



DISCRIM IN EDUCATION BRIEF

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HOW IS DISABILITY CRIMINALIZED IN EDUCATION?

The criminalization of disability in education—what we call “discrim”—refers to the ways in which schools, rather than supporting disabled students, especially those of color, disproportionately subject them to exclusionary discipline, law enforcement referrals, and other carceral interventions. Instead of recognizing behaviors as manifestations of disability or trauma, schools often respond with punishment: suspension, expulsion, restraint, seclusion, and even arrest. These patterns feed a well-documented school-prison nexus where disability is not only pathologized, but policed, framing disabled students as problems to be managed rather than learners to be supported.

This criminalization is not the result of isolated incidents or bad actors, but of institutional structures that treat difference as disorder and discipline as control. Surveillance-driven behavioral assessments, biased disciplinary policies, and the overuse of segregated educational placements isolate and

stigmatize disabled youth, particularly those who are multiply marginalized. These students are more likely to be misidentified, denied appropriate supports, and subjected to punitive interventions that remove them from classrooms and funnel them into juvenile and adult legal systems.

These patterns reflect a broader system of racialized ableism in education—where the response to difference is exclusion. This brief examines the structural conditions that drive the criminalization of disability in schools and calls for a reframing of the issue. By centering the experiences of disabled students of color, we highlight the need not for reform at the margins, but for transformative approaches that disrupt exclusionary practices and imagine new possibilities for education grounded in equity, care, and justice.

BY THE NUMBERS

Four Civil Rights Data Collection (CRDC) reports from the U.S. Department of Education collectively illustrate pervasive disparities in educational access, discipline, and school safety for disabled students across U.S. public schools, particularly those who are also Black, boys, or otherwise marginalized.

STUDENT DISABILITIES SNAPSHOT

The **Student Disabilities Snapshot** (2020–21)¹ offers a stark picture of systemic inequality in access and opportunity for disabled students. Of the nearly 49.2 million students enrolled in public schools, about 8.4 million (17%) received disability-related services under either the Individuals with Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation Act. As required by law, students are to be afforded a free and appropriate education (FAPE) in a least restrictive environment (LRE) and have individualized education plans (IEPs) and/or 504 plans to meet their individual educational goals. The LRE component, however, is the most routinely violated. As public schools may be ill-equipped to serve disabled students in meeting these goals, so the students are secluded instead, one of the first steps in the process of inequitable education that perpetuates disciplinary measures against these students. Despite federal mandates aimed at ensuring equal access, these students—especially those served under IDEA—remain structurally marginalized. They were significantly underrepresented in advanced academic programs: only 3% of Advanced Placement (AP) participants, 4% in gifted/talented programs, and 2% in dual enrollment courses. This suggests persistent barriers to inclusive academic enrichment and tracking that too often segregates disabled students into lower-rigor pathways. Meanwhile, they were grossly overrepresented in all major categories of school discipline: 24% of in-school suspensions, 29% of out-of-school suspensions, 21% of expulsions, and nearly 30% of all school-related law enforcement interactions. This disciplinary

disparity is particularly pronounced for Black and Indigenous disabled students, who face compounded biases at the intersections of race and disability. The snapshot reveals how ableism and racism interact in the educational system to exclude, punish, and deprioritize disabled students rather than support their success.

Demographic Trends:

White students were overrepresented among students receiving Section 504 services (60% of 504-only students vs. 46% of overall enrollment).

Black students were slightly overrepresented among IDEA students (17% of IDEA vs. 15% of total enrollment).

Boys were disproportionately represented:

- 59% of 504-only students
- 66% of IDEA students
- compared to 51% of total enrollment

Disabled students were overrepresented in all disciplinary categories:

- 24% of in-school suspensions
- 29% of out-of-school suspensions
- 21% of expulsions
- 27% of law enforcement referrals
- 28% of school-related arrests
- despite being only 17% of the student population

Restraint & Seclusion:

Disabled students were disproportionately subjected to:

- **Physical Restraint:** 35,100 students (32% IDEA)
- **Mechanical Restraint:** 2,200 students
- **Seclusion:** 15,700 students

IDEA students made up the majority of restraint/seclusion cases compared to Section 504-only and nondisabled peers

