

FROM FAILURE TO FREEDOM



**DISMANTLING MILWAUKEE'S
SCHOOL-TO-PRISON PIPELINE WITH THE
YOUTH POWER AGENDA**



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Many youth-led organizations across the country are working to end the school-to-prison pipeline, and fighting for racial justice and respect for the fundamental human rights of all young people. In particular, this report has drawn from a report initially published by New York City's Urban Youth Collaborative (UYC) and the Center for Popular Democracy. The young people at UYC have been leaders in the fight to end the oppressive school-to-prison pipeline.

ABOUT THE AUTHORS



Leaders Igniting Transformation (LIT) engages in values-based issue and electoral organizing, direct action, advocacy for public policy, and leadership development. On campuses and communities in Milwaukee's key geographies, we organize young people to build independent political power for social, racial, and economic justice.

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The Center for Popular Democracy (CPD) is a nonprofit organization that promotes equity, opportunity, and a dynamic democracy in partnership with innovative base-building organizations, organizing networks and alliances, and progressive unions across the country.

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“My experience in high school went a little something like this. Going through metal detectors every morning and being late for my first period class because of the metal detectors. Being caged in by a gate that separated the first and the second floor that was always down. Bugging a security guard every time I had to use the restroom. The principal sitting at the bottom of the staircase making sure no one left their classes early. Random “walk-throughs” during class times. Being asked 24/7 why I was in the hallway by a staff member. My experience in high school was more like prison than school. They say they are building us to be young adults for the real world, but they treated us like prisoners.”

—LaTasha,ⁱ Youth Leader with LIT

ⁱThe names of young people quoted or discussed in this report have been changed to protect their identity.

Executive Summary

The systemic criminalization of youth of color, youth with disabilities, and youth of color with disabilities in schools is one of the most blatant and egregious examples of structural racism and violence in this country. The presence of police officers, guns, handcuffs, and metal detectors in schools creates hostile teaching and learning environments that are reinforced by harsh, punitive, and exclusionaryⁱⁱ school discipline policies. Together these practices constitute what is widely referred to as the school-to-prison pipeline.ⁱⁱⁱ As this report demonstrates, Milwaukee's reliance on punitive approaches to discipline is ineffective, costly, and, most troublingly, racially biased.

In Wisconsin, access to equal education, as defined in the state constitution and confirmed by Wisconsin Supreme Court, is a fundamental right for all young people (aged 4–20). However, Milwaukee Public Schools' (MPS) punitive discipline policies and practices, including police presence in schools and alarmingly-high suspensions and expulsion rates—which disproportionately affect students of color—directly undermine impacted students' fundamental right to education.

Milwaukee's School-to-Prison Pipeline and Its Harmful Impact

Ongoing reliance on punitive school discipline strategies by MPS and the Milwaukee Police Department (MPD) exemplify the school-to-prison pipeline at work in Milwaukee. A squad of 12 officers is assigned to MPS schools and an additional six officers are responsible for taking young people considered truant into custody. At least 12 schools have metal detectors, forcing 12,224 young people through these devices every morning. Police or school personnel restrained (e.g. with handcuffs) or secluded (i.e. confined to a guarded solitary room) young people 1,139 times in the 2016-2017 school year. In just one year, more than 3,000 students faced citations for missing school, which require in-court, daytime appearances.

Despite costing Milwaukee and MPS millions of dollars over the last decade, the truancy program has failed to make a dent in truancy rates during that time. While this heavy police presence interferes with the learning environment, there is no substantial evidentiary support for the proposition that police presence in schools creates safe learning environments. Studies have shown that schools are no safer, even after years of punitive policing and disciplinary measures, than before such policies were implemented.

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ⁱⁱ "Exclusionary" discipline refers to all forms of discipline that remove students from the educational environment, including classroom removals, in-school suspensions, out-of-school suspensions, and expulsions.
ⁱⁱⁱ All citations for information presented in the Executive Summary are included in the main text of this report.

In addition to punitive policing, negative impacts are also created by MPS' use of exclusionary discipline practices. In the 2016–2017 school year, MPS suspended 10,267 students (13.6 percent of total enrollment). In all, MPS suspended one out of every three ninth-graders (34.9 percent).

School and Policing Policies Have a Discriminatory Impact on Students of Color and Students with Disabilities

Troublingly, harsh disciplinary policies executed by school personnel and school resource officers have led to high rates of racial disparities and disparities for students with disabilities that pull these students into the school-to-prison pipeline. While MPS fails to collect data that would allow for an analysis of students of color with disabilities, the existing data suggest that students of color with disabilities likely experience compounding discrimination in the discipline process.



Despite white students' overwhelmingly similar behavior patterns, and despite Black students accounting for only 55 percent of the student population in Milwaukee in the 2013–2014 school year, data shows that Black students accounted for **84.6 percent of the referrals to law enforcement**. Harsh policing policies also disproportionately impact students with disabilities. For example, while students with disabilities account for only **20 percent of the total enrollment, 91 percent of students who were restrained or put in seclusion were students with disabilities**.

The discriminatory impacts of police presence in schools is amplified by the MPS practice of exclusionary discipline. Over the course of two school years, federal investigators identified “over one hundred incidents at the District’s schools where [B]lack students were expelled, while similarly-situated white students were suspended for similar misconduct.” The most recent MPS data from the 2015–2016 school year shows that eighty percent of the 10,267 suspensions were of Black students, who make up just 53 percent of the total enrollment^{iv} In Milwaukee, students with disabilities are suspended at a rate of 1 in 5, while students without disabilities are suspended at half that rate (1 in 10).

^{iv} The percentage of Black students in MPS was 55 percent in the 2013-2014 school year, which is the year for which the most recent data regarding law enforcement referrals is available. Two years later, in the 2015-2016 school year, the percentage of Black students had changed to 53 percent of the student body, which is the school year for which the most recent discipline data is available. To ensure that the most recent data is used throughout the report, this report will use 2013-2014 data for police referrals and 2015-2016 data for discipline data.

Milwaukee's School-to-Prison Pipeline Costs Millions of Dollars

Based on available data, each year the City of Milwaukee pays millions of dollars across city and county agencies to maintain the school-to-prison pipeline. This spending on criminalizing and surveilling young people includes:

- \$1,120,898: Police Officer Program in Schools
- \$60,000: External School Police Squads
- \$435,000: Truancy Abatement and Burglary Suppression Officers
- \$122,000: Adjudication of Truancy Citations
- \$76,000: Installation of X-Ray Machines
- \$51,000: Maintenance of X-Ray Machines
- \$13.7 million: Safety Assistants for MPS
- Detentions and Juvenile Court



In addition to the direct costs, the increased rate of drop out caused by the school-to-prison pipeline incurs high indirect financial costs. According to a national study by the Center for Civil Rights and Remedies at University of California Los Angeles (UCLA), suspended students graduated at a rate of around 15 percent below their classmates who were not suspended. UCLA estimated that for each student who drops out, the social and fiscal impact is as much as \$600,000 over the course of a student's lifetime.

Supportive Approaches Are More Effective than Punitive Ones

In schools, like in communities at large, supportive approaches have been found more effective for increasing school safety than punitive approaches. Restorative approaches have emerged as one of the most effective methods of shifting school policies toward the aim of creating nurturing, inclusive, and supportive schools. Guidance counselors also provide critical services to create safe and supportive schools. Increasing the number of school counselors has been directly linked to a reduction in fights and school infractions. Despite evidence supporting these approaches, Milwaukee continues to prioritize funding for policing and punitive practices rather than restorative programs and funding for more support personnel.

From Failure to Freedom: The Youth Power Agenda

The young people who are most at risk of harm due to harsh policing and disciplinary policies are uniquely situated to lead the dialogue around developing truly safe and equitable learning environments. MPS must divest from policing and punitive practices and instead invest in supportive programs, restorative practices, and support professionals that facilitate improved environments and provide students with the freedom to thrive. The blueprint for achieving this is presented in this report as the Youth Power Agenda.

Divest from Failure:

- Remove police officers from in and around schools
- Remove metal detectors from schools
- End suspensions and expulsions
- End arrests and citations for misdemeanors. Provide citywide alternatives to incarceration for students charged with felonies in school
- Stop the use of seclusion and restraints
- Stop truancy citations and prosecution

Invest in Freedom:

- Create an inclusive school code
- Implement robust restorative justice practices citywide
- Increase the number of licensed support professionals, including therapists, social workers, psychologists, and guidance counselors
- Reduce classroom size
- Provide culturally-responsive education and training
- Collect and publish accurate data regarding all forms of discipline
- Invest in universal, free, high-quality early childhood education
- Create a universal youth jobs program



Introduction

The systemic criminalization of youth of color, youth with disabilities, and youth of color with disabilities in schools is one of the most blatant and egregious examples of structural racism and violence in this country. The presence of police officers, guns, handcuffs, and metal detectors in schools creates hostile teaching and learning environments that are reinforced by harsh, punitive, and exclusionary school discipline policies.¹ Police brutality, arrests, suspensions, and expulsions are all too common features of the educational experiences of students of color from low-income communities. These policies and practices also have detrimental psychological impacts on youth of color, for whom schools resemble prisons more than they do environments that stimulate learning and creativity.² High rates of permanent drop out as well as ongoing, and often escalating, entanglements in the criminal legal system^v result from these harsh policies.³ This phenomenon is widely referred to as the school-to-prison pipeline.⁴

Ongoing reliance on punitive school discipline strategies by Milwaukee Public Schools (MPS) and the Milwaukee Police Department (MPD) exemplify the school-to-prison pipeline at work in Milwaukee. In Wisconsin, access to equal education, as defined in the state constitution and confirmed by Wisconsin Supreme Court, is a fundamental right for all young people (aged 4–20).⁵ However, MPS’ punitive discipline policies and practices, including police presence in schools and alarmingly-high suspension and expulsion rates—which disproportionately affect students of color—directly undermine impacted students’ fundamental right to education. These discipline policies, which have been shown to lower the likelihood of graduation, are the antithesis of a core constitutional obligation of the state: keeping students in school.

These punitive policies also drain public funds. In schools, fundamental educational resources are severely underfunded,⁶ while massive amounts of public funds are allocated to police in schools, metal detectors, and other costs associated with arrests and referrals to law enforcement.⁷ For example, Milwaukee’s teachers’ salaries stagnated in 2017, with wage increases ranging from 0 to 0.2 percent, while police salaries have increased by nearly 100 percent since 2011.⁸ In addition, the

“When I was in the 8th grade, one day my stomach was hurting so bad I couldn’t do my work, so I asked the teacher if I could see the nurse and she said no. So I just sat there. She was like “why are you not doing your work?” And I said “my stomach hurts. I’m not going to do this work. I need to go to the nurse.” And she said “well if you’re not going to do the work, then you have to get out of my class.” And I got up and walked out of class and went to the principal’s office. She suspended me because she said I refused to do my work and I told her I didn’t feel well and she didn’t believe that I wasn’t feeling well.”

—Makayla, Leader with LIT

v This report uses “criminal legal system” rather than “criminal justice system” to acknowledge the many forms of systemic injustice that are reproduced and entrenched by policing practices, courts, and prisons. Latinx is a gender-neutral alternative to Latino/Latina.

Wisconsin State Legislature has defunded public schools in favor of schemes to privatize education, such as voucher programs,⁹ while simultaneously increasing funding to criminalize students.¹⁰

The discriminatory impact of the school-to-prison pipeline in Milwaukee is stark. For example, federal investigators found that over the course of two years, **MPS expelled Black students more than 100 times, while white students were suspended for similar behavior.**¹¹ Black students make up only 53 percent of the student body, yet they made up 80 percent of the 10,267 suspensions by MPS during the 2015–2016 school year.¹² In addition to these racial disparities, young people with disabilities are suspended at twice the rate of students without disabilities (1 in 5 versus 1 in 10).¹³

Milwaukee’s teachers’ salaries stagnated in 2017, with wage increases ranging from 0–0.2 percent, while police salaries have increased by nearly 100 percent since 2011.

The pervasive racial disparities in Milwaukee’s discipline practices led the US Department of Education’s Office of Civil Rights (OCR) to begin a proactive investigation into MPS in 2014.¹⁴ The investigation analyzed whether MPS violated Title VI of the Civil Rights Act of 1964.¹⁵ Through its investigation, OCR “identified a number of concerns, including, for example, significantly higher OSS [out-of-school suspensions] and expulsion rates for [B]lack students; a lack of consistency regarding under what circumstances students are to be referred for discipline; a lack of training for staff on the District’s discipline policies and procedures; a lack of criteria for

when staff may remove a student from a classroom and send the student to the office; and a lack of or incomplete documentation regarding individual disciplinary incidents to ensure students engaging in similar behavior are disciplined consistently.”¹⁶ OCR’s three-year investigation concluded in January 2018 with a requirement that MPS engage the public in a process to reform its discipline policies and procedures by June 2018.¹⁷ For at least three years, OCR will monitor the school district.¹⁸ OCR will close the case and end the agreement only after the district has come into compliance with federal civil rights law and completed all of the terms of the agreement.¹⁹

While the racial disparities and discriminatory impacts of MPS’ current school discipline policies are alarming, the review mandated by the OCR presents an opportunity to move this harmful system from failure to freedom. The school-to-prison pipeline is choking the future of Milwaukee’s youth of color by funneling them out of schools and into the criminal legal system. The voices and experiences of those most directly impacted must be centered in debates about how best to transform MPS’ school discipline policies. MPS must listen to these voices and end the punitive discipline policies that have failed Milwaukee’s young people by pushing them into the carceral system instead of on a path to quality education and success. MPS must divest from policing and punitive practices and invest instead in supportive programs that include restorative practices and support professionals to facilitate improved environments and provide opportunities for students to thrive. The blueprint for achieving this is presented in this report as the Youth Power Agenda.

