabilities are over-represented among students involved in police interactions.[16] Yet, the U.S. Commission on Civil Rights notes that greater risk for entering the Prison Pipeline among youth with disabilities is at direct odds with federal legal protections for students with disabilities. As stated by Dan Losen from the Center for Civil Rights Remedies at UCLA,[17]

> *"These are sobering disparities, given that federal law expressly requires schools to provide a behavioral assessment and behavioral improvement plan for students with disabilities who exhibit behavioral problems to ensure that they receive the supports and services they need. In light of these essential supports and services, and procedural safeguards, one would expect the rates among students with disabilities to be equal to or less than students without disabilities."*

Finally, the diminution of the School to Prison Pipeline locally coupled with the persistence of racial inequity is also consistent with national and state trends. For example:

- A review of 2018 Office of Civil Rights data found that while the number of suspensions has decreased, racial disparities for Black students increased in school suspension rates and in arrests and referrals to police.[18]

- The Maryland Commission on the School to Prison Pipeline and Restorative Practices found that while the use of exclusionary discipline diminished between 2014 and 2018, racial disparities increased with "Black students receiving higher rates of out of school suspension or expulsion than Latino and White students for the same type of infraction."[19]

- The U.S. Commission on Civil Rights found while the overall number of youth committed to juvenile facilities has been declining, youth of color are still disproportionately confined in juvenile facilities – and are more likely to have harsher sentences than their White peers. For instance, Black juveniles represented only 15 percent of the general juvenile population, but about 40 percent of all confined juveniles. By contrast, White juveniles represented 56 percent of the general juvenile population, but only 30 percent of all confined juveniles.[20]

As such, reducing the magnitude of the School to Prison Pipeline, in and of itself, remains an insufficient strategy for reducing racial disproportionality within the Pipeline.

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[16] Quick
[17] Page 72 U.S. Commission on Civil Rights
[18] Quick
[19] Page 3, Maryland Commission on School-to-Prison Pipeline and Restorative Practices: Final Report and Collaborative Action Plan, Report to the Maryland Governor and General Assembly pursuant to House Bill 1287 (2017), December 20, 2018
[20] U.S. Commission on Civil Rights

Chapter 3:   Drivers of Racial Inequity in the School to Prison Pipeline

Data in Chapter 2 demonstrates the magnitude of the School to Prison Pipeline in Montgomery County has diminished over time. Yet, Black children continue to be over-represented within the Pipeline. Moreover, to the extent that boys and students with disabilities are over-represented in the Pipeline, this reflects the over-representation of Black boys and Black and multiracial students with disabilities in the Pipeline rather than the over-representation of male students and students with disabilities overall.

Those concerned about racial disparities often look to drivers other than race and racism to explain them.[21] In this vein, OLO's 2016 report on the School to Prison Pipeline describes several individual, family, and community risk factors associated with behavioral challenges that place children at risk of school suspensions and juvenile justice involvement.[22] The Government Accountability Office (GAO) also reports that school officials cite individual, out of school factors such as trauma and drugs as drivers of behaviors that lead to school suspensions and juvenile justice involvement.[23] Yet, neither differences in student behavior nor poverty explain the over-representation of Black students in the Pipeline.[24]

Rather than reinforce the misperception that differences in student behavior by race or ethnicity explain or foster disparities in the School to Prison Pipeline, this 2023 report describes the drivers of racial inequity (biases in policies, programs, and practices). This chapter is presented in three parts:

- **Part 1, Understanding How Racism Fosters Racial Inequity**, offers a framework for understanding how racism fosters racial biases in policies, programs, and practices that contribute to the School to Prison Pipeline.

- **Part 2, Historical Drivers of Racial Inequity in the School to Prison Pipeline,** describes the history of racial inequity in public education and policing to demonstrate that both systems are deeply rooted in racial segregation and bias.

- **Part 3, Contemporary Drivers of Racial Inequity in the School to Prison Pipeline,** describes current drivers of racial bias in the School to Prison Pipeline that manifest as the discipline gap, the opportunity gap, and the power gap.

Three findings emerge from the information reviewed in this chapter:

- Research demonstrates that individual and institutional racism drive racial disparities in the School to Prison Pipeline. Yet, many policymakers and practitioners remain unaware of the impact of racism on the School to Prison Pipeline because it often manifests unconsciously.

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[21] Elaine Bonner-Tompkins and Victoria Hall, Racial Equity in Government Decision-Making: Lessons from the Field. Office of Legislative Oversight Report 2018-18,
https://www.montgomerycountymd.gov/OLO/Resources/Files/2018%20Reports/OLOReport2018_8.pdf
[22] Bonner-Tompkins, Rubin, and Latham
[23] See Figure 8: Challenges Influencing Student Behavior or Attendance, Reported by Officials from Selected Sites, Government Accountability Office, K-12 Education: Discipline Disparities for Black Students, Boys, and Students with Disabilities. GAO-18-258, March 2018
[24] Russell Skiba, Mariella Arrendondo, and M. Karega Raush, New and Developing Research on Disparities in Discipline, The Equity Project and Indiana University, Center for Evaluation and Education Policy, March 2014

- Understanding the legacy of racial segregation and bias in public schooling and policing is critical to understanding how both systems are rooted in histories of racial inequity aimed at maintaining White dominance over Black, Indigenous, and other People of Color (BIPOC).

- The contemporary drivers of racial inequity in the Pipeline - implicit bias, the criminalization of students, police in schools, the under-resourcing of Black and Latinx schools, and the marginalization of BIPOC stakeholders – continue to prioritize the preferences of predominantly White stakeholders at the expense of Black, Latinx and other stakeholders.

1.   Understanding How Racism Fosters Racial Inequity

As noted in OLO Report 2018-18, those concerned about racial disparities often look to drivers other than race as the underlying culprit of such disparities. They often cite ignorance, lack of knowledge on how systems work, poverty, and "a culture of poverty" as the root causes of racial disparities. In turn, they advance strategies that target these "root causes" rather than strategies that target race as solutions for ameliorating racial disparities.

Conversely, the Government Alliance on Race and Equity (GARE) finds that those seeking to eliminate racial disparities must explicitly focus on race, normalizing conversations about race, and operationalizing new behaviors that diminish racial disparities. To focus explicitly on race for eliminating racial disparities requires understanding the different dimensions of racism as follows.

The Facets of Racism. Powell, Heller, and Bundalli compare race and racism to a diamond.[25] They contend that it has many facets and shining a light on it reveals its complexity. Race is a social construct rather than a biological one, yet the assignment of value and meaning to race directly impacts lives.   Racism manifests in at least four forms:[26]

- **Internalized racism** refers to our private beliefs and biases about race and racism that are influenced by our culture. Internalized racism can manifest as prejudice toward others, internalized sense of inferiority experienced by people of color (e.g., stereotype threat) and beliefs about superiority or entitlement by White people (i.e., White privilege).

- **Interpersonal racism** occurs between individuals and happens when our private racial beliefs affect our interactions with others. For example, a high-performing Latina is discouraged by her counselor from pursuing AP-level STEM courses that are "too hard", but her White peers are not. Most people think about this level of racism – a problem between two or more individuals – when they consider racism and its impact. Together, internalized racism and interpersonal racism constitute individual racism, which GARE describes as "the room we are all sitting in, our immediate context."

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[25] john a. powell, Connie Cagampang Heller, and Fayza Bundalli, <u>Systems Thinking and Race: Workshop Summary </u>(The California Endowment, 2011);
http://www.racialequitytools.org/resourcefiles/Powell_Systems_Thinking_Structural_Race_Overview.pdf
[26] Julie Nelson, Lauren Spokane, Lauren Ross, and Nan Deng, <u>Advancing Racial Equity and Transforming Government: A Resource Guide to Put Ideas Into Action</u> (Haas Institute and Center for Social Inclusion, 2016) (pp.16-17);
https://www.racialequityalliance.org/wp-content/uploads/2015/02/GARE-Resource_Guide.pdf

- **Institutional racism** refers to biases in policies and practices occurring within institutions and organizations – such as schools, businesses, and government agencies – that work better for White people than for people of color. For example, institutional racism can exist within a school system that when Black and Latinx students are concentrated in the highest-poverty schools and least-challenging classes while White students are concentrated in the lowest-poverty schools and most-challenging classes, resulting in higher dropout and disciplinary rates for Black and Latinx students and in higher college readiness rates for White students. GARE describes institutional racism as "the building this room is in, the policies and practices that dictate how we live our lives."

- **Structural racism** is racial bias among institutions and across society, causing cumulative and compounding effects that systematically advantage White people and disadvantage BIPOC.[27] Structural racism encompasses a history and current reality of institutional racism across all institutions, combining to create a system that negatively impacts BIPOC. For example, the legacy of housing segregation impacts present-day housing opportunities by race today, which in turn impact current schooling and employment opportunities and future outcomes for African Americans specifically and people of color more broadly. GARE describes institutional racism as "the skyline of buildings around us, all of which interact to dictate our outcomes."

Understanding the four types of racism is key to understanding how racism fosters individual and institutional inequities that lead to racial disparities. According to john a. powell et al., "from a systems perspective, different facets of racism work interactively to reinforce a system that racializes outcomes."[28] Specifically, interactions between individuals are shaped by and reflect underlying and often hidden structures that shape biases and create disparate outcomes even in the absence of racist actors or racist intentions. They note that consistent differences in outcomes by race across systems demonstrate the presence of structural racism.

Implicit and Explicit Bias. Implicit bias among individuals and institutions also undergirds all facets of racism. Implicit bias refers to biased thoughts and feelings that exist outside of our conscious awareness or conscious control. Implicit bias differs from explicit bias that is expressed directly and consciously. Implicit biases are pervasive: people differ in their level of implicit bias and are often unaware of their implicit bias or how they use it to predict behavior by others.[29] Specific examples of implicit bias noted by researchers include:[30]

- Doctors are less likely to prescribe life-saving care to African Americans;
- Managers are less likely to call back or hire members of a different ethnic group;
- NBA referees are more likely to subtly favor players with whom they share a racial identity; and
- Teachers call on boys more often than girls.

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[27] The Urban Institute in its "Structural Racism Explainer" provides another useful definition of structural racism describing it as "the historical and contemporary policies, practices and norms that create and maintain White supremacy and result in the exclusion of People of Color from access to opportunity and upward mobility." See https://www.urban.org/projects/structural-racism-explainer-collection/contextualizing-history-structural-racism-community

[28] powell, Heller, and Bundalli

[29] See Project Implicit (www.projectimplicit.net)

[30] From http://writers.unconsciousbias.org/unconsciousbias/

Implicit bias helps to explain how racial disparities often occur without intention or malice. As described by Terry Keleher, with implicit bias, racism can be subtle in appearance but significant in impact. In institutions, the bias of individuals is routinely replicated through collective decisions and actions. Moreover, Keleher contends that the impact of implicit bias becomes compounded unless it is counteracted. Table 3.1 describes the differences between explicit and implicit bias.

Table 3.1: Differences between Explicit and Implicit Bias

Explicit Bias	Implicit Bias
Expressed directly	Expressed indirectly
Aware of bias	Unaware of bias
Operates consciously	Operates unconsciously
E.g., Sign in the window of an apartment building "We don't rent to _____"	*E.g., A property manager doing more criminal background checks on African Americans than on Whites.*

Both individuals and institutions can manifest implicit and explicit bias. GARE's matrix (Chart 3.1) offers a visual reference for considering the distinction between implicit and explicit racism among individuals and institutions. It also offers context for why GARE focuses its efforts on institutional implicit bias – "the hidden forces at work in our institutions … where structural transformation must happen."[31]

Chart 3.1: Matrix of Explicit and Implicit Bias and Individual and Institutional Racism

	Individual Racism/Bias	Institutional Racism/Bias
Explicit Bias	When people think of racism, they often think of individual, explicit racism.	After instituting explicitly racist laws and policies, since the Civil Rights era government has focused on fixing explicitly racist laws and policies.
Implicit Bias	When many people think about how to fix racism, they think we need to change minds, one by one, getting rid of implicit bias.	Hidden forces at work in our institutions – this is where structural transformation is necessary to end racial disparities.

2.   Historical Drivers of Racial Inequity in the School to Prison Pipeline

A complete history of how race and racism have shaped educational opportunity and policing in Montgomery County is beyond the scope of this report. However, understanding how racial inequity has been central to the development of the County's educational and criminal justice systems is essential to understanding the persistence of racial inequity in the School to Prison Pipeline.

