August 23, 2016

The Honorable Catherine E. Lhamon  
Assistant Secretary, Office for Civil Rights  
U.S. Department of Education  
LBJ Building  
400 Maryland Avenue, SW  
Washington, DC 20202-1100

Ms. Joyce Silverthorne  
Director, Office of Indian Education  
U.S. Department of Education  
LBJ Building  
400 Maryland Avenue, SW  
Washington, DC 20202-1100

SUBJECT: Civil Rights and the School-to-Prison Pipeline in Oklahoma Report

Dear Ms. Lhamon and Ms. Silverthorne:

The U.S. Commission on Civil Rights (“Commission”) is pleased to transmit to your offices our Oklahoma State Advisory Committee’s Report (“Report”) “Civil Rights and the School-to-Prison Pipeline in Oklahoma.” The Commission maintains 51 Advisory Committees—one for each state plus the District of Columbia. The role of the Advisory Committees is to conduct studies of civil rights issues in their communities and report to the Commission on their findings and recommendations.

The Commission requests that your offices review and implement the recommendations directed to the U.S. Department of Education in the Report. This includes a request that the Department conduct a national study on the impact of poverty on disparities in educational outcomes on the basis of race or color.

In March 2015, the Oklahoma Advisory Committee voted to undertake a study regarding the civil rights impact of school discipline and juvenile justice policies in the state of Oklahoma, as related to disproportionately high rates of juvenile incarceration on the basis of race, color, sex, disability, and other federally protected categories - what has come to be known as the “school to prison pipeline.” In Oklahoma and throughout the U.S., youth of color are significantly overrepresented in incidents of exclusionary discipline in schools, as well as in rates of juvenile incarceration, despite research demonstrating no significant behavioral differences exist between youth of color and their white peers.

The Oklahoma Advisory Committee found that harsh school disciplinary policies create a situation where students, particularly students of color and students with disabilities, disengage
from school and are funneled into the juvenile justice system. These policies are especially
detrimental to African American, Latino, and Native American students, who are pushed out of
school through harsh discipline policies and exclusionary practices that are not culturally
relevant and that do not make use of traditional supports. The deleterious impact of these policies
is exacerbated by implicit bias, or the unconscious attitudes or beliefs held by an individual, in
the school environment, which put children of color at a learning disadvantage. The adverse
impact of poverty, which disproportionately affects students of color, further compounds these
concerns.

In addition, the Commission asks that the Department of Education and the Department of
Justice require that states impose mandatory reforms to disciplinary policies for schools that
demonstrate significant disparities in disciplinary actions on the basis of race, color, or disability.
(A copy of the Commission’s letter to the Department of Justice is enclosed.) Such reforms may
be based on the Department’s 2014 Guiding Principles Resource Guide for Improving School
Climate and Discipline. We welcome the Department’s White House Initiative on American
Indian and Alaska Native Education School Environment Listening Sessions Final Report and
hope that this report will be a resource to the Administration as it issues the NSEI Toolkit in
providing guidance to school districts.

The Commission appreciates your consideration of this Report’s recommendations, in the hope
of improving educational opportunities for youth in Oklahoma and across the U.S.

Sincerely,

Martin R. Castro, Chairman    Patricia Timmons-Goodson, Vice-Chair

Roberta Achtenberg, Commissioner    David Kladney, Commissioner

Karen K. Narasaki, Commissioner

Encl:

--The Oklahoma State Advisory Committee Report “Civil Rights and the School-to-Prison
Pipeline in Oklahoma.”
--U.S. Commission on Civil Rights Letter to the U.S. Department of Justice