

Student Note

A Tale of Two Crises: Assessing the Impact of Exclusionary School Policies on Students During a State of Emergency

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I. INTRODUCTION

Fifteen years ago, stories of men, women, and children fighting for their lives overwhelmed the headlines.¹ With the click of the remote, living rooms across the United States filled with images of families who were stranded on roof tops and overpasses with no help insight.² Some began the trek to the superdome, hoping to be met with government assistance only to discover that there was nobody there to help.³ In a single day, Hurricane Katrina was able to cause catastrophic destruction to New Orleans and exacerbate inequity among New Orleans families.⁴ Family homes were destroyed, schools were beyond rehabilitation, and suddenly thousands of New Orleans students were displaced.⁵ Now, a

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1. See Andy Horowitz, *Hurricane Katrina Showed Us How Spectacularly the Government Can Fail Its People. Fifteen Years Later, the Pattern Continues*, TIME (Aug. 26, 2020), <https://time.com/5883614/hurricane-katrina-coronavirus/>.

2. See *id.*

3. See *id.*

4. See Christine Rushton, *Timeline: Hurricane Katrina and the Aftermath*, USA TODAY (Aug. 28, 2015), <https://www.usatoday.com/story/news/nation/2015/08/24/timeline-hurricane-katrina-and-aftermath/32003013/>; see also, e.g., Robin Brown, *Race and Class in Katrina's Aftermath*, ABC NEWS (Aug. 28, 2006), <https://abcnews.go.com/US/story?id=2367463&page=1>.

5. See *Examining Federal and State Efforts to Meet the Educational Needs of Students and Families Displaced by Hurricane Katrina: Hearing Before the Subcomm. on Educ. & Early Childhood Dev. of the S. Comm. on Health, Educ., Labor, and Pensions*, 109th Cong. 28 (2005) [hereinafter *Subcommittee*]; see also, e.g., Charles Lussier, 'You Can't Leave This': Educators Compare Katrina's Impact on Schools with Coronavirus, ADVOCATE (Apr. 19, 2020), https://www.theadvocate.com/baton_rouge/news/coronavirus/article_6f5b2174-827c-11ea-b35f-5772d7166182.html.

Once pushed out of the classroom, research indicates that these students face an increased risk of entering into the legal system and decreased likelihood of achieving career stability, entry into high-paying occupations, and experience higher unemployment rates.¹⁹ Importantly, the school-to-prison pipeline disproportionately impacts poor and minority students, resulting in higher numbers of suspension and expulsion for these students.²⁰

In the wake of COVID-19, school policies that were implemented to protect the health and safety of students and school personnel alike, have further increased the likelihood that certain populations of students will disproportionately face school exclusions.²¹ As a result, students who have committed minor violations of COVID-19 school policies are facing exclusion from the classroom whether by discipline or opportunity.²² For some marginalized youth, exclusion takes the form of disproportionate use of exclusionary discipline methods such as suspension, expulsion, and criminal charges.²³ For others exclusion occurs due to new COVID-19 school policies which disproportionate impacting poor and minority students by amplifying opportunity gaps in the education system that were present long before the pandemic began.²⁴

During distance learning, low-income students are having to deal with new challenges.²⁵ The transition into distance learning meant students would need consistent access to an internet-compatible device

19. See Emily Boudreau, *School Discipline Linked to Later Consequences*, HARV. GRADUATE SCH. OF EDUC. (Sept. 16, 2019), <https://www.gse.harvard.edu/news/uk/19/09/school-discipline-linked-later-consequences>; see also FARAH Z. AHMAD & TIFFANY MILLER, CTR. FOR AM. PROGRESS, *THE HIGH COST OF TRUANCY* 8 (2015).

20. See Nancy A. Heitzeg, *Education or Incarceration: Zero Tolerance Policies and The School to Prison Pipeline*, F. ON PUB. POL'Y, 2009, at 1, 1–2.