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[31] GARE Communications Guide (May 2018) p. 39; https://www.racialequityalliance.org/wp-content/uploads/2018/05/1-052018-GARE-Comms-Guide-v1-1.pdf

Research has consistently shown that racial disparities in student conduct do not explain racial disparities in school discipline.[32] Instead, racial inequities experienced by BIPOC in terms of unequal treatment, opportunities, and power relative better help explains the drivers of racial disparities in the School to Prison Pipeline. This section is presented in two parts to highlight the histories of racial inequity in Montgomery County Public Schools and the Montgomery County Police Department.

History of Racial Inequity in Public Schooling. The history of public education in Montgomery County, begins with racial segregation and an underinvestment in schools serving Black children. In 1860, the County established a free public school system for White children.[33] In 1865, the State of Maryland shifted key components of the education system from local to state control – including the selection of textbooks and curriculum, the certification of teachers, the approval of school designs, and the distribution of state funds.[34] In 1872, a public school system for Black children began in the County, but it was far from equal.

Compared to schools for White children, schools serving Black children offered fewer days of instruction, served fewer grades, and paid teachers half of what White teachers earned.[35] In 1912, per pupil expenditures for White students compared to Black students varied by ratio of five to one.[36] Segregated Black schools were under-funded and -resourced to maintain the racial social order that primarily prepared Black students for domestic and agricultural work.

In 1927, the County opened the first secondary school for Black children. Prior to this, Black students who wanted to continue their education beyond Grade 7 had to go to another jurisdiction. Grade 12 was not offered to Black students in the County until 1944. After Brown v. Board in 1954, MCPS began to desegregate with the Board of Education adopting an integration policy in 1955. MCPS was the first County in Maryland to integrate its schools and did so without a court order. Yet, the County's approach to desegregation, where one grade was integrated per year until 1961, prioritized the desires of White people to retain racially segregated environments rather than the rights of BIPOC to educational equity.

MCPS's early integration efforts included relocating Black children, a strategy that centered White stakeholders rather than meeting the needs of Black stakeholders. This placed a greater burden on Black families and the closing of many historically Black schools which had a detrimental impact on Black educators and communities.[37] Further, unlike other jurisdictions, MCPS made no attempt to integrate all White schools in less diverse areas, making the reassignment of students across the County based on proximity and not race.[38]

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[32] See for example, Jayanti Owens and Sara McLanahan, Unpacking the Drivers of Racial Disparities in School Suspension and Expulsion, Social Forces, Volume 98, Issue 4, June 2020

[33] "History of Montgomery County" http://www.consumerhealthfdn.org/focus-on-equity/montgomery-county-color/history-montgomery-county/

[34] "History of Maryland" http://www.consumerhealthfdn.org/focus-on-equity/montgomery-county-color/history/

[35] Ralph Buglass, Separate and Unequal: History of School Segregation in Montgomery County, Montgomery History, Presentation to County Council Staff, February 15, 2023

[36] Ibid

[37] Eaton, Susan and Crutcher, Elizabeth, Slipping Toward Segregation: Local Control and Eroding Desegregation in Montgomery County, Harvard University, 1994

[38] Montgomery County Historical Society, "The Decree Has Been Handed Down: The Experience of Public School Desegregation in Montgomery County as Told by Six Women Who Were There." Buglass also notes that 46 elementary schools remained all-White in 1961.

Generally, MCPS' desegregation efforts were too weak to encourage significant racial integration across schools.[39] Racial resegregation noted in 1994 had worsened by 2019 such that two-thirds of White and Asian students attended low-poverty elementary schools where they were the majority while three-quarters of Black, Latinx and English learning students, and 80 percent of low-income students attended high-poverty elementary schools where they were the majority.[40]

The consequences of racial segregation in schools are significant. Many studies have demonstrated the negative impacts of attending BIPOC majority, high-poverty schools on test scores while others have shown the positive impact of attending integrated schools on student achievement.[41] This includes a study of Montgomery County which found that low-income children assigned to low-poverty schools outscored their peers assigned to moderate-poverty schools after five to seven years.[42]

MCPS has used federal and state compensatory education funding to allocate additional staff to its highest-poverty elementary schools.[43] Yet, MCPS assigns more of its less experienced educators to the highest-poverty schools.[44] Because the most experienced educators can earn double the salaries of the least experienced educators, overall, MCPS expends less on general education in high-poverty schools than in low-poverty schools.[45] This opportunity gap fosters gaps in student performance that contribute to racial disparities in school removals and arrests. The persistence of racial inequity in MCPS is described in its Antiracist System Audit, which observes:[46]

- A disparity in how White and BIPOC stakeholders experience school culture (Observation 1.1)
- The prevalence of race-based bullying and discrimination in schools (Observation 1.2)
- Perceptions of differential treatment, harsher discipline, and biased attitudes against BIPOC students (Observation 1.4)
- Under-representation of BIPOC among teachers and administrators (Observations 2.1 and 2.2)
- BIPOC families reporting challenges when engaging with MCPS (Observation 5.4)
- Higher-poverty schools having access to less experienced principals (Observation 6.1)
- Perceptions that a lack of cultural competency among MCPS staff fosters discrimination against BIPOC students and prevents them from receiving the services they need (Observation 6.3)
- Perceptions that BIPOC students are not provided equitable opportunities to enroll in rigorous courses that prepare them for college and careers (Observation 6.4)

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[39] Eaton and Crutcher

[40] Ibid and Elaine Bonner-Tompkins, MCPS Performance and Opportunity Gaps, OLO Report 2019-14, December 2, 2019

[41] Nancy McArdle and Dolores Acevedo-Garcia, Consequences of Segregation for Children's Opportunity and Wellbeing, A Shared Future: Fostering Communities of Inclusion in an Era of Inequality, Joint Center for Housing Studies of Harvard University, 2016

[42] Heather Schwartz 2010 study cited in Ibid

[43] Elaine Bonner-Tompkins and Natalia Carrizosa, Resources and Staffing among MCPS School, OLO Report 2015-15 https://www.montgomerycountymd.gov/OLO/Resources/Files/2015_Reports/OLOReport2015-15ResourcesAndStaffingAmongMCPSSchools.pdf

[44] Ibid

[45] Ibid and see "Addressing Excellence and Equity Through Resource Use," ERS Summary Report, October 2019 https://www.montgomeryschoolsmd.org/uploadedFiles/learning-journey/Board%20Report%20-%20All%20sections%20v28%209%2030.pdf

[46] MCPS Antiracist System Audit

History of Racial Inequity in Policing and Criminal Justice. The history of policing and criminal justice, like the history of public schools, also begins with an emphasis on racial segregation to preserve the racial social order and control of Black people. The earliest policing efforts in the U.S., slave patrols, were formed to apprehend Black people who had escaped enslavement to instill fear and deter slave revolts.[47] For example, Montgomery County formed a local militia in 1845 to fight off escaped slaves.[48]

The first municipal police forces across the country were also principally focused on controlling people.[49] Post-Reconstruction, racism in law enforcement persisted with the enforcement of Jim Crow laws in the South, which criminalized innocuous behavior to control and extract the labor of the formerly enslaved through convict leasing and chain gains.[50] Racism in law enforcement during the post-Reconstruction era also persisted locally with the lynching of Black people, including in Montgomery County.[51]

During the Jim Crow Era, law enforcement often under-enforced the law in BIPOC communities.[52] If White residents or communities were not impacted, criminal activity was ignored.[53] However, following the Civil Rights Era, as part of the War on Drugs, law enforcement shifted from under-enforcement to over-policing in BIPOC communities.[54] The subsequent mass incarceration of Black and Latinx people has led to the U.S. becoming the world leader in its prison population.[55]

In Maryland, Black people are especially over-represented in the criminal justice system. Whereas Black constituents accounted for 29 percent of the state's population in 2019,[56] they accounted for 54 percent of arrests for marijuana use,[57] 71 percent of the state's correctional population,[58] and 77 percent of the maximum-security correctional population and prisoners serving life sentences.[59]

Black people are also over-represented in the criminal justice system in Montgomery County. While accounting for 18 percent of constituents in 2017, Black people accounted for 32 percent of traffic stops, 44 percent of arrests, and 55 percent of use of force incidents by MCPD.[60] In 2020, Black people accounted for 30 percent of traffic stops and 55 percent of use of force incidents by MCPD.[61] The over-representation of Black drivers among traffic stops is significant given that Black households are twice as likely as White, Latinx, and Asian households to not have a car (14 compared to 6-7 percent).[62]

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[47] OLO RESJ Impact Statement for Bill 14-22, July 21, 2022, see footnote 7

[48] See Reimagining Public Safety Report, Reimaging Public Safety Task Force, page 7

[49] See footnote 8 from Ibid

[50] See footnote 9 from Ibid

[51] Commission on Remembrance and Reconciliation, Montgomery County Office of Human Rights

[52] Reimaging Public Safety Report

[53] Ibid

[54] Ibid

[55] Michelle Alexander, The New Jim Crow, The New Press, 2012

[56] Jasmon Bailey, Racial Equity Note for House Bill 32, Department of Legislative Services, Maryland General Assembly

[57] Ibid

[58] Jasmon Bailey, Racial Equity Note for House Bill 3, Department of Legislative Services, Maryland General Assembly

[59] Ibid

[60] Elaine Bonner-Tompkins and Natalia Carrizosa, Local Policing Data and Best Practices, OLO Report 2020-9, Office of Legislative Oversight, July 12, 2020

[61] Natalia Carrizosa, Analysis of dataMontgomery Traffic Violations Dataset, OLO Memorandum Report 2022-12 and MCPD Use of Force Report

[62] Estimates based on IPUMS data provided by the National Equity Atlas https://nationalequityatlas.org/indicators

The over-policing of BIPOC communities has included the use of police officers in MCPS, beginning with the Educational Facilities Officer Program in 2002 to the current Community Engagement Officer Program, which recently replaced the School Resource Officer program. While police officers provide coverage to every high school campus within MCPS, as noted in the original School to Prison Pipeline report, student arrests have been concentrated in a subset of schools with the highest enrollment of Black and Latinx students.[63]

Overall, Black students and to a lesser extent Latinx students are over-represented among school arrests compared to their enrollment and relative to other student subgroups. For example:

- During the 2018-19 school year, Black students accounted for 45 percent of school arrests compared to 22 percent of enrollment.[64] Latinx students accounted for a third of school arrests and enrollment while other groups were under-represented among arrests compared to their enrollment in MCPS.[65]

- During the abbreviated 2019-20 school year before the pandemic, Black students accounted for 47 percent of school arrests compared to 22 percent of enrollment and Latinx students accounted for 37 percent of student arrests compared to 33 percent of enrollment.[66]

- Between 2018-19 and 2021-22, the overall number of school arrests diminished significantly from 163 to 51 arrests.[67] Yet, Black students remained over-represented in school arrests, accounting for 43 percent of arrests compared to 21 percent of enrollment.[68] Latinx students also accounted for 43 percent of arrests compared to 33 percent of enrollment.[69]

3.   Contemporary Drivers of Racial Inequities in the School to Prison Pipeline

The contemporary drivers of racial inequities in the School to Prison Pipeline reflect the legacy of racial inequity in public schooling and policing in the County. The racialized histories of education and criminal justice in the County and the contemporary drivers of racial inequities in the School to Prison Pipeline are characterized by differences in treatment, opportunities, and power by race and ethnicity.

As noted by the Maryland Commission on School-to-Prison Pipeline and Restorative Practices, the School to Prison Pipeline is best understood as "a chain of policies and practices that push a student out of school and into the juvenile or criminal justice system."[70] They note the School to Prison Pipeline is facilitated through a combination of the following five contemporary factors:[71]

- **Biased disciplinary decisions by teachers and administrators;**
- **Criminalization of student behavior;**
- **Police presence in schools;**
- **Segregated schools; and**
- **Under-resourced schools.**

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[63] Bonner-Tompkins, Rubin, and Latham
[64] Maryland Public Schools Arrest Data School Year 2018-2019; MCPS Schools at a Glance, 2018-2019
[65] Ibid
[66] Maryland Public Schools Arrest Data School Year 2019-2020; MCPS Schools at a Glance, 2019-2020
[67] Analysis of data from Maryland Public Schools Arrest Data School Year 2018-2019 and 2021-2022
[68] Maryland Public Schools Arrest Data School Year 2021-2022; MCPS Schools at a Glance, 2021-2022
[69] Ibid
[70] Maryland Commission on School-to-Prison Pipeline and Restorative Practices: Final Report and Collaborative Action Plan, Report to the Maryland Governor and General Assembly pursuant to House Bill 1287 (2017), December 20, 2018
[71] Ibid

Each of these contemporary drivers of racial inequity in the School to Prison Pipeline reflect a specific facet of racism. For example:

- ***Implicit bias often reflects internalized and interpersonal racism*** where educators misconstrue mischievous but developmentally appropriate behaviors of Black children as acts of criminal intent meriting suspensions rather than social emotional learning opportunities.