1. Access here: <https://www2.ed.gov/about/offices/list/ocr/docs/crdc-student-disabilities-snapshot.pdf>

LAW ENFORCEMENT AND SCHOOL ARRESTS SNAPSHOT

The **Law Enforcement and School Arrests Snapshot** (2020–21)² deepens this portrait by focusing specifically on referrals to law enforcement and school-related arrests—mechanisms through which educational institutions actively contribute to the school-prison nexus. In the 2020–21 school year, approximately 61,900 students were referred to law enforcement, and 8,900 were subjected to school-related arrests. These figures may underestimate the full impact due to the limitations of incident-level data and underreporting. Notably, disabled students, who comprise 17% of enrollment, accounted for 22% of both referrals and arrests. Among them, IDEA students were especially targeted, revealing that disability status is not just a background factor but a key driver of criminalization in schools. Gender disparities were similarly stark: boys, 51% of enrollment, made up 68% of both law enforcement referrals and arrests. When disaggregated by race, the data revealed that Black students—particularly Black boys with disabilities—were disproportionately referred and arrested. This reflects systemic policing of behaviors that are often related to disability or trauma, filtered through a racialized lens. Rather than provide support, schools continue to function as sites of surveillance and punishment, often mirroring broader patterns of racialized criminalization.

Disability Disparities

Disabled students (17% of enrollment) were overrepresented:

- 22% of referrals to law enforcement
- 22% of school-related arrests

IDEA students: 14% of enrollment, but 22% of law enforcement interactions

Section 504-only students: 3% of enrollment, but 5–6% of law enforcement interactions

Among students served under IDEA:

Black students: 15% of enrollment

- 18% of referrals
- 22% of arrests

White students: 46% of enrollment

- 55% of referrals
- 47% of arrests

American Indian or Alaska Native students and students of two or more races were also overrepresented

Asian, Hispanic/Latino, and Native Hawaiian/Pacific Islander students were underrepresented or proportionally represented





RESTRAINT AND SECLUSION SNAPSHOT

The **Restraint and Seclusion Snapshot** (2017–18)³ underscores the dangers and discriminatory impact of exclusionary and harmful behavioral interventions, especially for disabled students. The report documents 101,990 individual students subjected to at least one instance of physical restraint, mechanical restraint, or seclusion during the school year. Alarming, students served under IDEA made up the overwhelming majority of these cases: 80% of physical restraints, 77% of seclusion, and 41% of mechanical restraints, despite being just 13% of total student enrollment at the time. Black IDEA students, in particular, were disproportionately impacted—accounting for 26% of physical restraints and 34% of mechanical restraints, even though they made up only 18% of the IDEA-served population. Boys with disabilities were also dramatically overrepresented, comprising 83–84% of restraint and seclusion cases. These interventions are often justified under vague claims of safety but are frequently applied to non-dangerous behaviors, often without proper training or oversight. The use of restraint and seclusion is not only physically and psychologically harmful but also potentially discriminatory under Section 504 and the Americans with Disabilities Act. The report notes that the Department of Education launched a compliance and technical assistance initiative in 2019 to address widespread data errors and inappropriate practices, yet the underlying conditions that allow restraint and seclusion to persist—especially against the most marginalized—remain deeply entrenched.

While students served under IDEA made up only 13% of total student enrollment, they accounted for:

- 80% of physical restraint
- 41% of mechanical restraint
- 77% of seclusion cases

Students served only under Section 504 (3% of enrollment) made up much smaller shares of these practices:

- 1% of physical restraint
- 4% of mechanical restraint
- 1% of seclusion

Among disabled students (IDEA), there were significant racial disparities:

- Black students made up 18% of IDEA enrollment but accounted for 26% of physical restraint and 34% of mechanical restraint cases.
- White students, who were 48% of IDEA enrollment, were 52% of physical restraint cases.
- Boys were especially overrepresented: they made up 66% of IDEA students but accounted for 83% of physical restraint and 84% of seclusion incidents