21. See Samantha Walravens, *Why Online Learning is Failing Our Nation's Most Vulnerable Students*, FORBES (June 8, 2020), <https://www.forbes.com/sites/geekgirlrising/2020/06/08/new-report-shows-impact-of-digital-divide-on-low-income-students/?sh=3c0e79c11701>.

22. See *id.*

23. See Joe Heim & Valarie Strauss, *School Discipline Enters New Realm with Online Learning*, WASH. POST (Sept. 15, 2020), https://www.washingtonpost.com/education/school-discipline-enters-new-realm-with-online-learning/2020/09/14/e19a395e-f393-11ea-999c-67ff7bf6a9d2_story.html.

24. See EMMA GARCIA & ELAINE WEISS, ECON. POL'Y INST., *COVID-19 AND STUDENT PERFORMANCE, EQUITY, AND U.S. EDUCATIONAL POLICY* 22-25 (2020).

25. See Walravens, *supra* note 21.

a new virus known as COVID-19.⁴⁵ COVID-19 spread quickly through airborne transmission.⁴⁶ Without a treatment in sight, COVID-19 led to a global shutdown that impacted schools across the globe.⁴⁷

The first reported case of COVID-19 in the United States arose in Washington state on January 21, 2020.⁴⁸ By February the United States had experienced their first COVID-19 death.⁴⁹ In response to the rapid spread of COVID-19 across the US, President Donald Trump declared a national state of emergency on March 13.⁵⁰ Two weeks later, and the United States led the world in confirmed cases, with around 81,321 confirmed infections and more than 1,000 deaths.⁵¹ On March 27, 2020 the United States federal government passed the Coronavirus Aid, Relief, and Economic Security (CARES) Act, an economic relief package to aid United States citizens in managing the economic impacts of COVID-19.⁵²

The CARES Act package, included financial support for K-12 schools to implement their COVID-19 response plans and to prepare for the possibility of long-term closures.⁵³ The bill was drafted to provide flexibility that would allow each school district to address their own unique needs.⁵⁴ For instance, in the Milwaukee Public School District, these needs included addressing the technology gap

45. See Derrick Bryson Taylor, *A Timeline of the Coronavirus Pandemic*, N.Y. TIMES (Aug. 6, 2020), <https://www.nytimes.com/article/coronavirus-timeline.html>.

46. *COVID-19: Questions and Answers*, WORLD HEALTH ORG., <http://www.emro.who.int/health-topics/corona-virus/questions-and-answers.html> (last visited Dec. 13, 2020).

47. See Taylor, *supra* note 45.

48. Press Release, Ctr. for Disease Control & Prevention, First Travel-related Case of 2019 Novel Coronavirus Detected in United States (Jan. 21, 2020) (on file with author).

49. See Stephanie Soucheray, *Coroner: First U.S. COVID-19 Death Occurred in Early February*, CTR. FOR INFECTIOUS DISEASE RES. & POL'Y (Apr. 22, 2020), <https://www.cidrap.umn.edu/news-perspective/2020/04/coroner-first-us-covid-19-death-occurred-early-february>.

50. See Taylor, *supra* note 45.

51. See Donald G. McNeil Jr., *The U.S. Now Leads the World in Confirmed Coronavirus Cases*, N.Y. TIMES (May 28, 2020), <https://www.nytimes.com/2020/03/26/health/usa-coronavirus-cases.html>.

52. *The CARES Act Provides Assistance to Workers and Their Families*, U.S. DEP'T OF TREASURY, <https://home.treasury.gov/policy-issues/cares/assistance-for-american-workers-and-families> (last visited Apr. 4, 2021).

53. Nathan Storey & Robert E. Slavin, *The U.S. Educational Response to COVID-19 Pandemic*, in 5 BEST EVIDENCE CHINESE EDUC. 617, 618 (2020).

