

# Preventing School PushOut

## and its devastating effect on African American students in Connecticut's poorest cities



### What is School PushOut?

School pushout is the result of harsh disciplinary practices, inappropriate law enforcement tactics in school and inadequate educational services. These practices, which increase the likelihood that students will fall behind academically, have future behavior problems and drop out of school, push too many youth out of school each year.

High stakes testing has increased the incentives for schools to push out students, as schools can push out underperforming students to increase standardized test scores as well as claim higher graduation rates.

### PushOut Prevention

The Center for Children's Advocacy is working to eliminate school pushout, a practice that has a disproportionate impact on African American students.

African American students suffer at a disproportionate rate from referral to unregulated and inferior alternative schools, suspensions and expulsions, and school-based arrests for behaviors that could be handled by school staff.

Bridgeport and Hartford, Connecticut's two largest school systems, have both made significant use of school pushout practices.

In a recent report by the Bridgeport Child Advocacy Coalition, Bridgeport received a grade of F in 12 of 16 indicators of child well-being, including student achievement and graduation rates<sup>1</sup>. Only 56% of Bridgeport students graduate from high school on time and only 60% of Hartford students graduate from high school on time.

Connecticut has the worst achievement gap in the country. Bridgeport (39% of students are African American) and Hartford (33% of students are African American) have some of the worst student test scores in Connecticut.

Both cities are pockets of poverty surrounded by wealth. The Bridgeport-Stamford Metropolitan Area is home to the biggest income divide of any metropolitan area in the United States. Forty percent of Bridgeport children live in poverty, a child poverty rate three times that of surrounding Fairfield County. Thirty nine percent of Hartford children live in poverty.

A defining characteristic of public education in Connecticut is local control: individual cities and towns fund their own schools, create policies and procedures specific to their schools, and select and implement instructional programs. Elimination of school pushout and disruption of the school-to-prison pipeline in Connecticut must include advocacy on both state and local levels.

This report discusses the strategies and results of the Center for Children's Advocacy's PushOut Prevention Project in Bridgeport and Hartford.

1. 2012 State of the Child in Bridgeport, Bridgeport Child Advocacy Coalition.

# Alternative School Reform

## The Problem

The proliferation of alternative schools across Connecticut is a substantial contributor to the high dropout rates and huge achievement gap for African-American students. Many alternative schools, particularly those in urban areas, provide a significantly lower quality of education. At one school in Bridgeport, students were left alone at computers for “self-paced instruction” with little to no oversight, despite the fact that most were performing below grade level and needed extra assistance. The program provided only 2/3 of the number of educational hours required for regular high schools, and lacked required subjects. The dropout rate at this program was nearly 90%.

A 2011 study of alternative schools in Connecticut, *Invisible Students*<sup>2</sup>, reported that regular schools often used alternative programs to remove students who were low achieving, had special needs or poor school attendance.



The study noted that alternative schools had high dropout rates and were often “dumping grounds” for vulnerable students and a direct step toward school drop-out. Thousands of Connecticut youth had been transferred to alternative schools and youth of color were transferred to alternative schools at rates far exceeding their percent of the overall school population: available data showed that 60% of alternative school students were African-American or Latino, compared to 31% of students statewide.

Prior to the Center’s Pushout Prevention Project, alternative schools in Connecticut operated under the radar. Regular schools were required to provide the State Department of Education with reports that are made public and include information about test scores, attendance, instructional hours, subjects and print resources. Alternative schools were exempt from this requirement. Youth, parents and advocates had no information about the quality of these schools, which were effectively hidden from public view.

The Center’s alternative schools advocacy addressed schools in Bridgeport and Hartford and also rose to the state level, impacting cities and towns statewide..

