

**United Nations Forum on Minority Issues**  
**Minorities and the Right to Education**

Testimony of Dennis D. Parker  
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Good afternoon. I am Dennis Parker and I am the Director of the Racial Justice Program of the American Civil Liberties Union. I would like to thank this Forum – and Gay McDougall – for the recognition of the vital importance of access to equal educational opportunity and for the thorough and thoughtful draft recommendations on minorities and the right to education. I am particularly grateful for the opportunity to appear on behalf of the American Civil Liberties Union to share suggestions derived from our work in the area of education in the United States, work which we believe is relevant to efforts to ensure fairness and equality in education worldwide.

The ACLU has fought to defend and preserve the rights of individuals under the laws and Constitution of the United States for nearly a century. Our submission to this body, Minority Access to Education and in the United States: Recent Developments and Recommendations, recounts much of that work along with a description of threats to equal opportunity in education which still persist in the United States. I would like to concentrate briefly on one of the topics outlined in the submission: that is the effect of abusive and unfair disciplinary practices on access to equal educational opportunity for students of color.

The draft recommendation's section on "Equal Access to Quality Education for Minorities" along with the section on "The Learning Environment" properly highlight the importance of meaningful access to educational services as well as the central importance of maintaining a positive learning environment. We submit that a variety of abusive disciplinary actions and policies undermine access to schools and poison the learning environment for too many students of color in the United States and elsewhere in the world.

These abusive practices range from outright discrimination, in which African American, Latino, Native American and other students of color are subjected to different punishment than white students for engaging in the same behavior, to policies which appear race-neutral but whose application is felt more harshly by minority students. The latter includes "zero tolerance" policies, which broadly impose draconian punishment, to the inappropriate use of police in schools, which often has the effect of criminalizing conduct which would previously have been dealt with more appropriately wholly within the four walls of the classroom. Likewise, corporal punishment, still widely used in a number of states in the U.S., appears to be inflicted disproportionately against students of color, is counter to international legal standards and adversely affects the learning environment for all children whether or not they are recipients of the actual punishment.

Taken together, these practices limit access to educational services. First, students who are expelled from school or subjected to lengthy suspensions, as well as students assigned to “alternative schools” (that is, often wholly inadequate schools to which students with behavioral concerns are assigned) are literally denied access to educational services. Second, those students who physically remain in the schools but are subjected to harsh and often arbitrary or unfair discipline are effectively barred from access to education. Substituting an environment which more closely resembles a penal institution than an educational one can hardly be considered access to quality education.

The effects of these actions and policies are devastating, particularly for students of color. Students denied educational opportunities are more likely to fall behind and drop out. Students who don’t graduate high school are far more likely to be incarcerated than ones who complete high school. Statistics demonstrate that minorities are at far greater risk to both drop out and to find themselves in the criminal justice system. Too often, particularly for students of color, schools are not pathways to the fulfillment of individual potential and to a productive role in society but are instead funnels into the criminal justice system. The cost of the continued funneling of these students into jail cells is dear and is ultimately paid by the child, the community, the nation and the world.

In order to counter this tragic outcome, the ACLU suggests that:

- Abusive school disciplinary practices, including corporal punishment, be banned;
- Policies resulting in pushing minority students out of school be remedied;
- The use of police officers or school security personnel be limited and made proportional to legitimate security concerns and that adequate training and strict guidelines be provided substitute positive discipline systems for repressive and ineffective negative ones.

Thank you again for the opportunity to address this Forum and for your kind attention.