54. See *id.*

settings, avoid mass gatherings, and maintain distance (approximately six feet or two meters) whenever possible.”⁶³ In addition to social distancing requirements, a significant number of state and local leaders instituted mask mandates, requiring individuals to wear masks when in public.⁶⁴ Altogether, these initial policies laid the groundwork for the implementation of COVID-19 school policies.

C. Impact of COVID-19 on US Schools

1. *The Initial Impact*

Across the country, state and local governments were placing strict restrictions on their citizens based on the recommendations from federal agencies, such as the Center for Disease Control.⁶⁵ However, when it came to guiding schools on how to proceed in the midst of a pandemic, state and local leaders were left to fend for themselves.⁶⁶ A request from the American Federation of Teachers, for more federal guidance for schools on dealing with COVID-19 in early-February, was met with little success.⁶⁷ Dr. Anne Schuchat with the Center for Disease Control simply reminded local governments that they were stuck in the midst of a delicate balancing act, in which they had to choose between slowing the spread of COVID-19 in their schools versus the catastrophic disruption of mass school closures.⁶⁸ By March 12, Ohio became the first state to mandate statewide school closings.⁶⁹ Within twenty-four hours, fifteen other

63. Katie Pearce, *What Is Social Distancing and How Can it Slow the Spread of Covid-19?*, JOHN HOPKINS U. (Mar. 13, 2020), <https://hub.jhu.edu/2020/03/13/what-is-social-distancing/>.

64. See Sarah Mervosh et al., *Mask Rules Expand Across U.S. as Clashes Over the Mandates Intensify*, N.Y. TIMES (Aug. 3, 2020), <https://www.nytimes.com/2020/07/16/us/coronavirus-masks.html>.

65. See *id.*

66. See Storey & Slavin, *supra* note 53, at 619.

67. *The Coronavirus Spring: The Historic Closing of U.S. Schools (A Timeline)*, EDUCATIONWEEK, (July 1, 2020), <https://www.edweek.org/ew/section/multimedia/the-coronavirus-spring-the-historic-closing-of.html> [hereinafter *Timeline*].

68. See Juan Perez Jr., *Senators Question Coronavirus Effects on Schools*, POLITICO (March 4, 2020), <https://www.politico.com/newsletters/morning-education/2020/03/04/senators-question-coronavirus-effects-on-schools-785830>.

69. See *Timeline*, *supra* note 67.

the digital divide on their school children.⁹⁹ They found that one-in-five parents believed that it would be “very or somewhat likely” that their children could not complete their school work because they lacked access to technology.¹⁰⁰ Likewise, 22% of parents reported that their students would be unable to finish their school assignments because they do not have reliable internet in their homes.¹⁰¹ Additionally, three-in-ten parents noted that their children would be limited to completing that schoolwork that could be accessed on a cellphone.¹⁰² In the height of digital learning, students who are impacted by the digital divide are at increased risk for succumbing to the achievement.¹⁰³

D. The School-to-Prison Pipeline

Educational attainment is associated with a wide-array of positive outcomes.¹⁰⁴ As an individual's education level increases so does their health, employment status, income, and civic participation.¹⁰⁵ The benefits deriving from free and compulsory public education in the United States is reliant on equal opportunity in the classroom.¹⁰⁶ Yet, the history of the United States education system has been tainted with segregation along with racial and economic disparities.¹⁰⁷ The school-to-prison pipeline is the latest manifestation of these disparities in the classroom.

The term school-to-prison pipeline refers to a growing trend of minority students who are being pushed out of educational institutions and into the criminal justice systems.¹⁰⁸ This phenomenon is primarily

99. See Emily A. Vogels et al., *53% of Americans Say the Internet Has Been Essential During the COVID-19 Outbreak*, PEW RESEARCH CTR. (Apr. 30, 2020), <https://www.pewresearch.org/internet/2020/04/30/53-of-americans-say-the-internet-has-been-essential-during-the-covid-19-outbreak/>.