- ***The criminalization of student behavior and police presence in schools reflects institutional racism*** where schools, especially those serving Black and Latinx students, focus on "sticks" (school discipline, security, and law enforcement) to control student behavior rather than "carrots" that address root causes by providing needed resources, such as mental health services, engaging learning opportunities that validate BIPOC students, and stronger connections between students and staff.

- ***Segregated and under-resourced schools reflect structural racism*** (bias across institutions) where school assignments based on residential segregation concentrate Black and Latinx students in under-resourced high-poverty schools that too often rely on sticks (suspensions, expulsions, and law enforcement) to manage campus safety because they lack the resources (carrots) to effectively address root causes (such as trauma and stress).

There is also a sixth contemporary driver of racial inequity in the School to Prison Pipeline: the ***disenfranchisement and marginalization of BIPOC stakeholders***. Here, the multiple facets of racism work together to undermine BIPOC stakeholders with lived experiences in the Pipeline from co-developing policies and practices that eliminate racial disparities within it. The voices of Black, Indigenous, and Latinx constituents most impacted by the School to Prison Pipeline are discounted while the perspectives of White stakeholders with greater power are prioritized in decision-making.

Taken together, the six contemporary drivers of racial inequity in the School to Prison Pipeline can be described as three types of racialized gaps:

- **The Discipline Gap** refers to the gap in reactions to student behavior by race and ethnicity. It reflects the combined impact of the first three contemporary drivers of racial inequity in the School to Prison Pipeline – ***implicit bias, criminalization of student behavior, and police in schools***. Collectively, these three drivers contribute to the differential treatment of Black, Indigenous, and Latinx students in school discipline and policing.

- **The Opportunity Gap** refers to the gap in access to high quality educational opportunities by student race and ethnicity. It reflects the combined impact of the next two contemporary drivers of racial inequity in the School to Prison Pipeline – ***segregated schools and under-resourced programs for BIPOC students and predominantly BIPOC schools***. These two drivers diminish Black, Indigenous, and Latinx students' access to high-quality, educational environments that in turn remove fewer students from schools for disciplinary reasons.

- **The Power Gap** refers to the gap in institutional responses to stakeholders' concerns by their race and ethnicity. It represents the greater power of White stakeholders to shape policy decisions compared to BIPOC voices and reflects the last contemporary driver of racial inequity in the School to Prison Pipeline – ***the marginalization of BIPOC stakeholder and student voices***.

The remainder of this section describes each of these six contemporary drivers in greater detail.

Implicit Bias. As noted, implicit bias refers to biased thoughts and feelings that exist outside of our conscious awareness or conscious control. Implicit biases are pervasive: people differ in their levels of implicit bias and are often unaware of their implicit bias or how they use implicit bias to predict behavior by others. Tests of implicit bias have shown that as many as 80 percent of White people and 40 percent of Black people are negatively biased against African Americans, consistently associating them with antisocial constructs such as aggression and laziness.[72] These biases help to explain why Black and Latinx students receive more frequent and harsher penalties for the same behaviors as their White counterparts with similar backgrounds.[73]

More specifically, research on student behavior and school discipline suggest that implicit bias on the part of teachers and staff may cause them to judge the behavior of Black students and boys more critically and discipline them more harshly than other students.[74] Black children are perceived as older, less innocent, and therefore more responsible for their actions than their same-age White peers.[75] Researchers have also found that educators believe Black girls are more independent and need less comfort and support than their White peers.[76]

The Kirwan Institute notes that "(i)n an ideal world, teachers and school administrators would be immune to these unconscious negative attitudes and predispositions about race" but that "(e)xisting research suggests that implicit racial bias may influence a teacher's expectations for academic success," including lowered expectations and differential treatment for BIPOC students featuring less praise and more disciplinary action.[77]

To understand how implicit bias among decision-makers increases Black students' risks for entering the School to Prison Pipeline, the American Bar Association Task Force on the School to Prison Pipeline offers the following narrative.[78] This narrative also describes how implicit bias can interact with other drivers of racial inequities in the Pipeline (e.g., police in schools, school segregation).

> *"It is easy to conceptualize how a White female educator or decision-maker, facing a decision involving disciplining a 12-year-old African American boy who was involved in a shoving incident finds herself in a context where race has been shown to matter (at least implicitly). That White educator is more likely to implicitly respond negatively to him (than to a similarly situated White boy), based on implicit associations and group identification. If she is in a poor, urban school with a majority of students of color, there is more likely to be School Resource Officers present. She may be more likely to call for help from the SRO than to send the boy to the principal's office or some lesser intervention. When the SRO arrives he/she is likely to view the scene less favorably than he/she might for a White student, especially if the teacher labels the offender as a troublemaker. As the incident proceeds along, it is also easy to see how misremembering might come into play and the behavior of the Black boy remembered as being more aggressive. And these first decisions will carry on along the pipeline, where this young student will more likely find himself arrested and detained."*

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[72] James Hughley, Ming-Te Wang, Kathryn Monahan, Gina Keane, and Abel Koury, Just Discipline and The School-to-Prison Pipeline in Greater Pittsburgh: Local Challenges and Promising Solutions. The Center on Race and Social Problems, University of Pittsburg, 2018

[73] Ibid

[74] Government Accountability Office, K-12 Education: Discipline Disparities for Black Students, Boys, and Students with Disabilities. GAO-18-258, March 2018 (footnote 9)

[75] U.S. Commission on Civil Rights

[76] Ibid

[77] Tom Rudd, "Racial Disproportionality in School Discipline: Implicit Bias is Heavily Impacted. Kirwan Institute Issue Brief, February 2014

[78] Page 18 of ABA Task Force on Reversing the School-to-Prison Pipeline: Report, Recommendations and Preliminary Report, American Bar Association, January 2018

The adverse impact of implicit bias in fostering racial inequity in the School to Prison Pipeline is also exacerbated by the cultural mismatch between students and staff in schools. In 2022, 71 percent of MCPS teachers were White compared to 25 percent of students.[79] Conversely, while BIPOC accounted for 75 percent of MCPS students, they accounted for 29 percent of MCPS teachers.[80]

Criminalization of School Discipline. The criminalization of school discipline refers to responding to violations to the student code of conduct with exclusionary discipline, arrests and/or prosecution. There has been an increase in school suspensions over time as well as an increase in racial disparities. The number of students suspended since the 1970's has doubled, and it has tripled for Black students.[81] This results in part from the shift among many lawmakers, school officials, and teachers in how children are disciplined for violations of school rules.[82]

More specifically, the 1994 Gun Free Schools Act contributed to states and localities developing "zero tolerance" policies that increased penalties for a variety of code of conduct violations beyond bringing a weapon to school. Zero tolerance policies initially applied to incidences of drug possession and violence were expanded to apply to discretionary infractions such as insubordination, truancy, and disrupting class.[83] Whereas students involved in a fight were previously sent to the principal's office for assessment and discipline, it is more common today to suspend students or refer them to law enforcement or juvenile justice services, especially if they are Black.

The Maryland Commission on School-to-Prison Pipeline and Restorative Practices finds that school systems in Maryland demonstrate an overreliance on "zero tolerance" exclusionary discipline.[84] They also observe prior research shows that exclusionary discipline fails to reduce misbehavior or make schools safer and instead negatively impacts school learning climates and potentially harm children. They also find exclusionary discipline has a discriminatory impact on students of color and students with disabilities that contributes to pushing too many out of school and into the criminal justice system. They also highlight research demonstrating high rates of exclusionary school discipline negatively impact all students, as schools with high suspension and expulsion rates were found to have lower test scores than schools with average and low exclusionary discipline rates.

Police in Schools. Police in schools refers to the use of School Resource Officers, sheriffs, and other law enforcement officers with policing powers in schools. The increased police presence in schools has meant that non-safety related offenses that were once handled by school staff might now be handled by law enforcement.[85] The use of police officers in schools is linked to increased rates of exclusionary discipline of relatively trivial student behavior, especially among youth of color. This shift has resulted in more frequent school-based arrests and justice system contact.

The Maryland Commission on the School to Prison Pipeline and Restorative Practices finds that the most common arrests in schools are for simple assault (which might be a minor fistfight) and the vague category of "disorderly conduct" which could include a temper tantrum, cursing or talking back to a teacher. In other words, "children develop arrest records for acting like children."[86]

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[79] Teacher data from 2022 MCPS Staff Statistical Profile and enrollment data from 2022 MCPS Schools at a Glance
[80] Ibid
[81] James Hughley, Ming-Te Wang, Kathryn Monahan, Gina Keane, and Abel Koury.
[82] ABA Task Force on Reversing the School-to-Prison Pipeline.
[83] Bouchein
[84] Maryland Commission on School-to-Prison Pipeline and Restorative Practices.
[85] James Hughley, Ming-Te Wang, Kathryn Monahan, Gina Keane, and Abel Koury.
[86] Maryland Commission on School-to-Prison Pipeline and Restorative Practices.

Historically, the Advancement Project and the Alliance for Educational Justice observe that the role of police in schools expanded with the fight for racial justice during the Civil Rights Movement and institutional desire to suppress public protests.[87] They also cite the War or Drugs and mass incarceration as drivers of the increasing presence of police in schools aimed at controlling Black and Latinx youth.

Of note, the federal 1994 Omnibus Crime Bill's creation of the Office of Community Oriented Policing Services (COPS) dedicated nearly $300 million to school policing and, following the 1999 Columbine High School shooting, another $750 million in grants to fund more police in schools. In turn, the precursor to Montgomery County's SRO program, the Educational Facilities Officers Program, which placed police officers on some MCPS campuses, launched in 2002 received funding from a COPS grant.

Research on the efficacy of police officers in schools is limited, both in terms of the number of studies published and the methodological rigor of the studies conducted.[88] Yet, the research that is available draws conflicting conclusions about whether SRO programs are effective at reducing school violence. Further, several empirical studies demonstrate that putting more police in schools is associated with involving more students in the criminal justice system.[89]

As noted by the Advancement Project and the Alliance for Educational Justice, there is often a culture clash between law enforcement and the learning environment: police enforce laws, while schools are supposed to nurture students.[90] Strict security measures can harm the educational climate by alienating students and generating mistrust, which may lead to more disorder and violence. Further, the presence of police officers in schools can heighten the tensions that youth of color experience with law enforcement, fostering a fear of heightened harassment and a sense of diminished safety within them.[91]

Segregated Schools. In racially and economically segregated schools, typically Black, Latinx and low-income students attend one set of schools while White, Asian, and affluent students attend another set of schools where they account for the majority. This is the case in Montgomery County: while White and Asian students combined account for a minority of MCPS students, they account for a majority in the schools they attend.