Community Context

The violence and criminalization of youth of color in schools replicates similar patterns of hyper-policing, police violence, surveillance, and incarceration in the communities in which young people of color grow up. Often, municipalities, cities, and state governments spend disproportionate amounts of public funds on policing and incarceration, while social services and other desperately-needed resources remain underfunded.²⁰

Across the country, too many municipal governments spend more on police, jails, and other punitive systems than on education and youth services.²¹ A 2017 report from the Center for Popular Democracy, Law for Black Lives, and Black Youth Project 100 compared 12 communities and found that they devoted 25 to 40 percent of their general fund expenditures to policing.²² Milwaukee spent 47 percent, or nearly \$300 million on its police department in 2017, a greater fraction of its general fund than many other major cities.²³ This massive police budget enables Milwaukee to have a larger police force than many cities of comparable size.²⁴ The city of Milwaukee has 31.5 police officers per 10,000 residents.²⁵ In contrast, Minneapolis, MN has 20.3 police officers per 10,000 residents and Indianapolis, IN has 18.6 police officers per 10,000 residents.²⁶

From birth to death, Milwaukee's Black and Brown residents face compounding discrimination. As a result, Milwaukee's racial disparities have widened, and it is now reportedly the worst city in the country for Black people to live.²⁷ The impacts of this system can be seen at every stage of life for people of color.

- **At birth:** Milwaukee's Black infants die before their first birthday at more than twice the rate of white infants.²⁸ The state of Wisconsin has the highest rate of Black babies dying before their first birthday of any state in the country.²⁹
- **As a young child:** Only 24 percent of Black children in Milwaukee grow up in economically-secure households, compared to 72 percent of white children.³⁰ A survey conducted by the Black Health Coalition of Wisconsin found that more than one third of the African-Americans and Latinxs^{vi} living in



vi Latinx is a gender-neutral alternative to Latino/Latina.

Milwaukee experienced a significantly greater number of adverse childhood experiences than their white counterparts.³¹ Youth growing up with this level of trauma experience poorer behavioral, physical, and mental health outcomes.³²

- **As an adolescent:** Young people of color are disproportionately policed and face harsher penalties at every stage of the legal system in Milwaukee.
 - In 2013, Black youth in Milwaukee County were more than twice as likely to be arrested than white youth. After an arrest, Black youth were 2.8 times more likely to be referred to a court for adjudication. Black youth referred to court were 1.7 times more likely to be detained, and half as likely to have their cases handled without formal charges.³³
 - This disproportionate policing of Black children leads to high rates of incarceration. According to the most recent available data, Black youth comprised only 11 percent of the overall youth population in Wisconsin but were **56 percent of those held in juvenile or correctional facilities throughout the state.**³⁴
- **After High School:** Milwaukee public schools have consistently graduated Black students at a lower rate than their white classmates. Since the 2012–2013 school year, the Black graduation rate has been 20 percent lower than the white rate, on average.³⁵ Since the 2015–2016 school year, after two years of nearly matching college matriculation rates of white students, Black students have enrolled in college at a rate 25 percent lower than their white classmates.³⁶ Higher educational outcomes are often linked with better health outcomes as well.³⁷
- **As parents:** The Wisconsin Department of Children and Families takes a disproportionate number of Black children away from their parents. In 2016, 67.4 percent of Milwaukee County’s 2,159 children in out-of-home placements were Black.³⁸ The disproportionate incarceration of Black women—between 1990 and 2012, 66 percent of women incarcerated in Milwaukee County were Black—also destabilizes families and funnels more young people into the child welfare system.³⁹
- **At death:** The life expectancy of Black Wisconsin residents is six years lower than that of white residents.⁴⁰ The disparity is even worse for Black women—Wisconsin was the only state in the nation to see the gap in life expectancy between Black and white women widen between 1990 and 2009.⁴¹ As an example of this disparity, the 53206 zip code in Milwaukee County, which has a population that is 94 percent Black, has a life expectancy 12 years lower than that in a zip code in the same county with a population that is 90 percent white.⁴²

One of the main drivers of this cycle of oppression is the criminal legal system. Decarceration cannot be achieved without dismantling a punitive school discipline system that neglects the needs of youth of color and fuels lifelong consequences outside the schoolhouse doors.

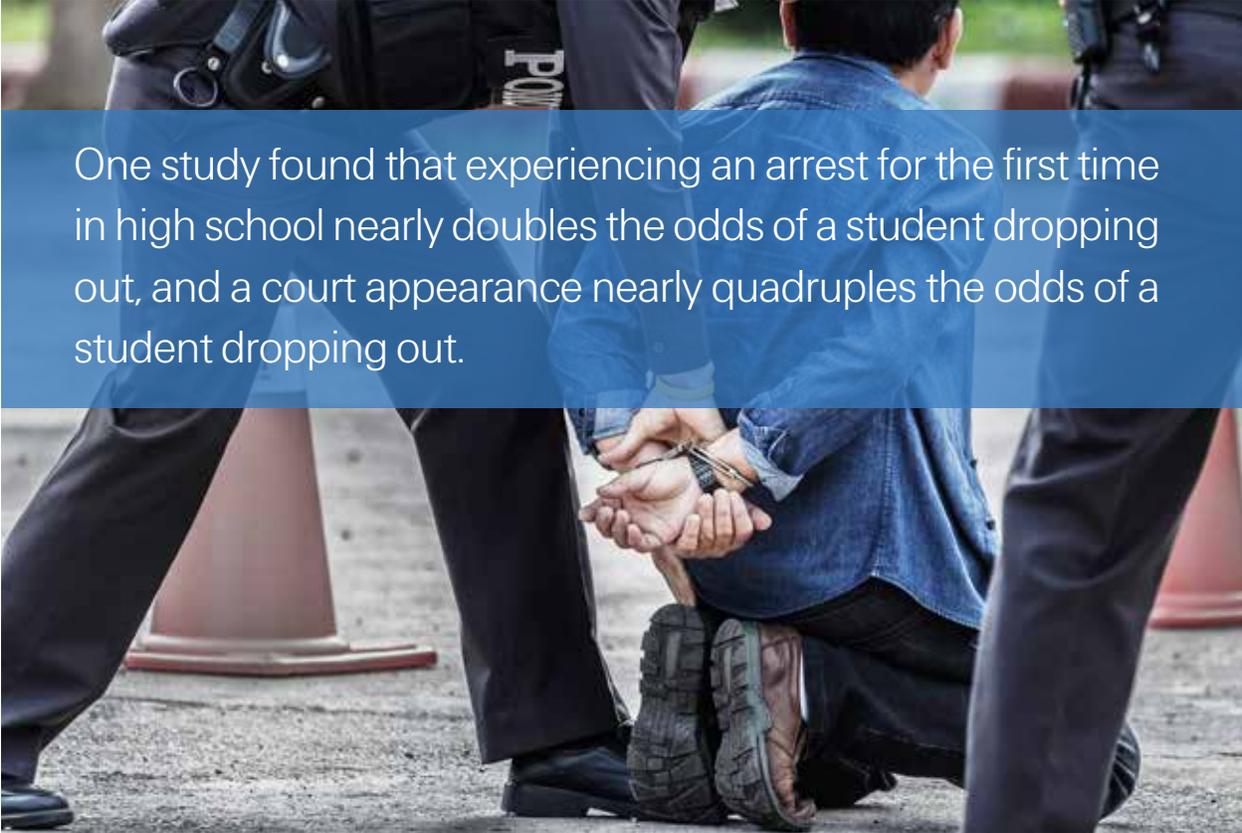
Milwaukee's School-to-Prison Pipeline and Its Harmful Impact

The Policing of Milwaukee's Students

Extreme school policing is a driving force behind the school-to-prison pipeline. MPS and MPD have a squad of 12 officers in MPS schools and an additional six officers to take young people considered truant into custody.⁴³ In addition to these officers, separate police "squads" are deployed to patrol the streets outside of schools while students and staff enter and leave.⁴⁴ At least 12 schools have metal detectors screening young people at the front door, forcing 12,224 young people through these devices every morning.⁴⁵

In addition to police personnel, MPS currently employs 269 School Safety Assistants (SSAs).⁴⁶ Part of their job is to conduct investigations, issue reports, communicate with law enforcement, enforce school rules, and "control" young people.⁴⁷ SSAs are encouraged to have a law enforcement background.⁴⁸ It should come as no surprise that there have been incidents of violent abuse of power from SSAs,⁴⁹ as research suggests law enforcement officers are more likely to use force in dealing with youth than with adults.⁵⁰ Students also report complaints of feeling heavily surveilled.⁵¹

Another part of the SSAs' job is to foster a "trusting, nurturing and learning environment in the schools."⁵² This goal would be achieved with far more success if, rather than being in schools as a law enforcement figure, SSAs



One study found that experiencing an arrest for the first time in high school nearly doubles the odds of a student dropping out, and a court appearance nearly quadruples the odds of a student dropping out.

were re-trained as educational or support assistants that MPS employed solely to support young people in the classroom.

Police physically interfere with students at an astonishing rate. For example, police or school personnel restrained (e.g. with handcuffs) or secluded (i.e. confine to a guarded solitary room) young people 1,139 times in 2017.⁵³ In addition, more than 3,000 students and/or students' guardians faced court citations for young people missing school.⁵⁴

In the 2017, there were a minimum of 2,895 MPD calls to MPS schools.⁵⁵ The number of arrests, citations, and other activity is unknown because, when requested, MPD did not have the records available and determined that creating them would be too burdensome to MPD. The department made this determination despite the contract between the MPD and MPS requiring the police department to record detailed information about their interactions at schools.⁵⁶

There is no substantial evidentiary support for the proposition that police presence in schools creates safe learning environments.

Proponents of school policing and punitive disciplinary action often cite student safety as their primary justification, yet there is no substantial evidentiary support for the proposition that police presence in schools creates safe learning environments.⁵⁷ To the contrary, studies have shown that schools are no safer, even after years of punitive policing and disciplinary measures, than before such policies are implemented.⁵⁸ Policing in schools does not reduce incidents of bullying or

fighting.⁵⁹ Scholars have found that rather than reduce school violence, the presence of police merely criminalizes typical adolescent behavior, such as disorderly conduct.⁶⁰ After reviewing several empirical studies on the effectiveness of metal detectors, researchers found insufficient evidence to conclude that metal detectors reduce school violence.⁶¹ Several studies have suggested that police presence and metal detectors may in fact make students feel less safe than if there were no police in the school.⁶²

Policing is not only ineffective at creating safer schools, it also hurts individual students' academic performance.⁶³ One study found that experiencing an arrest for the first time in high school nearly doubles the odds of a student dropping out, and a court appearance nearly quadruples the odds of a student dropping out.⁶⁴ Students who were first arrested during the 9th or 10th grade were six to eight times more likely to drop out of school, than students who were not arrested.⁶⁵

Police presence and interactions also cause lasting psychological harm. Recent research shows that over time, the mere presence of police may have a compounding psychological effect on students' "nervous and immune systems that may result in anxiety, restlessness, lack of motivation, inability to focus, social withdrawal, and aggressive behaviors."⁶⁶ Community studies suggest these adverse consequences are compounded when a person perceives that the negative interaction is motivated by race. Racial discrimination can lead to generalized anxiety disorder, post-traumatic stress disorder, and other mental health issues.⁶⁷

Milwaukee's Exclusionary Discipline

The negative impacts of the school-to-prison pipeline are not limited to policing, and are also reflected in MPS's use of exclusionary discipline practices. In the 2015–2016 school year, Milwaukee Public Schools:

- Suspended 10,267 students (13.6 percent of total enrollment)⁶⁸
- Expelled 181 students—MPS expels students at twice the rate of the statewide average⁶⁹
- Excluded students either through suspensions or expulsions so frequently that it led to MPS students missing **65,740 school days**. That is the equivalent of approximately 365 school years of lost learning time⁷⁰

MPS suspended **one out of every three ninth-graders** (34.9 percent). This is more than 4 times the rate of ninth-grade suspensions statewide.⁷¹ This high rate of suspension in ninth grade is particularly harmful given research indicating the importance of ninth grade success in predicting future graduation.⁷²

Often, MPS personnel suspend students for vague offenses or minor misbehavior. The Parent/Student Handbook on Rights, Responsibilities, and Discipline (The Handbook) allows, and in some instances requires, suspensions or expulsions for vague and subjective offenses. For example, The Handbook currently requires suspensions for “disorderly conduct,” which is defined only as “behaving in a violent or seriously *inappropriate* manner that disrupts the educational process.”⁷³

Inappropriate? “I was in the *second grade* and I was bored and on the computer so I decided, “hey, let me look up this teacher and see if I can find him on Google.” The teacher came up to me and was like “what are you doing, why are you doing that,” and I was like “I don’t know I’m just bored.” And I got suspended. I literally didn’t do nothing but look up his name and I got a whoopin.”