100. See *id.*

101. See *id.*

102. See *id.*

103. See *id.*

104. See *The Wellbeing Effect of Education*, ECON. & SOC. RESEARCH COUNCIL (July 2014), <https://esrc.ukri.org/files/news-events-and-publications/evidence-briefings/the-wellbeing-effect-of-education/>.

105. See *id.*

106. See Heitzeg, *supra* note 20, at 1.

107. See *id.*

108. Eric Bronson, *What is the School-to-Prison Pipeline?*, YWCA (Sept. 29, 2020), <https://www.ywcaworks.org/blogs/firesteel/tue-09292020-0904/what-school-prison-pipeline>.

the result of increased reliance on exclusionary discipline methods such as suspension, expulsions, referrals to law enforcement, and school-based arrest, to enforce violations of school policies.¹⁰⁹ Disciplinary issues that were once handled among teachers and school leaders have been criminalized and often result in police referrals.¹¹⁰ However, zero-tolerance policies are not the sole instigator in perpetuating racial and economic disparities in the classroom.¹¹¹ The school-to-prison pipeline trend has also been fueled by social and political trends driven by the, now discredited, theory of an explosion in teen crime perpetuated by “super-predators” and the rise of the prison industrial complex.¹¹²

While the fear of super-predators and the capitalization of mass incarceration set the scene for the school-to-prison pipeline, the most prominent factor in the outpouring of children into the legal system was the implementation of zero-tolerance policies.¹¹³ The adoption of zero-tolerance policies began in 1994 with the implementation of the Gun-Free Schools Act.¹¹⁴ In an attempt to alleviate the swift increase of violence in U.S. schools, the Gun-Free Schools Act enacted mandatory expulsions for all students who brought a gun to school.¹¹⁵ A policy meant to end violence in schools soon trickled into other areas of student discipline.¹¹⁶ Before long, teachers and school leaders were implementing harsh punishments for minor offenses that have traditionally been met with little to no reprimand.¹¹⁷ These policies have resulted in headline-worthy suspensions, including the two-day suspension of a seven-year old in Baltimore after he chewed his Poptart into the shape of a gun and said “bang bang” and a twelve-year-old in Brooklyn who was arrested for doodling “I love my friends Abby and Faith” on her desk.¹¹⁸

On standby to enforce zero-tolerance policies, the presence of

109. See Heitzeg, *supra* note 20, at 13.

110. See *id.* at 9.

111. See *id.* at 2.

112. See *id.*

113. See *id.*

114. See Akeem A. Barnes, *School to Prison Pipeline Unmasked: Review of how the School to Prison Pipeline Reinforces Disproportionality in Mass Incarceration*, 21 (2018) (unpublished master's thesis, City University of New York) (on file with author).

115. See *id.*

116. See *id.* at 22-23.

117. See *id.*

118. 6 *Eye-Opening Examples of Zero Tolerance Discipline*, A.B.A. J., <https://www.abajournal.com/gallery/zerotolerance/> (last visited Dec. 13, 2020).

schools faced challenges similar to those faced by schools amidst COVID-19 today.¹⁹⁶ In New Orleans, schools remained closed for the entire fall semester.¹⁹⁷ Likewise, COVID-19 caused more than 100,000 schools to close their doors for the remainder of the spring semester.¹⁹⁸ Throughout both natural disasters, school administrations were faced with a growing rate of chronic absenteeism among their students.¹⁹⁹ Katrina students and COVID-19 students were both met with new disciplinary challenges.²⁰⁰ Following both disasters, students had to deal with school administration's increased reliance on exclusionary disciplinary method.²⁰¹ Though different in nature, the shocking similarities of the initial impact of Katrina and COVID-19 on public school students allows insight into the long-term impact of COVID-19 on students if US schools do not address growing trends of chronic absenteeism, exclusionary disciplinary policies, and the racial disparities so engrained.²⁰²

A. Hurricane Katrina

Spanning an entire decade pre-Katrina, New Orleans Public Schools had a reputation of startling disciplinary methods.²⁰³ School records showcase a history of disproportionate discipline at record levels.²⁰⁴ In the five years immediately preceding the storm, suspension and

196. *See generally* KRISTEN L. BURAS, NAT'L EDUC. POLICY CTR., FROM KATRINA TO COVID-19: HOW DISASTER, FEDERAL NEGLECT, AND THE MARKET COMPOUND RACIAL INEQUITIES 1-5 (2020) (describing the similarities between challenges faced by schools during COVID-19 and after Hurricane Katrina).