For example, in 2019, half of MCPS elementary schools with the lowest poverty rates enrolled two-thirds of White, Asian, and multi-racial students while half of campuses with the highest poverty rates enrolled three-quarters of Latinx, Black, and English learning students and more than 80 percent of low-income students were eligible for free and reduced priced meals (FARMs). [92] Further, in 2020, a majority of Asian and White students (61 percent and 68 percent) across MCPS attended low-poverty schools where less than a quarter of students were eligible for FARMs compared to 20 percent and 26 percent of Latinx and Black students.[93]

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[87] We Came to Learn: A Call to Action for Police-Free Schools, The Advancement Project and the Alliance for Educational Justice, 2019
[88] Alexis Stern and Anthony Petrosino, What Do We Know About the Effects of School-Based Law Enforcement on School Safety? Justice and Prevention Research Center, WestEd, 2018
[89] U.S. Commission on Civil Rights
[90] The Advancement Project and the Alliance for Educational Justice
[91] Ibid
[92] Elaine Bonner-Tompkins, MCPS Performance and Opportunity Gaps, OLO Report 2019-14, December 2, 2019
[93] Estimates based on IPUMS data provided by the National Equity Atlas https://nationalequityatlas.org/indicators

Segregated schools concentrating neighborhood social disadvantage are associated with many adverse outcomes in school and beyond. These include diminished educational opportunities, outcomes, and school climates, and adverse consequences in adulthood related to employment, earnings, health, and criminal justice involvement. Schools with the highest concentrations of BIPOC and low-income students also tend to experience the highest suspension rates and levels of racial inequity. For example:

- A 2017 study of California data by the Brookings Institution found that schools with the largest Black enrollment also had the highest suspension rates among Black students.[94]

- A 2018 study of Maryland schools by the University of Maryland College of Education found that schools with higher enrollments of Black students, students with disabilities, and low-income students suspended more students across multiple subgroups than schools with higher enrollments of White, Asian, and Latinx students.[95]

- OLO's 2016 School to Prison Pipeline report found the highest suspension rates among secondary schools with the highest Black and Latinx student enrollments and the lowest rates among campuses with the highest White and Asian enrollments.[96]

BIPOC community-based stakeholders in Montgomery County have also recognized the presence and persistence of segregated classrooms in MCPS through academic tracking and its adverse impacts on opportunities and outcomes for Black and Latinx students.[97] This includes practices that track Black, Latinx, and Indigenous students into less rigor coursework - despite high standardized test scores, and into special education and ESOL programs, while concentrating White and Asian students into gifted programs and Advanced Placement courses that increase their preparedness for college and careers.

Under-Resourcing of BIPOC Students and Schools. The under-resourcing of BIPOC students and schools refers to the allocation of fewer resources to schools that disproportionately serve Black, Latinx, and Indigenous students. These students often have the greatest academic needs based on graduation and dropout rates and performance on standardized assessments. Yet, BIPOC students and BIPOC majority schools often receive fewer educational resources than White students and White majority schools as reflected by per pupil funding, teacher experience, class sizes, access to mental health personnel, support for compensatory education, ESOL programs, and special education.

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[94] See figures 3.1 and 3.2 from Tom Loveless, How Well Are American Students Learning? The 2017 Brown Center Report on American Education, The Brookings Institution, 2017

[95] Gail Sunderman and Robert Croninger, High Suspending Schools in Maryland: Where Are They Located and Who Attends Them? The Maryland Equity Project, Department of Teaching and Learning, Policy, and Leadership, College of Education, University of Maryland - College Park, October 2018

[96] Bonner-Tompkins, Rubin, and Latham

[97] See 2002 report from Montgomery County Education Forum, Success for Every Student? Tracking and the Achievement Gap https://www.mcef.org/Position%20Paper%20PDF.pdf; and 2020 from Black and Brown Coalition, The Black and Brown Coalition, 2019 Black and Brown Forum for Educational Equity and Excellence https://static1.squarespace.com/static/5e83a7b8388c7627b9ee5305/t/5ea62419592a27104f6513a4/1587946522403/One+Pager+with+Asks+-+FINAL+English.pdf

The under-resourcing of BIPOC students and schools is usually a by-product of public-school finance with low-wealth school systems that disproportionately service BIPOC students having less school finance capacity than high-wealth school systems. However, the under-resourcing of BIPOC schools and students also occurs within districts where despite a common funding base, districts allocate greater resources to schools serving higher-income communities than to schools serving lower-income communities. This can also occur in higher-income communities where school systems allocate more experienced personnel to higher-income schools and under-fund programs that almost exclusively serve Black and Latinx children. For example, as noted by OLO and other researchers, MCPS:

- Concentrates its Black, Latinx, low-income and English language learner enrollment among a subset of campuses with the highest poverty levels;[98]

- Assigns more experienced teachers to its lowest poverty schools;[99]

- Allocates fewer general education resources to its highest poverty schools; and[100]

- Expends far less on targeted services that almost exclusively serve Black and Latinx students and high poverty schools (compensatory education and ESOL programs) than it expends on service programs with greater shares of White students (special education).[101]

Researchers further warn that the backlash against school desegregation and increasing resegregation of schools since the 1990's have widened resource gaps and racial disparities in educational outcomes, making "a high-quality education far more difficult for Black and Latino students than for White and Asian students."[102]

Marginalization of BIPOC Stakeholders and Student Voice. Ideally, all stakeholders impacted by the School to Prison Pipeline would help shape solutions, policies, and practices aimed at eliminating the Pipeline and racial inequities within it. Yet, in practice, those most impacted by the School to Prison Pipeline, Black and Latinx stakeholders and students, are rarely consulted for their perspectives on how to solve it.

For example, Black and Latinx students may view police in schools as harmful to their learning experiences.[103] More specifically, Black and Latinx students may feel less safe in school if forced to interact with police that have both a long and recent history of harming their communities.[104] In partnership with community-based groups, many have advocated for a vision of school safety that "radically transform(s) what safety looks like ... to a more fair and equitable system that really has community and care at the heart versus incarceration, pushout, and punishment."[105]

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[98] Bonner-Tompkins

[99] Bonner-Tompkins and Carrizosa; 2019 Black and Brown Forum for Educational Equity and Excellence, The Black and Brown Coalition
https://static1.squarespace.com/static/5e83a7b8388c7627b9ee5305/t/5ea62419592a27104f6513a4/1587946522403/One+Pager+with+Asks+-+FINAL+English.pdf

[100] Ibid

[101] Bonner-Tompkins and Carrizosa

[102] See page 94 of Andrea Flynn, Susan Holmberg, Dorian Walker, and Felicia Wong, The Hidden Rules of Race: Barriers to an Inclusive Society, Cambridge University Press, 2017

[103] The Advancement Project and the Alliance for Educational Justice

[104] Ibid

[105] Anoa Changa, From Slavery to School Discipline, Learning for Justice Magazine, Southern Poverty Law Center, Spring 2022

Yet, while young people impacted by the School to Prison Pipeline describe "schools as needing mood detectors instead of metal detectors" and contend that "Black students and other students of color deserve the same patience, empathy, and innovation as their (W)hite counterparts on a consistent basis,"[106] they have not been as influential in policymaking as the defenders of the status quo. For example, in returning police officers to MCPS high schools under the community engagement officer model, the County Executive responded to high school principals and select parents that endorsed returning police officers to high schools rather than to local youth and community-based groups.[107]

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[106] Ibid

[107] Caitlynn Peetz, What you need to know about police officers in Montgomery County Schools, Bethesda Beat April 1, 2022 https://moco360.media/2022/04/01/what-you-need-to-know-about-police-officers-in-montgomery-county-schools/

Chapter 4:   Best Practices for Eliminating Racial Disparities in the Prison Pipeline

Based on reviews of best practices for diminishing the School to Prison Pipeline and promising practices for developing equitable, anti-racist policies and practices, this chapter describes best practices for eliminating racial disparities in the Prison Pipeline in three parts:

- **Part 1, Best Practices for Shrinking the School to Prison Pipeline,** describes best practices for reducing the School to Prison Pipeline and their limits in reversing racial inequities within it.

- **Part 2, Standard versus Structural Approaches for Addressing Racial Disparities,** describes the difference between standard and structural approaches to developing policy options aimed at reducing racial inequities in the School to Prison Pipeline.

- **Part 3, Guiding Principles for Developing Anti-Racist Policy Solutions,** describes guiding principles for developing anti-racist policies and practices with the power to address racial inequities (racial and reverse racial disparities in the School to Prison Pipeline.

Three key findings emerge from the research and resources reviewed for this chapter:

- Best practices for reducing the School to Prison Pipeline usually reflect a standard approach to developing policy solutions that ignore racial inequities that foster disparities. In turn, best practices for reducing the School to Prison Pipeline often fail to narrow racial disparities.

- Policy solutions developed using a structural approach offer greater promise for reversing racial disparities because they address historical context, institutions and structures, patterns of over- and under-advantage, White privilege, and the root causes of racial inequity over the long-term.

- Policy solutions developed using racial equity principles also offer greater promise for eliminating racial disparities in the School to Prison Pipeline. Centering the needs and leadership of BIPOC communities to address the specific racial inequities experienced by each community are central features of anti-racist approaches to developing policy solutions with the power to measurably advance racial equity.

1. Best Practices for Shrinking the School to Prison Pipeline

As schools re-opened for in person learning in the Fall of the 2021, the Sentencing Project released its "Back-to-School Action Guide: Re-Engaging Students and the Closing the School-to-Prison Pipeline."[108] In their guide, they offered "promising and proven practices"[109] that schools and community partners could use to reduce school arrests, suspensions, and disciplinary problems as follows:[110]

- Minimize student arrests by ending police presence inside schools, creating school-justice system partnerships to offer diversion program, and developing emergency mental health responses to address students' immediate needs and behavioral episodes.

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[108] Back-to-School Action Guide: Re-Engaging Students and Closing the School-to-Prison Pipeline
The Sentencing Project, 2021
[109] Page 4, Ibid
[110] Pages 13-19, Ibid

- Reduce the use of exclusionary discipline by rewriting the school discipline code to eliminate suspensions for minor offenses, expanding therapeutic responses to misbehavior, hiring more counselors and mental health personnel, and embracing restorative justice approaches to improve school climate, including using positive behavior interventions and supports.

- Identify and support students at risk for failure or dropout so that "more in-depth supports (become) a part of the overall approach to behavior and climate reforms for the small proportion of students that need them."

- Tap community resources by embracing the community school model, recruiting volunteers from the community, and promoting law enforcement strategies that divert youth from justice system involvement.

- Invest in promising interventions to boost student success that include intensive tutoring, attendance promotion, social and emotional learning at school, and quality after school and summer programs.

These "promising and proven" practices for reducing the magnitude of the School to Prison Pipeline mirror recommendations made in OLO Report 2016-6. For example, community stakeholders identified eight opportunities for improving local approaches to stem the School to Prison Pipeline:[111]

- Deliver more services to address root causes
- Require schools to respond to challenging behaviors therapeutically
- Increase parents and youth awareness of rights and available services
- Enhance youth's long-term relationships with adults
- Improve coordination and data sharing among agencies and organizations
- Expand diversion opportunities for low-income youth
- Make schools engaging for youth at risk of dropping out and entering the Pipeline
- Increase jobs and income generating opportunities for youth at-risk of entering the Pipeline

OLO also identified four opportunities for MCPS to better align its efforts with best practices for reducing the School to Prison Pipeline:[112]

- Assess students' behavior health needs and MCPS' capacity to develop a plan to address the gap
- Develop a district-wide school climate plan, target resources, and monitors results
- Use an early warning system to identify students in need of supports
- Engage in a collaborative process with community stakeholders to annually review data and evaluate the implementation of the MCPS Code of Conduct and the SRO program with MCPD

MCPS has implemented several practices that are consistent with the "promising and proven practices" recommended by the Sentencing Project and in OLO Report 2016-16. For example, MCPS expanded its use of restorative practices in schools, hired more mental health personnel, and for a short window removed police officers from schools. Yet, while the magnitude of the School to Prison Pipeline has declined on several measures, racial inequities in the Prison Pipeline remain.

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[111] Bonner-Tompkins, Rubin, and Latham
[112] Ibid

2. Standard versus Structural Approaches for Addressing Racial Disparities

Promising practices for reducing the magnitude of the School to Prison Pipeline can leave racial disparities intact because they often ignore the role of racial inequity in fostering racial disparities in the School to Prison Pipeline. The Government Alliance for Race and Equity (GARE), in partnership with the Center for Social Inclusion and Clear Impact, describe promising practices that ignore racial inequities as the "standard approach" to policy making and characterize them as having five key features:[113]

- They offer only a limited recognition of historical and cultural context;
- They focus on individuals' actions, behaviors, and attitudes;
- They intervene only in the under-advantaged side of inequality;
- They leave unquestioned the privileged status of Whiteness in part by using White people and their outcomes as the standard of comparison; and
- They seek short-term or immediate impacts.

In short, best practices for reducing the magnitude of the School to Prison Pipeline that do not seek to diminish racialized gaps within it are unlikely to diminish racial disparities in the Pipeline. These include policy options to expand diversion programs and mental health supports, advance restorative justice approaches and positive behavior interventions, increase supports for students at-risk of failure or dropping out of school, or to invest in promising interventions that boost student success if these policy options do not explicitly seek to narrow racialized gaps in access and outcomes.