2. Access here: <https://www2.ed.gov/about/offices/list/ocr/docs/crdc-law-enforcement-school-arrests-snapshot.pdf>

3. Access here: <https://www2.ed.gov/about/offices/list/ocr/docs/restraint-and-seclusion.pdf>

DISCIPLINE AND SCHOOL CLIMATE REPORT

The **Discipline and School Climate Report** (2020–21)⁴ offers a comprehensive examination of how disciplinary policies and school climate shape student experience, especially during the disruption of the COVID-19 pandemic. Despite temporary shifts to virtual and hybrid instruction, systemic inequities persisted. The data show that disabled students were significantly overdisciplined, accounting for 24% of in-school suspensions, 29% of out-of-school suspensions, and 28% of school-based arrests—again, despite being only 17% of enrollment. The report also documents extensive racial disparities: Black students, particularly Black boys, were nearly twice as likely as white peers to face suspensions or expulsions, and Black girls were suspended at rates nearly double those of white girls. Harassment and bullying were also widespread, with over 25,000 reported allegations, primarily on the basis of race, disability, or sex—including LGBTQ+ identity. These conditions do not occur in isolation; they are products of policy decisions, school culture, and structural racism and ableism. The report highlights federal efforts to address these disparities, such as the Biden-Harris Administration’s “Free to Learn” initiative and guidance on nondiscriminatory discipline. Yet the data demonstrate that compliance efforts alone are insufficient without deeper transformation in school systems, pedagogy, and accountability structures.

Taken together, these four reports present a damning portrait of how public education in the United States continues to criminalize, exclude, and fail disabled students, especially those who are Black, Indigenous, Latinx, or otherwise marginalized. These disparities are not new, but the data make them harder to ignore. At every level, from classroom access to academic opportunity to punitive discipline, disabled students are systemically marginalized through intersecting forces of ableism, racism, and gender bias. The reports reinforce the need for systemic change: moving away from carceral school cultures and toward inclusive, supportive environments that affirm the dignity, rights, and full participation of all students.



4. Access here: <https://www2.ed.gov/about/offices/list/ocr/docs/crdc-discipline-school-climate-report.pdf>

KEY MECHANISMS OF CRIMINALIZATION IN EDUCATIONAL SETTINGS

Punitive Discipline of Disability-Related Behavior:

Disabled students are twice as likely to be suspended or expelled as their nondisabled peers. Behaviors stemming from neurological, cognitive, or emotional disabilities (e.g., meltdowns, tics, emotional dysregulation, sensory overload) are often misinterpreted as intentional defiance, willful misconduct, or aggression. Manifestation determination reviews (MDRs) are intended to protect students whose behavior is linked to their disability. However, MDRs are inconsistently applied and often bypassed or manipulated to justify exclusion (Fisher et al., 2021). This undermines procedural safeguards and permits illegal discipline of disabled students. Zero-tolerance and “no excuses” policies treat all behavior as misconduct, failing to accommodate for trauma, neurodivergence, or disability. Students may be arrested for noncompliance, “disrupting class,” or other vague infractions that criminalize disability. Discipline replaces support, escalating students’ needs into punishable offenses (Erevelles, 2014).

Zero-tolerance and “no excuses” policies treat all behavior as misconduct, failing to accommodate for trauma, neurodivergence, or disability.

Policing & Criminal Legal System Referrals:

Schools increasingly rely on police or School Resource Officers (SROs) to respond to behavior instead of educators or counselors. This criminalizes behavior that should be met with social-emotional or psychological support. Disabled students are disproportionately referred to law enforcement, arrested on school grounds, and charged with vague offenses like “disorderly conduct” or “disturbing the peace” for behaviors related to their disabilities. Schools with a high SRO presence are more likely to criminalize student behavior rather than provide accommodation or support and have higher rates of student arrests (Fisher & Hennessy, 2016; Gottfredson et al., 2020; Holloway, 2021; Merkwae, 2015). Further,

they often lack training in disability awareness or de-escalation, intensifying the risk of harm (Archerd, 2017; Jones, 2022; Nance & Heise, 2022; Zirkel, 2019).

Racialized Ableism: Disabled students of color face the highest rates of discipline, arrest, and school removal. Racial profiling shapes how educators and police interpret behavior (Fish, 2022; Mayes, 2023; Reese, 2025). Black and Brown students are more likely to be perceived as “threatening,” “defiant,” or “disruptive,” especially when their disabilities are not immediately visible. Disability labels such as “Emotional Disturbance” or “Oppositional Defiant Disorder” are disproportionately and subjectively

assigned to Black boys, serving as coded justifications for exclusion and punishment, reinforcing racial stereotypes (Banks et al., 2024; Covert-Schnabel, 2021; Gallion, 2023; Hamilton, 2023; Husk, 2022; Iverson, 2025;

Liang et al., 2024). These subjective labels can follow students through their academic careers, affecting placement, expectations, and disciplinary response. Labeling becomes a tool of control, not support, and leads to increased surveillance, punishment, and referral to segregated programs. Schools with predominantly Black and Brown student populations tend to use exclusionary discipline at higher rates, reflecting systemic racial profiling and institutional neglect. DisCrit scholars call this racialized ableism—as disability and race are not experienced independently. Black and Brown disabled students face a double bind of racial profiling and ableist discipline (Annamma, 2015; Aronson & Boveda, 2017).