—Zoe, Youth Leader with LIT

Milwaukee also punishes students for “inappropriate” dress, personal property, or use of electronic devices.⁷⁴ The code provides no clear definition of “inappropriate,” permitting teachers and administrators to impose their own thresholds for judging and punishing students. One example of inappropriate personal property is food. In addition, there are four different categories of “other similar violations” a term which personnel could interpret in vastly different ways.⁷⁵

In addition to vague offenses that allow for bias (conscious or not) in both the number and length of suspensions imposed on students, harsh practices that jump to exclusion also undergird the discipline code in Milwaukee. There are 16 categories of offenses (accounting for 40 percent of the categories) which require as a *minimum* first step, that students be removed from school.⁷⁶ The Handbook escalates this to an automatic 5-day suspension and expulsion recommendation, the most severe punishment, for any “threat to physically harm,” any “intentional physical contact without consent causing bodily harm” (even if the harm is very minor), and possession of even small amounts of marijuana.⁷⁷

Removals, either from individual classes or through suspensions, have lasting negative impacts on students. Students suspended once are more likely to be suspended again.⁷⁸ High rates of suspension increase the likelihood that students will drop out, and once suspended, students are more likely to be arrested in the future and incarcerated as adults.⁷⁹ According to a national study by the Center for Civil Rights and Remedies at the University of California Los Angeles, suspended students graduated at a rate of around 15 percent below their classmates who were not suspended.⁸⁰ Since 2011–2012, Milwaukee’s Black students have been suspended at an average rate of one in five, compared with fewer than one in twenty-five white students.⁸¹ Unsurprisingly, Black students’ graduation rates consistently fall below the statewide average.⁸²

In addition, research has also shown that the negative impacts reach beyond those students suspended, ultimately hurting all students in the school community. Over time, high levels of exclusionary discipline “generate collateral damage, negatively affecting the academic achievement of non-suspended students in punitive contexts.”⁸³



School and Police Policies Have a Discriminatory Impact on Students of Color and Students with Disabilities

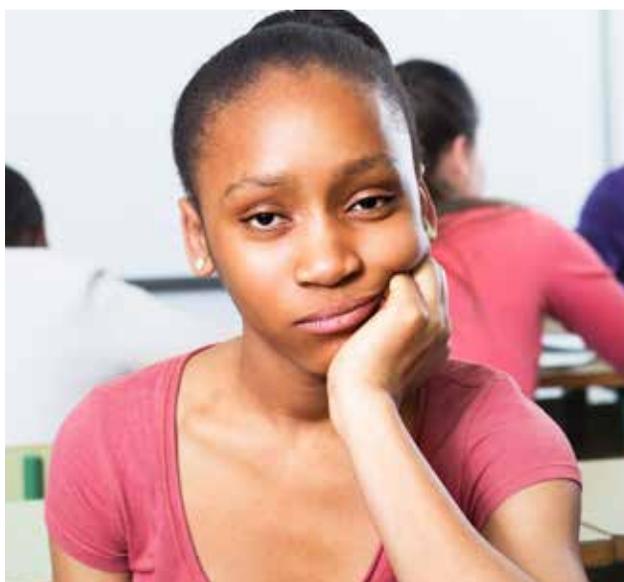
Not only are police-driven and punitive school-based policies overwhelmingly counterproductive for students and the school community, they are imposed most frequently on students of color and those with disabilities, pulling the district's most marginalized students directly into the school-to-prison pipeline.

Research shows that students of color do not misbehave more frequently or in a more severe manner than white students, yet they are disproportionately arrested and punished.⁸⁴ OCR found that in Milwaukee, Black students were disproportionately disciplined for subjective offenses "including chronic disruption or violation of school rules and disorderly conduct."⁸⁵ OCR found that the "evidence did not demonstrate that the District has in place effective safeguards to monitor the exercise of discretion in referrals and imposition of sanctions to ensure that it is nondiscriminatory."⁸⁶

One teacher told investigators that he did not believe there was a disparity in discipline, but that the "disproportionate number of [B]lack students receiving discipline is because they do not follow the rules."⁸⁷ Even though that statement is in direct conflict with evidence that Black students do not misbehave at disproportionate rates,⁸⁸ studies have revealed that bias and racism leads school authority figures to see Black children as "more threatening, loud, disruptive, and disrespectful than their White peers."⁸⁹ Researchers have concluded that "[t]hese forms of individual prejudice support institutional and societal forms of racism with implications on principal disciplinary decisions."⁹⁰

Racial disparities within these disciplinary practices also have broader psychological repercussions for communities of color. A series of recent studies reveal that biased treatment caused youth of color to lose more trust for school officials compared with their white peers, which was further correlated with reduced college attendance.⁹¹

Research shows that students of color do not misbehave more frequently or in a more severe manner than white students, yet they are disproportionately arrested and punished.



The Discriminatory Impact of School Policing

The racial discrimination experienced by students of color can also be seen in the number of referrals to law enforcement. Despite overwhelmingly similar behavior patterns among white students and Black students, federal investigators found that Black students were overrepresented in the proportion of students referred to law enforcement.⁹² Recent data shows that Black students account for **84.6 percent of referrals to law enforcement**, while they made up only 55 percent of the student population in Milwaukee.⁹³ Milwaukee's trends follow national ones. Nationally, Black students are 2.9 times more likely to be arrested while at school than their white peers.⁹⁴

Harsh policing policies also disproportionately impact students with disabilities. For example,

- During the 2016–2017 school year, **601 of the 654 students who were restrained or forced into seclusion were students with disabilities**. In other words, 92 percent of the students who were restrained or put in seclusion were students with disabilities, yet students with disabilities account for only 20 percent of total enrollment.⁹⁵

92 percent of the students who were restrained or put in seclusion were students with disabilities, yet students with disabilities account for only 20 percent of total enrollment.

- Students with disabilities also account for 53.3 percent of the students referred to law enforcement.⁹⁶

While MPS fails to collect data that would allow for an analysis of students of color with disabilities, the existing data suggest that students of color with disabilities likely experience compounding discrimination in the discipline process.

“I was in my middle school math class, and a group of students I was sitting with were light heartedly “ribbing” each other. I laughed and repeated one of the jokes. Shortly after, a fight broke out. My math teacher, who didn’t even witness what was going on, told the principal that I had instigated the fight and that I just sat back once the two had started fighting. I remember this clearly in my head because I was shocked that I had been suspended for, in my opinion, doing nothing wrong. But later in life I realize that Black girls in schools are criminalized, suspended and given detention far more than other children, so it makes sense that I was a victim of that. I was upset.”

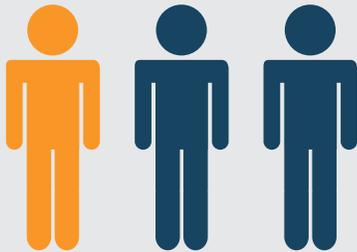
—Jasmine, Leader with LIT

MILWAUKEE PUBLIC SCHOOLS' EXCLUSIONARY DISCIPLINE PUSHES STUDENTS OUT OF SCHOOL



10,267

SUSPENDED STUDENTS



1 OUT OF EVERY 3 ninth-graders suspended



SUSPENSIONS LEAD TO:

LOWER ACADEMIC PERFORMANCE



DROP OUTS



ENTANGLEMENT IN CRIMINAL JUSTICE SYSTEM



In one school year, suspensions and expulsions led to students **missing 65,740 days** of school; the equivalent of approximately **365 school years** of lost learning time.

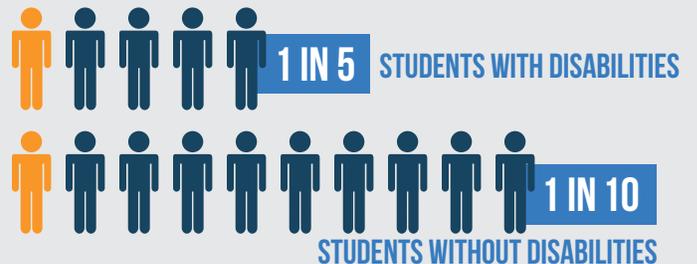
BLACK STUDENTS

SAME BEHAVIOR DIFFERENT PUNISHMENT

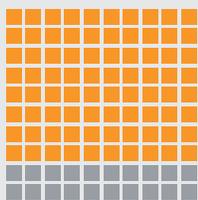
MPS **expelled Black students** more than 100 times, while **white students were suspended** for similar behavior.

STUDENTS WITH DISABILITIES

SUSPENSION RATES

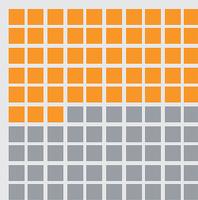


SUSPENSIONS



80%

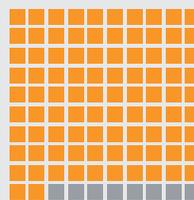
of suspensions were of Black students, **YET...**



53%

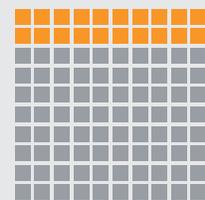
of total students enrolled were Black

RESTRAINTS & SECLUSIONS



92%

of students (601) who were restrained or put in seclusion were students with disabilities, **YET...**



20%

of total enrollment are students with disabilities

THE OPPRESSIVE POLICING OF MILWAUKEE'S STUDENTS



At least 12 schools have **metal detectors** screening young people at the front door, forcing **12,224** young people through these devices every morning.



CLASSROOM VS COURTROOM

An arrest in high school nearly **doubles** the odds of a student dropping out, and a court appearance nearly **quadruples** the odds of a student dropping out.





More than 3,000 truancy citations force students and families to go to court and miss school or work.

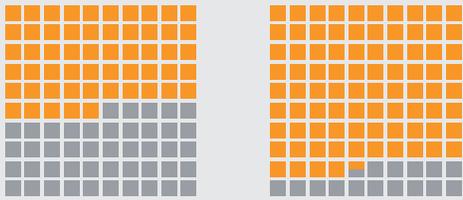


LAW ENFORCEMENT SURROUND THE SCHOOL AND COMMUNITY

- In-school squad of 12 officers
- Officers near entrances, exits, and adjacent streets
- Truancy Abatement and Burglary Suppression squad sweeps the streets
- 269 School Safety Assistants in the schools



REFERRALS TO LAW ENFORCEMENT for Black students



55% of students in Milwaukee in 2014 were Black, **YET...**

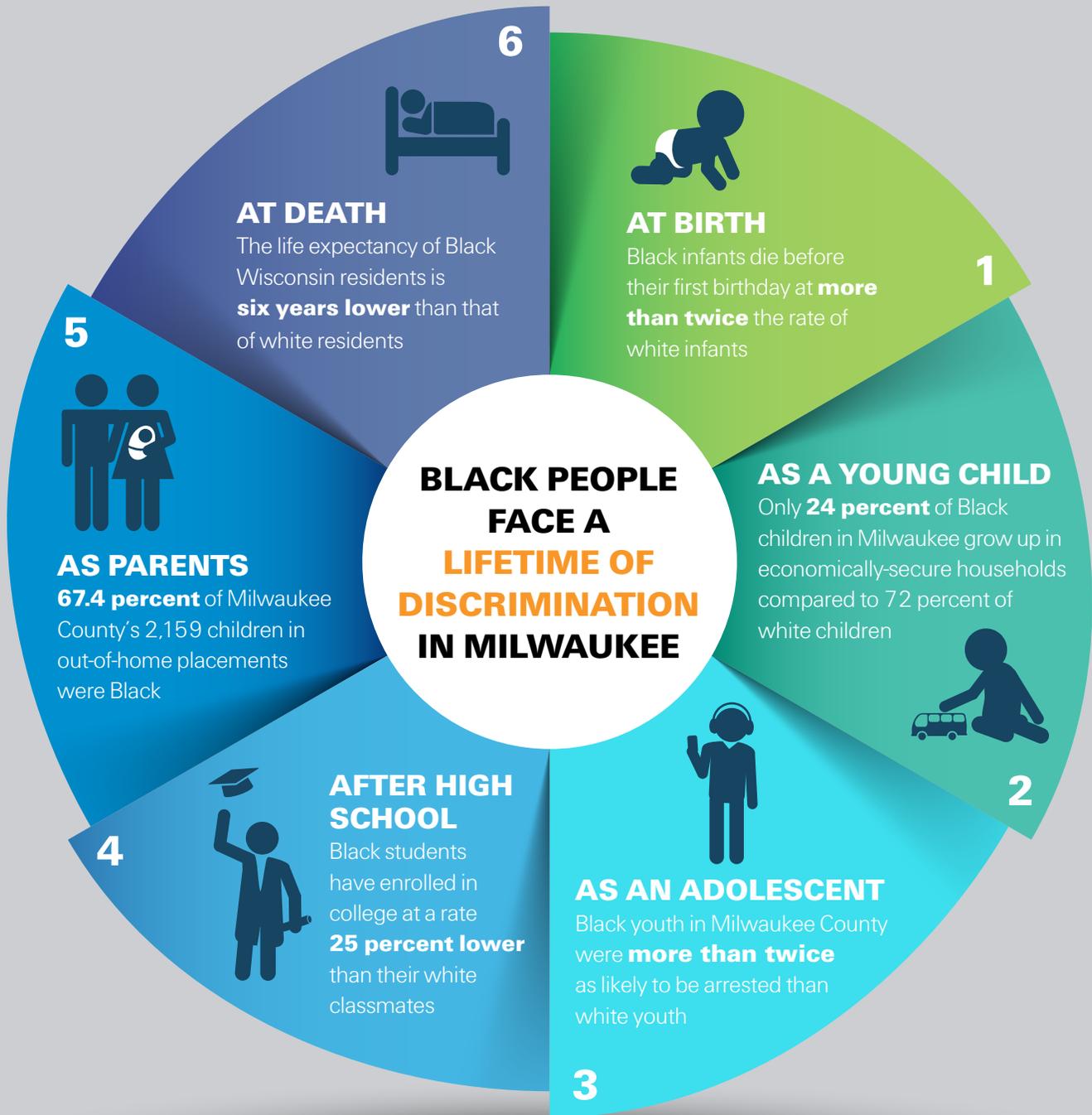
84.6% of referrals to law enforcement were Black students



\$15.6 MILLION SPENT PER YEAR ON CRIMINALIZING STUDENTS

\$13,700,000	Safety Assistants for MPS
\$ 1,120,898	Police Officer Program in Schools
\$ 435,000	Truancy Abatement and Burglary Suppression Officers
\$ 122,000	Adjudication of Truancy Citations
\$ 76,000	Installation of X-Ray Machines
\$ 60,000	External School Police Squads
\$ 51,000	Maintenance of X-ray Machines
	Detentions and Juvenile Court

FAILURE AS A CYCLE



SURROUNDING COMMUNITIES ARE FARING MUCH BETTER



Milwaukee's **median income** of \$36,800 is **48 percent lower** than that of surrounding districts which earned \$71,000.