## Investigation (Addressing the Absence of Data)

Before the Center could begin to advocate for reform, it needed to address the absence of data. There was no available data on the number of alternative schools in Connecticut, the number of students attending those schools, or the educational services available. Youth, families and community stakeholders were not aware of alternative school issues and what youths’ legal rights were in those settings. The Center gathered data through two methods:

### Required Reporting to State Department of Education (Public Access)

	Regular Schools	Alternative Programs
Test Scores	yes	<b>no</b>
Attendance	yes	<b>no</b>
Number of Students	yes	<b>no</b>
Hours of Instruction	yes	<b>no</b>
Days of Instruction	yes	<b>no</b>
Subjects Taught	yes	<b>no</b>
Resources Available	yes	<b>no</b>

### Public education and interviews with youth, families and community stakeholders.

The Center created a “PushOut” presentation for use in community presentations, developed a “School PushOut” brochure for youth and parents that describes youths’ educational rights, and created a survey to standardize the collection of information about alternative schools. Center staff worked with community agencies, legal services attorneys, probation officers, clergy and community organizers to make presentations to youth groups, parent groups and community members, and to identify youth, families and community stakeholders who had experience with alternative schools. Staff conducted interviews to gather data about the services provided in the alternative schools.

### In-person assessments of programs.

The Center researched best practices in alternative schools and created an assessment instrument to determine alternative schools’ compliance with best practices and with State requirements of regular schools. Staff conducted multiple visits, with and without youth clients, to five Bridgeport alternative schools to conduct first-hand observations and gather information. Visits to two of the schools included Dr. Andrea Spencer, Dean of Pace University School of Education and the Center’s education consultant, to enable Dr. Spencer to provide input into the assessment.

2. “Invisible Students”, A Better Way Foundation, December 2011.

# Alternative School Reform

Visits to alternative schools identified significant concerns:

- Regular schools' transfer of students to alternative programs without obtaining parental consent or notifying the youth or parent that the transfer was optional.
- Insufficient attempts to engage youth. The prevailing expectation appeared to be that students would drop out. Newly transferred students were told that if they didn't like the program they "should drop out and attend adult education." The student absence rate each day averaged 50% and there was no truancy action plan.
- No procedure to identify youth needing special education.
- No social work supports.
- Rampant and unchecked academic dishonesty (students openly using Google to obtain answers).
- No individualized education or transition planning.
- Lack of culturally, linguistically competent staff to ensure parental understanding and consent during intake.

The Center's assessment also discovered a broad pattern of teacher disengagement.

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Students would ask for help and not get it. Teachers would sit in class talking on their phones and would respond to youths' requests for help with comments like "can't you see I'm eating?"

## Local Level Advocacy

The Center addressed issues uncovered during investigation by advocating directly with Bridgeport Public Schools. In response to the Center's advocacy, Bridgeport's early systemic reforms included:

- Revision of their referral packet to make it clear to school personnel, students and parents that a student will not be transferred to an alternative program without parental permission (which they may revoke).
- A memorandum to alternative programs' staff regarding appropriate efforts to engage students who are habitually absent.
- Increased funding for full-time Art and Physical Education teachers at one Alternative School to ensure a full array of course offerings, and relocated the school to a new building that is a marked improvement.
- At a second school, where teachers had been passing on students who had failed, to "just get them through", teachers have been told to stop this practice, and to

provide extra individual instruction to youth who fail. As an oversight mechanism, the district will examine data on a weekly basis to ensure youth are not being passed on without learning or mastering material.

- At a third school, the district has hired a full time social worker for the school.
- One of the regular Bridgeport high schools is piloting a new program to engage freshmen who have repeated a grade at least once, to prevent their future transfer to an alternative program. This early intervention credit recovery program, implemented before kids fall helplessly behind, is based on the SUCCESS Schools model. The program is currently serving 70 youth.

The Center developed a report and action plan for reform based on its assessment. Staff met with Bridgeport's Superintendent of Schools and other highly placed personnel to present research into best practices in alternative schools and model programs. The Action Plan contains 18 action steps Bridgeport Public Schools has agreed to implement, including:

- Implementing a valid instrument to determine the academic, social, emotional and economic barriers to learning of entering students.
- Establishing individualized plans for each student incorporating intensive, content-related literacy and numeracy supports (including extra tutoring, if necessary) for students who are significantly behind.
- Assigning culturally and linguistically competent staff to ensure effective communication with families.
- Expanding the program design to incorporate college and career planning, including internships, mentorships and job placement.
- Ensuring that all students in alternative education programs have access to participation in school system extracurricular activities.
- Increasing the number of hours that guidance counselors and social workers are available to students.
- Developing a truancy action plan and implementing strategies to engage "non-attending" students more effectively.
- Creating transition plans for students returning to sending high schools.
- Assigning alternative school administrators who are knowledgeable about learning standards and have a strong experiential background with adolescents.
- Conducting an annual program evaluation based on aggregate data from standardized assessments.
- Ensuring weekly oversight of alternative school programs by central administration to ensure effective program implementation and performance.