Restraint & Seclusion: Disabled students, particularly those in special education, are physically restrained and placed in isolation (seclusion) rooms at alarming rates. These practices are often used in lieu of positive behavioral supports, violating students’ rights and reinforcing punitive approaches. Restraint and seclusion are not only harmful and traumatizing, but also legally and ethically contested as forms of state-sanctioned violence. Further, such practices disproportionately impact disabled students of color, reinforcing violent control over marginalized bodies (Gage et al., 2022; Graves, 2024; Katsiyannis et al., 2020; Kern et al., 2024) .

Exclusion, Segregation & Denial of Education: Disabled students are often removed from inclusive, general education classrooms and placed in alternative schools, self-contained, or segregated special education settings. These environments are more likely to use punitive discipline, have fewer resources, and set lower expectations for students (Annamma et al., 2014; Annamma, 2017; Kearl, 2019). Segregation can limit access to peers, inclusive curricula, and meaningful educational opportunity (Cruz et al., 2021; Ferri & Connor, 2005; Losen & Martinez, 2020). Surveillance and scrutiny are heightened in these settings, reinforcing punitive logics (Nanda, 2019).

Schools may push disabled students out through informal removals, avoiding formal process by using shortened school days, frequent suspensions without documentation, encouraging families to homeschool rather than receiving accommodations, or “counseling out” into alternative placements (Han, 2022; Nesbitt, 2025). Students may be placed in alternative schools that lack adequate educational services, increasing their risk of dropping out and future incarceration (Dunning-Lozano, 2022; Knox, 2021). Some schools call the police or child protective services (CPS) on families instead of providing appropriate disability accommodations, turning educational failure into family surveillance (Edwards et al., 2023; Giampetruzzi, 2025; Warren & Goodman, 2019).

Failure to Uphold IDEA & Section 504 Protections: Schools frequently discipline students before evaluation, ignore existing IEPs or 504 Plans, and fail to provide disabled students, particularly students of color, with a free appropriate public education (FAPE) in the least restrictive environment (LRE) (Berry, 2024; Graber & Dragoo, 2024; Marsico, 2021; Murphy, 2021; Wechsler, 2023). Even with accommodations, schools may deny access to services or call law enforcement, punishing students instead of providing needed support (Nanda, 2019; Packrone, 2024). Many disabled students are disciplined before receiving proper evaluations or services (Raj, 2019; Voulgarides, 2018). In prisons, IDEA protections are systematically denied, with 85% of incarcerated youth qualifying for services, but only 1 in 3 receiving them (Walter, 2024).

Harsh disciplinary measures such as restraint, seclusion, and law enforcement referrals push disabled students into the criminal legal system.

School-Prison Nexus: All the above mechanisms contribute to a broader pattern of exclusion, known as the school-prison nexus. Disabled students—especially Black, Brown, and Indigenous youth with disabilities—are over-disciplined, surveilled, excluded, and criminalized at every stage (Annamma, 2015; Ramey, 2015). Harsh disciplinary measures such as restraint, seclusion, and law enforcement referrals push disabled students into the criminal legal system. Such punitive systems replicate carceral logics, reinforcing societal systems of control. This pipeline reflects the deep entwinement of schools and the prison industrial complex (Alexander, 2025).

DISPROPORTIONALITY & EQUITY IN IDEA

The IDEA was first enacted in 1975 as the Education for All Handicapped Children Act and has been reauthorized multiple times. In 1997, IDEA amendments began to require states to collect and report data on racial and ethnic disproportionality in special education. However, these efforts lacked consistency due to the absence of standardized methods for identifying disproportionality.