MPS' high school **graduation rate** is **35 percent lower** than that of surrounding districts, which are in more affluent communities that employ far less oppressive discipline systems.



YOUTH POWER AGENDA

DIVEST FROM FAILURE



Remove **police officers** from in and around schools



Remove **metal detectors** from schools



End **suspensions and expulsions**



Stop the use of **seclusion and restraints**



End **arrests and citations** for misdemeanors. Provide citywide alternatives to incarceration for students charged with felonies in school



Stop **truancy citations and prosecutions**

INVEST IN FREEDOM

- ✓ Create an inclusive school code
- ✓ Increase the number of licensed support professionals, including therapists, social workers, psychologists, and guidance counselors
- ✓ Implement robust restorative justice practices citywide
- ✓ Reduce classroom size
- ✓ Provide culturally-responsive education and training
- ✓ Collect and publish accurate data regarding all forms of discipline
- ✓ Provide universal, free, high-quality early childhood education
- ✓ Create a universal youth jobs program

The Discriminatory Impact of School Discipline Policies

The discriminatory impacts of police presence in schools are amplified by the MPS practice of exclusionary discipline that relies primarily on classroom removals, suspensions, and expulsions. The OCR investigation revealed that compared with Black students' representation in the student body, Black students were disproportionately represented in the proportion of students who were disciplined, received in school suspensions, received out of school suspensions, and who were expelled.⁹⁷ Some specific findings include:

- Over the course of two school years, OCR identified “over **one hundred** incidents at the District’s schools where **black students were expelled**, while similarly-situated **white students were suspended for similar misconduct**.”⁹⁸
- Students revealed that discipline was inconsistently applied, as school personnel disciplined Black students more harshly and removed them from class more frequently than their white peers for minor infractions.⁹⁹ Students also reported that teachers communicate more harshly with Black students than they do with white students.¹⁰⁰
- OCR identified “numerous incidents where [B]lack students received harsher discipline than white students” for similar misconduct.¹⁰¹ These incidents included:
 - A Black student receiving a one-day suspension for cell phone use and chronic disruption, while a white student was given a “warning and counseling.”
 - Two students were disciplined for shattering a glass door. The Black student was suspended for three days and the white student was suspended for just one day.
 - A Black student received a five-day suspension for “chronic disorder” and extreme profanity, while a white student received a three-day suspension for more severe conduct—chronic disorder, profanity, *and* threats to staff.¹⁰²

The most recent MPS data from the 2015–2016 school year shows that:

- Eighty percent of the 10,267 suspensions were of Black students, who make up just 53 percent of the total enrollment.¹⁰³
- Eighty-seven percent of expelled students were Black.¹⁰⁴

This discrimination can begin as soon as children start school. Federal data shows that Black preschoolers are nearly four times as likely to be suspended than their white peers.¹⁰⁵

These school policies also disproportionately impact students with disabilities.

- In Milwaukee, young people with disabilities are suspended at a rate of nearly 1 in 5, while students without disabilities are suspended at about half that rate—just over 1 in 10.¹⁰⁶
- Nine schools, five of which are elementary schools or combined elementary and secondary schools, suspend **1 in 2** students with disabilities.¹⁰⁷

Over the course of two school years, OCR identified “over one hundred incidents at the District’s schools where black students were expelled, while similarly-situated white students were suspended for similar misconduct.”

- While Milwaukee’s publicly-available data does not allow for an analysis of disparate treatment of students of color who have a disability, countrywide data shows that, one in five Black, Native American, and Multiracial boys with disabilities received a suspension compared to one in ten white boys with disabilities.¹⁰⁸

Milwaukee does not keep policing or school discipline data regarding young people that identify as LGBTQ or gender non-conforming. However, nationally, LGBTQ youth of color, and especially gender non-conforming youth of color, disproportionately face exclusionary discipline from school staff, including increased surveillance and policing, harsher penalties, and consistent blame for their own victimization.¹⁰⁹ As a result, these students are overrepresented in juvenile detention and experience higher rates of suicide.¹¹⁰

The demonstrated ineffectiveness of harsh in-school discipline and aggressive policing should compel a comprehensive transformation of Milwaukee’s approach to students. The added evidence that Black students and students with disabilities are disproportionately targeted, often with disastrous long-term consequences, makes reform a moral imperative.



Milwaukee's School-to-Prison Pipeline Costs Millions of Dollars

Milwaukee's exclusionary policies harm student performance, funnel students out of classrooms and into prisons, and transform Milwaukee's public schools into hostile environments not conducive to learning or development of youth. They also do little, if anything, to keep students safe. No amount of public funding should go to a set of policies so sweeping in both its failure and harmful impact, yet the school-to-prison pipeline costs Milwaukee taxpayers millions of dollars per year. This section provides a comprehensive analysis of how those millions are spent, including not only the direct administrative and personnel costs, but also the cost of the long-term effects of cutting off the path to a successful future for our young people. These effects can include reduced wages and ongoing social service needs. The discriminatory application of these policies further concentrates longer-term costs in communities of color, where resources are often already strained.

The City's Spending on Criminalization and Exclusionary Policies

According to available data, each year the City of Milwaukee pays nearly two million dollars across four different city and county agencies to maintain the school-to-prison pipeline.¹¹¹ While this figure is troubling, it vastly undercounts the full costs of this system, parts of which are obscured by a lack of data on the costs of school-related juvenile hearings and detentions.

Among the greatest expenses is the imposition of police presence on students, which costs Milwaukee over \$1.6 million each year.¹¹² As noted by the Milwaukee Board of School Directors when reauthorizing the School Resource Officer (SRO) program last year, MPS and the MPD have a "longstanding collaboration" dating back to 2007 when MPS first launched the program.¹¹³ MPD initially placed four uniformed officers in city high schools.¹¹⁴ Now twelve officers are assigned to both elementary and high schools, working under their own division at the MPD.¹¹⁵ MPS covers the cost of six of these officers, while MPD pays for the remaining six, plus three more staff members to oversee and administer the program. In total, the SRO program costs MPS and MPD \$1,120,898 per year.

No amount of public funding should go to a set of policies so sweeping in both its failure and harmful impact, yet the school-to-prison pipeline costs Milwaukee taxpayers millions of dollars per year.

In addition to SROs, who are assigned to schools from 11am to 7pm, the district pays for officers to patrol certain schools between 3pm and 4:30pm in special "After School Patrols." This additional police presence costs the district up to \$60,000 per year.¹¹⁶

The SROs are joined by School Safety Assistants (SSAs), district employees whose job description has evolved from community liaison to "in-school security force."¹¹⁷ In 2017, the district paid more than \$13.5 million for 269 SSAs. The proposed budget for 2018 included an additional 12 SSAs, bringing the total cost to \$13.7

million.¹¹⁸ SSAs are encouraged to have a background in law enforcement or security.¹¹⁹ Combined with a job description focused on investigating students rather than supporting them, this background often leads to closer connections between SSAs and police, and results in a greater cost to students and the larger community.¹²⁰

Police officers also surveil and criminalize students throughout the community. MPS pays the city \$435,000 per year for six police officers dedicated to the district's Truancy Abatement and Burglary Suppression (TABS) program.¹²¹ Under the program, assigned officers approach young people suspected of truancy and have the authority to give citations to both students and their parents.¹²² After meeting with the family, or taking other steps to remedy truancy, a first truancy charge, for the student or his or her guardian, can carry up to a \$500 fine or imprisonment of up to 30 days or both. A second or subsequent offense, can carry up to a \$1,000 fine or imprisonment of no more than 90 days.¹²³ These citations are adjudicated in municipal court at taxpayer expense. There were more than 3,000 truancy-related charges filed in municipal court in 2016, at an estimated cost of \$133,000.¹²⁴

Despite costing Milwaukee and MPS millions of dollars over the last decade, the TABS program has failed to make a dent in truancy rates during that time. Ten years ago, the overall truancy rate for MPS students was 49 percent. During the 2015–2016 year, the overall rate was 48 percent.

Research reveals that “truancy” is often caused by factors related to poverty (e.g. family income and a need for students to work).¹²⁵ Enforcement that focuses on monetary penalties does not make logical sense for offenses that are caused by a lack of money. In addition, court dates are scheduled during the school day, so children and families are forced to miss school or work to respond to a court citation regarding missing school. Studies have also shown that “imposing more serious punishments has worsened truant behavior; thus, proving punishment to be counterproductive in the fight against chronic absenteeism.”¹²⁶

Despite costing Milwaukee and MPS millions of dollars over the last decade,¹²⁷ the TABS program has failed to make a dent in truancy rates during that time. Ten years ago, the overall truancy rate for MPS students was 49 percent. During the 2015–2016 year, the overall rate was 48 percent.¹²⁸ For Latinx students, the rate actually climbed several points during that period from 38 percent to 42 percent.¹²⁹

In addition to being ineffective, policing exposes the district and the city to legal action. In just three years, police misconduct across the city of Milwaukee has cost taxpayers more than \$21 million.¹³⁰ Data is not available on police misconduct in schools, however it has been shown that police are more likely to use violence against young people than adults.¹³¹ Litigating and settling lawsuits against police officers for their conduct in schools would only increase the already exorbitant costs of the school-to-prison pipeline.

The actual costs of student discipline-related detentions in both state and county facilities is unclear. What is known, is that hundreds of Milwaukee students are referred to juvenile detention each year, representing 58 percent of all young people in juvenile detention in Wisconsin.¹³² The budget of the referring agency, the Delinquency and Court Services division of the Milwaukee County Department of Health and Human Services, is over \$40 million per year.¹³³

Added to the cost of detaining young people held in county jails, the district pays \$71,000 per year for the salary of a teacher assigned to instruct those who have been removed from school and incarcerated in the Milwaukee County Jail.¹³⁴ Young people who are currently incarcerated need access to robust and high-quality educational services, so no current educational services should be cut from the budget. However, the city should be doing more to prevent their incarceration in the first place so that these services become unnecessary.

Even students who are not accused of wrongdoing are often treated as though they are under suspicion. In 2016, MPS contracted with Smiths Detection, Inc. for the purchase and maintenance of X-ray machines in twelve schools.¹³⁵ These contracts cost the district over \$76,000 in 2016 with on-going maintenance costs of \$51,000 each year.¹³⁶

Known Unnecessary Spending on Criminalizing Young People

- \$1,120,898: Police Officer Program in Schools
- \$60,000: External School Police Squads
- \$435,000: Truancy Abatement and Burglary Suppression Officers
- \$122,000: Adjudication of Truancy Citations
- \$76,000: Installation of X-Ray Machines
- \$51,000: Maintenance of X-Ray Machines
- \$13.7 million: Safety Assistants for MPS
- Detentions and Juvenile Court

The Indirect Costs of Punitive Discipline

Not included in the millions of dollars in direct costs are the indirect costs to the local and state economy as punitive discipline policies exacerbate the struggles of Milwaukee students. Along with punitive discipline, research indicates that one of the strongest factors affecting the likelihood of high school graduation is family income.¹³⁷ Students from low-income families are more likely to miss school, receive lower test scores, and fall behind their classmates academically.¹³⁸

This confluence of factors, combined with the demoralizing effects of school policing, make students less likely to graduate.¹³⁹ MPS' high school graduation rate is 35 percent lower than that of surrounding districts, which are in more affluent communities that employ far less oppressive discipline systems.¹⁴⁰ The surrounding median income of \$71,000 is 48 percent higher than the \$36,800 earned by the median Milwaukee household.¹⁴¹ If Milwaukee's graduation rate were brought up to the average rate for surrounding districts, which is approximately 93 percent, 1,700 additional high school students would graduate from MPS each year.¹⁴²

For each student who drops out, the social and fiscal impact is as much as \$600,000 over the course of a student's lifetime, or about a third of what Milwaukee pays to police students each year.

In addition to the human costs to these students and their families, a high dropout rate costs the community in the form of lower wages, higher spending on healthcare and other parts of the social safety net, and lost tax revenue.¹⁴³ In 2016, researchers with the Center for Civil Rights and Remedies at the University of California Los Angeles attempted to quantify this social and economic cost, estimating that *for each student* who drops out, the social and fiscal impact is as much as \$600,000 over the course of a student's lifetime, or about a third of what Milwaukee pays to police students each year.¹⁴⁴ This suggests that those 1,700 additional graduates could add as much as \$1 billion to the economy over the course of their lifetimes.



