

Restoring the Human Right to Education: Abolishing the School to Prison Pipeline

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Panel presentation by Cathy Albisa, NESRI Executive Director

Thank you for the opportunity to speak today. It is genuinely an honor to be in Louisiana with all of you because we have come together under a shared vision based on recognition and respect for the fundamental human rights of all people. This vision is diametrically opposed to an educational environment that allows the toxic fruit of discrimination to go unchecked and that sees as one of its core function to punish and not teach.

To date, the United States has rejected the vision offered by human rights. Our children are paying the price for that incomprehensible rejection. Consequently, children across the country are subjected to degrading school environments that make learning impossible, and schools regularly diverge from their mission to teach and nurture by inappropriately and unnecessarily bringing the criminal justice system into our schools. To further the damage, studies and human rights documentations show that children are targeted for these punitive approaches based on race.

As Ajamu Baraka stated in his opening – there are many Jenas in the United States, and children are degraded in the classroom, in disciplinary proceedings and in their interactions with the criminal justice system. In the case of the Jena 6, the specific abusive and threatening gesture in the form of nooses came from fellow students, but the environment and standards of acceptable behavior are always set by the school – specifically by the adults that are charged with the well-being and development of all the children in the school.

Around the country, it is often these very adults who commit abuses. My organization, the National Economic and Social Rights Initiative, in partnership with community organizations such as CADRE in LA and the Urban Youth Collaborative in New York, documented degrading treatment of youth in schools. We found that teachers regularly made comments such as:

- “Are you stupid or something?”
- “You’re too stupid you can’t learn”
- “You dress sloppy”
- “You stink”
- “You look like an animal”
- “Don’t you take a shower?”

All too often, in fact, in most cases, these comments are directed a youth of color. Indeed, teachers and principals have said to students that they would “end up in the ghetto like everyone else in their neighborhood.” According to the National Center for Education Statistics (NCES) in 2005, 11% of students of all students and 15% of African American ages 12-18 students reported being targets of hate-related words in a 6 month period, and 7% said the words were related to race.

A related phenomena, is systemic unfair punishment and denial of education through discipline. Across the country, suspensions and expulsions are often given for relatively minor infractions, and these are suspensions are unduly long and severe in their scope. As in the case of

degrading treatment in the classroom, discipline is clearly administered, as study after study reflect, in a racially biased manner. While I cannot speak to the details of the broader environment in Jena High School, we do know that in the state of Louisiana in 2004, African American students made up 46.7% of the student population, but almost 75% of expulsions.

We also know that it is in these environments where children are neither nurtured nor protected that conflict is a chronic disease. Extreme and punitive disciplinary policies tend to be the norm, and criminalizing the school culture a typical tactic. We have heard reports that the local District Attorney came to Jena High School and told students he could end their life with the stroke of a pen. In schools elsewhere, police roam the hallways intervening and controlling school matters, such as simple tardiness

for class, within a criminal framework. Children are mistreated, pressured, threatened and then when they respond – as adolescents typically do with inappropriate behaviors – they are severely punished.

Many children face such educational losses as a result of these tactics as to almost eliminate any possibility of graduating from high school and continuing their education. This is a phenomenon that many community organizers refer to as push-out, where degrading treatment and abusive discipline literally pushes children out of school. And this push-out phenomenon is a human rights crisis in our education system.

Yet, we know that the right to education is deeply valued in American society, as it is within the international human rights standards and principles. And at the center of the human right to education lies the principle of human dignity. It is common sense that children cannot learn unless they are treated with respect and dignity. It is difficult enough for adults to function in hostile environments, it is unconscionable that we would put our children in such environments and expect them to learn.

How would a human rights vision, if vigorously implemented, transform our schools? The Convention on the Rights of the Child, a human rights treaty ratified by every country in the world except the United States and Somalia, clearly requires that schools be child friendly and that they be consistent in all respects with the dignity of the child. This convention also defines the aims of education as the full development of each child's potential, respect for human rights, and the preparation for a responsible life in a free society in the spirit of peace, understanding and tolerance. We have not even set these as educational goals in our country.

