

***Dismantling the
School to Prison Pipeline
through
Human Rights***

US Human Rights Network Membership Skills Building Call

National Economic and Social Rights Initiative (NESRI)
Dignity in Schools Campaign

Why Human Rights?

- Expose the school to prison pipeline as a human rights crisis
- Provide a positive, alternate framework for education and school discipline
- Provide a unifying message based on universality and the right to participation of the most affected
- Offer practical advocacy tools

School to Prison Pipeline

- Pushing students out of school into the prison system
 - Unjust suspensions and expulsions
 - Police involvement in schools
 - Disciplinary alternative schools
 - Lack of quality education services
 - Denial of special education services
 - High stakes testing pressure

Discipline and Police Involvement

- Over 3.3 million students received out of school suspensions in 2006
- Schools with the presence of safety officers or police officers increased from 54% in 1999 to 68% in 2005
- Most suspensions and school based arrests are for non-violent behavior such as insubordination or disorderly conduct

Suspensions, Dropout and Incarceration

- Students who are suspended or expelled are more likely to dropout of school
- Dropping out more than triples the likelihood that a person will be incarcerated later in life
- African American males are more than three times as likely to be suspended and more than four times as likely to be incarcerated

What are Human Rights?

- Civil, political, economic, social and cultural rights
- Universal Declaration of Human Rights, adopted by the United Nations General Assembly in 1948
- United States played a leading role in drafting the UDHR and early civil rights leaders sought to use the United Nations

A Human Right to Education

- Universal Declaration of Human Rights, Article 26
- International Covenant on Economic, Social and Cultural Rights, Article 13
- Convention on the Rights of the Child, Articles 28 and 29

Reframing Education and School Discipline

- Human rights standards can reframe how education and discipline is approached in U.S. public schools
 1. Individual rights of every child
 2. Full development of the child
 3. Human right to dignity
 4. Non-discrimination and equity
 5. Right to participation

1. Individual Rights of Every Child

- Hold schools accountable for ensuring *each* child's right to education
 - Unjust discipline pushes out students who are labeled as “problem students”
 - Instead schools must work to keep all students in schools and adapt to meet their needs

2. Discipline Aimed at Development

- “Development of the child's personality, talents and mental and physical abilities to their fullest potential” (Article 29, CRC)
 - Goal of zero-tolerance discipline is punishment and exclusion
 - Instead discipline should help students to learn positive behavior skills, to resolve conflicts in a non-violent way and develop good social relationships

3. Discipline that Protects Dignity

- “Ensure that school discipline is administered in a manner consistent with the child's human dignity.” (Article 28, CRC)
 - Students are punished unfairly and criminalized by prison-like environments and school-based arrests
 - Instead protect children from harm or humiliation, create a humane atmosphere and avoid arrest and criminalization

4. Non-Discrimination and Equity

- Human rights prohibit policies that intentionally cause discrimination or have a discriminatory impact (ICCPR, CERD)
 - Current framework emphasizes equal access and opportunity – students and families blamed for failure
 - Human rights requires active steps to eliminate disproportionate impact of discipline

5. Right to Participation

- Students and parents have a right to participate in decision-making that impacts their schools
 - Currently, schools “involve” parents and students if they choose
 - Human rights standards recognize participation of those affected as a fundamental human right
 - Students should participate directly in discipline – peer juries, counseling, and mediation

U.S. Accountability to Treaties

- The U.S. has only *signed, not ratified*, the major treaties recognizing the right to education
 - International Covenant on Economic, Social and Cultural Rights, Article 13
 - Convention on the Rights of the Child, Articles 28 and 29
- By signing, the government has agreed to uphold the ‘object and purpose’ of the treaty

U.S. Accountability to Treaties

- The U.S. has *ratified and is legally bound* to two treaties prohibiting discrimination in education
 - International Covenant on Civil and Political Rights (ICCPR), Articles 2 & 24
 - International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), Article 5
- To ratify a treaty, the U.S. President signs the treaty and the Senate passes a resolution making the treaty part of U.S. law.

U.S. Accountability to Treaties

- When the US ratifies a treaty it includes statements that limit some of the government obligations (Reservations, Understandings and Declarations – RUDs)
 - Without specific legislation, individuals are not allowed to take cases to U.S. court under the treaty
 - The federal government has ultimate responsibility under the treaty, but many of the provisions fall under the responsibility of state and local governments

Expanding Domestic Legal Accountability

- Some local governments have adopted human rights treaties - San Francisco Ordinance on CEDAW
- Some federal and state supreme court rulings have referenced human rights treaties
- Strategies are emerging for using international standards in state constitutional cases

Taking Action through Human Rights

- Reframe the policy debate and build coalitions
- Document human rights violations and organize communities
- Promote school-based policies consistent with human rights
- Access international mechanisms to bring pressure domestically

Example - Dignity in Schools Campaign

- A national coalition that seeks to challenge the systemic problem of pushout and advocates for the human right of every child to a quality education and to be treated with dignity
 - Alternatives to Zero-tolerance Working Group
 - National Conference in June 2009

Example - CADRE

- ***Community Asset Development Re-defining Education (CADRE)*** is a grassroots community organization forged by low-income parents of color in South Los Angeles. (www.cadre-la.org)
- In 2006, CADRE launched a human rights campaign to stop the school pushout crisis impacting South Los Angeles youth.
 - Human rights documentation
 - People's hearing
 - Campaign for Positive Behavior Support policy
 - Human rights monitoring for implementation

Example - UN Treaty Bodies

- Each major human rights treaty has a committee of experts appointed by governments to monitor whether governments that have ratified the treaty are living up to their obligations.
- The CERD Committee reviewed the U.S. government in March 2008
 - US groups submitted Shadow Reports
 - US groups traveled to Geneva to testify
- The Committee issued Concluding Observations on a wide range of human rights issues, including school discipline.

Concluding Observations

- “The Committee also notes with concern that alleged racial disparities in suspension, expulsion and arrest rates in schools contribute to exacerbate the high drop out rate and the referral to the justice system of students belonging to racial, ethnic or national minorities.”
- “The Committee also calls on the State Party to encourage school districts to review their “zero-tolerance” school discipline policies, with a view to limiting the imposition of suspension or expulsion to the most serious cases of school misconduct, and to provide training opportunities for police officers deployed to patrol school hallways.”

- CERD Committee, Concluding Observations, March 2008