Supportive Approaches Are More Effective Than Punitive Ones

While the city pours millions of dollars into policing and punitive discipline, research shows that investing in supportive programs is a less expensive and more humane “crime fighting” strategy than policing and incarceration.¹⁴⁵ Everything from preschool programs,¹⁴⁶ to summer jobs for youth,¹⁴⁷ to improved access to healthcare¹⁴⁸ are more clearly linked to reduced crime rates and community development than police, jails, and prisons.¹⁴⁹

In schools, as in communities at large, supportive approaches have been found to be more effective at increasing school safety than punitive approaches. Respectful relationships, quality teaching, social and emotional learning, physical and emotional safety, and community collaboration all foster positive school climates.¹⁵⁰ Studies show that schools that follow these practices are “associated with high levels of academic achievement, healthy student development, [...] teacher retention, [...] and] safe learning environments.”¹⁵¹ One study revealed that “what defines a safe school most strongly, even in areas of high crime and poverty, is ‘the quality of relationships between staff and students and between staff and parents.’”¹⁵²

“My sophomore year another girl messaged me on Facebook and started fighting with me on there. The next day in school, like half the day went by and I didn’t see the girl, but then I got called into the office. The teacher said “on Facebook you guys were making plans to fight, right?” So we both got suspended and I just feel like that wasn’t fair. They could have talked with us and tried to help us resolve the problem instead of just kicking us out.”

—Candice, Leader with LIT

Inspired in part by this research, along with growing public awareness of the harm done by discriminatory policies, a movement has developed across the country to end policing and exclusionary discipline in schools.¹⁵³ Restorative approaches have emerged as one of the most effective methods of shifting school policies toward creating nurturing, inclusive, and supportive schools. In dealing with conflict, restorative justice aims to heal relationships by bringing together all those affected by wrongdoing, and collectively considering the needs and responsibilities of those involved.¹⁵⁴

Fully embracing restorative approaches in schools offers an equitable and supportive approach to improving school climate. Case studies from schools across the country show that this process improves school climate and leads to a reduction of the number of discipline infractions.¹⁵⁵ In one Denver school, for example, incidents of fighting fell by 80 percent within two years of implementing restorative practices.¹⁵⁶ Within one year, the implementation of restorative practices in one Oakland high school led to a 77 percent reduction in violence and to the elimination of racial disproportionality in discipline.¹⁵⁷

Milwaukee has taken some steps to bring restorative justice programs into schools.¹⁵⁸ However, these efforts have been only partially funded and have not been instituted across the city. In addition, restorative practices are deeply undermined when a school district continues to use punitive practices alongside what it considers to be restorative approaches.

Guidance counselors also provide critical services to create safe and supportive schools. Increasing the number of school counselors has been shown to reduce the number of teacher-reported fights and other school infractions that disrupt instruction.¹⁵⁹ The presence of school counselors has also been proven to foster a sense of belonging for young people, as well as a better relationship between school staff and students.

- One study revealed that additional funding for counselors “reduce[s] the likelihood of disciplinary incidents, such as weapon-related incidents and student suspensions.” In addition, “[i]ncreases in counselors moderate relatively severe behavioral problems.”¹⁶⁰
- Lower student-to-counselor ratios decrease “both the recurrence of student disciplinary problems and the share of students involved in a disciplinary incident.” These findings were even more pronounced for students of color and students in poverty.¹⁶¹

The recommended student-to-counselor ratio is 1:100 in high-needs schools and 1:250 in general population schools.¹⁶² The average student-to-counselor ratio in Wisconsin schools is 1:467.¹⁶³

Despite evidence backing these supportive approaches, Milwaukee continues to prioritize funding for policing and punitive practices rather than restorative programs and funding for more support personnel.



From Failure to Freedom: the Youth Power Agenda

The young people who are most at risk of harm due to harsh policing and disciplinary policies are uniquely situated to lead the dialogue about developing truly safe and equitable learning environments. This report highlights the vision for safe, supportive, and inclusive schools developed by youth leaders and rooted in evidence-based policies. In order to create a new way of valuing the dignity of students, Milwaukee must center the experiences and expertise of young people to develop policies that can provide them with the freedom to thrive.

THE YOUTH POWER AGENDA

Divest from Failure:

Remove police officers from in and around schools. MPS and MPD must divest from school policing by ending the contract that permits the regular presence of police in and around schools. Police do not create safer schools, and in fact the city's current policing system has deepened existing racial inequities. The regular presence of police in schools must end. A draft Department of Justice report, which reviewed the MPD, noted that trust has been broken between the troubled police department and community members.¹⁶⁴ School Safety Assistant's security and enforcement role in schools must also end. SSAs should be re-trained as educational or support assistants, and should be employed by MPS solely to support young people in the classroom.

Remove metal detectors from schools. Metal detectors create a flashpoint between students and police, and make students feel criminalized as soon as they enter the school building. Removing these machines will eliminate one of the main mechanisms of racially discriminatory policing, and prevent the psychological harm created when young people are made to feel systematically criminalized. It will also save the city money, which can be better spent on support services.

End suspensions and expulsions. With already-extreme rates of suspensions, MPS should end the regular use of suspensions and expulsions. Schools' responses to behavior should be rooted in respect, and should rely on restorative justice practices and mental health care. MPS should seek to phase out all forms of student exclusion, including classroom removals, suspensions, and expulsions. While exclusionary discipline is still in use, young people should learn at alternative learning locations for the duration of their exclusion.

End arrests and citations for misdemeanors. Provide citywide alternatives to incarceration for students charged with felonies in school. These policies will ensure that no student is torn away from their family or community and thrown into the criminal legal system.

Stop the use of seclusion and restraints. Ninety-one percent of the young people restrained (e.g. by use of handcuffs, physical force) or secluded (i.e. put in a guarded solitary room) are young people with disabilities.¹⁶⁵ These practices are inhumane, steal young people's freedom, and are discriminatorily applied. MPS and MPD must put an end to restraining or confining young people, especially those with disabilities. Teachers and school personnel should be trained in de-escalation and to work with young people experiencing trauma or mental health.

Stop truancy citations and prosecution. Treating school absence as a criminal act, rather than a warning sign that a young person may need additional supports, is counterproductive. Truancy citations and punishments push students further away from school emotionally and physically, as students are forced to miss more school to go to court. MPS must use school absence as an indication of a need for additional services for young people, and end all punishment for it.

Invest in Freedom:

Create an inclusive school code. Young people in Milwaukee and advocates across the country have developed a model school code premised on a belief in the human right to education and the dignity of all young people.¹⁶⁶ MPS should adopt this code to eliminate the harmful practices embedded in the current Handbook. The new school code must focus on developing robust and enforceable due process for disciplinary actions;¹⁶⁷ requiring school personnel to implement supportive interventions such as restorative practices or therapy; eliminating all vague or subjective offense categories; and creating a clear and accessible complaint process.

Implement robust restorative justice practices citywide. All school personnel, along with the school community, should be trained in using restorative practices. Schools should adopt a restorative approach to the school environment. Restorative approaches should follow nationally-developed models and could include components of peer-counseling, drug and alcohol treatment, community service, non-fiscal restitution, mental health care, and behavioral contracts. Through this process, youth peers should be included in any restorative circles. If the school fails to use restorative practices and instead uses a punitive approach, peers should be included in any discipline conference, if the other student desires.

Increase the number of licensed support professionals, including therapists, social workers, psychologists and guidance counselors. Licensed support professionals provide vital services to students including mental health services, college and career readiness, and connecting young people to community based groups.¹⁶⁸ Many students currently have no access to guidance counselors or mental health professionals. The city should drastically increase the number of licensed support professionals in schools. MPS must also provide trauma-informed care and mental health training for school personnel including teachers, administrators, and other school staff who are involved in making discipline referrals and imposing disciplinary sanctions.

Reduce classroom size. Small class sizes improve student outcomes, especially for students of color and low-income students.¹⁶⁹ Currently, Milwaukee's student-to-teacher ratio exceeds the state average.¹⁷⁰ Critical funding must be provided for MPS to hire more teachers and educational assistants, which will help reduce class sizes and provide professional development for the sustained growth of teachers and school staff.

Provide culturally-responsive education and training. A culturally-responsive approach to teaching acknowledges that students and families come from diverse backgrounds and treats this diversity as a positive asset. Another aspect of this approach is to understand and address institutional, personal, and instructional biases. Providing culturally-responsive education can lead to safer communities for women, youth of color, and LGBTQ students.

Collect and publish accurate data regarding all forms of discipline. The OCR investigation found that discipline data is inconsistently collected and recorded across MPS.¹⁷¹ In addition, MPD has refused to provide detailed data regarding arrests and police interactions with young people in schools.¹⁷² MPS and MPD must accurately collect information about discipline and police interactions, disaggregated by race, age, gender,

disability, school, charge, sanction imposed, and type of interaction. The presentation of this data must allow for comparison along multiple data points (e.g. to assess how many students of color who have disabilities are disciplined for disorderly conduct). This data must be published online in a editable format at least quarterly.

Invest in universal, free, high-quality early childhood education. Early childhood education has been shown to increase educational achievement, reduce misbehavior, and improve other outcomes for both children and their families, even years after the early childhood education is provided.¹⁷³ Early childhood education has the most profound impacts on students of color and students from low-income communities.¹⁷⁴ Milwaukee should develop programs to provide universal access to early education for children three years old and older.

Create a universal youth jobs program. Youth employment creates safer communities, builds skills in young people, and helps develop a workforce that can address many social needs which would otherwise go unfilled.¹⁷⁵ Milwaukee has taken steps to increase youth employment.¹⁷⁶ This program should be universalized and extended through the school year so that all young people who want to participate are able to join.

Conclusion

Young people demand that Milwaukee divest from the failed policies of school policing and draconian school discipline, and invest in their education through teachers and supports that can give them the freedom to thrive. Instead of expanding punitive systems, young people are fighting for investments in the type of critical resources that truly make schools safe: culturally relevant education, small classroom sizes, mental health services, restorative practices, and other necessary investments in young people.



