



The School to Prison Pipeline

Know Your Rights
and Resource Guide for Parents and Advocates

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Dear Parents and Guardians,

Thank you for your time in reviewing this resource guide. We hope that you find this guide helps you to advocate for your child's education and treatment.

What is the School To Prison Pipeline?

The school to prison pipeline happens when a student's behavior results in the involvement of law enforcement. This increases the likelihood of involvement with the criminal justice system during adulthood. Zero tolerance policies at school are a factor in this practice and those who are often victims of these policies and practices are students of color and students with disabilities.

Unfortunately, too many students have faced suspensions and expulsions from school in recent years due to harsh zero tolerance policies. Zero tolerance policies were put in place by school districts across the country to target the most serious of offenses, such as a student's possession and use of drugs and dangerous weapons in the school environment. In recent years, public school students have been suspended or in some cases, expelled from school for behaviors and less severe offenses such as being rude and truancy. The use of zero tolerance policies by school officials have not resulted in fair and equal discipline for all students.

Studies have shown that zero tolerance policies have resulted in unequal treatment of students of color and students with disabilities. Statistics have repeatedly shown that African American students are 4x more likely to be suspended or expelled from school than white children. And students with disabilities are 2x likely to be suspended or expelled than their nondisabled peers. (Emily Hanson, American Civil Liberties Union) This is concerning and alarming because when school children are suspended or expelled from the school environment, they become more vulnerable to entering the school to prison pipeline.

A REAL LIFE EXAMPLE

Donald's Story

Donald is an 8 year-old African American elementary student attending a public school in Missouri until he was suspended for 180 days for bringing a knife to school. Donald has Attention Deficit Hyperactivity Disorder, also known as ADHD. Donald's ADHD made it hard for him to learn. For example, he had difficulty completing classroom assignments because he could not concentrate. He had difficulty keeping his desk and class assignments organized, and he received multiple short-term suspensions due to not following the classroom rules of his teacher, or for fighting. Donald's mother requested that the school evaluate Donald for special education services, and he was placed on an Individualized Educational Plan (IEP).

Donald was also a victim of bullying by his peers, especially a white male student who often teased him by calling him names, and sometimes became physical with Donald. Donald would report these incidents to his teachers and other school district employees, but often, he was told to stop tattling. Donald's mother told the school several times that her son was the victim of bullying, including during a team IEP meeting; however, the school principal would not discuss the mother's concerns during the meeting. The mother believed it was necessary to bring up her son's bullying incidents so the team could make a behavior intervention plan (BIP) to address her son's support needs. But, her concerns were ignored by the school officials, as well as the many prior reports she made regarding her son being a victim of bullying.

At first after the knife incident, Donald was told that he could return to school the following day after the incident because he had not used the knife in a threatening or dangerous manner. Then, the principal of the school informed the mother that she was recommending that Donald receive an extended suspension. Donald later received an informal conference in which the school officials agreed to let him return to school on a modified day basis. However, the school district later contacted

the parents and told them their son was being placed on a long-term suspension for a 180 day period for violating the Missouri Safe Schools Act.

Donald's mother called a team IEP meeting so that the team could discuss Donald's incidents and to evaluate whether or not the bringing the weapon to school was a result of Donald's disability (this kind of meeting is called a "manifest review hearing"). If a student with an IEP Plan violated codes of conduct or school policies due to their disability, their suspension period can be shortened or modified. At the meeting, the school psychologist suggested that Donald's behavior was not a result of his disability, and the school officials, along with its local educational agent (LEA) determined that Donald's behavior was not due to his disability.

The parents disagreed with the decision, and say that the school failed to give them notice that the school psychologist would be at the meeting. They could have presented evidence from their son's treating psychologist, if they had known. They also say the school failed to provide them with their son's complete educational records prior to the manifest review hearing. They believe that Donald bringing the knife to school was an impulsive thought, a symptom of his ADHD.

Donald's case was also referred by the school to the local juvenile office. The parents are now seeking help from an attorney. This example is shared because Donald and his parents are not alone. These kinds of situations are happening with other students with disabilities and students of color, and their parents. This guide is offered as a tool for parents, so they are aware of their rights, and so they know where they might turn for help.

KNOW YOUR RIGHTS

The United States Constitution Fourteenth Amendment guarantees students with disabilities equal protection and due process protections in elementary and secondary schools. The Equal Protection Clause of the 14th Amendment provides that a state may not “deny to any person within its jurisdiction the equal protection of the laws”, this also includes protections for students with disabilities.

Under the Missouri Constitution, Article IX Section 1(a), “ A general diffusion of knowledge and intelligence being essential to the preservation of the rights and liberties of the people, the general assembly shall establish and maintain free public schools for the gratuitous instruction of all persons in this state within ages not in excess of twenty-one years as prescribed by law”. This means that under Missouri state law, students with disabilities have the right to free public education.

Individuals with Disabilities Education Act - This federal law ensures that students with disabilities are given a free and appropriate public education, also known as FAPE, according to their own *individual and unique needs*. Under this Act, students with disabilities have procedural due process protections in which public schools must follow!!!