In 2004, the IDEA 2004 reauthorization expanded the focus on disproportionality, required states to use “comprehensive coordinated early intervening services” (CCEIS) for districts with significant disproportionality (Sullivan & Osher, 2019) and introducing provisions to monitor and remedy significant disproportionality (Zirkel, 2011). Still, the regulations were vague and under-enforced, leading to persistent inequities. In particular, the 2004 amendments required states to identify significant disproportionality using their own criteria, which led to inconsistent enforcement. Disproportionality as an indicator has raised serious concerns about systemic bias, educational equity, and civil rights violations.

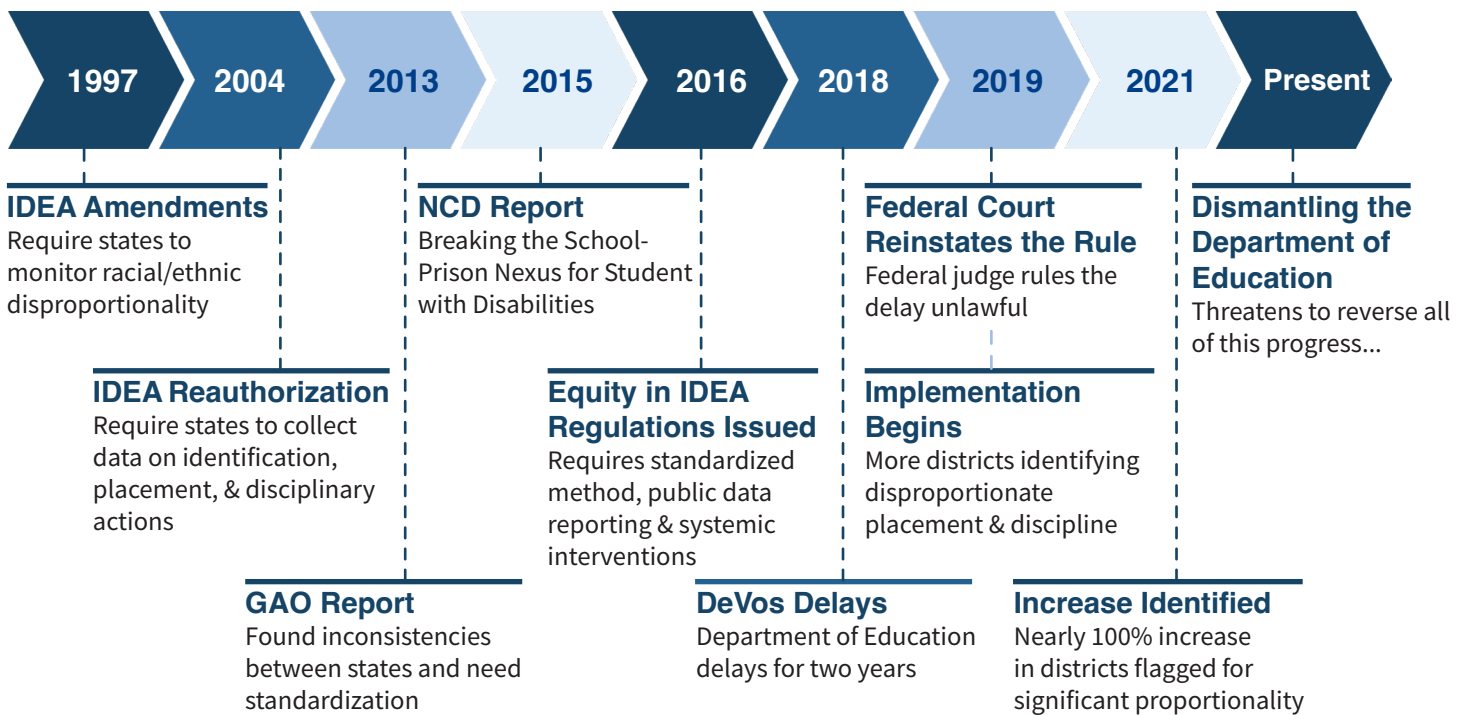
The Equity in IDEA Rule was issued in December 2016 by the U.S. Department of Education under the Obama administration. It aimed to standardize how states identify and address significant disproportionality and ensure that remedies were applied consistently across the country (Strassfeld, 2016).