ENDNOTES

1. Perry and Morris, "Suspending Progress: Collateral Consequences of Exclusionary Punishment in Public Schools."
2. Michelle Mbekeani-Wiley, "Handcuffs in Hallways: The State of Policing in Chicago Public Schools," Sargent Shriver National Center on Poverty Law, February 2017, <http://povertylaw.org/handcuffs>; Carla Shedd, "Unequal City: Race, Schools, and Perceptions of Injustice," Russell Sage Foundation (2015).
3. See, for example: Rumberger and Losen, "The High Cost Of Harsh Discipline And Its Disparate Impact," Committee on School Health, "Out-of-School Suspension and Expulsion;" Kerrin C. Wolf and Aaron Kupchik, "School Suspension and Adverse Experiences in Adulthood," Justice Quarterly 34, issue 3 (2016); Tony Fabelo, et al., "Breaking Schools' Rules: A Statewide Study on How School Discipline Relates to Students' Success and Juvenile Justice Involvement," July, 2011, <https://csjjusticecenter.org/youth/breaking-schools-rules-report>, 55-57.
4. See, for example: Advancement Project, Alliance for Educational Justice, Dignity in Schools Campaign, & NAACP Legal Defense and Educational Fund, Inc., "Police in Schools are Not the Answer to the Newtown Shooting," 2.
5. *Buse v. Smith*, 74 Wis. 2d 550 (1976). See also Wis. Const. art. X, § 3.
6. Annysa Johnson and Erin Richards, "Milwaukee Public Schools bracing for \$50 million-plus budget gap," *Milwaukee Journal Sentinel*, March 8, 2017, <https://www.jsonline.com/story/news/education/2017/03/08/milwaukee-public-schools-braces-50-million-plus-budget-gap/98914940>.
7. See *infra*. Milwaukee's School-to-Prison Pipeline Costs Millions of Dollars.
8. Erin Richards, "No room for raises in MPS' \$1.18 billion preliminary budget," *Milwaukee Journal Sentinel*, March 26, 2017, <https://www.jsonline.com/story/news/education/2017/05/26/no-room-raises-mps-1-18-billion-preliminary-budget/349089001>; Colleen Henry, "Milwaukee city wages: Some soar, some stay stagnant," *Wisconsin News*, November 9, 2017, <http://www.wisn.com/article/milwaukee-city-wages-some-soar-some-stay-stagnant/13512857>; see also Rikki Mitchell, *Teachers outraged by 'hidden' raises for Milwaukee Public Schools administrators*, TMJ4, available at <https://www.tmj4.com/news/local-news/teachers-outraged-by-hidden-raises-for-milwaukee-public-schools-administrators>.
9. The voucher program cost \$213,300,000, with costs shared between the state and Milwaukee. More than 28,000 students attend 127 private schools through this program. See: Milwaukee Parental Choice Program (MPCP) Facts and Figures for 2017-18, October 2017, https://dpi.wi.gov/sites/default/files/imce/sms/Choice/Data_and_Reports/2017-18/2017-18_MPCP_Facts_and_Figures.pdf; Shawn Johnson, "Memo: Voucher Schools Receive More State Funding Per Student," *Wisconsin Public Radio*, March 20, 2017, <https://www.wpr.org/memo-voucher-schools-receive-more-state-funding-student>.
10. See *infra*. Milwaukee's School-to-Prison Pipeline Costs Millions of Dollars.
11. Resolution Letter for Case No. 05-14-5003, U.S. Department of Education, Office for Civil Rights, January 31, 2018, <https://www2.ed.gov/about/offices/list/ocr/docs/investigations/more/05145003-a.pdf>, 12.
12. Wisconsin School District Performance Report, Wisconsin Department of Public Instruction, available at <https://apps2.dpi.wi.gov/sdpr/home> (last visited March 16, 2018).
13. *Ibid*.
14. Resolution Letter for Case No. 05-14-5003, 3.
15. Title VI prohibits discrimination on the basis of race, color, or national origin in programs or activities operated by recipients of Federal financial assistance. As a public-school system, MPS receives federal funding and is therefore subject to Title VI. Resolution Letter for Case No. 05-14-5003, 1.
16. Resolution Letter for Case No. 05-14-5003, 12.
17. Resolution Agreement No. 05-14-5003, Milwaukee Public Schools, <https://www2.ed.gov/about/offices/list/ocr/docs/investigations/more/05145003-b.pdf>, 5.
18. Resolution Agreement No. 05-14-5003, Milwaukee Public Schools, 8.
19. Resolution Agreement No. 05-14-5003, Milwaukee Public Schools, 8.
20. "Freedom to Thrive: Reimagining Safety and Security In Our Communities," The Center for Popular Democracy, <https://populardemocracy.org/sites/default/files/Freedom%20To%20Thrive%2C%20Higher%20Res%20Version.pdf>.
21. *Ibid*, 2.
22. *Ibid*.
23. "2018 Budget In Brief," City of Milwaukee, <http://city.milwaukee.gov/ImageLibrary/User/crystal/PublicSite/2018BudgetinBrief.pdf>; "2018 Plan and Budget Summary, City of Milwaukee, State of Wisconsin," City of Milwaukee, Department of Administration Budget and Management Division, http://city.milwaukee.gov/ImageLibrary/User/crystal/Budget-Books/2018_Adopted_Budget_Summary.pdf, 126; "Freedom to Thrive," The Center for Popular Democracy.
24. "Full-time Law Enforcement Officers: by Region and Geographic Division by Population Group, 2016," Federal Bureau of Investigation, Criminal Justice Information Services Division, <https://ucr.fbi.gov/crime-in-the-u.s/2016/crime-in-the-u.s.-2016/tables/table-24/table-24.xls#overview>
25. "Wisconsin: Full-time Law Enforcement Employees by City, 2016," Federal Bureau of Investigation, Criminal Justice Information Services Division, <https://ucr.fbi.gov/crime-in-the-u.s/2016/crime-in-the-u.s.-2016/tables/table-26/table-26-state-cuts/table-26-wisconsin.xls>
26. "Indiana: Full-time Law Enforcement Employees by City, 2016," Federal Bureau of Investigation, Criminal Justice Information Services Division, <https://ucr.fbi.gov/crime-in-the-u.s/2016/crime-in-the-u.s.-2016/tables/table-26/table-26-state-cuts/table-26-indiana.xls>
27. Thomas C. Frohlich and Sam Stebbins, "The Worst Cities For Black Americans," *Huffington Post*, October 6, 2015, https://www.huffingtonpost.com/entry/worst-cities-black-americans_us_5613d10ee4b0baa355ad322f.
28. "About Linked Birth / Infant Death Records, 2007-2015 (as compiled from data provided by the 57 vital statistics jurisdictions through the Vital Statistics Cooperative Program)," United States Department of Health and Human Services (US DHHS), Centers of Disease Control and Prevention (CDC), National Center for Health Statistics (NCHS), Division of Vital Statistics (DVS), available at <http://wonder.cdc.gov/lbd-current.html> (last visited March 16, 2018).
29. T.J. Mathews, Danielle M. Ely, and Anne K. Driscoll, "State Variations in Infant Mortality by Race and Hispanic Origin of Mother, 2013-2015," Centers of Disease Control and Prevention (CDC), National Center for Health Statistics (NCHS), January 2018, <https://www.cdc.gov/nchs/data/databriefs/db295.pdf>.
30. "Executive Summary: Race for Results," Kids Forward, October 2017, <http://kidsforward.net/assets/Executive-Summary-Race-for-Results.pdf>.
31. John Schmid, "A Time to Heal: From Generation to Generation," *Milwaukee Journal Sentinel*, March 23, 2017, <https://projects.jsonline.com/news/2017/3/23/epidemic-of-childhood-trauma-haunts-milwaukee.html#>.
32. John Schmid, "From Generation to Generation:" Joshua P. Mersky, James W. Topitzes, and A. J. Reynolds, "Impacts of adverse childhood experiences on health, mental health, and substance use in early adulthood: A cohort study of an urban, minority sample in the U.S.," *Child Abuse Negl.* 37, no. 11 (2013): 917-925. <http://doi.org/10.1016/j.chiabu.2013.07.011>.
33. "Unbalanced Juvenile Justice," W. Haywood Burns Institute for Juvenile Justice Fairness and Equity, accessed March 13, 2017, <http://data.burnsinstitute.org>, direct link at <http://bit.ly/2FHvJna>
34. Charles Puzanzchera, Anthony Sladky, and Wei Kang, "Easy Access to Juvenile Populations: 1990-2016," (2017), available at <http://www.ojdp.gov/ojstatbb/ezapop> (last visited March 15, 2018); Melissa Sickmund, T. J. Sladky, Wei Kang, and Charles Puzanzchera, "Easy Access to the Census of Juveniles in Residential Placement," (2017), available at <http://www.ojdp.gov/ojstatbb/ezacjrp> (last visited March 15, 2018).
35. "(Milwaukee) High School Completion Rates by Race/Ethnicity (2015-16)," Wisconsin Information System for Education Data Dashboard, available at [http://wisedash.dpi.wi.gov/Dashboard/Page/Home/Topic%20Area/Graduation/HS%20Completion%20\(Side-by-Side\)/HS%20Completers%20\(Single%20Year\)%20Left?filtersetid=0f58fb15-108b-4dfd-825c-ac3fd09de52a](http://wisedash.dpi.wi.gov/Dashboard/Page/Home/Topic%20Area/Graduation/HS%20Completion%20(Side-by-Side)/HS%20Completers%20(Single%20Year)%20Left?filtersetid=0f58fb15-108b-4dfd-825c-ac3fd09de52a) (last visited March 15, 2018).
36. "(Milwaukee) Initial Postsec Enrl by Race/Ethnicity (2015-16)," Wisconsin Information System for Education Data Dashboard, available at [http://wisedash.dpi.wi.gov/Dashboard/Page/Home/Topic%20Area/Postgraduation/Postsecondary%20Enrollment%20\(Side-by-Side\)/Postsec%20Initial%20Enrollment%20Left?filtersetid=90d204bb-1657-4ea3-8fb5-d7c1a04ba7d](http://wisedash.dpi.wi.gov/Dashboard/Page/Home/Topic%20Area/Postgraduation/Postsecondary%20Enrollment%20(Side-by-Side)/Postsec%20Initial%20Enrollment%20Left?filtersetid=90d204bb-1657-4ea3-8fb5-d7c1a04ba7d) (last visited March 15, 2018).

37. Ichiro Kawachi, Nancy E. Adler, and William H. Dow, "Money, schooling, and health: Mechanisms and causal evidence," *Annals of the New York Academy of Sciences* 11861 (2010): 56-68, <https://unnaturalcauses.org/assets/uploads/file/MoneySchoolingHealth.pdf>.
38. "Out-of-Home Care Report: Annual Reports for Calendar Year 2016," Wisconsin Department of Children and Families, <https://dcf.wisconsin.gov/files/cwportal/reports/pdf/ohc.pdf>.
39. John Pawasarat and Lois M. Quinn, "State Imprisonment of Milwaukee County Women: 1990-2012," University of Wisconsin-Milwaukee Employment and Training Institute (2014), <http://www4.uwm.edu/eti/2014/FemaleIncarceration.pdf>.
40. "Life Expectancy in Wisconsin: 2010-2014," Wisconsin Department of Health Services, Division of Public Health, Office of Health Informatics, August 2016, <https://www.dhs.wisconsin.gov/publications/p01551.pdf>.
41. Sam Harper, Richard F. MacLehose, and Jay S. Kaufman, "Trends In The Black-White Life Expectancy Gap Among US States, 1990–2009," *Health Affairs* 33, no. 8, August 2014: 1378 <https://www.healthaffairs.org/doi/pdf/10.1377/hlthaff.2013.1273>.
42. Erica S. LeCounte and Geoffrey R. Swain, "Life Expectancy at Birth in Milwaukee County: A Zip Code-Level Analysis," *J. Patient Cent. Res. Rev.* 4, issue 4 (2017): 213-220, <https://digitalrepository.aurorahealthcare.org/jpcrr/vol4/iss4/3>.
43. "Intergovernmental Cooperative Agreement for a Truancy Abatement and Burglary Suppression Program Between the Milwaukee Board of School Directors and the City of Milwaukee," Milwaukee Board of School Directors, <https://esb.milwaukee.k12.wi.us/attachments/64122e63-cf2d-4ba1-b554-650479ce72a2.pdf>; "Intergovernmental Agreement for School Security Program between the Milwaukee Board of School Directors and the City of Milwaukee," Milwaukee Board of School Directors, <https://esb.milwaukee.k12.wi.us/attachments/1e1cf531-1c45-4b47-b1ea-ab0ff8a3fd4c.pdf>.
44. "Intergovernmental Cooperative Agreement Between the City of Milwaukee and the Milwaukee Board of School Directors for the Provision of Law Enforcement Services to Milwaukee Public Schools (After School Patrols)," Milwaukee Board of School Directors, <https://esb.milwaukee.k12.wi.us/attachments/66137cff-65ce-4258-a959-e11e685c502d.pdf>.
45. "Milwaukee Board of School Directors Professional Services Contract," Milwaukee Public Schools, <http://mps.milwaukee.k12.wi.us/MPS-English/OBG/OAE/Contracts/SmithsDetectionINC-CO25512.pdf>; Wisconsin School District Performance Report, Wisconsin Department of Public Instruction.
46. "Amended Adopted Budget: Approved by the Milwaukee Board of School Directors on October 30, 2017, Fiscal Year July 1, 2017 – June 30, 2018," Milwaukee Public Schools, Office of Finance, 3C-90, <http://mps.milwaukee.k12.wi.us/MPS-English/CFO/Budget-Finance/Financial.pdf>.
47. "School Safety Assistant Job Announcement," Milwaukee Public Schools, Division of School Safety and Security, <http://www.milwaukee.gov/ImageLibrary/User/jkamme/PastJobAnnouncements/SchoolSafetyAssistant.pdf>.
48. Ibid.
49. Jesse Garza, "School safety officer accused of body-slammng 11-year-old boy," *Milwaukee Journal Sentinel*, February 7, 2018, <https://www.jsonline.com/story/news/2018/02/06/school-safety-officer-accused-body-slammng-11-year-old-boy/313869002>.
50. "Bullies In Blue: The Origins and Consequences of School Policing," American Civil Liberties Union, April 2017, https://www.aclu.org/sites/default/files/field_document/aclu_bullies_in_blue_4_11_17_final.pdf.
51. Interview from student at Tech
52. "School Safety Assistant Job Announcement," Milwaukee Public Schools.
53. "Report with Possible Action on Student Restraint and Seclusion," Milwaukee Board of School Directors, https://esb.milwaukee.k12.wi.us/public_itemview.aspx?ItemId=7066&mtgId=774&mtgType=No; "Report with Possible Action on Student Restraint and Seclusion: Restraint and Seclusion Table 2016-2017 School Year," Milwaukee Board of School Directors, <https://esb.milwaukee.k12.wi.us/attachments/47cfd1b1-9c78-427a-9a43-051e021233a7.pdf>.
54. "Milwaukee Municipal Court, Charges Filed by Number of Cases. 1/1/16 - 12/31/16," City of Milwaukee, Wisconsin, <http://city.milwaukee.gov/ImageLibrary/User/municourt/ChargesFiled2016byNumber.pdf>.
55. "Open Records Request Response," Milwaukee Police Department, March 29, 2018. (On file with author.)
56. "Intergovernmental Agreement for School Security Program between the Milwaukee Board of School Directors and the City of Milwaukee," Milwaukee Board of School Directors, <https://esb.milwaukee.k12.wi.us/attachments/370fa02c-6548-469c-897fd1feaf544c13.pdf>.
57. "Research on School Security: The Impact of Security Measures on Students," National Association of School Psychologists (2013).
58. Nance, "Dismantling the School-to-Prison Pipeline: Tools for Change," *citing* Advancement Project and Harvard Univ. Civil Rights Project, "Opportunities Suspended" (stating that after four years of implementation, schools that used zero tolerance policies were less safe than those that did not use them). *See also* "Research on School Security: The Impact of Security Measures on Students," National Association of School Psychologists (2013), *citing* Amanda B. Nickerson and Matthew P. Martens, "School Violence: Associations with Control, Security/Enforcement, Educational/Therapeutic Approaches, and Demographic Factors," *School Psychology Review* 37, no. 2 (2008): 228-243; Matthew J. Mayer and Peter E. Leone, "A Structural Analysis of School Violence and Disruption: Implications for Creating Safer Schools," *Education and Treatment of Children* 22, no. 3 (1999): 333-56.
59. Jason P. Nance, "Dismantling the School-to-Prison Pipeline: Tools for Change," 48 *Ariz. St. L. J.* 313 (2016), *citing* Advancement Project and Harvard Univ. Civil Rights Project, "Opportunities Suspended: The Devastating Consequences of Zero Tolerance and School Discipline Policies," National Summit on Zero Tolerance, Washington, D.C., June 15-16, 2000.
60. Matthew T. Theriot, "School Resource Officers and the Criminalization of Student Behavior," *Journal of Criminal Justice* 37 (2009): 280–287. *See also* Jason P. Nance, "Students, Police, and the School-to-Prison Pipeline," 93 *Wash. L. Rev.* 919 (2016).
61. Abigail Hankin, Marci Hertz, and Thomas Simon, "Impacts of Metal Detector Use in Schools: Insights from 15 Years of Research," *Journal of School Health* 81, no. 2 (2011): 105.
62. "Research on School Security: The Impact of Security Measures on Students," National Association of School Psychologists (2013), *citing* Christopher J. Schreck and J. Mitchell Miller, "Sources of Fear of Crime at School: What is the Relative Contribution of Disorder, Individual Characteristics and School Security?," *Journal of School Violence* 2, no. 4 (2003): 57-79; Billie Gastic, "Metal Detectors and Feeling Safe at School," *Education and Urban Society* 43, issue 4 (2011): 486-498.
63. Perry and Morris, "Suspending Progress: Collateral Consequences of Exclusionary Punishment in Public Schools."
64. Gary Sweeten, "Who Will Graduate? Disruption of High School Education by Arrest and Court Involvement" *Justice Quarterly* 23, issue 4 (2006).
65. Paul Hirschfield, "Another Way Out: The Impact of Juvenile Arrests on High School Dropout," *Sociology of Education* 82, issue 4 (2009): 368–393.
66. Mbekeani-Wiley, "Handcuffs in Hallways." *See also* Rhea W. Boyd, Angela M. Ellison, and Ivor B. Horn, "Police, Equity, and Child Health," *Pediatrics* 137, no. 3 (2016), <http://pediatrics.aappublications.org/content/early/2016/01/28/peds.2015-2711>.
67. Jason Silverstein, "How Racism is Bad for Our Bodies," *The Atlantic*, March 12, 2013, <https://www.theatlantic.com/health/archive/2013/03/how-racism-is-bad-for-our-bodies/273911>; José A. Soto, Nana A. Dawson-Andoh, and Rhonda BeLue, "The Relationship Between Perceived Discrimination and Generalized Anxiety Disorder Among African Americans, Afro Caribbeans, and Non-Hispanic Whites," *Journal of Anxiety Disorders* 25, no. 2 (March 2011): 258-65; Pamela J. Sawyer, et al., "Discrimination and the Stress Response: Psychological and Physiological Consequences of Anticipating Prejudice in Interethnic Interactions," *Am. J. Public Health* 102, no. 5 (2012): 1021-1024, <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3483920>.
68. Wisconsin School District Performance Report, Wisconsin Department of Public Instruction.
69. Ibid. (MPS percentage is 0.2, whereas the statewide percentage is 0.1).
70. Ibid. (50,035.0 suspension days and 15,705.0 expulsion days adds up to 65,740.00 days. Dividing this by a 180 day school year, this is approximately 365 school years).
71. Ibid. (Statewide ninth-grade suspension rate is 7.8, which is 4.47 times of the 34.9 Milwaukee ninth-grade suspension rate).
72. Constanca Warren, et al., "Final Report on the Study of Promising Ninth Grade Transition Strategies: A Study of Six High Schools," Study Conducted for the U.S. Department of Education, <https://www2.ed.gov/programs/slcp/ninthgradecounts/ninthgradestudy2011.pdf>; E. M. Allensworth, and J.Q. Easton, "The On-Track Indicator as a Predictor of High School Graduation," University of Chicago, Consortium on Chicago School Research (2005), <https://consortium.uchicago.edu/sites/default/files/publications/p78.pdf>.