For example, expanding the County's Teen Court and SASCA programs are unlikely to reduce racial disparities in juvenile justice involvement as they are designed to divert teens accused of drinking and substance use offenses which are disproportionately White youth. New programs that seek to divert youth accused of fighting and assault, however, could disproportionately divert Black youth from entering the juvenile justice system and thus reduce racial disparities in the School to Prison Pipeline.

Policy solutions developed with the power to diminish racial disparities intentionally address the racial inequities that drive disparities like diversion programs for fighting and assault. GARE finds that policy solutions that pay attention to race to diminish racial disparities follow a "structural approach" to developing policy solutions, observe that they too have five key characteristics:[114]

- They are rooted in historical and cultural understanding;
- They target the effects of interacting systems and institutions;
- They question the under-advantaged and over-advantaged in developing interventions;
- They challenge the privileged status of Whiteness; and
- They seek to eliminate the root causes of racial inequity over the long term.

Chart 4.1 offers examples of policy options for reducing racial inequity in the School to Prison Pipeline that reflect the key features of standard and structural approaches to policymaking. These examples are illustrative rather than exhaustive of all policy options that align with each key feature.

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[113] Clear Impact, Center for Social Inclusion, Government Alliance on Race and Equity, Achieving Equity with Results Based Accountability, Webinar, July 13, 2016 https://clearimpact.com/resources/videos/achieving-equity-results-based-accountability/
[114] Ibid

Chart 4.1: Key Policy Features and Examples of Policy Options Using Standard and Structural Approaches to Reducing Racial Disparities in the School to Prison Pipeline

Standard Approaches	Structural Approaches
Not Rooted in Historical and Current Context • ***Train/Maintain Police in Schools*** - Assumes police in schools enhance relationships with students that improve school culture for all.	**Rooted in Historical and Cultural Understanding** • ***Replace Police with Counselors*** - Recognizes racial inequities in policing and efficacy of mental health services to improve school climates and safety.
Focus on Individual Actions and Behaviors • ***Fix "At-Risk" Students*** – Provide services to students with behavioral issues. • ***Fix Teachers and Staff*** - Provide implicit bias training to teachers and other school staff.	**Target the Effects of Interacting Systems & Institutions** • ***Fix Inequitable Policies & Practices Across Systems*** Identify and reverse school system and other institutional policies and practices that foster racial disparities in resource allocations and outcomes.
Intervenes Only on the Under-Advantaged Side of Inequality • ***Focus on Students who have been Suspended and/or Arrested*** - Black students (especially with disabilities) and Latinx boys. • ***Focus on Schools with High-Suspension and/or Arrest Rates*** - Target interventions at Black- and Latinx-majority schools.	**Questions the Under-Advantaged and the Over-Advantaged in Developing Solutions** • ***Study Over- and Under-Represented Students*** - Use their experiences to help develop more racially equitable opportunities. • ***Study Over- and Under-Represented Schools*** - Use their experiences (cultures, resources, practices) to help develop more racially equitable opportunities.
Leaves Unquestioned White Privilege • ***Develop Benchmarks based on White Norms*** • ***Create Policy Options that Do Not Challenge the Status Quo*** of existing policies, practices, and resource allocations.	**Challenges the Privileged Status of Whiteness** • ***Center BIPOC stakeholders in the Development of Policy Options*** to ensure action plan reflects the perspectives of BIPOC communities.
Seeks Short-Term or Immediate Impacts • ***Change Code of Conduct*** to reduce number of offenses eligible for suspensions or arrests.	**Seeks to Eliminate Root Causes Over the Long-Term** • ***Develop Comprehensive Multi-Year Plan*** to eliminate root causes with sufficient funding, staffing, & community support.

Of note, the standard approach policy options are generally narrower in scope than structural approach options and thus more feasible to implement. Yet, policies developed using a standard approach are often too weak to reduce racial inequity to the School to Prison Pipeline over the long-term. However, there may be some value to using standard approach policy options to build organizational capacity to implement more comprehensive structural policy options with the power to reduce racial disparities.

As noted in Chart 4.1, examples of policy options to consider for reducing racial inequity in the Prison Pipeline that align with the ***standard approach*** to policy development include:

- **Maintaining and/or Retraining Police Officers Assigned to Schools.** This policy option at times offered as a strategy for enhancing relationships among police and students to reduce racial inequity in the School to Prison Pipeline is neither rooted in historical nor current context where BIPOC students often feel traumatized by police interactions with BIPOC constituents. Thus, police in schools often make BIPOC students feel less safe in schools rather than safer.

- **More Training for Students and Other School-Based Staff.** This policy option focuses on interventions aimed at curtailing student misbehavior (relative to the Code of Conduct) and implicit bias among staff. This policy option's focus on individual behavior, if implemented in isolation, ignores the powerful role of institutions and structures that foster racial disparities in the School to Prison Pipeline, including role of schools and the criminal justice system.

- **Focusing Exclusively on Students and Schools Over-Represented in the Pipeline.** This policy option focuses resources on students and schools most impacted by suspensions and arrests. A focus on intervening on the under-advantaged side of racial inequity, however, often advances a deficit-based approach to problem solving that blames victims for their over-representation in the School to Prison Pipeline rather than addressing how schools and structures foster advantages and disadvantages among students and schools that racialize outcomes.

- **Safeguarding White Privilege.** This policy option often goes unstated, but nevertheless occurs. For example, benchmarks for success are often based on White 'norms' such as the behavioral norms of White students serve as the benchmark for reducing racial inequity in the School to Prison Pipeline. Another example of safeguarding White privilege in policy development is limiting the consideration of interventions and policy changes to those that do not challenge the status quo of existing policies, practices, and resource allocations.

- **Seeking Short-Term or Immediate Impacts.** This policy goal prioritizes quick changes rather lasting changes. This could include changes the Student Code of Conduct reduce the number of violations to the Code eligible for suspensions or arrests without enforcing changes to the Code of Conduct. Surface level changes without addressing the root causes of racial disparity in the Pipeline may fail to yield long-term impacts.

As also noted in Chart 4.1, policy options for reducing racial inequity in the School to Prison Pipeline that align with the ***structural approach*** to policy development include:

- **Replacing Police Officers in Schools with Child Serving/Mental Health Personnel.** This policy option recognizes racial inequities in policing, that BIPOC students often feel less safe with police in schools, and that mental health services are more effective at improving school climates and safety in the long-term than law enforcement personnel housed in schools.

- **Fixing Racially Inequitable Policies and Practices Across Systems.** This policy option seeks to reverse policies and practices across systems that foster racial disparities in the School to Prison Pipeline. For example, youth-serving agencies often depend on families to fund recommended services for their children such as tutoring and mental health services. Yet, the financing of such services is often out of reach for many Black, Latinx and Indigenous households due to lower incomes and levels of wealth. Eliminating family financial requirements to access needed services across programs and agencies could help reduce racial disparities in the Prison Pipeline.

- **Studying Students and Schools Over- and Under-Represented in the School to Prison Pipeline.** This policy option seeks to examine how the school system advantages and disadvantages students and schools to help inform the development of more racially equitable opportunities. This policy option requires the examination of school cultures, resources, programs, and practices among schools over- and under-represented in the Prison Pipeline to identify racially equitable practices to scale up rather than the examination of practices among "beating the odds" schools that reflect the normal range of variance in school and student outcomes rather than systemic approaches to fostering racial equity.

- **Centering BIPOC stakeholders in the Development of Policy Options.** This policy option centers BIPOC stakeholders in the development of interventions and benchmarks aimed at reducing racial inequity in the Prison Pipeline. Centering BIPOC stakeholders requires working with Black and Latinx students and families to develop interventions and goals for reducing racial inequity in the Prison Pipeline rather than asking them to endorse agency developed plans. The goal of this policy option is to ensure that action plans for reducing racial inequity in the Prison Pipeline reflect the perspectives of BIPOC communities rather than center the privileged status of Whiteness or White supremacy.

- **Eliminating the Root Causes of Racial Inequity in the Pipeline Over the Long-Term.** This policy option seeks to systemically identify and eliminate the root causes of racial inequity in the School to Prison Pipeline over the long term by focusing on narrowing racialized gaps in school discipline, opportunity, and power. Eliminating the root causes requires sufficient funding, staffing, and community support as well as systems of accountability for comprehensive multi-year plans to community based BIPOC stakeholders.

3. Guiding Principles for Developing Anti-Racist Policy Solutions

Based on a review of resources from subject matter experts, this section describes four additional sets of approaches for developing policy solutions to reduce racial disparity in the School to Prison Pipeline:

- Match problems with interventions by level of analysis;
- Dismantle policies that perpetuate racial inequity;
- Apply guiding principles to develop anti-racist policies; and
- Apply principles for promoting racial equity in policy and program development.

Match Problems with Interventions by Level of Analysis. A best practice for advancing racial equity in any policy area is a focus on institutions and systems rather than on individuals. According to john a. powell and colleagues, this framing encourages decision-makers to "ask the right questions" when developing possible interventions and to match problems with the appropriate level of intervention.[115]

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[115] Bonner-Tompkins and Hall

Chart 4.2 provides examples of possible interventions for disrupting the School to Prison Pipeline at the individual, institutional, and structural levels from john a. powell and his colleagues.

Chart 4.2: Matching Problems with Interventions by Level of Analysis for the School to Prison Pipeline

Level of Analysis	Problem Definition	Possible Interventions
Individual *Fix the individual*	Students of color lack self-confidence, parents lack knowledge about navigating school system, teachers lack cross cultural competency	Develop programs to develop student self-confidence, parental knowledge about education system, cross cultural competency among teachers
Institutional *Fix the institution*	A particular school or school district has particularly biased teachers and/or biased enforcement of school discipline policies, and/or a particular school is under-resourced	Organize local action, or file a lawsuit to force the school or school district to require cultural competency training for teachers, change its school discipline policies, and fundraise within the community to supplement financial resources
Structural *Fix the system*	The way that financial resources are allocated, and teacher school assignments are made, results in fewer dollars and the least experienced teachers being assigned to schools in neighborhoods with fewest external resources, higher concentrations of poverty, parents working multiple jobs results in higher dropout rates, fewer continuing to college, etc.	Through an inside-outside strategy, including community organizing and leadership development, work with school district to redesign how funds are allocated and how teacher school assignments are decided district-wide to ensure that resources and teachers are assigned with the goal of providing all communities with the support they need for educational success

As noted above, each level of analysis responds to a different framing of the School to Prison Pipeline – do students or families need to be fixed, schools and school districts, or the institutions within the system that foster racial inequities contributing to racial disparities in school discipline and policing? If institutions and structures foster racial disparities in the School to Prison Pipeline, then policy options for reducing racial inequities must target institutions and structures. They note that policy options solely focused on fixing individuals will be insufficient for fixing institutions and systems.

Another approach to matching problems in the School to Prison Pipeline with possible interventions could be to develop policy options that address the six contemporary drivers of racial inequity discussed in the prior chapter: implicit bias, criminalization of student behavior, police in schools, segregated schools, under-resources schools for BIPOC students, and the marginalization of BIPOC stakeholders. As previously mentioned, these six drivers foster three "gaps" in the experiences of Black, Indigenous, and Latinx students relative to White and Asian students in the School to Prison Pipeline as follows:

- **The Discipline Gap** – driven by the combined impact of implicit bias, the criminalization of student behavior, and police in schools - results in harsher treatment of Black, Indigenous, and Latinx students across systems of school discipline and policing.

- **The Opportunity Gap -** characterized by the combined impact of racially segregated schools and under-resourced schools on BIPOC students - results in the diminished access of Black, Indigenous and Latinx students to high quality educational environment that include the opportunity to attend schools that do not rely on suspensions and arrests to manage students.

- **The Power Gap -** driven by the marginalization of BIPOC voices in government decision-making – results in White stakeholders possessing greater influence over policies and practices impacting the School to Prison Pipeline than BIPOC stakeholders.

Policy options could be developed to respond to each of these "gap" drivers of racial inequity in the School to Prison Pipeline. For example, to address the discipline gap, police could be removed from schools, schools could employ more counselors to improve school climates, and County agencies could work together to develop no-cost diversion programs for BIPOC youth accused of assault because of fighting. Other interventions to narrow opportunity and power gaps include shifting school boundaries to diminish segregation and co-developing and evaluating policy interventions with BIPOC stakeholders.

