Children's Defense Fund
N E W   Y O R K

**Testimony for the New York City Council
Committee on Youth Services
Oversight – Disconnected Youth: Out of Work and Out of School
November 22, 2016**

Good Afternoon. My name is Charlotte Pope and I am the Youth Justice Policy Associate with the Children's Defense Fund – New York (CDF-NY). CDF-NY respectfully submits the following testimony regarding "Disconnected Youth: Out of Work and Out of School." Thank you to Chair Eugene and the members and staff of the City Council Committee on Youth Services for this opportunity to comment.

The Children's Defense Fund's Leave No Child Behind® mission is to ensure every child a healthy start, a head start, a fair start, a safe start and a moral start in life, and successful passage to adulthood with the help of caring families and communities. CDF-NY's unique approach to improving conditions for children combines research, public education, policy development, community organizing and statewide advocacy activities, making us an innovative leader for New York's children, particularly in the areas of health, education, early childhood and juvenile justice. Through CDF's Cradle to Prison Pipeline® Campaign – a national initiative to stop the funneling of thousands of children, especially poor children and children of color down life paths that often lead to arrest, conviction and incarceration – CDF-NY works to replace punitive school discipline and safety policies in New York City schools with social and emotional supports that encourage a positive school climate.

Overview
Today's oversight hearing focuses broadly on the estimated 172,000 young adults aged 18-24 who are out of school and out of work ("OSOW") in New York City. Our testimony today will focus on preventing disconnection with specific attention paid to restorative educational supports in consideration of the 65% of "OSOW" youth who, as stated in the Committee's report, do not have a high school diploma.[1] CDF-NY's work to improve school discipline policies and practices, promote alternatives to addressing harm that happens in schools, and create multiple pathways to success gives us a unique perspective on the Committee's interest in this population of youth. Because school climate and how students feel about their school's approach to discipline impacts achievement and connectedness to school,[2] we must pursue and invest in proactive strategies to ensure all students can access the respectful and inclusive learning environments they need to experience a meaningful education.

School Disconnection & School Engagement
There is a growing body of evidence that leaving school is not a sudden occurrence, but rather the result of a long-term process of disengagement.[3] Students reportedly become disengaged from the school

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[1] Matt Gewolb, "Committee Report of the Human Services Division," The Council of the City of New York, Committee on Youth Services, November 22, 2016, http://legistar.council.nyc.gov/LegislationDetail.aspx?ID=2871730&GUID=156C01FF-A441-4E88-9191-0124121D3292&Options=&Search=.

[2] Jessika H. Bottiani, Catherine P. Bradshaw, and Tamar Mendelson, "A Multilevel Examination of Racial Disparities in High School Discipline: Black and White Adolescents' Perceived Equity, School Belonging, and Adjustment Problems," *Journal of Educational Psychology, 2016.* Advance Online Publication, http://www.apa.org/pubs/journals/releases/edu-edu0000155.pdf.

[3] Ruth Curran Neild, and Robert Balfanz, "Unfulfilled promise: The dimensions and characteristics of Philadelphia's dropout crisis, 2000–2005," (2006), http://www.csos.jhu.edu/ new/Neild_Balfanz_06.pdf.

system for a variety of reasons, including family pressures and the need to work, while at the same time there are school-specific structural predicators of leaving school, such as a school's social organization, curriculum, climate, and interest teachers take in students.[4] Consequently, leaving school is not necessarily an individual decision, but more so a dynamic between the individual and their social context.[5]

Research tells us that reasons for staying in school include interactions with and the involvement of committed, concerned educators, satisfaction with the learning environment, a relevant and engaging curriculum, and fair discipline policies.[6] Key to motivating and engaging adolescents in the learning process is a school environment where students are well known, and where caring adults are concerned about students' intellectual growth, educational success, and general well-being.[7] A focus on factors that facilitate engagement is a promising approach to guide the development of effective interventions promoting school completion.[8]

The Role of School Discipline
Understanding how punitive, exclusionary discipline serves as a push out factor for many students is an important first step in developing and implementing plans to encourage school completion.[9] There is a growing body of evidence that the reliance on exclusionary responses to student behavior, including classroom removals and suspensions, increases the likelihood that students will engage in future disciplinary incidents[10] and result in considerable harm to students, schools, families, and communities.[11] This pattern, according to the American Psychological Association's Zero Tolerance Task Force, creates a pipeline to student pushout that exacerbates the number of student referrals to the justice system and creates an atmosphere of distrust between students and schools.[12]

Among many harsh disciplinary actions, suspension is often the first step in a chain of events leading to negative short- and long-term consequences, including academic disengagement, decreased academic achievement, noncompliance, tardiness, and absence.[13] Research has demonstrated that even a single suspension increases the odds of low achievement and leaving school altogether.[14] One study in particular, utilizing data from the Educational Longitudinal Study of 2002, found that students who have experienced at least one instance of school discipline were twice as likely to drop out as their counterparts who have never experienced school discipline.[15] This accumulating research on suspensions indicates that despite frequent use, such exclusionary discipline practices are not effective in reducing or discouraging harmful behaviors.[16]