197. *Subcommittee, supra* note 5.

198. *Timeline, supra* note 67.

199. *See* Mike Kennedy, *Recovery*, AM. SCH. & UNIV. (Oct. 1, 2007), <https://www.asumag.com/facilities-management/maintenance-operations/article/20843653/recovery>.

200. *See* ELIZABETH SULLIVAN & DAMEKIA MORGAN, NATIONAL ECONOMIC AND SOCIAL RIGHTS INITIATIVE & FAMILIES AND FRIENDS OF LOUISIANA'S INCARCERATED CHILDREN, PUSHED OUT: HARD DISCIPLINE IN LOUISIANA SCHOOLS DENIES THE RIGHT TO EDUCATION A FOCUS ON THE RECOVERY SCHOOL DISTRICT IN NEW ORLEANS 9 (2010) [hereinafter PUSHED OUT].

201. *See id.*

202. *See generally* Buras, *supra* note 196 (explaining how the similarities between the COVID-19 crisis and the Hurricane Katrina crisis could lead the country to experience racial inequities similar to those seen following Hurricane Katrina).

203. *See* Ellen Tuzzolo & Damon T. Hewitt, *Rebuilding Inequity: The Re-emergence of the School-to-Prison Pipeline in New Orleans*, 90(2) HIGH SCH. J. 59, 59 (2007).

204. *See id.* at 62.

expulsion rates skyrocketed.²⁰⁵ In the 1999-2000 school year alone, 9,745 students were suspended, accounting for 11.5% of students attending New Orleans Public Schools.²⁰⁶ From that point forward, the number continued to rise, plateauing at approximately 19% of students being suspended annually.²⁰⁷ Rising expulsion rates coincided with trends in suspension.²⁰⁸ Over a period of seventeen years, the expulsion rates of New Orleans Public Schools slowly grew, until the 2002-2003 school year.²⁰⁹ In the 2002-2003 school year alone, New Orleans Public Schools more than tripled their 1986-87 expulsion rate, condemning 829 students to expulsion.²¹⁰ New Orleans Public Schools also set record highs for school-based arrests preceding Katrina, with an estimated 50 juvenile arrests per month citywide occurring within the bounds of school property.²¹¹

On August 29, 2005, Hurricane Katrina crashed into New Orleans, causing catastrophic damage to the entire parish.²¹² Following the storm, more than 200,000 school children across Louisiana were displaced.²¹³ While many children found a home in school districts throughout the country, “tens of thousands of students missed weeks, months, and even years of school after Katrina.”²¹⁴ The utter destruction of New Orleans caused families to disperse across the country, scrambling for a new home. Consequently, serial movers and chronic absenteeism became the new normal for Katrina kids.²¹⁵ In 2006, the Children’s Health Fund and the National Center for Disaster Preparedness, released a study reporting that 20% of displaced children were missing approximately ten days of school per month.²¹⁶ Amidst those chronically absent students, were children who were moving between three and nine times within six

205. *Id.*

206. *Id.*

207. *Id.*

208. *See id.*

209. *See* Tuzzolo & Hewitt, *supra* note 203, at 62–63.

210. *Id.* at 63.

211. *Id.* at 64.

212. *See Subcommittee, supra* note 5.

213. *See* Lussier, *supra* note 5.

214. Katy Reckdahl, *The Lost Children of Katrina*, ATLANTIC (Apr. 2, 2015), <https://www.theatlantic.com/education/archive/2015/04/the-lost-children-of-katrina/389345/>.