73. "Parent/Student Handbook on Rights, Responsibilities and Discipline: 2017-18," Milwaukee Public Schools, <http://mps.milwaukee.k12.wi.us/MPS-English/SUPT/Family-Student-Services/rights-responsibilities-english-handbook.pdf>. 25.
74. *Ibid.* at 24.
75. *Ibid.* at 24-26 ("Other substances" is one of the offenses referenced in this sentence. The wording of the offense is slightly different than "other similar" as it reads "other substances".)
76. *Ibid.* at 24-26.
77. "Administrative Policy 8.23 - Weapons in the Schools (and Criminal Offenses)," Milwaukee Public Schools, http://mps.milwaukee.k12.wi.us/MPS-English/OBG/Clerk-Services/MPS-Rules-and-Policies/Administrative-Policies/Chapter-08/Administrative_Policy_08_23.pdf; "Parent/Student Handbook on Rights, Responsibilities and Discipline: 2017-18," Milwaukee Public Schools, 25.
78. "Expansive Survey of America's Public Schools Reveals Troubling Racial Disparities," U.S. Department of Education, Office for Civil Rights, March 21, 2014, <https://webcache.googleusercontent.com/search?q=cache:5zZmOxiCDyUJ:https://www.ed.gov/news/press-releases/expansive-survey-americas-public-schools-reveals-troubling-racial-disparities+&cd=1&hl=en&ct=clnk&gl=us>
79. Rumberger and Losen, "The High Cost Of Harsh Discipline And Its Disparate Impact." *See, for example:* Committee on School Health, "Out-of-School Suspension and Expulsion," Nance, "Dismantling the School-to-Prison Pipeline: Tools for Change," *citing* Wolf and Kupchik, "School Suspension and Adverse Experiences in Adulthood," Fabelo, et al., "Breaking Schools' Rules," 55-57.
80. Rumberger and Losen, "The High Cost Of Harsh Discipline And Its Disparate Impact."
81. Wisconsin School District Performance Report, Wisconsin Department of Public Instruction.
82. *See, e.g.* "(Milwaukee) High School Completion Rates by Race/Ethnicity (2016-17)," Wisconsin Information System for Education Data Dashboard, "(Milwaukee) High School Completion Rates by All Students (2016-17)," Wisconsin Information System for Education Data Dashboard, *available at* [http://wisedash.dpi.wi.gov/Dashboard/Page/Home/Topic%20Area/Graduation/HS%20Completion%20\(Side-by-Side\)/HS%20Completers%20\(Single%20Year\)%20Right?filtersetid=705be828-2316-481b-aad3-4104fcfc9437](http://wisedash.dpi.wi.gov/Dashboard/Page/Home/Topic%20Area/Graduation/HS%20Completion%20(Side-by-Side)/HS%20Completers%20(Single%20Year)%20Right?filtersetid=705be828-2316-481b-aad3-4104fcfc9437) (last visited March 16, 2018).
83. Perry and Morris, "Suspending Progress: Collateral Consequences of Exclusionary Punishment in Public Schools."
84. Russell J. Skiba and Natasha T. Williams, "Are Black Kids Worse? Myths and Facts About Racial Differences in Behavior: A Summary of the Literature," The Equity Project at Indiana University (2014) ("regardless of the source, there is virtually no support in the research literature for the idea that disparities in school discipline are caused by racial/ethnic differences in behavior.")
85. Resolution Letter for Case No. 05-14-5003, 12.
86. Resolution Letter for Case No. 05-14-5003, 13 (emphasis added).
87. Resolution Letter for Case No. 05-14-5003, 11.
88. Skiba and Williams, "Are Black Kids Worse? A Summary of the Literature."
89. David E. DeMatthews, Roderick L. Carey, Arturo Olivarez, and Kevin M. Saeedi, "Guilty as Charged? Principals' Perspectives on Disciplinary Practices and the Racial Discipline Gap," *Educational Administration Quarterly* 53, issue 4 (2017).
90. *Ibid.*
91. Perry and Morris, "Suspending Progress: Collateral Consequences of Exclusionary Punishment in Public Schools."
92. Resolution Letter for Case No. 05-14-5003, 11.
93. "Discipline Report: Milwaukee School District (Survey Year: 2013-14), Federal Data from 2013," Civil Rights Data Collection, *available at* <https://ocrdata.ed.gov/Page?d&eid=29660&syk=7&pid=2269> (last visited March 16, 2018).
94. Hannah Rappleye, et al., "Kids in Cuffs," NBC News, February 20, 2017, *available at* <https://www.nbcnews.com/news/us-news/kids-cuffs-why-handcuff-8-year-old-student-disability-n722451> (last visited March 25, 2018).
95. "Report with Possible Action on Student Restraint and Seclusion: Restraint and Seclusion Table 2016-2017 School Year," Milwaukee Board of School Directors; Wisconsin Information System for Education, Enrollment by Disability Status, 2016-2017.
96. "Discipline Report: Milwaukee School District (Survey Year: 2013-14), Federal Data from 2013," Civil Rights Data Collection.
97. Resolution Letter for Case No. 05-14-5003, 11.
98. Resolution Letter for Case No. 05-14-5003, 12 (emphasis added).
99. Resolution Letter for Case No. 05-14-5003, 11.
100. Resolution Letter for Case No. 05-14-5003, 11.
101. Resolution Letter for Case No. 05-14-5003, 12.
102. Resolution Letter for Case No. 05-14-5003, 12.
103. Wisconsin School District Performance Report, Wisconsin Department of Public Instruction (referring to the suspension and expulsion data from 2015-16).
104. Wisconsin School District Performance Report, Wisconsin Department of Public Instruction District Data (out of a total of 181 suspensions, 158 suspensions are of Black students).
105. "2013-2014 Civil Rights Data Collection: A First Look," U.S. Department of Education, Office of Civil Rights, October 28, 2016, <https://www2.ed.gov/about/offices/list/ocr/docs/2013-14-first-look.pdf>.
106. Wisconsin School District Performance Report, Wisconsin Department of Public Instruction Data (referring to the suspension and expulsion data for 2015-16).
107. *Ibid.*
108. "2013-2014 Civil Rights Data Collection: A First Look," U.S. Department of Education.
109. Hilary Burdge, Adela C. Licon, and Zami T. Hyemingway, "LGBTQ Youth of Color: Discipline Disparities, School Push-Out, and the School-to-Prison Pipeline," Gay-Straight Alliance Network of San Francisco and Crossroads Collaborative at the University of Arizona (2014), https://gsanetwork.org/files/aboutus/LGBTQ_brief_FINAL-web.pdf.
110. *Ibid.*
111. This figure includes \$ 1,120,898 for the Police Officer Program in Schools, \$60,000 for External School Police Squads, \$435,000 for Truancy Abatement and Burglary Suppression Officers, \$133,000 for Adjudication of Truancy Citations, \$76,000 for Installation of X-Ray Machines, and \$51,000 for Maintenance of X-ray machines. Full citations included below.
112. This figure includes the full cost of the SRO program as well as that of the Truancy Abatement and Burglary Suppression program discussed below.
113. "(Agenda Item) 11. Action on a Request to Enter into an Intergovernmental Agreement with the City of Milwaukee for the Milwaukee Police Department to Continue the School Resource Officers (SRO) Model for the 2017-2018 Year Beginning on August 14, 2017, and Ending June 8, 2018," Milwaukee Board of School Directors, https://esb.milwaukee.k12.wi.us/public_itemview.aspx?itemId=7003&mtgId=772&mtgType=No.
114. "School Year 2014-2015 Report of the School Resource Officer Intergovernmental Agreement," Milwaukee Board of School Directors, <https://esb.milwaukee.k12.wi.us/attachments/77aae1b2-3acd-4957-bd2a-840b8298e9e8.pdf>.
115. *Ibid.*
116. "Intergovernmental Cooperative Agreement Between the City of Milwaukee and the Milwaukee Board of School Directors for the Provision of Law Enforcement Services to Milwaukee Public Schools (After School Patrols)," Milwaukee Board of School Directors.
117. Arbitration Award, In the Matter of the Petition of Milwaukee Teachers' Education Association. April 5, 1993., p.11 http://werc.wi.gov/interest_awards/int_pre-99_vol_2_of_2/int27076.pdf
118. "Amended Adopted Budget: Fiscal Year July 1, 2017 – June 30, 2018," Milwaukee Public Schools, 3C-90.