American with Disabilities Act – The ADA is the first comprehensive civil rights act for individuals with disabilities. The ADA bans discrimination on the basis of an individual’s disability in all aspects of employment, and in access to public programs, public services such as transportation, and public places.

Section 504 of the Rehabilitation Act: “Section 504” is a federal law created to protect the rights of individuals with disabilities in certain programs and activities receiving federal financial assistance, such as public school districts. A student must have a disability and that disability must limit a major life function to qualify for assistance under Section 504.

“Students of color are 4.4 times more likely to be suspended than their white peers, and students with disabilities are twice as likely to be suspended than their non-disabled peers. During the 2015-16 school year, students with disabilities missed 86,378 school days because of suspensions, and black students missed 178,242 school days, or 488 calendar years. This is unacceptable.”

Emily Hanson, American Civil Liberties Union of Missouri



Rights of Students with Disabilities:

Have a right to a free and appropriate public education in the least restrictive school setting possible.

Have a right not to be discriminated against.

Have a right to file a complaint against public schools with the U.S. Department of Education's Office of Civil Rights, or through the Missouri Department of Elementary and Secondary Education, and not be a victim of retaliation.

Have a right to hire an attorney to represent you in school matters.

Rights of Parents:

You have the right to request an evaluation if you think your child needs special education or related services

You have the right to obtain an independent evaluation if you disagree with the outcome of the school's evaluation

Notification Rights:

When the school is evaluating your child for special education services you will be asked to provide "informed consent"

When the school wishes to change your child's educational placement

When the school refuses a parent's request for an evaluation

When the school refuses a parent's child in placement

You have the right to request a reevaluation if you think your child's current educational placement is no longer appropriate. The school must reevaluate your child at least every three years and your child's educational plan must be reviewed at least once during each calendar year

You have the right to review all of your child's educational records and request records for a reasonable fee

You have the right to participate in your child's IEP meeting

You have the right to request a due process hearing to resolve matters that cannot be resolved informally with the school

RESOURCES*

Advocacy and Support Resources

Family Advocacy and Community Training “FACT” works to mentor and empower families through advocacy and training to improve the quality of life and opportunities for children and adults with disabilities. Contact Information: (636) 949-2425. <https://www.factmo.org/>

Missouri Developmental Disabilities Council is a federally-funded, 23-member, consumer-driven council appointed by the Governor. Its mandate under P.L. 106-402, the Developmental Disabilities Assistance and Bill of Rights Act, is to assure that individuals with developmental disabilities and their families participate in the design of and have access to needed community services, individualized supports, and other forms of assistance that promote self-determination, independence, productivity, and integration in all aspects of community life. Toll-Free Contact information: (800) 500-7878. <https://moddcouncil.org/>

Missouri Disability Empowerment Foundation “MoDE” works to empower individuals with disabilities and promote inclusivity through advocacy efforts that lead to legislative and policy change. <https://www.moempower.com/>

Missouri PTA: <https://mopta.org/> and **Regional Special Education PTAs such as Columbia, MO Special Education PTA:** <https://comosepta.com/>

MPACT works to empower families to advocate for themselves so that children with special educational needs can reach their full potential in education and life – through support, training, and education. Contact Information: (800) 743 -7634. <https://www.missouriparentsact.org/>

*Information presented in the “Resources” section is not an endorsement, recommendation, or affirmation of services. Information including, but not limited to, mission statements, description of services, and contact information was gathered from public websites.

Missouri Educational Advocacy Network- Educational Advocacy Program workshops are for those interested in learning the basics of Special Education law, rights of those receiving services, as well as how to partner with and advocate for students with disabilities and their families in educational settings. [https://www.moleapnetwork.org/certified Missouri Lay Educational Advocates List?](https://www.moleapnetwork.org/certified-missouri-lay-educational-advocates-list)

People First of Missouri is a non-profit organization that promotes equality for people with disabilities so they can live the life they want in the community. <https://www.missouripeoplefirst.org/>

Educational Resources

The ADA National Network provides information, guidance, and training on the Americans with Disabilities Act (ADA) in order to support the mission of the ADA to “assure equality of opportunity, full participation, independent living, and economic self-sufficiency for individuals with disabilities.” Toll Free Contact Information: (800) 949-4232. <https://adata.org/national-network>

National Informational & Training Resources Brochure: https://adata.org/sites/adata.org/files/files/ADA_National%20Projects_2016.pdf

Governor’s Council on Disability (GCD) promotes full participation and inclusion of the nearly 1 million Missourians with disabilities in all aspects of community life by educating citizens, businesses, schools, universities, and others of their rights and responsibilities under the Americans with Disabilities Act. <https://disability.mo.gov/gcd/>

Guide to Section 504 in Public Elementary and Secondary Schools (December 2016) from the U.S. Department of Education Office for Civil Rights Resource Guide: <https://www2.ed.gov/about/offices/list/ocr/docs/504-resource-guide-201612.pdf>

Missouri Bar Association Legal Topics. The Missouri Bar is a statewide organization that is dedicated to improving the legal profession, the law and the administration of justice for all Missourians. <http://missourilawyershelp.org/legal-topics/>