215. *See id.*

216. THE CHILDREN’S HEALTH FUND, RESPONDING TO AN EMERGING HUMANITARIAN CRISIS IN LOUISIANA AND MISSISSIPPI: URGENT NEED FOR A HEALTH CARE “MARSHALL PLAN” 2 (2006).

legitimate non-completion exits in the year immediately following the storm.²³⁹ A 2020 study by the Brookings Institute analyzed graduation rates in Louisiana using the average freshman graduation rate (AFGR).²⁴⁰ The AFGR “divides the number of students receiving regular high school diplomas in a given year by the simple average of the number of 8th, 9th, and 10th graders in the same government unit four, three, and two years earlier.”²⁴¹ According to the AFGR data, approximately 64% of Louisiana students graduated in the spring of 2002, marking a steady increase in graduation rates over the course of three years.²⁴² Conversely, one year after the storm, the graduation rate in Louisiana dropped 6%, with an average of 58% of students graduating in 2006.²⁴³ This drop in graduation rate was mainly fueled by non-legitimate, non-completion exits.²⁴⁴ Missing students consisted of approximately .09% of all non-legitimate, non-completion exits in 2006.²⁴⁵ An additional .04% and .02% of all non-legitimate, non-completion exits in 2006 were due to dropout and no show students respectively.²⁴⁶ Thus, from all available data, it appears that Hurricane Katrina negatively impacted student graduation rates in the year immediately preceding the storm.²⁴⁷

239. See Douglas N. Harris et al., *Is the Rise in High School Graduation Rates Real?* BROWN CTR. EDUC. POLICY AT BROOKINGS 9–10 (2020), <https://www.brookings.edu/wp-content/uploads/2020/02/Is-the-Rise-in-High-School-Graduation-Rates-Real-FINAL.pdf> (explaining that while analyzing graduation rates in Louisiana following the Hurricane was difficult due to a lack of graduation data following the storm, it appears that non-legitimate non-completion exits, which include those students who are no longer considered enrolled at the school because they were missing, they dropped out, they were expelled, etc., experienced an immediate increase).

240. See *id.* (explaining that the average freshman graduation rate was used as opposed to other more popular measures of high school graduation rates because it was the only state-wide graduation measure that was consistently available over time).

241. See *id.* at 10 (noting that an issue with using the AFGR method is that the data does not measure exits directly or categorize exits based on their legitimacy. Recognizing; however, that this data is the only measure available on Louisiana graduation rates pre- and immediately post-New Orleans).

242. *Id.* at 47.

243. *Id.*

244. See *id.* at 50.

245. Harris et al., *supra* note 239, at 50.

246. *Id.*

247. See *id.* at 32. (noting that following 2006, the graduation rate in Louisiana schools experienced a significant increase. By 2010, students' graduation rates had already exceeded the

will require schools to base punishment determinations on the unique challenges the student is currently facing.²⁹⁴ By addressing the child's social and emotional needs, the schools might be able to correct student behavior and protect the community without retraumatizing children.²⁹⁵ Thus, allowing schools to address the underlying issue causing the misbehavior and teach the students coping skills that set them up for future success inside and outside the classroom.²⁹⁶

Returning to school after Hurricane Katrina was a privilege some students could not afford.²⁹⁷ Evacuating from and returning to the city required financial capital that would grant students access to transportation, food, and shelter.²⁹⁸ As a result, students struggling with inequities in access to basic needs were unable to make it to school.²⁹⁹ It is estimated that following the storm, Katrina kids missed "weeks, months, and even years of school."³⁰⁰ Unfortunately, chronically absent children slipped through the cracks of school administration and as a result, more than one third of children impacted by Katrina were at least one year behind in school.³⁰¹ Likewise, COVID-19 has placed a spotlight on inequities in access to internet access and technology.³⁰² Some students have been unable to afford adequate access to technology and the internet necessary for online instruction during the pandemic.³⁰³ As a result, the digital divide has amplified a pre-existing achievement gap for students who are unable to attend class or complete assignments without access to the internet and internet-compatible technology.³⁰⁴ To avoid the achievement gap faced by students following Katrina, schools must first collect sufficient data on student achievement throughout the