# Alternative School Reform

## Statewide Advocacy

To ensure that local level reforms take hold and are sustained, the Center advocated for state level requirements and oversight. Staff assessed alternative programs in other Connecticut cities. In New Haven, supplies at an alternative school in a rundown strip mall were limited to old, outdated textbooks and two outdated computers. There were visible holes in the walls and other signs of decay. Not surprisingly, the average daily absence rate was over 40%, but the school had no truancy plan to reach and re-engage students. The Center met with New Haven Public Schools' administration to request specific improvements, and included its findings in advocacy to state level policymakers.

The Center wrote legislation and worked with members of the Black and Latino Caucus at the State Legislature to introduce an alternative schools bill. Staff worked closely with legislators as the bill made its way through the legislative process, reviewing the amended version that emerged from committee and proposing changes. The Center advocated for the legislation with the State Department of Education, which came out in support of the bill. A fact sheet developed by the Center was distributed to legislators, parents and community stakeholders. Relationships developed during investigation and education helped staff generate statewide support for the proposed legislation:

- The Center assisted 10 stakeholders who testified at a public hearing in support of the bill
- Secured media coverage of the Alternative Schools issue in print, television, radio and online publications including FOX CT news, Connecticut Mirror, Hartford Courant, WNPR, Connecticut Public Broadcasting Network, New Haven Register and CT Latino News.

## Results

The Center's advocacy resulted in a section in new legislation, Public Act 13-122, An Act Concerning Minor Revisions to the Education Statutes, passed May 30, 2013, which calls for the State Department of Education to conduct the first ever complete investigation and evaluation of alternative school programs in Connecticut.

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The study will evaluate each program based on students' needs and compliance with standards applicable to public schools. The evaluation will establish a minimum standard and framework for alternative programs to assure that stu-

dents in these programs have the opportunity to be properly educated. The Department of Education is required to complete this evaluation and make recommendations for reform to the legislature by February, 2014.

Also on the state level, Center staff made a presentation regarding alternative schools and other educational issues impacting at-risk youth to the Achievement Gap Task Force, which was created by the Connecticut Legislature to address the academic achievement gap in Connecticut and create a plan to eliminate the gap by January 1, 2020. The Task Force adopted all of the Center's recommendations and legislators on the Task Force introduced three bills to implement those recommendations. The Center's advocacy led to passage of sections of Public Act 13-234, An Act Implementing the Governor's Budget Recommendations for Housing, Human Services and Public Health, passed on June 4, 2013, that requires the state's child welfare and juvenile justice agencies to implement measures and establish pilot programs in Bridgeport, Hartford and New Haven to ensure that children in juvenile justice or child welfare placements, many of whom attend alternative schools, receive the educational services they need. The agencies are required to report to the Task Force on the measures implemented.

## Moving Ahead

The Center is continuing state level advocacy with the State Department of Education regarding its required investigation of alternative schools and recommendations for reform. Staff conducted research regarding best alternative school practices from nine other states and presented the State Department of Education with a memorandum that provides policy alternatives and recommendations regarding best practices. The Department of Education agreed to enlist the Center's help in the qualitative part of the investigation and recommendations. In coming months, the Center will meet with the Department of Education to discuss the memorandum and best practice alternatives. The Center will also monitor the new measures and pilot programs for children in out-of-home care who attend alternative schools to ensure they are implemented and assess their effectiveness.

The Center is working with Bridgeport Public Schools on a timeline for implementation of the action plan to address their alternative school problems, and will monitor Bridgeport's implementation. Staff is working with the New Haven Superintendent of Schools and other administrators regarding the action plan for reform of their alternative schools.

3. "Hard Lessons: School Resource Officer Programs and School-Based Arrests in Three Connecticut Towns," American Civil Liberties Union: [www.aclu.org/racialjustice/edu/37767pub20081117.html](http://www.aclu.org/racialjustice/edu/37767pub20081117.html)

# School Based Arrests

## The Problem

Prior to the Center's PushOut Prevention Project, schools in Bridgeport, Hartford and across Connecticut were demonstrating increased use of police arrests to respond to student misbehavior, even for minor problems. During one school year in Bridgeport, half of juvenile arrests happened at school, and almost all school-based arrests stemmed from low-level offenses such as disorderly conduct, fighting or breach of peace.