Students feel safer and more connected to schools when they perceive their teachers to have expectations for positive behavior, demonstrate that they care, and implement discipline fairly and

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[4] ibid

[5] Jonathan F. Zaff, Kei Kawashima Ginsberg, Michelle J. Boyd, and Zenub Kakli. "Reconnecting Disconnected Youth: Examining the Development of Productive Engagement," *Journal of Research on Adolescence, 23(3): 526-540.* DOI: 10.1111/jora.12109

[6] Camilla A. Lehr, David R. Johnson, Christine D. Bremer, Anna Cosio, and Megan Thompson, "Essential tools: Increasing rates of school completion: Moving from policy and research to practice." *Minneapolis, MN: National Center on Secondary Education and Transition* (2004).

[7] Steinberg, Adria, and Cheryl Almeida. "The Dropout Crisis: Promising Approaches in Prevention and Recovery." *Jobs for the Future* (2004).

[8] Reconnecting Disconnected Youth

[9] Elizabeth Stearns and Elizabeth Glennie, "When and Why Dropouts Leave High School," Youth and Society 29: 31-32 (2006).

[10] Thalia Gonzalez, Keeping kids in schools: Restorative justice, punitive discipline, and the school to prison pipeline. Journal of Law and Education (2012), 41(2):281-235.

[11] Aaron Kupchik, "The Real School Safety Problem: The Long-Term Consequences of Harsh School Punishment," University of California Press, Oakland, CA. 2016.

[12] American Psychological Association Task Force, "Are Zero Tolerance Policies Effective in the Schools? An Evidentiary Review and Recommendations." *American Psychologist* 63(2008):852-62.

[13] Russell J. Skiba, Mariella I. Arredondo, Chrystal Gray, and M. Karega Rausch, "What Do We Know About Discipline Disparities? New and Emerging Research. In R.J. Skiba et al. (eds.), *Inequality in School Discipline (2016),* Bloomington, IN: The Equity Project, Indiana University.

[14] David S. Kirk and RJ Sampson, "Juvenile arrest and collateral educational damage in the transition to adulthood," *Sociology of Education, 86(2013):* 36-62.

[15] Anthony A. Peguero and Nicole L. Bracy, "School Order, Justice, and Education: Climate, Discipline Practices, and Dropping Out," *Journal of Research on Adolescence 25(3),* p.412-426.

[16] Christine A. Christle, Kristine Jolivette and C. Michael Nelson, *Breaking the School to Prison Pipeline: Identifying School Risk and Protective Factors for Youth Delinquency, 13* Exceptionality (2005).

tolerantly.[17] While perceived school safety is important for student learning,[18] criticism has emerged in educational studies and public discourse that schools may be going too far in attempting to promote safety, unintentionally causing harm to students in the process.[19] More specifically, high levels of school security have not proven to reduce school violence,[20] and, instead, can negatively affect students by increasing the likelihood they will have contact with the criminal justice system.[21] Increased punitive contact with the justice system leads to lasting and damaging effects, including diminished educational outcomes due to school interruption, stigma, and social disconnection and isolation.[22] CDF-NY seeks to promote alternative policies such as restorative justice that have been found to reduce violence, improve safety, strengthen school bonds, foster healthy relationships, and improve educational opportunity.[23] In our work we encourage teachers, school administrators, educational policymakers, and stakeholders to reflect on and evaluate whether discipline and the subsequent educational and social exclusion is the best or most just response to student behavior in school.[24]

Implementing Restorative Justice

School-based restorative justice practice is a whole-school approach focused on inclusion in the school community, rather than exclusion, to address issues of student discipline,[25] student performance,[26] school safety,[27] student pushout,[28] and the school to prison pipeline[29] without a disproportionate reliance on classroom removals and suspensions. Restorative justice is based on building and strengthening relationships, showing respect, and taking responsibility. A framework that centers youth and positions students as assets to school communities, restorative justice focuses on developing and maintaining relationships among students, educators, parents, and community members to prevent and respond to conflict, harm, and violence.[30] Schools can perform restorative justice in many ways, including peer mediation programs, classroom community meetings, youth courts, or community circles (where members of the community engage in conversation). Restorative circles have been found to help educators and students uncover the root of conflicts, create space for individuals to be accountable for their actions, teach social and emotional literacy, foster a sense of community, and improve academic outcomes, relationships, and overall school climate.[31]

This school year marks year two of the City Council's Restorative Justice Initiative, a pilot program whereby 15 schools across the five boroughs are resourced with a full-time school-based restorative justice coordinator and positioned in a network of 25 schools all implementing whole-school restorative justice models. Of the 115 schools invited to apply for the Restorative Justice Initiative, based on criteria

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[17] Clea A. McNeely, James M. Nonnemaker & Robert W. Blum, *Promoting School Connectedness: Evidence form the National Longitudinal Study of Adolescent Health,* 72 Journal of School Health 138, 144-46 (2002).

[18] John Devine and Jonathan Cohen, *Making your school safe: strategies to protect children and promote learning*, (2007) New York, NY: Teachers College Press.