Dismantle Policies that Perpetuate Racial Inequity. Another recommended best practice for advancing racial equity is to dismantle policies that perpetuate racial inequity.[116] The Grassroot Policy Project observes that policies, practices, and decisions that foster racial inequity often exhibit one or more of the following characteristics:[117]

- **They allow for the segregation of resources and risks**. These include redlining, subprime lending (reverse redlining), certain zoning policies, toxic dumping policies, and the use of property taxes to fund public education.

- **They create inherited group disadvantage or advantage**. These include the intergenerational transfer of wealth through estate inheritance, lack of reparations for historical injustices, and admissions procedures at universities that consider legacy.

- **They allow for the differential valuation in human life by race**. This includes the use of curriculum policies that teach certain histories and not others, as well as racial profiling and discretionary sentencing.

- **They limit the self-determination of certain groups of people**. This includes policies that result in disproportionate incarceration rates for people of color and their subsequent disenfranchisement, and lack of proportional representation in elections and governmental decision-making.

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[116] Sandra Hinson, Richard Healey, and Nathaniel Weisenberg. *Race, Power and Policy: Dismantling Structural Racism* (prepared for National People's Action by the Grassroots Policy Project, n.d.); https://www.racialequitytools.org/resourcefiles/race_power_policy_workbook.pdf
[117] Ibid

These features of racial inequitable policies characterize local policies in Montgomery County. For example, school boundary and teacher assignment policies that contribute to the opportunity gap in schools foster racial inequity in the School to Prison Pipeline by enabling the segregation of resources and risks in schools by race and ethnicity. School segregation also reinforces inherited group advantage and disadvantage. Further, disciplinary and opportunity gaps in the County allows for the differential valuation of human life by race and ethnicity while the power gap limits the self-determination of BIPOC stakeholders in reducing racial inequities in the Prison Pipeline.

Apply Guiding Principles to Develop Antiracist Policies. Another promising practice for diminishing racial inequity in the School to Prison Pipeline is to apply anti-racist guiding principles in developing policy options. The authors of The Hidden Rules of Race recommend that policymakers consider six guiding principles for advancing racial equity government decision-making that can also be applied to reduce racial disparities in the School to Prison Pipeline:[118]

- **Reckon with history**. Our nation has not fully reckoned with its fraught racial history. In all policy-making processes and political discourse, an acknowledgement of the complex reasons for our unequal starting places in important. This anti-racist guiding principle aligns with the first key feature of structural approaches to policy development being rooted in historical and cultural understanding noted in Chart 4.1 on page 38.

- **Acknowledge that race-neutral policies are rarely race-neutral**. Race-neutral or color-blind policies have both racial origins and racial consequences. From New Deal policies to mandatory minimum sentencing, race neutral policies have often led to racially unequal outcomes. It is important to acknowledge that color-blind "rules" manifest themselves in the context of longer-term trends.

- **Acknowledge that trickle-down policies have disproportionately hurt people of color and White middle and working classes**. The rise of trickle-down ideology has led to a rollback of policies designed to promote inclusive growth. Disinvestment from public goods and the safety net, permissiveness among regulators, and the erosion of worker power have increased economic insecurity and diminished life outcomes for people of color and for low- and middle-income White Americans. Neoliberal policies have destabilized the middle class.

- **Move away from universal policies and towards targeted universal policies**. Universal policies have failed to address the needs of marginalized communities while disproportionately benefiting Whites. Thus, they have exacerbated racial gaps. However, these policies have not benefited Whites uniformly, and in fact have also hurt the White middle class. A strategy of targeted universalism – one that benefits all but is crafted to favor the most disadvantaged and therefore provides race-specific results – is designed to narrow racial and social disparities.

- **Recognize that explicitly inclusive rules work.** Explicitly inclusive racial rules are still needed to reverse the long legacy of explicitly exclusive racial rules. In the past, we have seen race-focused policies help to close the gap in outcomes between Black and White. A 21st Century plan for inclusion must accept the reality of unequal starting points and opportunities.

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[118] Flynn, Holmberg, Walker, and Wong

- **Recognize that who writes the rules matters.** People make rules, and it is critical that people who are in power are diverse economically, racially, ethnically, by gender, and by age. We know that Black political exclusion throughout American history has resulted in a power imbalance in who gets to the write the rules. In periods of greater racial inclusion, representation, and power (e.g., Reconstruction), we rewrote the racial rules to become more inclusive.

PolicyLink also offers two additional priorities for investing American Rescue Plan funds that align with the guiding principles for developing racial equitable policies advocated in The Hidden Rules for Race: [119]

- **Engage historically underserved communities in prioritizing investments**. Equitable outcomes come about through equitable processes in which underserved communities that have been systematically denied full opportunities to participate in social, economic, and civic life have a meaningful say in decision-making. Rather than quickly choosing the most "shovel-ready" projects, local governments should partner with and co-create policy and program strategies with grassroots and resident-led organizations most impacted by structural racism.

- **Explicitly name racial equity as a goal, with specific targets.** Recovery plans should explicitly prioritize racial equity as a goal, name specific targets that produce meaningful equity results at scale and articulate the strategies to achieve those targets.

Principles For Promoting Racial Equity in Policies and Programs. Racial equity expert Marlysa Gamblin also offers a guiding set of principles for developing policy solutions for advancing racial equity that can be used to diminish racial inequities in the School to Prison Pipeline.[120] The following principles offer a roadmap for policymakers to work with BIPOC stakeholders to reduce racial inequities and disparities.

- **Center the needs and leadership of communities of color first (Principle 1).** When an idea is first raised, before the policy or program design is complete, ask what the impact will be on people of color. Experts of color, including scholars, practitioners, and advocates in relevant subject areas, including individuals with lived experience with the impact of the School to Prison Pipeline should be consulted. People from communities of color should be included as full partners in the policy design, implementation, and evaluation.

- **Name and consider each community of color individually, avoiding terms such as "minority" (Principle 2).** Each community has its own history, experiences, and challenges. It is essential to recognize that circumstances are often very different – both between various communities and within them. Name Black, Indigenous, Latinx, and other communities separately and identify how the policy or program proposal would impact members of each community.

- **Analyze the specific outcomes for each racial and ethnic group (Principle 3).** Because of Principle 2, there are different "whys" behind the varying outcomes that different communities experience. Also, not all BIPOC communities have the same outcomes. There are four questions to consider: How does each racial and ethnic group fare with each outcome that is being measured? What are the reasons for the outcomes experienced by each racial and ethnic group? What is the disaggregated racial and ethnic makeup of the population this policy serves? What is expected to be, the impact of this policy on each racial and ethnic population?

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[119] PolicyLink, 10 Priorities for Advancing Racial Equity Through the American Rescue Plan
[120] http://votingrecord.us/pdf/racial-equity-scorecard-policies.pdf

- **Set up policies and programs that are responsive in a way that is proportionate to the disparate impacts (Principle 4)**. Not understanding why and how to do this is a common reason for why well-intentioned initiatives fail to promote greater racial equity. Most policies and programs treat all communities the same, regardless of the different starting points or barriers faced by specific racial and ethnic communities. Instead, responses should be community- and circumstance-driven. A broad-based approach will provide everyone the same level of support while a racially equitable approach would provide targeted support based on specific needs. More specifically, the support should be proportionate to the disparate impacts and be deeply rooted in the specific community's history of discrimination.

- **Create a robust implementation and monitoring plan that is reflective of and accountable to BIPOC staff, institutions, and communities (Principle 5).** While policy design is important, it is equally important to evaluate that targeted support is provided in a thoughtful, racially equitable way. Inviting experts of color in from beginning, as discussed in Principle 1, will help inform how the implementation stage is formulated. Policies and programs must be sufficiently resourced for effective implementation and for enforcement of policies and program rules. Entities of color that directly serve their communities, and other experts of color with lived and/or scholarly experience, should be assigned to co-lead the implementation process. Lastly, legislation, policies, or programs should outline a racially equitable implementation plan.

Overall, Gamblin's racial equity principles incorporate many of the key features and recommendations offered by other experts for developing policy options that diminish racial inequities. These include:

- Encouraging policymakers to recognize the history of racial inequity;
- Matching problems with the appropriate level of intervention;
- Recognizing that one-size-fits-all approaches are rarely effective at promoting racial equity; and
- Partnering with BIPOC stakeholders to co-develop, implement, and evaluate policy efforts.

Gamblin's recommended approach for developing and sustaining policy efforts that reflect the five racial equity principles provides an ideal framework for creating and implementing local policies that have the power to diminish racial inequities in the School to Prison Pipeline.

Chapter 5:   Findings and Recommendations

The School to Prison Pipeline refers to the higher risk of students suspended from schools entering the juvenile and adult justice systems and the adverse personal, educational, and economic consequences associated with justice system involvement. Black children, especially Black students with disabilities, are severely over-represented among students in the School to Prison Pipeline locally.

In 2020, the Council tasked the Office of Legislative Oversight (OLO) to update its 2016 Report on the School to Prison Pipeline to discern whether it and racial disparity within it had diminished. This 2023 report provides an update on the original report to describe:

- The current size and demographics of the School to Prison Pipeline in Montgomery County;
- The factors that contribute to the persistence of racial disparities in the Pipeline; and
- Promising practices for reducing racial inequities in the Pipeline.

This chapter offers nine findings to describe the persistence of racial inequity in the local School to Prison Pipeline, its historic and contemporary drivers, and best practices for eliminating racial inequities in policy making. Based on these findings, OLO offers one main recommendation for County Council action: request the Board of Education task MCPS leaders to partner with Black, Indigenous, and Other People of Color (BIPOC) community-based stakeholders to co-develop and execute an action plan to reduce the over-representation of Black children in school suspensions, expulsions, and arrests.

While this report describes promising practices for reducing racial inequity in the School to Prison Pipeline that could be offered as recommendations for action, OLO recognizes that advancing racial equity requires a ***goal*** of eliminating racial inequities and a ***process*** that centers the needs, power, and leadership of BIPOC communities.[121] OLO also recognizes that advancing racial equity often requires seeing, thinking, and working differently to address the racial harms that have fostered disparities.[122] Thus, developing an action plan with the power to reverse racial disparities in the School to Prison Pipeline requires that MCPS partner with BIPOC stakeholders to co-develop and implement such a plan.

A description of this report's key findings and recommendations for Council action follows.

<u>**Summary of Project Findings**</u>

Finding #1   Between 2015 and 2020, the magnitude of the local School to Prison Pipeline remained the same for most school measures but declined for other measures.

Whereas the original OLO report found the size of the School to Prison Pipeline diminished across every dimension, a comparison between 2014/2015 data to 2019/2020 data described in Table 5.1 shows that on many measures, the size of the School to Prison Pipeline remained unchanged. For example, changes in the number of school removals and the suspension rate tracked with changes in enrollment between 2015 and 2020. The number of juvenile arrests also remained the same. Yet, the rate of arrests per 10,000 youth declined as did the number of children involved in juvenile diversion and referred to DJS.

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[121] Definition adopted from "Applying a Racial Equity Lens into Federal Nutrition Programs" by Marlysa Gamblin, et.al. Bread for the World, and from Racial Equity Tools https://www.racialequitytools.org/glossary
[122] Ibid

Table 5.1: Summary of Data Trends for School to Prison Pipeline Contact Points, 2014 – 2020

MCPS Data Points (School Years)	2015	2020	% Change
- School Enrollment	153,994	165,163	7%
- School Removal Incidents	2,447	2,561	5%
- Students Removed, Unduplicated Count	1,804	2,007	11%
- Percentage of Students Removed from School	1.20	1.21	1%
Juvenile Arrest Data Points (Fiscal Years)	**2015**	**2019**	
- Number of Arrests	1,776	1,761	-1%
- Number of Arrests per 10,000 Youth	195.6	159.6	-18%
DJS Data Points (Fiscal Years)	**2015**	**2020**	
- Total Intakes	2,303	1,360	-41%
- Total Charges	3,672	2,349	-36%
Circuit Court Data Points (Fiscal Years)	**2014**	**2020**	
- Delinquency Cases	2,354	1,946	-17%
DHHS Data Points (Fiscal Years)	**2015**	**2020**	
- Youth Screened by SASCA	591	185	-69%
SAO Data Points (Fiscal Years)	**2014**	**2019**	
- Referrals to Teen Court	331	171	-56%

Sources: OLO Report 2016-6, Department of Juvenile Services, Maryland Judicial Annual Statistical Abstract, Maryland State Department of Education, and unpublished data from Montgomery County Department of Health and Human Services and State's Attorney's Office.