PACER Center: Champions for Children with Disabilities. PACER Center is a parent training and information center for families of children and youth with all disabilities from birth to young adults. Located in Minneapolis, it serves families across the nation through publications, workshops, and other resources to assist parents in making decisions about education and other services for their children with disabilities. Toll-Free Contact Information: (800) 537-2237. <https://www.pacer.org/>

School Resource Officers, School Law Enforcement Units, and the Family Educational Rights & Privacy Act (FERPA) Guidance Document. The guidance document consists of 37 questions about schools' and school districts' responsibilities under FERPA relating to disclosures of student information to school resource officers (SROs), law enforcement units and others, and seeks to explain and clarify how FERPA protects student privacy while ensuring the health and safety of students and others in the school community. <https://studentprivacy.ed.gov/resources/school-resource-officers-school-law-enforcement-units-and-ferpa>

State of Missouri Disability Portal sponsored by the Governor's Council on Disability presents education resources to be successful in school, employment, and community. <https://disability.mo.gov/education.htm>

UMKC Institute for Human Development works to improve the quality of life of people from underserved communities, particularly those with developmental disabilities, through interdisciplinary training, applied research, community program development, and information dissemination. Contact UMKC Institute for Human Development at 800-452-1185. <https://ihd.umkc.edu/>

Missouri Family to Family Resource Center “MOF2F” serves individuals with disabilities and/or special health care needs, their families and professionals who support them. Toll free number: 800-444-0821. <http://mofamilytofamily.org/>

Charting the LifeCourse framework was created by families to help individuals and families of all abilities and all ages develop a vision for a good life, think about what they need to know and do, identify how to find or develop supports, and discover what it takes to live the lives they want to live. Contact Information: 800-779-8652. <https://www.lifecoursetools.com/learning-materials/>

Legal Assistance

American Civil Liberties Union of Missouri Foundation “ACLU”: The ACLU of Missouri defends civil liberties and the principles of equality and justice in Missouri through its litigation, legislative and public education programs. To request legal assistance: (314) 652-3111. <https://www.aclu-mo.org/en/legal-help>.

Missouri Bar Association Lawyer Search: The Missouri Bar is a statewide organization that is dedicated to improving the legal profession, the law and the administration of justice for all Missourians: <https://mobar.org/public/LawyerSearch.aspx>

Missouri Protection & Advocacy Services: Federally mandated agency in Missouri which provides protection of the rights of persons with disabilities through legally-based advocacy. Offices in Fulton, Jefferson City, St. Louis, and Kansas City. Application Toll-Free Number: 800-392-8667. <http://www.moadvocacy.org/>

Legal Services of Missouri: Four legal services organizations in Missouri funded primarily by the Legal Services Corporation (LSC) to ensure low-income individuals have equal access to the courts. Civil (not criminal) legal services in the state of Missouri.

Mid-Missouri Legal Services: Serving 11 counties in central Missouri through offices in Columbia and Jefferson City. Toll-Free Application Number: 800-568-4931. <http://mmls.org/>

Legal Services of Eastern Missouri. Serving 21 counties in Eastern Missouri through four offices in St. Louis City, St. Louis County, Hannibal, and Union. Toll-Free Application Number: 800-444-0514. <https://lsem.org/>

Legal Aid of Western Missouri: Serving 40 counties in Western Missouri through four offices in Kansas City, Joplin, St. Joseph, and Warrensburg. Central Office Number: 816-474-6750. <https://lawmo.org/>

Legal Services of Southern Missouri: Serving 43 counties across Southern Missouri through offices in Springfield, Cape Girardeau, Sikeston, Rolla, and West Plains. Toll-Free Application Number: 800-444-4863. <https://www.lsosm.org/>

United States Department of Education Office for Civil Rights' mission is to ensure equal access to education and to promote educational excellence through vigorous enforcement of civil rights. Call the **Office for Civil Rights (OCR)** at **1-800-421-3481** to report any educational discrimination on the basis of race, sex, disability, etc., request information on civil rights compliance programs, procedures for filing discrimination complaints, or access to civil rights regulatory and policy documents. <https://www2.ed.gov/about/offices/list/ocr/docs/howto.html?src=rt>

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- “The Self Advocacy Resource and Technical Assistance Center (SARTAC) seeks to strengthen the self-advocacy movement by supporting self advocacy organizations to grow in diversity and leadership. The resource center is a project of Self Advocates Becoming Empowered (SABE), the oldest national self-advocacy organization in the country. SARTAC is a Developmental Disabilities Project of National Significance, funded by the Administration For Community Living – Administration on Intellectual and Developmental Disabilities (AIDD). The information in this product was written to provide guidance for self advocates and their allies to assist in understanding policy issues affecting their lives. It is not to be used to determine a person's legal rights or an organization's legal responsibilities under Section 504 of the Rehabilitation Act of 1973, as amended; the Americans with Disability Act of 1990, as amended or any other federal, state or local laws written to protect the rights of people with disabilities.”