**Students of color were more likely to get arrested than white students who had committed the same offense.**

School-based arrests disproportionately impacted African-American students. An ACLU report found that in Hartford area schools, students of color were arrested at school at a greatly disproportionate rate and were more likely to get arrested than white students who had committed the very same offense<sup>3</sup>. Another report, resulting from a juvenile court review of a cohort of youth, found that 40% were arrested at school and that race was a factor in those arrests.

Connecticut's Office of Policy and Management's Juvenile Justice Advisory Committee had been charged with studying the issue, but other than issuing three reports (1995, 2001, 2009) the State had done nothing to address the increasing numbers of African-American students arrested at school. One reason behind the State's failure to reduce school-based arrests was the lack of data to illuminate the problem: neither schools nor police were required to track the number of arrests that occurred in schools or the race of arrested students. This type of data collection and reporting is necessary to identify locations with high rates of school-based arrests and generate potential solutions.

## Local Level Advocacy

The Center for Children's Advocacy asked the Center for Children's Law and Policy (CCLP), a national organization with expertise in reducing disproportionate minority contact (DMC) in the juvenile justice system, to partner in support of these efforts. The partnership was joined by local officials in Bridgeport and Hartford and state officials, with a goal of establishing diverse stakeholder groups focused on reducing DMC, beginning with school-based arrests.

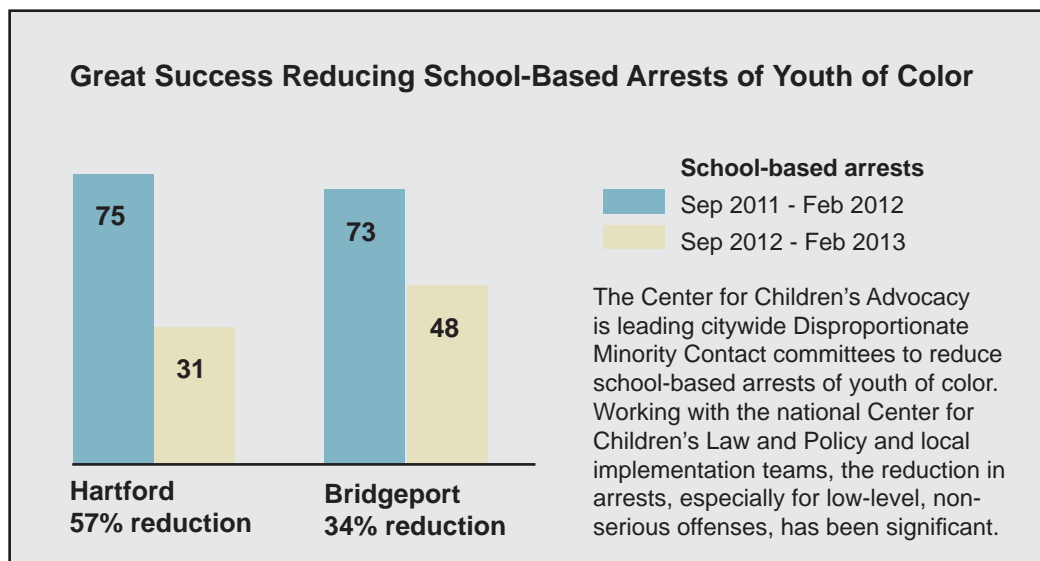
**Bridgeport and Hartford entered into Memoranda of Agreement with local police to reduce schools' reliance on police intervention and arrest.**

In response to the Center's advocacy, Bridgeport and Hartford School Superintendents entered into Memoranda of Agreement (MOAs) between the school system and the local police department. The MOAs implemented disciplinary protocols and interventions to reduce schools' reliance on police intervention and arrest to respond to children with behavior problems. Bridgeport and Hartford also established local School-Police Collaboration Teams to monitor arrests and oversee implementation of the MOAs. The agreements and the structures for accountability and monitoring that are now in place help ensure that reductions in arrests are sustained.