Finding #2	**Racial disparities persist with Black students being twice as likely to be suspended or referred to juvenile services as compared to their share of student enrollment.**

Racial disparities across the School to Prison Pipeline have essentially remained the same between 2014/2015 and 2019/2020. Yet, as described in Table 5.2 on the next page, in 2020:

- Black students were twice as likely as their share of MCPS students to be removed from school and more than twice as likely to be involved with DJS or arrested. Yet, Black students were under-represented among diversion programs relative to DJS intakes and school removals.

- Latinx students were proportionately represented among students removed from school but slightly more likely to be arrested. Latinx students were also proportionately represented in DJS intakes and probations and in DHHS' teen diversion program. Yet, Latinx youth were only about half as likely as their share of enrolled students to participate in Teen Court in 2019.

- White and Asian students were less than half as likely as their shares of MCPS enrollment to be removed from or arrested at school. Conversely, White youth continued to be over-represented in diversion programs despite having a much lower risk for DJS involvement while the share of Asians in diversion programs matched their shares of youth removed and arrested at school.

Table 5.2: School to Prison Pipeline Contact Points by Race and Ethnicity, 2019 - 2020

	Black	Latinx	White	Asian
MCPS Data Points, 2020				
- School Enrollment	**21%**	**33%**	**27%**	**14%**
- Students Removed, Unduplicated Count	44%	36%	11%	4%
School Arrests, 2020				
- Number of Arrests	48%	39%	6%	4%
DJS Data Points, 2020				
- Intakes	52%	32%	16%	
- Probations	57%	33%	6%	
- Commitments	61%	10%	28%	
DHHS Data Point, 2020				
- Youth Screened by SASCA	25%	35%	42%	4%
SAO Data Point, 2019				
- Referrals to Teen Court	37%	18%	39%	5%

Sources: MCPS Schools at a Glance, Maryland Public School Arrest Data, Department of Juvenile Services, Montgomery County Department of Health and Human Services and State's Attorney's Office

Finding #3 **Race is a more powerful predictor of School to Prison Pipeline risk than either gender or disability status.**

The prior OLO School to Prison Pipeline report and other research have identified male gender and disability as risk factors for entering the Prison Pipeline in addition to race. Yet a review of Office of Civil Rights (OCR) data for MCPS suggests that race acts as a stronger determinant of school discipline risk than either gender or disability status.

When considering disparities in school discipline by gender and disability status, it is important to note that boys are generally classified as disabled at twice the rate of girls. But the impact of gender on disability risk is racialized with Black and Latino boys having a much higher risk of disability classification than boys of the races and ethnicities and Black and Latina girls having higher disability classification rates than girls from other racial subgroups and some boy subgroups.

More specifically, between 2011 and 2018, 17 percent of Black and Latino boys were classified as having a disability in MCPS compared to 14 percent of White boys, 10 percent of multiracial boys, and seven percent of Asian boys. Yet, eight to nine percent of Black and Latina girls were also classified as having a disability in MCPS compared to six percent of White girls and three percent of Asian and multiracial girls.

Boys are also about twice as likely as girls to be suspended in MCPS. Yet, the impact of gender on suspension risk is also racialized with Black and multiracial boys having a much higher risk of suspension than boys of other races and ethnicities, and Black girls having higher suspension rates than girls from other racial and ethnic groups and some boys from other racial and ethnic groups.

More specifically, Black and multiracial girls with disabilities and Black boys without disabilities had higher suspension rates between 2011 and 2018 than every other student subgroup except Black and multiracial boys with disabilities. During this time frame:

- 10 – 11 percent of multiracial and Black boys with disabilities were suspended;
- Six to seven percent of multiracial and Black girls with disabilities were suspended;
- Five percent of Black boys without disabilities were suspended;
- Four to five percent of White and Latino boys with disabilities were suspended;
- Three percent of Latina girls and Asian boys with disabilities were suspended;
- 2.5 percent of multiracial and Latino boys without disabilities were suspended;
- Two percent of Black girls without disabilities were suspended;
- 1.5 percent of Asian and White girls with disabilities were suspended;
- One percent of multiracial girls, White boys, and Asian boys without disabilities were suspended;
- One percent of Latina girls without disabilities were suspended; and
- Less than 0.5 percent of Asian and White girls without disabilities were suspended.

Thus, among the 20 student subgroups by race and ethnicity, gender, and disability with data on suspension rates, three of four Black subgroups (Black boys with and without disabilities and Black girls with disabilities) and two of four multicultural subgroups (multiracial boys and girls with disabilities) had the highest suspension rates. Those with the highest suspension rates includes subgroups of girls and students without disabilities despite the decreased school discipline risk associated with each group. This data demonstrates the outsized impact of race (i.e., being Black or multiracial) on school discipline risk relative to gender and disability.

A review of OCR data for other categories of school discipline also demonstrates the increased risk that Black students experience in the School to Prison Pipeline. While Black and Latinx students are over-represented among students with disabilities, only Black students with disabilities are over-represented among students with disabilities disciplined in schools. For example, in 2017-18, compared to accounting for 26 percent of students with disabilities, Black students accounted for:

- 47 percent of students with disabilities suspended once;
- 52 percent of students with disabilities referred to law enforcement;
- 53 percent of students with disabilities suspended multiple times;
- 64 percent of students with disabilities arrested at school; and
- 100 percent of students with disabilities expelled from school.

Similarly, among students without disabilities, Black students were also the only student subgroup by race over-represented among students disciplined in schools in 2017-18. Compared to accounting for 21 percent all students without disabilities in MCPS, Black students comprised:

- 44 percent of students without disabilities suspended once or referred to law enforcement;
- 47 percent of students without disabilities expelled from school;
- 58 percent of students without disabilities suspended multiple times; and
- 63 percent of students without disabilities arrested at school.

In sum, while boys and students with disabilities experience higher levels of school discipline than girls and students without disabilities, this finding is generally only relevant within racial groups rather than across them. White boys have higher suspension rates than White girls; White children with disabilities have higher suspension rates than White children without disabilities. However, Black girls with disabilities have higher suspension rates than White boys with disabilities and Black girls without disabilities have higher suspension rates than White boys without disabilities. As such, race is a much stronger predictor of School to Prison Pipeline risk than either gender or disability.

Finding #4   **Recent suspension data suggests that racial disparities in the School to Prison Pipeline have persisted post-Pandemic.**

In February 2023, MCPS provided an update to the Board of Education (BOE) on suspension data by race and ethnicity. The data describes total suspensions and suspensions for disruption and disrespect (defined as discretionary suspensions), for the first semester of the 2022-23 school year. The data shows that Black students were twice as likely as their share of student enrollment to be suspended while Latinx students were proportionately suspended, and White and Asian students were less than half as likely to be suspended.

Of note, data on discretionary suspensions demonstrates that some schools violated MCPS policy as changes to the Code of Conduct prohibit the use of out of school suspensions as consequences for disruption or disrespect. MCPS staff reports schools that violated this policy will be counseled.

Table 5.3: First Semester School Removals by Race and Ethnicity, 2022-23

	MCPS Enrollment (2021-22)	Total Suspensions	Discretionary Suspensions
Total	158,186	1,411	282
Distribution of Suspensions by Race and Ethnicity			
Black	21.9%	43.7%	46.8%
Latinx	33.4%	37.0%	33.0%
White	25.3%	9.7%	12.4%
Asian	14.1%	3.9%	1.4%
Multiple Races	<5.0%	6.2%	6.4%
Indigenous	<5.0%	0.0%	0.0%

Sources: MCPS Schools at a Glance and February 23rd Strategic Planning Committee of Board of Education

Finding #5   **Racial disparities in the School to Prison Pipeline are fostered by racism among individuals and institutions. Yet, many remain unaware of the impact of racism on the School to Prison Pipeline because it often manifests unconsciously.**

Those concerned about racial disparities often look to drivers other than race (e.g., poverty, behavior) as the underlying culprit of racial disparities. Yet, as noted by the Government Alliance for Race and Equity (GARE), those seeking to eliminate racial disparities must focus explicitly on race and eliminating racial inequities. Understanding the four facets of racism is key to eliminating racial inequities.

- **Internalized racism** refers to private beliefs about race and racism that are influenced by our culture. Internalized racism can manifest as prejudice toward others, an internalized sense of inferiority among BIPOC, and as beliefs about superiority among White people.

- **Interpersonal racism** occurs between individuals interacting with others based on their private racial beliefs and biases. Most people think about this level of racism - a problem between two or more individuals – when they consider racism and its impact.

- **Institutional racism** refers to biases in policies and practices that occur within institutions and organizations such that these entities work better for White people than for BIPOC.

- **Structural racism** refers to racial bias across institutions and society, causing cumulative effects that systematically advantage White people and disadvantage BIPOC. Structural racism encompasses the historic and contemporary reality of institutional racism across all institutions.

Implicit bias, biased thoughts and feelings that exist outside of conscious awareness, also undergirds each facet of racism. Implicit bias differs from explicit bias that is expressed directly and consciously. It also differs from explicit bias because it is pervasive: tests of implicit bias show that as many as 80 percent of White people and 40 percent of Black people are negatively biased against African Americans. Because most people are unaware of implicit bias, it helps to explain how racial disparities often occur without intention. Individuals and institutions can manifest implicit bias. Moreover, in institutions, the bias of individuals is routinely replicated through collective decisions and actions.

Table 5.4 describes the intersection between implicit and explicit bias and individual and institutional racism. In this table, individual racism/bias refers to the combined impact of internalized and interpersonal racism and institutional racism/bias refers to the combined impact of institutional and structural racism described above. Racial inequities that foster racial disparities in the School to Prison Pipeline likely reside in the institutional racism, implicit bias quadrant where "hidden forces" at work within the school system and other agencies advantage White students and disadvantage BIPOC students (especially Black students).

Table 5.4: Matrix of Explicit and Implicit Bias and Individual and Institutional Racism

	Individual Racism/Bias	**Institutional Racism/Bias**
Explicit Bias	When people think of racism, they often think of individual, explicit racism.	After instituting explicitly racist laws and policies, since the Civil Rights era government has focused on fixing explicitly racist laws and policies.
Implicit Bias	When many people think about how to fix racism, they think we need to change minds, one by one, getting rid of implicit bias.	Hidden forces at work in our institutions – this is where structural transformation is necessary to end racial disparities.

Source: Government Alliance on Race and Equity

Finding #6 **Racial disparities in the School to Prison Pipeline reflect a legacy of racial inequity in public schooling and policing in Montgomery County.**

Researchers have shown that racial disparities in school discipline are driven by factors other than student conduct. Understanding the legacy of racial inequity in public schooling and policing in Montgomery County is critical for understanding the historical drivers of racial disparities in the School to Prison Pipeline. Central to this story is understanding how government policies and practices have fostered racial segregation as a way of maintaining White economic and social dominance over BIPOC.

The history of public education, both nationally and locally, begins with racial segregation and an underinvestment in schools serving Black children. In 1860, the County established a free public school system for White children. In 1872, a public school system for Black children began in the County, but it was far from equal. Schools serving Black children were inferior to schools for White children, offering fewer days of instruction, serving fewer grades, and paying teachers half of what White teachers made. Segregated Black schools were also under-funded and -resourced to maintain the racial social order.

After Brown v. Board in 1954, MCPS began to desegregate. Yet, the County's approach prioritized the preferences of White people rather than advancing educational equity for Black people. For example, MCPS made no attempt to integrate all White schools in less diverse areas. By the mid-1990's, MCPS' integration efforts had been too weak to encourage significant racial integration across schools such that by 2019, two-thirds of White and Asian students attended low-poverty elementary schools where they were the majority while three-quarters of Black, Latinx and English learning students, and 80 percent of low-income students attended high-poverty elementary schools where they were majority.

The consequences of racial segregation in schools remain significant, whether the segregation is de jure or de facto. Many studies have demonstrated the negative impacts of attending segregated, high-poverty schools on math and reading scores while others have shown the positive impact of integrated schools on Black and Latinx student without harm to White students. Continuing school segregation within MCPS fosters an opportunity gap where White and Asian students have better access to high quality educational environments than Black and Latinx students. This opportunity gap fosters racial disparities in student performance that contribute to racial disparities in school removals and arrests.