The human rights documents also speak to the purpose of discipline, focusing on positive support and the use of discipline as an opportunity to learn conflict resolution and other essential social skills. Discipline in schools, under a human rights vision, is part of education and presents an educational opportunity. It should not be punitive. Indeed, the relevant documents all state that extreme measures such as the arrest, detention or imprisonment of a child shall only be used as measures of last resort and for the shortest appropriate period of time.

The case here in Jena, Louisiana is a case study for everything gone wrong, and a reflection of a severe crisis we face across the country. The school failed to take effective measures to combat the prejudices that led to racial discrimination when the nooses appeared, as required by the Convention on the Elimination of Racial Discrimination. Once the school failed to take

those measures, conflict inevitably deepened and once fights broke out among adolescent students, the school once again failed to take the opportunity to teach conflict resolution skills and address the underlying issue of racial discrimination. Instead, it immediately brought in the criminal justice system threatening severe and punitive measures, which it ultimately imposed on these six youths.

The result is that the entire student body has lost an educational opportunity, and faces a poorer educational environment. The six youths have faced a brutal denial of the right to education over the last year, and the extreme reactions of Louisiana officials have called into question their legitimacy and credibility both in the arenas of education and justice.

Can we re-vision the events from the perspective of human rights? Because human rights are fundamentally about recognizing that every person is part of the human family, and therefore a valued part of their community, one model very consonant with human rights is known as restorative justice. Rather than viewing misbehavior by students as an act against school authorities, restorative justice models define misbehavior as an act against the entire community. Accountability and discipline involve taking responsibility for one's behavior and repairing the harm resulting from those behaviors. Students and the school community are directly involved and play a key role in responses. As one teacher in New York City stated the process "validates students as thinkers and decision-makers, and reinforces the idea that they have a voice and stake in their communities." Researchers at Skidmore College found that schools that implemented restorative justice saw suspension expulsion drop 25-30% after two years of such programs. [1]

But restorative justice models make the most sense when there is also in place positive support for student behavior. The positive behavior support model for discipline is a school-wide approach to developing positive student behavior where:

- Schools define expectations for student behavior.
- Schools then teach those expectations and support students in learning the skills to meet these them in a predictable environment where all adults provide consistent reinforcers for that behavior.
- Appropriate behaviors are acknowledged.
- Behavioral errors are corrected proactively.
- Individual student support systems are integrated with school-wide discipline systems.

So back to Jena High School – imagine if expectations for student behavior were clearly defined and defined in a way consistent with human rights standards. The very notion of a "white tree" would have been unacceptable. And it would have been imminently clear that menacing gestures such as hanging nooses would not be tolerated, not just by the school authorities, but by the entire school community.

Let us say that despite best efforts, however, those nooses still appeared. Using restorative justice approaches it would have been considered an offense against the entire school community. The students involved with the initial hanging of the nooses would have been obligated to engage the key stakeholders impacted by the incident, specifically the African-American students, and to take responsibility for their actions directly before their peers. Such

engagement would have been geared to creating understanding and reaching consensus by the school community on how to repair the damage. One can imagine outcomes such as undoing racism workshops in the school, further study by the perpetrators of the history of lynching and key aspects of

the civil right movement and Black history, all of which would – if positive behavior support models were in place – be accompanied by ongoing counseling for all impacted parties. This would not exclude the options of suspensions or even expulsions depending on the circumstances, but those options alone are unlikely to restore peace to the community.

Such a process described above is geared towards accountability but also reconciliation and community building. If fights had still followed the events, they also would have been viewed in context and dealt with as a community matter. It is unlikely we would be where we are today. ! !The challenge we face here in Jena and elsewhere is transforming our schools from places with punitive and degrading environments to places where human dignity is at the center of all policy and practice, and all students are nurtured and supported in their full development.

The students known as the Jena 6 have suffered grave injustices and human rights violations. The one positive outcome is that we are all here and that the Jena 6 and their families know we will not stand silent in the face of these events. This incident has galvanized a large number of people who care about the human right to education, and are committed to struggle to defend it. We have powerful values and tools to do so, and to counter the punitive and degrading environments in our schools. Consequently, let this moment here in Louisiana be a significant part of turning the tide away from human degradation in schools and towards human development, human rights and human dignity.