Under Equity in IDEA, “Significant disproportionality” refers to racial/ethnic disparities in:

- Identification of children with disabilities
- Classification under specific disability categories
- Placement in segregated settings
- Disciplinary removals

The 2016 rule introduced a standard methodology for determining disproportionality, requiring all states to use a risk ratio calculation with thresholds for action. If a district is flagged, it must set aside 15% of its IDEA Part B funds for CCEIS, regardless of whether the disparities were found to be the result of inappropriate identification.

DISPROPORTIONALITY	DESCRIPTION	EXAMPLE
Identification	Certain groups are more likely to be identified as having a disability or type of disability.	Black students are disproportionately classified with “Emotional Disturbance (ED)” or “Intellectual Disability (ID),” while white students are more often classified with less stigmatizing disabilities like Specific Learning Disability (SLD).
Placement	Certain groups are more likely to be placed in restrictive settings (such as separate special education classrooms or alternative schools) instead of being included in general education.	Disabled students of color are more often placed in self-contained classrooms or segregated schools, limiting access to inclusive education.
Discipline	Certain groups more likely to experience suspensions, expulsions, and referrals to law enforcement compared to white disabled students or non-disabled peers.	Black disabled students face higher rates of suspensions and school-based arrests than any other student group, often for behaviors related to their disability.



In 2018, the Trump administration, under Secretary of Education Betsy DeVos, delayed implementation of the Equity in IDEA rule until July 2020, citing concerns about over-identification or quota systems. This delay was challenged in *COPAA v. DeVos*, where a federal court ruled that the delay was “arbitrary and capricious” and unlawful. As a result, the rule was reinstated (Lundgren, 2021).

As of 2024, the Equity in IDEA Rule should have been fully in effect and enforced. States must annually review data for significant disproportionality and implement remedies when disparities are found (Hylton & Ginn-O’Keefe, 2025). While implementation remained challenging in some districts, the rule has provided a consistent framework for ensuring that special education practices do not perpetuate racial bias or inequity. Researchers continue to assess the impact of the rule and explore the underlying systemic factors—like implicit bias, resource disparities, and culturally unresponsive assessment practices—that contribute to disproportionality (Tefera & Fischman, 2020; Voulgarides et al., 2013).

In 2025, the United States entered a dangerous new era in education policy. President Trump’s executive orders signal a sweeping rollback of federal protections for disabled, LGBTQ+, and racially

marginalized students. These policies represent not just administrative changes, but a fundamental reframing of schools as sites of social control rather than access, care, and liberation.

The executive order on “Reinstating Common Sense School Discipline Policies” revives zero-tolerance approaches under the guise of order and safety. In practice, this means increased reliance on exclusionary discipline like suspensions, expulsions, and school-based arrests. Yet, the CRDC data shows that disabled students, particularly multiply marginalized youth, are already grossly overrepresented in every category of school discipline. This order effectively greenlights the further criminalization of disability, stripping away protections like manifestation determination reviews that were designed to prevent punishment for disability-related behavior.

The executive order on “Ending Radical Indoctrination in K-12 Schooling” targets curricula that address racism, ableism, gender identity, and systemic inequality. This language is not neutral. It is a strategic erasure of the lived experiences of disabled, LGBTQ+, and racialized students. By branding inclusive education as “radical indoctrination,” the administration not only confines teachers’ academic freedom, but also invalidates the

existence and rights of students whose identities do not conform to dominant norms. This directly undermines disability studies-informed pedagogy, trauma-informed teaching, and culturally responsive education practices. For disabled students this means being educated in environments that are not only unaccommodating, but actively hostile.

These policies are unfolding against the backdrop of attacks on the Equity in IDEA rule. The current administration has signaled plans to suspend or gut the rule, arguing that its requirements are “burdensome” and lead to “over-identification” of students of color. If dismantled, this would remove one of the only federal mechanisms for holding states accountable for racially disproportionate placement in segregated settings and for excessive disciplinary removals of students with disabilities. Doing so would further entrench systemic racialized ableism in education.

Meanwhile, the administration continues to threaten the very existence of the Department of Education, a vital institution for enforcing IDEA and Section 504 of the Rehabilitation Act. Taken together, these actions represent an orchestrated effort to dismantle public education as a site of civil rights enforcement and inclusive belonging.

