



Virginia Board for
People with Disabilities

SCHOOL TO PRISON PIPELINE



The Virginia Board for People with Disabilities advises the Governor, Secretary of Health and Human Resources, legislators, and other groups on issues important to people with disabilities in the Commonwealth.

The “School to Prison Pipeline” describes how students who are punished for behavior by removal from the classroom (exclusionary discipline) are more likely to become involved in the juvenile or adult criminal justice systems. Other negative effects include lower academic achievement, chronic absenteeism, higher

dropout rates, increased safety risk from lack of supervision and increased opportunity for delinquency for suspended students.

The Board’s [2022 Assessment of the School to Prison Pipeline](#) looks at current trends in school discipline that disproportionately affect students with disabilities and students of color with disabilities. The assessment also highlights school-based interventions that can reduce the discipline disparities that lead to the disproportionate criminalization and school push out of students with disabilities.

KEY FINDINGS:

- Students with disabilities are subject to inequitable discipline. Exclusionary discipline harms all students and increases the likelihood that a child or teen will become involved with the criminal justice system.
- Despite federally mandated protections for students receiving educational services under the Individuals with Disabilities Act (IDEA) and Section 504, students with disabilities are significantly more likely to be suspended, referred to law enforcement, or expelled than students without disabilities.
- Black students with disabilities have the highest disproportionality in exclusionary discipline and are more likely to be punished for subjective offenses, like “disorderly conduct.” Research shows that this disparity is caused by implicit bias (i.e., unconscious assumptions and stereotypes) toward Black children and children with disabilities.
- Without sufficient training on the nature of students’ disabilities and proper strategies for meeting students’ individual needs, School Resource Officers (SROs) may unconsciously criminalize behavior that is a manifestation of a student’s disability.

- Virginia currently lacks clear, transparent data that addresses the root causes of disproportionality in exclusionary discipline. The U.S. Department of Education, Virginia’s Model Guidance, the Center on Positive Behavioral Interventions & Supports (PBIS) and national advocacy groups recommend a regular and consistent evaluation of discipline data to target the root causes of discipline disparities.
- Depending on the nature of a student’s disability, police questioning or orders may be misunderstood; physical searches or seizures may provoke a violent response; and confrontations with students may become dangerous without the use of proper de-escalation techniques by SROs or school staff members.

The Board’s 13 recommendations are grouped into three main categories:

1

EQUITABLE DISCIPLINE AND ALTERNATIVES TO EXCLUSIONARY DISCIPLINE

- Train administrators, teachers, support staff, and security personnel about implicit bias
- Prohibit out-of-school suspensions of any length for students in elementary school for disorderly conduct and related offenses that are subjective in nature
- Continue to invest in evidence-based practices with a demonstrated impact
- on reducing three exclusionary discipline practices, require all school divisions to implement alternatives to suspension and expulsion as described in the Model Guidance
- Amend the Board of Education’s restraint and seclusion regulations so that they apply to SROs in non-emergency situations

2

SCHOOL RESOURCE OFFICERS, SCHOOL SAFETY OFFICERS & POLICING IN SCHOOLS

- Amend the Virginia Code requiring schools to enter into Memorandums of Understanding (MOUs) with local law enforcement that address the appropriate role of SROs
- Define in local school division policies, limitations on the use of seclusion and restraint by SROs in all non-criminal offenses
- Create and fund a mechanism to support grant opportunities that fund alternative approaches to safety in schools
- Establish a state workgroup to study best practices regarding positive behavioral supports, trauma informed practices and security practices
- Remove the Support Staff Cap in school districts budgets to allow full funding of the student support staffing requirements in the Standards of Quality

3

DATA TRANSPARENCY

- Add to the Standards of Accreditation the requirement that schools submit disproportionate discipline corrective action plans to the Virginia Department of Education (VDOE)
- Provide funding for VDOE to invest in data systems that are transparent, accessible to the public, and used to guide discipline decisions at a school and division level
- Provide funding to VDOE to expand the training offered to Virginia Tiered Systems of Support (VTSS) schools and divisions in how to analyze discipline data to identify root causes of disparities