119. "School Safety Assistant Job Announcement," Milwaukee Public Schools, Division of School Safety and Security, <http://www.milwaukee.gov/ImageLibrary/User/jkamme/PastJobAnnouncements/SchoolSafetyAssistant.pdf>.
120. See supra Section: Milwaukee's School-to-Prison Pipeline and Its Harmful Impact.
121. "Intergovernmental Cooperative Agreement for a Truancy Abatement and Burglary Suppression Program Between the Milwaukee Board of School Directors and the City of Milwaukee," Milwaukee Board of School Directors.
122. "Truancy Abatement and Burglary Suppression Program Operations Manual, 2017-2018," Milwaukee Board of School Directors, <https://esb.milwaukee.k12.wi.us/attachments/4d7c05c6-7697-4546-8867-7aaa88158ed9.pdf>.
123. Wis. Stat. Ann. § 118.15(5)(a)1.
124. "Milwaukee Municipal Court, Charges Filed by Number of Cases, 1/1/16 - 12/31/16," City of Milwaukee, Wisconsin, <http://city.milwaukee.gov/ImageLibrary/User/municourt/ChargesFiled2016byNumber.pdf>; 2017 Budget City of Milwaukee, Wisconsin, http://city.milwaukee.gov/ImageLibrary/User/crystal/PublicSite/2017_adopted_budget.pdf.
125. Bill Rivers, "Truancy: Causes, Effects, and Solutions," *Education Masters* 107 (2010), https://fisherpub.sjfc.edu/cgi/viewcontent.cgi?referer=https://www.google.com/&httpsredir=1&article=1106&context=education_ETD_masters.
126. *Ibid.* at 5.
127. "(2012-2013) Intergovernmental Agreement for a Truancy Abatement and Burglary Suppression Program "TABS" Program between the Milwaukee Board of School Directors and the City of Milwaukee," Milwaukee Board of School Directors, <https://esb.milwaukee.k12.wi.us/attachments/844ac2c1-f87a-4e98-92d6-b550a66907de.pdf> (local officials took over funding this program from the state in 1996).
128. Wisconsin School District Performance Report, Wisconsin Department of Public Instruction (referring to Attendance, Dropouts and Truancy).
129. *Ibid.*
130. Kevin Crowe and Ashley Luthern, "The Cost of Police Misconduct in Milwaukee: \$21 million – and Growing," *Milwaukee Journal Sentinel*, October 25, 2017, <https://www.jsonline.com/story/news/investigations/2017/10/25/cost-police-misconduct-milwaukee-21-million-and-growing/792428001>.
131. "Bullies In Blue: The Origins and Consequences of School Policing," American Civil Liberties Union.
132. Puzanachera, Sladky, and Kang, "Easy Access to Juvenile Populations: 1990-2016;" Sickmund, Sladky, Kang, and Puzanachera, "Easy Access to the Census of Juveniles in Residential Placement."
133. "2017 Adopted Operating Budget," County of Milwaukee, Dept. of Health and Human Services, Delinquency and Court Services, <http://county.milwaukee.gov/ImageLibrary/Groups/cntyDAS/PSB/Budgets/2017-Budget-2017-Adopted-Budget/8000-DHHS.pdf>.
134. "Agreement Between the Milwaukee Board of School Directors & Milwaukee County Youth Education Center for Title I, Part D, Subpart 2 Services," Milwaukee Board of School Directors, <https://esb.milwaukee.k12.wi.us/attachments/ac804d98-d4af-45f8-ae5e-c831efbdd05e.pdf> (June 25, 2015 Approval); <https://esb.milwaukee.k12.wi.us/attachments/0d09e992-44c6-41a4-8cd9-c7ed20edadcd.pdf> (June 29, 2017 Approval).
135. "Milwaukee Board of School Directors Professional Services Contract," Milwaukee Public Schools, September 2, 2016, <http://mps.milwaukee.k12.wi.us/MPS-English/OBG/OAE/Contracts/SmithsDetection/NC-CO25663.pdf>; "Milwaukee Board of School Directors Professional Services Contract," Milwaukee Board of School Directors, August 1, 2016, <https://esb.milwaukee.k12.wi.us/attachments/3f3be415-afc5-4c49-9d35-8e6b1411438a.pdf>.
136. "Milwaukee Board of School Directors Professional Services Contract, First Extension and Modification," Milwaukee Board of School Directors, August 1, 2016, <https://esb.milwaukee.k12.wi.us/attachments/c7eb680b-95a6-47f8-b31e-72672e73c3e7.pdf>.
137. Barbara Ritter, "Factors Influencing High School Graduation," Washington Student Achievement Council, Spring 2015, <https://www.wsac.wa.gov/sites/default/files/2015.12.3.Ritter.Graduation.Issue.Brief.pdf>.
138. *Id.*
139. Rumberger and Losen, "The High Cost Of Harsh Discipline And Its Disparate Impact," Jeremy Burrus and Richard D. Roberts, "Dropping Out of High School: Prevalence, Risk Factors and Remediation Strategies," Educational Testing Service Research and Development, February 2012, https://www.ets.org/Media/Research/pdf/RD_Connections18.pdf.
140. Brooke McCord, "Researchers Study Factors Predicting School Corporal Punishment," *Penn State News*, July 10, 2017, <http://news.psu.edu/story/474248/2017/07/10/research/researchers-study-factors-predicting-school-corporal-punishment> (Providing graduation data).
141. "2012-2016 American Community Survey, 5-Year Estimates," United States Census Bureau.
142. "(Milwaukee) High School Completion Rates by Race/Ethnicity (2015-16)," Wisconsin Information System for Education Data Dashboard. The Milwaukee 2015-2016 cohort was 5,248 students, 3,133 of whom graduated in 4 years for a rate of 59.7 percent. A 93 percent graduation rate would have meant 4,854 graduates, or about 1,700 more than the actual 2015-2016 number.
143. Rumberger and Losen, "The High Cost Of Harsh Discipline And Its Disparate Impact," *See, for example:* Committee on School Health, "Out-of-School Suspension and Expulsion," 1207.
144. *Ibid.*; see discussion of SRO, TABS and after school squad programs above.
145. "Freedom to Thrive," The Center for Popular Democracy, 4.
146. *Ibid.* citing "The Link Between Early Childhood Education and Crime and Violence Prevention," Economic Opportunity Institute, accessed June 22, 2017, <http://www.eoionline.org/wp/wp-content/uploads/early-learning/ELCLinkCrimeReduction-Jul02.pdf>, 1.
147. *Ibid.* citing Sara B. Heller, "Rethinking Youth Employment Programs: Evidence from Two Summer Job Experiments," *Science* 346, issue 6214 (2014).
148. *Ibid.* citing Suzy Khimm, "How Obamacare Could Reduce Crime and Incarceration," *MSNBC*, October 6, 2014, <http://www.msnbc.com/msnbc/how-obamacare-could-reduce-crime-and-incarceration>.
149. Stemen, Don. The Prison Paradox.Vera Institute of Justice. July 2017. <https://www.vera.org/publications/for-the-record-prison-paradox-incarceration-not-safer>; Executive Office of the President of the United States. Economic Perspectives on Incarceration and the Criminal Justice System. April 2016. https://obamawhitehouse.archives.gov/sites/default/files/page/files/20160423_cea_incarceration_criminal_justice.pdf
150. Jonathan Cohen, Elizabeth M. McCabe, Nicholas M. Michelli, and Terry Pickeral, "School Climate: Research, Policy, Practice, and Teacher Education," *Teachers College Record* 111, no. 1 (January 2009): 180–213.
151. *Ibid.*
152. Nance, "Dismantling the School-to-Prison Pipeline: Tools for Change," citing Matthew P. Steinberg, Elaine Allensworth, and David W. Johnson, "Student and Teacher Safety in Chicago Public Schools: The Roles of Community Context and School Social Organization," Consortium on Chicago School Research at the University of Chicago (May 2011): 46.
153. *See, for example:* "Ending the School-to-Prison Pipeline," Urban Youth Collaborative, <http://www.urbandyouthcollaborative.org/ending-school-to-prison-pipeline>; "From Failure to Freedom: From Milwaukee's School-to-Prison Pipeline to the Youth Power Agenda," Leaders Igniting Transformation, <https://www.litmk.org/endthetailjail:School-to-Prison-Pipeline>; "Advancement Project, <https://advancementproject.org/issues/stpp>.
154. "Oakland Unified School District Restorative Justice Implementation Guide: A Whole School Approach," The OUSD Restorative Justice Team, Restorative Justice for Oakland Youth, and Be the Change Consulting, <http://rjoyoakland.org/wp-content/uploads/OUSDRJOYImplementation-Guide.pdf>.
155. Nance, "Dismantling the School-to-Prison Pipeline: Tools for Change," p. 355 citing "Improving School Climate: Findings from Schools Implementing Restorative Practices," International Institute for Restorative Practices (2009) (Noting that several schools have seen positive safety results from implementing restorative justice).
156. Thalia N. C. González and Benjamin Cairns, "Moving Beyond Exclusion: Integrating Restorative Practices and Impacting School Culture in Denver Public Schools," *Justice for Kids: Keeping Kids Out of the Juvenile Justice System*, New York University Press (2011), 253.

157. Fania E. Davis, "Silver Lining in the Investigation of Oakland's School District," *East Bay Times*, October 1, 2012, <http://www.eastbaytimes.com/2012/10/01/fania-e-davis-silver-lining-in-the-investigation-of-oaklands-school-district>.
158. "Resolution 1617R-005," Directors Bond and Harris, <https://esb.milwaukee.k12.wi.us/attachments/f2dbe600-0aa7-4a8c-a226-7fd1fbc4a50d.pdf>.
159. Randall Reback, "Schools' Mental Health Services and Young Children's Emotions, Behavior, and Learning," *Journal of Policy Analysis and Management* 29, no. 4 (2010), http://www.columbia.edu/~rr2165/pdfs/schoolsmentalhealth_april12_2010.pdf.
160. Randall Reback, "Noninstructional Spending Improves Noncognitive Outcomes: Discontinuity Evidence from a Unique School Counselor Financing System," *Education Finance and Policy* (2010): 105–137, <http://www.mitpressjournals.org/doi/pdf/10.1162/edfp.2010.5.2.5201>.
161. Scott E. Carrell and Susan A. Carrell, "Do Lower Student to Counselor Ratios Reduce School Disciplinary Problems?," *Contributions to Economic Analysis & Policy* 5, issue 1 (2006), <http://faculty.econ.ucdavis.edu/faculty/scarrell/counselors2.pdf>.
162. Carol Miller Lieber, "Increasing College Access Through School based Models of Postsecondary Preparation, Planning, and Support," *Educators for Social Responsibility*, January 2009, <http://www.engagingschools.org/wp-content/uploads/2014/05/Increasing-College-Access.pdf>. See also "Maintaining the Momentum: A Plan for Safety and Fairness in Schools," The Mayor's Leadership Team on School Climate and Discipline, July 2016, http://www1.nyc.gov/assets/sclt/downloads/pdf/SCLT_Report_7-21-16, 20 (noting a 1:100 ratio goal in high needs districts); "School Counselor Update," EngageNY, September 16, 2015, <https://www.regents.nysed.gov/common/regents/files/meetings/SchoolCounselor.pdf> (referencing a preferable 1:100 ratio); "Position Statement: Comprehensive School Counseling Programs," American School Counselor Association, 2017, https://www.schoolcounselor.org/asca/media/asca/PositionStatements/PS_ComprehensivePrograms.pdf.
163. "Student-to-School-Counselor Ratio 2014-2015," American School Counselor Association, <https://www.schoolcounselor.org/asca/media/asca/home/Ratios14-15.pdf>.
164. Ashley Luthern and Gina Barton, "Trust Damaged Between Milwaukee Police and Community, Department of Justice Draft Report Says," *Milwaukee Journal Sentinel*, August 30, 2017, <https://projects.jsonline.com/news/2017/8/30/trust-damaged-between-milwaukee-police-department-of-justice-draft-report-says.html>.
165. "Report with Possible Action on Student Restraint and Seclusion," Milwaukee Board of School Directors, https://esb.milwaukee.k12.wi.us/public_itemview.aspx?ItemId=7066&mtgId=774&mtgType=No (last visited March 16, 2018); "Report with Possible Action on Student Restraint and Seclusion: Restraint and Seclusion Table 2016-2017 School Year," Milwaukee Board of School Directors, <https://esb.milwaukee.k12.wi.us/attachments/47cfd1b1-9c78-427a-9a43-051e021233a7.pdf> (last visited March 16, 2018).
166. "A Model Code on Education and Dignity: Presenting a Human Rights Framework for Schools," The Dignity in Schools Campaign, October 2013, available at http://dignityinschools.org/wp-content/uploads/2017/10/Model_Code_2013-1.pdf.
167. Appropriate due process would include, at a minimum specific and timely written notice of the school code charged, a robust and documented process for giving young people an opportunity to be heard before being removed from the school environment, providing all evidence in a discipline case before a disciplinary hearing, and providing an avenue to appeal discipline decisions. Students and families should also be aware of the factors that are considered in disciplinary hearing decisions and the range of possible interventions available besides suspension, administrative transfer, and expulsion.
168. Project AWARE, Milwaukee Public Schools, <http://mps.milwaukee.k12.wi.us/en/Families/Family-Services/Intervention—PBIS/Project-Aware.htm> (last visited March 16, 2018).
169. William J. Mathis, "Research-Based Options for Education Policymaking: The Effectiveness of Class Size Reduction," National Education Policy Center (June 2016), http://www.greatlakescenter.org/docs/Policy_Briefs/Research-Based-Options-2015/09-Mathis-Class-Size.pdf.
170. Wisconsin District and School Performance Reports, Wisconsin Department of Public Instruction, <https://apps2.dpi.wi.gov/sdpr/district-report> (last visited March 16, 2018).
171. Resolution Letter for Case No. 05-14-5003, 12.
172. Freedom of Information Law Request to Milwaukee Police Department, Leaders Igniting Transformation, December 1, 2017; Open Records Request Response, January 30, 2017 (on file with author).
173. H. Yoshikawa, et al., "Investing in Our Future: The Evidence Base on Preschool," (October 11, 2013), available at <https://www.fcd-us.org/the-evidence-base-on-preschool/> (last visited March 16, 2018); Abbie Lieberman, "Policy Recommendations: Universal Pre-K," *New America*, <https://www.newamerica.org/in-depth/care-report/policy-recommendations-universal-pre-k/> (last visited March 16, 2018).
174. *Ibid.*
175. Lazar Treschan, "Extending the High School Year Through Universal Summer Jobs for New York City Youth," (February 2016), https://b3cdn.net/nycss/c16f84ffe20e0510c9_1bm6iyfcd.pdf.
176. "EARN & LEARN," City of Milwaukee, 2016, <http://city.milwaukee.gov/EarnandLearn> (last visited March 16, 2018)



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