294. *See id.*

295. *See id.*

296. *See id.*

297. *See* Andre M. Perry, *Hurricane Katrina Provides Lessons About Closing Campuses During the Coronavirus Crisis*, BROOKINGS INST. (Mar. 16, 2020), <https://www.brookings.edu/blog/the-avenue/2020/03/16/the-lessons-hurricane-katrina-taught-us-about-closing-campuses-in-a-crisis/>.

298. *See id.*

299. *See id.*

300. Reckdahl, *supra* note 214.

301. *See id.*

302. *See* Tatum, *supra* note 87.

303. *See* Dvorak, *supra* note 88; *see also* Ebrahimji, *supra* note 88.

304. *See* Tatum, *supra* note 87.

school year.³⁰⁵ Following Katrina, data on student achievement was hard to come by.³⁰⁶ Consequently, the only consistent data available to educators was based on the graduation rates of each freshman class.³⁰⁷ Collecting data on accessibility and retention of students during distance learning will allow school districts to have a better understanding of which students' educational needs are being met and which need more assistance.³⁰⁸ Once this data is readily available, school districts might be able to decrease the achievement gap by investing in specialist core classes to assist off-track students to make sure they are on-track with their peers.³⁰⁹ By utilizing data to provide off-track students with extended learning time with specialist before they fall significantly behind, schools might be able to provide students with the necessary support needed to reach their target learning goals during distance learning.³¹⁰

Exclusionary policies disproportionately deprive marginalized students of an education by pushing them out of schools, where they often end up involved in the legal system.³¹¹ The use of zero-tolerance policies promotes harsh and often exclusionary punishments for violations of school policies.³¹² Unfortunately, for minority students, they are unduly subjected to suspension, expulsions, and law enforcement referrals for misbehavior in school.³¹³ Prior to the outbreak of COVID-19, the school-to-prison pipeline phenomenon had been on the minds of student advocates for over twenty-six years.³¹⁴ Many of these same advocates hoped that in the devastation of COVID-19, students in danger of becoming victims of the school-to-prison pipeline

305. See Andrea J. Campbell & Yi-Chin Chen, *How to Close Boston's Achievement Gap During the Coronavirus Pandemic*, BOS. GLOBE (Apr. 28, 2020), <https://www.bostonglobe.com/2020/04/28/opinion/how-close-bostons-achievement-gap-during-coronavirus-pandemic/>.

306. See Harris et al., *supra* note 239.

307. See *id.*

308. See Campbell & Chen, *supra* note 305.

309. See *id.*

310. See *id.*

311. See Bronson, *supra* note 108.

312. See Heitzeg, *supra* note 20, at 13.

313. See Bronson, *supra* note 108.

314. See Barnes, *supra* note 114, at 21.

could come up for a breath of fresh air.³¹⁵ However, the increased reliance of zero-tolerance exclusionary punishments amidst COVID-19 concerns have increased the likelihood that marginalized students would experience policies and practices that would directly and indirectly push them out of schools.³¹⁶ Following Katrina, tens of thousands of students exited the school system as a result of these same direct and indirect factors.³¹⁷ Should the United States education system continue to rely on exclusionary policies that disproportionately impact marginalized students, we risk reviving a system grounded in institutional racism and implicit bias in an era where our school children are already struggling to hang on.

315. See *Slowing the Growth of the School to Prison Pipeline*, NAT'L CTR. FOR YOUTH L. (last visited Dec. 13, 2020), <https://youthlaw.org/school-to-prison-pipeline-covid-19-statement/>.

316. See Walravens, *supra* note 21.

317. See Reckdahl, *supra* note 214.