



THE PANDEMIC TO PRISON PIPELINE: A TIMELY Q&A



In [Colorado](#), a vice-principal called the sheriff to the house of a 12-year-old whose teacher saw a “zombie hunter” toy gun in his room during the early days of distance learning.

A month later, in [Louisiana](#), a 9-year-old was suspended after his teacher looked into the computer camera during a remote learning session and spotted an unloaded BB gun in the boy’s bedroom.

And in [Michigan](#), a teenager was sent to juvenile detention after a judge ruled that she had violated her probation by not completing her online school work.

All of these discipline incidents occurred during the coronavirus pandemic. And all involved Black children.

Prior to the pandemic, Black students [faced disproportionate](#) rates of suspension, expulsion and other exclusionary discipline. As these anecdotes suggest, this appears to have continued, even as the coronavirus has forced schools to shift to remote learning and impose other major changes. The school-to-prison pipeline that has for decades used discipline policies to connect education and incarceration is now in danger of becoming the pandemic-to-prison pipeline.

In the Q&A below, two experts on student discipline discuss how the pandemic has—and has not—changed the ways in which children are punished by schools, and what we can do about it.

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discipline and racial equity in public education. Michelle Burris is a Senior Policy Associate at The Century Foundation. Her areas of expertise are racial and socioeconomic integration in preK-12 settings and school discipline.

Q: How has student discipline been implemented during remote learning? In what ways are these approaches similar to or different from student discipline during in-person instruction?

A: We are concerned that virtual discipline, like in-person discipline, is, in some places, being used punitively and is having a disproportionate impact on Black students. Because remote learning on this scale is so new, much of what we know about virtual discipline comes from journalists. Recent coverage suggests that virtual discipline, like its in-person counterpart, is occurring variably across districts. *The Washington Post* recently reported that some districts have simply applied their in-person conduct codes to virtual learning, whereas others have created virtual conduct codes. Some schools are continuing to use traditional punitive methods such as in-school suspension, albeit within virtual in-school suspension rooms. Some school districts, such as Sacramento City Unified School District, are even continuing to use out-of-school suspension, by placing students alone inside virtual rooms, or, by preventing students from logging into their virtual accounts and classes altogether. We also have a concern that just like in brick-and-mortar schools, law enforcement officials may become involved in virtual discipline, as happened this fall when a school resource officer was sent to the home of a Black seventh grader in Colorado, whose teacher reported him to the principal for playing with a Nerf gun during class.

In several places, schools are prohibiting students from eating and drinking during class time and are limiting use of the bathroom as well as maintaining uniform expectations and dictating use of physical space in the home. While some of these may seem like typical in-person classroom rules, use of punishment for what occurs within children's own homes raises significant concerns about the appropriateness of such conduct codes. These rules also come at a time when students face six-hour school days on screens, and during a time when student stress and trauma are heightened, a combo that sets kids up for off-task behavior, acting out, and other forms of age-appropriate responses to these conditions.

Importantly, the districts and charter school networks relying on stringent discipline rules are those enrolling a majority of Black children. These types of minor instances—a child being out of uniform or fidgeting at their desk—are exactly the kinds of minor issues that, during in-person learning, Black students are more likely to be singled out for compared to Whites. So, we have to ask if virtual settings are now becoming another place where Black students, particularly Black students with disabilities, are held to stricter and more punitive behavior standards than White students.

Q: How, if at all, have measures taken as a result of the pandemic (e.g., social distancing and requiring students to wear masks) impacted student discipline during in-person learning?

A: In some places, rules about masks and social distancing requirements are being enforced

through disciplinary penalties. For example, in [Fort Worth ISD](#) and [Dallas ISD](#), a student who coughs, sneezes, or spits on others will face disciplinary action if the school perceives it as intentional. In [Utah](#), students who do not wear masks can be charged with a misdemeanor at the discretion of local school officials. Determining if something is “intentional” is largely a subjective decision, and it is one of the key ways that racial discrimination seeps into school discipline. If enforcing COVID measures plays out like enforcing other kinds of discipline, Black students and students of color will most likely be differentially selected and penalized compared to Whites. Linking harsh penalties to health precautions provides new opportunities for racial discrimination in the use of discipline.

Q: What, if any, equity concerns are raised by student discipline implemented during in-person and remote instruction during the pandemic?

A: It’s important to keep a historical view in mind. We’ve known since the desegregation era that Black students are disproportionately disciplined due to anti-Black racial hostility in schools. That underlying racial hostility has not abated and now finds new outlets in pandemic discipline. There is also the concern that students are compelled to participate in remote learning but lack the necessary technological equipment and access to do so, and thus when they do not log into their classrooms they are [penalized by disciplinary action](#) and/or their families are [reported](#) to child welfare agencies. Often, these children attend school districts that serve Black and Hispanic students from low-income families. These same communities are more likely to be front line workers and have been hardest hit by COVID. This means that remote schooling is becoming a mechanism for punishing families of color for larger economic inequalities.

If there is any equity bright spot, it is that remote learning has, in [some instances](#), provided a way for Black parents to directly intervene in real time when teachers enact unfair treatment, and virtual settings in some ways allow Black students to protect themselves from certain kinds of microaggressions that would not be possible in-person (such as changing their Zoom view if someone is wearing a piece of clothing connected to racist ideology) and it allows Black parents to directly observe how teachers speak to their children. That Black students and parents have to make these decisions tells us all that there is much more work to be done to eliminate anti-Black racial hostility in schools.

Q: Could you tell us about any exemplary student discipline practices that have emerged during the pandemic—practices that other schools might emulate? More generally, what kinds of policies and practices might improve the fairness and effectiveness of student discipline during remote learning that occurs during the pandemic? During in-person learning?

A: Reducing discipline in schools is a complex issue that involves addressing broader resource inequities inside and outside of schools, as well as attending to leadership and instructional practices and staff and student social emotional health and wellness, measures to eliminate racial bias, and tools to resolve and deescalate conflict when it does occur. That’s a lot, we know! For classrooms, some schools are using virtual restorative justice: [Randolph Academy](#) in New York provides tips for virtual restorative justice on their website, as does [San Lorenzo Unified School District](#) and [Restorative Justice Colorado](#). We suggest

also shifting the conversation about school discipline and “safety” from its current emphasis on security, surveillance, and “hardening” to one of students’ social-emotional health and well-being. A new [framework](#) from Communities for Just Schools Fund helps to do just that. In addition, it continues to be critical to educate the public on how anti-Blackness plays out in schools, whether in-person or virtual, and in this vein, we would like to elevate a new publication from *Rethinking Schools* called *Teaching for Black Lives*.

Q: When it comes to student discipline practices and policies, what if any long-term impacts might occur as a result of the pandemic?

A: Even after COVID is over, virtual discipline will likely now be a part of the discipline landscape. Now that schools and districts have invested additional policies and technological infrastructure for using virtual discipline, it will be difficult to change course. It may be that virtual discipline is what students are subjected to as part of in-personal discipline. Part of the critique against out-of-school suspension has been that it deprives students of educational opportunity, but what is to be said if now schools can “provide” education while students are at home, suspended? Will this reopen the use of out-of-school suspension? Schools may now have license to use remote learning as a way to justify push-out tactics.

Pandemic schooling may also impact future decisions that parents of color make while navigating racially hostile in-person learning environments. Policymakers and school systems must grapple with the reality that, in some instances, virtual learning affords families of color a way to protect their children from racial bias, further underscoring the need for policymakers to take seriously continued anti-Black racial hostility in schools and how it shows up in areas like school discipline.

NEPC Resources on Discipline Policy

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