The Center met with Hartford's Superintendent of Schools to discuss school-based arrests, and she responded by implementing key personnel changes in the administrative oversight structure for two K-8 schools with high arrest rates. The Center also secured an agreement from the Superintendent to pilot the School Based Diversion Initiative (SBDI), run by the Child Health and Development Institute of Connecticut, in three Hartford schools with the highest

rates of arrest. SBDI provides schools with training and resources to manage student conduct without referral to the juvenile justice system. The state agreed to fund the Diversion Initiative in these schools.

With the Center's assistance, Bridgeport and Hartford Public Schools developed a training for School Resource Officers to educate them about appropriate responses to youth with trauma histories and behavioral health needs, improving the Officers' ability to de-escalate behavior problems without resorting to arrest.



## School Based Arrests

### State Level Advocacy

The Center has advocated with state legislators to lay the groundwork for new state legislation that will:

- Ensure that schools and police establish written policies or Memoranda of Agreement governing the day to day operations of police stationed in their schools and minimizing unnecessary involvement of police in school discipline, and
- Provide communities and their stakeholders with data about arrests that are occurring within their schools.

The Center for Children's Advocacy secured support from the Judiciary and Education Committees and testified at public hearings in favor of the proposed legislation. Although the legislation progressed far during the 2013 legislative session, the session ended before the bill could come up for a vote. The Center will build on the groundwork laid in 2013 to reintroduce and secure passage of this legislation in the 2014 session.

### Results

The Memoranda of Agreement and other advocacy with the school systems have resulted in large reductions in school-based arrests. Arrests of youth of color in Hartford public schools declined by 57%, from 75 arrests during a six-month period in 2011-2012, to 31 arrests during the same six months in 2012-2013. In Bridgeport, school-based arrests declined by 34%, from 73 to 48.

### Moving Ahead

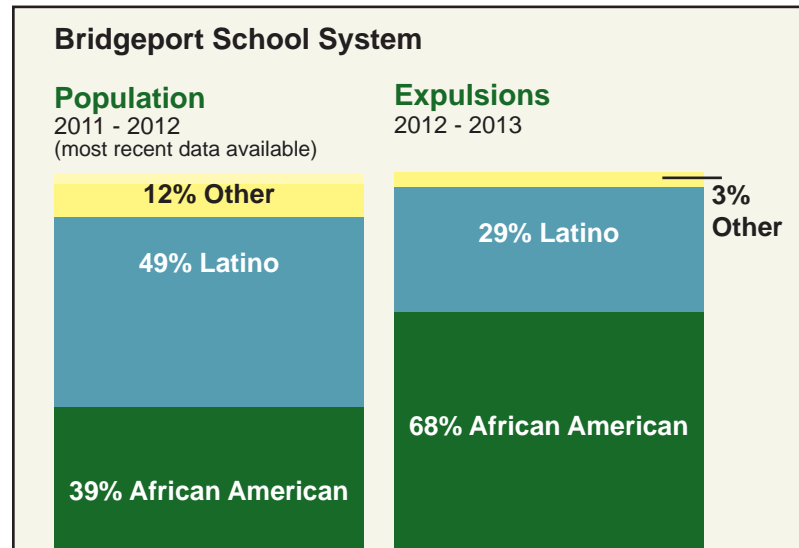
The Center will continue its advocacy to reduce school-based arrests across Connecticut by reintroducing and advocating for passage of legislation that requires school districts to enter into school-police agreements and requires the collection of school-based arrest data that includes the race of students arrested.

In 2014, the Center will expand its advocacy to reduce school-based arrests to schools in New Haven and Waterbury, both of which serve large numbers of African-American students and send high numbers of youth to the juvenile justice system.

## Suspension and Expulsion

### The Problem

Schools in Connecticut's largest and poorest cities have practiced disproportionate discipline of students of color. In Hartford, 46% of suspended students are African American, compared to 33% of students in the general school population. In Bridgeport, 68% of expelled students are African American, compared to 39% of students in the general school population.



School discipline policies in these two cities have been overly punitive and full of “zero tolerance” language that results in many African American children being removed from school. It ensures that children with behavior issues, including trauma-related behaviors, are disproportionately penalized. Disciplinary procedures in the two cities have not had adequate safeguards to protect children's rights, and have allowed too much discretion to administrators and other personnel who were not impartial decision-makers.