The history of policing, like the history of public schooling, also begins with an emphasis on racial segregation to preserve the racial social order and control of Black people. The earliest policing efforts in the U.S., slave patrols, were formed to apprehend Black people who had escaped enslavement to instill fear and deter slave revolts. This history is inclusive of Montgomery County that formed a local militia in 1845 to fight off escaped slaves. Post-Reconstruction, racism in policing persisted with the enforcement of Jim Crow laws to control and extract the labor of the formerly enslaved. Racism in policing during the post-Reconstruction era also persisted locally with the lynching of Black people as recognized by the Montgomery County Commission on Remembrance and Reconciliation.

Following the Civil Rights Era, law enforcement has shifted from under-enforcement in BIPOC communities to over-policing as part of the War on Drugs that has led to the mass incarceration of Black and Latinx people. This over-policing of BIPOC communities has included the increasing use of police officers in schools, beginning with the Educational Facilities Officer Program in MCPS to the current Community Engagement Officer Program that replaced the former School Resource Officer program. Arrests on MCPS campuses have been concentrated among a subset of schools with the highest percentages of Black and Latinx students and among Black and Latinx students across all schools.

Finding #7   **Contemporary racial inequities in school discipline, educational opportunity, and stakeholder power also foster racial disparities in the School to Prison Pipeline.**

The Maryland Commission on School-to-Prison Pipeline and Restorative Practices highlights five racial inequities that foster racial disparities in the School to Prison Pipeline: 1) implicit bias in disciplinary decisions by teachers and administrators; 2) the criminalization of student behavior; 3) police presence in schools; 4) segregated schools; and 5) under-resourced schools. Each of these inequities increase the risk of Black, Indigenous, and Latinx students of entering the School to Prison Pipeline. For example:

- **Implicit bias** causes teachers and administrators to judge the behaviors of Black, Indigenous, and Latinx students more critically and discipline them more harshly than other students.

- The **criminalization of school discipline** and use of **police in schools** also targets Black and Latinx students for enforcement.

- **Segregated and under-resourced schools** that overly rely on discipline to manage school climates disproportionately harms the Black and Latinx students enrolled on these campuses.

Another contemporary driver of racial inequity in the School to Prison Pipeline is the **marginalization of BIPOC voices** in decision-making impacting the Prison Pipeline. Taken together, these six contemporary drivers of racial inequity in the Prison Pipeline can be described as three types of racialized gaps:

- **The Discipline Gap** that refers to the differential treatment of Black, Indigenous, Latinx, and multiracial students in school discipline and policing. It reflects the combined impact of implicit bias, criminalization of student behavior, and police in schools on BIPOC students that often increase their risk for entering the School to Prison Pipeline.

- **The Opportunity Gap** refers to the gap in access to high quality educational opportunities by student race and ethnicity. It reflects the combined impact of segregated schools and under-resourced schools on Black, Indigenous, and Latinx students that increased their risk for entering the School to Prison Pipeline.

- **The Power Gap** refers to the gap in institutional responses to stakeholders' concerns by their race and ethnicity. It reflects the greater power of White stakeholders compared to BIPOC voices to shape policy decisions that impact the School to Prison Pipeline.

Finding #8   **Structural approaches to policy making offer greater promise for reversing racial disparities in the School to Prison Pipeline than standard approaches.**

Best practices for reducing the School to Prison Pipeline usually reflect a standard approach to developing policy solutions that ignores racial inequities that foster disparities. They typically ignore historical context, they focus on individuals, they intervene only in the disadvantaged side of inequality, they leave unquestioned the privileged status of Whiteness, and seek short-term or immediate impacts.

Best practices for reducing the magnitude of the School to Prison Pipeline that do not seek to diminish racialized gaps within it are unlikely to diminish racial disparities in the School to Prison Pipeline. These can include policy options to expand diversion programs and mental health supports, advance restorative justice approaches and positive behavior interventions, increase supports for students at-risk of failure or dropping out of school, or to invest in promising interventions that boost student success.

Conversely, policy solutions developed using a structural approach offer greater promise for reversing racial disparities because they address historical context, institutions and structures, patterns of over- and under-advantage, White privilege, and the root causes of racial inequity over the long-term. Chart 5.1 compares policy options reflecting standard approaches to developing policy options for reducing racial disparities in the School to Prison Pipeline to structural approaches.

**Chart 5.1: Standard and Structural Approaches to Developing Policy Options for
Reducing Racial Disparities in the School to Prison Pipeline**

Standard Approaches	Structural Approaches
Not Rooted in Historical and Current Context • *Train/Maintain Police in Schools*	Rooted in Historical and Cultural Understanding • *Replace Police with Counselors*
Focus on Individual Actions, Behaviors & Attitudes • *Fix "At-Risk" Students* • *Fix Teachers and Staff*	Target Interacting Systems and Institutions • *Fix Racially Inequitable Policies and Practices Across Systems*
Intervenes Only on the Under-Advantaged Side of Inequality • *Focus on Students that Have Been Suspended and/or Arrested* • *Focus on Schools with High-Suspension and/or Arrest Rates*	Questions the Under-Advantaged and the Over-Advantaged in Developing Solutions • *Study Student Groups Over- and Under-Represented in the Pipeline* • *Study Schools Over- and Under-Represented in the Pipeline*
Leaves Unquestioned White Privilege • *Develop Benchmarks for Success based on White Norms* • *Create Policy Options that Do Not Challenge the Status Quo*	Challenges the Privileged Status of Whiteness • *Center Community-Based BIPOC stakeholders in the Development of Policy Options*
Seeks Short-Term or Immediate Impacts • *Change the Code of Conduct*	Seeks to Eliminate Root Causes of Racial Inequity over the Long-Term • *Co-Develop and Implement Multi-Year Plan*

Finding #9 **Policy solutions developed and implemented with racial equity principles that center the needs and leadership of BIPOC communities also offer the greatest promise for reversing racial disparities in the School to Prison Pipeline.**

Centering the needs and leadership of BIPOC communities to address specific racial inequities experienced by each community are central features of anti-racist approaches to developing policy solutions that advance racial equity. Best practices for developing policy options with the power reduce racial inequities that foster racial disparities:

• Match the drivers of racial inequity to possible interventions, especially at the institutional level;
• Dismantle policies that perpetuate racial inequity; and
• Apply guiding principles to develop anti-racist policies.

Consistent with best practices, Marlysa Gamblin offers the following set of racial equity principles for developing policy solutions for advancing racial equity that can be used to diminish racial inequities in the School to Prison Pipeline.

- **Principle 1: Center the needs and leadership of communities of color first.** When an idea is first raised, before the policy or program design is complete, government leaders should ask what the impact will be on people of color. People from communities of color should be included as full partners in the policy design, implementation, and evaluation.

- **Principle 2: Name and consider each community of color individually, avoiding terms such as "minority."** Each community has its own history, experiences, and challenges. It is essential to recognize that circumstances are often very different.

- **Principle 3: Analyze the specific outcomes for each racial and ethnic group.** There are different reasons behind the outcomes that different communities experience. Separately consider disparities by race and ethnicity, the reasons for the disparities experienced by each group, data disaggregated by race and ethnicity on the population a policy option being considered would serve, and what is the anticipated impact of the proposed policy per racial and ethnic group.

- **Principle 4: Set up policies and programs that are responsive in a way that is proportionate to the disparate impacts.** Most policies and programs treat all communities the same, regardless of the different starting points or barriers faced by specific racial and ethnic communities. Instead, responses should be community- and circumstance-driven. A racially equitable approach would provide targeted support based on specific needs.

- **Principle 5: Create a robust implementation and monitoring plan that is reflective of and accountable to BIPOC staff, institutions, and communities.** Inviting BIPOC experts in from the beginning should help inform implementation and monitoring. Moreover, policy options must be sufficiently resourced for effective implementation, enforcement, and evaluation.

Together, these five racial equity principles offer a roadmap for local jurisdictions to work with BIPOC stakeholders to reduce racial inequities and disparities. Further, they could be used to develop a comprehensive, systemwide plan aimed at reducing racial disparities in the School to Prison Pipeline.

Project Recommendations

This OLO report updates data on metrics included in the 2016 School to Prison Pipeline report, describes the systemic drivers of racial inequities in the Prison Pipeline and a racially equitable process for developing policy options with the power to reduce racial inequities in the Pipeline. In sum, this report finds that racial disparities in the School to Prison Pipeline in Montgomery County have persisted and that promising practices for diminishing the Pipeline often fail to diminish racial disparities because they ignore the racial inequities that drive them. Structural approaches rooted in historical and cultural understanding that focus on systems, institutions, and the needs and leadership of BIPOC stakeholders offer the greatest promise for reducing racial disparities in the Pipeline.

Based on these findings, OLO offers one main recommendations for Council action and three follow-up recommendations aimed at implementing the first recommendation.

Recommendation #1   **Encourage MCPS to engage in a collaborative process with community partners led by BIPOC stakeholders to co-develop, implement, and evaluate a systemwide plan aimed at reducing the severe over-representation of Black children in school discipline and school-arrests.**

Through discussions and commitments with the Montgomery County Board of Education, OLO recommends the County Council encourage MCPS to engage in a collaborative process with community partners to develop a comprehensive, systemwide plan for diminishing the over-representation of Black children in school discipline across MCPS.

Black children remain the only student subgroup that are systemically over-represented in school removals, school related arrests, and referrals to law enforcement across student subgroups by race and ethnicity, gender, and disability status. The persistent over-representation of Black children in the School to Prison Pipeline reflects legacies of racial inequity in public schooling and policing and contemporary racial inequities in school discipline, educational opportunities, and stakeholder power.

Marlysa Gamblin's racial equity principles and recommended approach for developing and sustaining policy efforts that reflect these principles described in Finding #9 provides an ideal framework for co-creating and implementing policy options that have the power to diminish racial inequities in school discipline. Further, OLO recommends that MCPS partner with a cross-section of community-based groups to co-develop the school system's plan including:

- The Collaboration Council for Children, Youth and Families;
- Racial Justice NOW;
- The 1972-II Action Group;
- The Black and Brown Coalition;
- Young People for Progress;
- The MORE Network at Impact Silver Spring;
- Montgomery County Education Forum; and
- Silver Spring Justice Coalition.

Recommendation #2   **Encourage MCPS and community stakeholders to use this OLO report and other resources to help co-develop, implement, and evaluate policy options with the power to diminish racial disparities in the School to Prison Pipeline.**

While this report highlights promising approaches for reducing racial inequities in the School to Prison Pipeline that can inform the development of viable policy options, the intent of this report is to provide background for stakeholders to co-develop and implement a comprehensive plan with the power to address the root local causes of racial inequity in the School to Prison Pipeline. Toward this end, OLO recommends MCPS thoroughly review this OLO report and other resources with community partners to help inform the development of a comprehensive plan for eliminating the over-representation of Black students in school discipline and the School to Prison Pipeline.

Recommendation #3 **Encourage MCPS to partner with community stakeholders to share a systemwide plan for reducing the over-representation of Black children in school discipline with the public at large and provide regular updates to the County Council and community on its progress.**

Accountability is a key component for ensuring the implementation and support of the MCPS plan for reducing racial inequity in school discipline co-developed with community based BIPOC stakeholders. Toward this end, MCPS should make the plan available to the public and provide updates on its progress in implementing the plan and impact on racial disparities in school disparities on a regular basis. OLO recommends that accountability measures include quarterly updates to the County Council and Board of Education and community-based groups such as the Black and Brown Coalition and Racial Justice Now.

Recommendation #4 **Encourage the Board of Education to allocate sufficient resources to support the development, implementation, and evaluation of the systemwide plan for reducing the over-representation of Black children in school discipline.**

Resources are required to develop, implement, and evaluate a plan for reducing the over-representation of Black children in school discipline with community partners. Resources are needed to co-develop a plan with the power to reduce racial inequities in school discipline, to implement it, especially if implementation requires new programming. Resources are also needed to publicize the plan to a broad group of stakeholders and to evaluate the plan for fidelity of implementation and impact on racial disparities in school discipline.

OLO recommends MCPS develop a budget for implementing each step in the plan execution process (development, implementation, evaluation). OLO further recommends MCPS share a recommended budget for this initiative with the Board of Education and County Council that considers existing and anticipated revenue sources to fund it.