[19] Catherine Y. Kim, David J. Losen, and Damon T. Hewitt, The school-to-prison pipeline: Structuring legal reform. (New York: New York University Press, 2010).

[20] Anthony Peguero, Ann Marie Popp, and David Koo, "Race, ethnicity, and school-based adolescent victimization," Advance online publication. Crime and Delinquency. doi:10.1177/0011128711398021

[21] Ming-Te Wang, and Thomas J. Dishion, "The trajectories of adolescents' perceptions of school climate, deviant peer affiliation, and behavioral problems during the middle school years," Journal of Research on Adolescence, 22(2012):40–53.

[22] Keeping Kids in Schools

[23] David Knight and Anita Wadhwa. (2014). "Expanding Opportunity through Critical Restorative Justice: Portraits of Resilience at the Individual and School Level." *Schools: Studies in Education, 11(1)*:11-33

[24] Anthony A. Peguero and Nicole L. Bracy, "School Order, Justice, and Education: Climate, Discipline Practices, and Dropping Out," *Journal of Research on Adolescence 25(3),* p.412-426.

[25] Belinda Hopkins, "Restorative Justice in Schools," *Support for Learning 17*(2002):144-49. http://transformingconflict.co.uk/system/files/libraryfiles/Doc%205%20-%20Restorative%20Justice%20in%20Schools%202002%20-%20Support%20for%20Learning%207.3.pdf

[26] Brenda E. Morrison, Peta Blood and Margaret Thorsborne, *Practicing Restorative Justice in School Communities: The Challenges of Culture Change, 5* Pub. Org. Rev. 335, 337-38 (2005).

[27] *Are Zero Tolerance Policies Effective in Schools?*

[28] *Practicing Restorative Justice in School Communities*

[29] William Haft, *More Than Zero, The Cost of Zero Tolerance and the Case for Restorative Justice in Schools, 77* Denv. U.L. Rev 795 (2000)

[30] Bernard, Bonnie, and Sean Slade, "Listening to Students: Moving from Resilience Research to Youth Development Practice and School Connectedness." In *Handbook of Positive Psychology in the Schools, (2009)* ed. Richard Gilman, E. Scott Huebner, and Michael J. Furlong. New York: Routledge.

[31] David R. Karp and Beau Breslin, "Restorative Justice in School Communities," *Youth and Society, 33(2001):* 249-272/

that they had disproportionately high rates of suspension when compared to their borough, funding allowed for the participation of 15 schools. At the end of year one, in June 2016, each school had developed a multi-year action plan tailored to the needs of their individual school community. As we await an evaluation of this pilot program, and count the number of students, educators, and community members trained and participating in restorative practices, we look to the considerable evidence being gathered nationally attesting to the benefits of restorative justice. Other school districts have taught us that youth who have engaged in harm but participate in restorative justice programs are less likely to harm others in the future, and people who experience harm are more likely to report being satisfied with the outcome.[32] Restorative practices address and discuss the needs of all school stakeholders, build healthy relationships between educators and students, repair harm when it does happen, and resolve conflict by holding people accountable.[33] Continuing this investment in whole-school restorative justice has the potential to make significant contributions in helping schools become safer places, discouraging bullying behaviors, reducing exclusion and the demand for exclusion, and raising attendance and graduation rates.[34]

Conclusion
As a result of the Council's successful passage of the Student Safety Act in 2011, as well as amendments enacted October 2015, the public is provided disaggregated data showing the number of classroom removals, suspensions, summonses, arrests, and handcuffing events in New York City public schools. While the total number of suspensions, summonses, and arrests continues to decrease year-to-year, we remain concerned with significant and persisting racial disparities in the use of these practices. We encourage the Council to continue dialogue with the DOE on the value of sustainable investment in restorative justice in schools and ending disparities in school pushout. We are grateful to the Council for funding the 2015-16 and 2016-17 Restorative Justice Initiative and for the continued commitment to matters of improving school climate. Thank you again for this opportunity to comment.

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[32] Nancy Rodriguez, "Restorative Justice at Work Examining the Impact of Restorative Justice Resolutions on Juvenile Recidivism" Crime Delinquency. 3 (2007): 355-374.

[33] Barbara J. McMorris, Kara J. Beckman, Glynis Shea, Jenna Baumgartner, Rachel C. Eggert, *Applying Restorative Practices to Minneapolis Public Schools Students Recommended for Possible Expulsion: A Pilot Program Evaluation of the Family and Restorative Conference Program*, Minneapolis, MN: School of Nursing and the Healthy Youth Development Prevention Research Center, University of Minnesota (2013), http://www.nursing.umn.edu/prod/groups/nurs/@pub/@nurs/documents/content/nurs_content_488712.pdf.

[34] Advancement Project, American Federation of Teachers, National Education Association, National Opportunity to Learn Campaign. *Restorative Practices: Fostering Healthy Relationships & Promoting Positive Discipline in Schools, A Guide for Educators.* (Washington, D.C.:2014) http://b.3cdn.net/advancement/5d8bec1cdf51cb38ec_60m6y18hu.pdf.