In Bridgeport, the decision-maker at expulsion hearings has been either an employee of the Board of Education or a hearing officer on paid contract with the school district. Both of these arrangements have significantly undermined the hearing officer's neutrality. When students with disabilities are referred for expulsion, the hearing officer has approached the question of whether a student's misbehavior was a manifestation of his or her disability by asking the student's parent only one question: “Does your child know right from wrong?” The hearing officer uses the parent's response as the sole factor in determining whether the student's behavior was a manifestation of his or her disability. In addition, the Bridgeport school system has not been following case law, and has been referring students for expulsion for incidents beyond those that have been established as expellable offenses. In Hartford, disciplinary procedures even varied from school to school, which resulted in disparate rates of expulsion.

# Suspension and Expulsion

Both Bridgeport and Hartford currently interpret Connecticut law to require no more than 2 hours of education each day for expelled students, provided by a “tutor” who is not required to be a certified teacher. Electives, arts classes, physical education and upper level courses are not provided. Students who have been found eligible for special education services commonly do not receive the services that were outlined in their IEP before they were expelled.

## State Level Advocacy

The Center is pursuing administrative and legislative changes to create systemic reforms that will reduce disparate and excessive expulsion rates for African American students. The Center is:

- Meeting with State Department of Education officials and state legislators to secure their support for new state legislation that will clearly describe the characteristics of a “neutral arbiter” for expulsion hearings, and will narrow the list of expellable offenses.
- Presenting the State Department of Education with models of state monitoring of school suspension and expulsion rates from other states and advocating for the implementation of an effective oversight model in Connecticut.
- Advocating with the State Department of Education and state legislators for new state legislation that will increase the educational services to which expelled students are entitled.

The Center has researched state constitutional law regarding the right to education for expelled students, and is drafting a complaint to be filed in state court. In 2010, the Connecticut Supreme Court, in *CCJEF v. Rell*, ruled that all Connecticut schoolchildren have a constitutional right to an adequate education that meets educational standards. The issue of whether the two hours of education provided to expelled students constitutes an “adequate education” has not been decided in Connecticut and the Center’s litigation will address this issue. If the litigation is successful, the result will be a requirement that schools continue to provide adequate educational services to students after they have been expelled, thereby reducing schools’ incentive to expel students.

## Local Level Advocacy

The Center has been working with administrative personnel in Bridgeport and Hartford schools to develop new procedures, practices and programs to reduce the suspension and expulsion of African American children:

- In Bridgeport, the Center led Bridgeport’s Code of Conduct Committee in rewriting the language that governs the school system’s suspensions and expulsions. The new Code of Conduct eliminates “zero tolerance” language and infuses restorative justice and positive behavioral interventions and supports (PBIS) into the school system’s discipline policies. The new Code of Conduct has been approved by the Bridgeport Public Schools’ Administration and will be presented to the Board of Education for final approval.
- In Hartford, with input from its national partner, the Civil Rights Project located at UCLA, the Center is reviewing Hartford’s Discipline Code to identify and recommend changes to both reduce “zero tolerance” language and align the Code with national standards found to be successful in reducing racial disparities in discipline. The Center has also been asked by Hartford Public Schools’ Superintendent’s office to help update Hartford Public Schools’ internal discipline manual to create consistency in disciplinary practices among administrators and across schools, and eliminate the opportunity for subjective and wildly disparate discipline decisions.

The Center is also filing two administrative complaints to address excessive suspensions and expulsions in the two cities:

- In Bridgeport, the Center has prepared a complaint to be filed with the State Department of Education regarding Bridgeport’s inadequate identification of and services for students with cognitive, developmental and emotional disabilities and trauma histories. Many of the students failed by Bridgeport’s special education system are African American students who have fallen behind and been suspended or expelled at disproportionate rates because their individual needs were not met. The Center expects the complaint to stimulate improvements to the educational services provided to these students, reducing the excessive suspensions and expulsions.
- In Hartford, the Center has obtained multi-year data on racial disparities in expulsions and is researching the filing of a federal complaint with the U.S. Department of Education Office of Civil Rights regarding the disparate impact of Hartford’s expulsion practices.

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