For disabled students and their families, especially those at the intersection of race, gender, class and poverty, the stakes are existential. These orders and regulatory rollbacks are not about “discipline” or “neutrality.” They are about control, exclusion, and the rollback of decades of civil rights progress. They actively undermine the educational futures and freedom of disabled students. Without sustained resistance and a recommitment to inclusive education, these attacks may irreparably erode the systems that were meant to support disabled youth and uphold their right to learn, grow, and thrive in safe, affirming environments. We risk normalizing environments that push disabled students out of classrooms and into carceral systems—if not through literal incarceration, then through erasure, isolation, and neglect.





RECOMMENDATIONS

This brief provides research-based policy and research recommendations to shift from punitive, carceral practices toward restorative, inclusive, and disability-justice-centered education systems.

These recommendations are:

1. Replace punitive policies with restorative & disability-responsive practices
2. Decriminalize school environments & redirect resources to support services
3. Strengthen legal compliance & accountability
4. Ban harmful carceral practices
5. Advance inclusive & abolitionist educational models
6. Collect & publicly report disaggregated data to expose racialized ableism
7. Prioritize research on carceral education and abolitionist alternatives

5. Access here: https://cdn.prod.website-files.com/6406115c542aee387a8181d3/65bab17848f0d0ed058e461d_640b7c198e726f854629890d_ModelCodeSec3.7.bRestorativeJustice.pdf

1. REPLACE PUNITIVE POLICIES WITH RESTORATIVE & DISABILITY-RESPONSIVE PRACTICES

- End zero-tolerance policies and replace them with restorative justice programs that prioritize relationship-building, accountability, and healing.
- One example includes restorative chats, where one-on-one informal conversations are held as an immediate response or follow up to an action that has caused harm to help the individual understand the impact of their action, and find ways to repair harm and prevent it from happening again. Another example is the creation of a fairness committee, which is made up of students, teachers, and other school staff who have been trained in restorative justice practices to work with students or staff who have violated core community norms and values to create agreements through dialogue and consensus.⁵
- Mandate trauma-informed, culturally sustaining, and disability-responsive discipline practices, ensuring educators receive ongoing training.

2. DECRIMINALIZE SCHOOL ENVIRONMENTS & REDIRECT RESOURCES TO SUPPORT SERVICES

- Remove police from schools and reinvest funding into counselors, social workers, and disability support staff.
- Alternatives to police include hiring more trained educational assistants to support disabled students and foster inclusive pedagogies in classrooms, funding more afterschool programs to improve educational outcomes, and hiring social workers grounded in anti-colonial and anti-oppressive practices to serve students.⁶
- Establish clear guidelines prohibiting school staff from referring students to law enforcement for disability-related behaviors.
- Current federal guidance is clear: schools should not involve law enforcement except in true emergencies, and even then only through appropriate, nondiscriminatory steps to maintain safety. Yet in practice, vague and subjective infractions—such as “disorderly conduct,” “disturbing the peace,” or “disobeying an order”—are often used as a basis for referrals to police, disproportionately targeting disabled students and students of color. Instead, schools are legally obligated under IDEA and Section 504 to provide behavioral, social, emotional, and academic supports as part of FAPE, ensuring student needs are met without punitive or carceral responses.⁷ States and districts should adopt explicit policies banning referrals to law enforcement for nebulous, disability-related behaviors, and instead require schools to implement supportive interventions and individualized services.

3. STRENGTHEN LEGAL COMPLIANCE & ACCOUNTABILITY

- Enforce IDEA and Section 504 protections in all settings, including juvenile detention facilities, by closing legal loopholes that allow for rights violations.
- Strengthen manifestation determination review (MDR) enforcement to ensure no student is disciplined for disability-related behavior.

- IDEA requires that students cannot be disciplined for behavior that is a manifestation of their disability, but the statute’s substantive standard is weak: students must prove that their misconduct was directly caused by their disability or by the school’s failure to implement the IEP, which dilutes MDR’s protective potential (Raj, 2018). Strengthening enforcement must therefore operate on two levels. Without both procedural oversight and statutory reform, MDRs remain an illusory safeguard.
 - » First, agencies should ensure MDRs are consistently conducted and procedurally sound, holding districts accountable when they fail to convene timely or adequate reviews.
 - » Second, the substantive standard must be reformed so that MDRs meaningfully protect students from being punished for disability-related behavior, rather than serving as a narrow loophole for exclusion.

4. BAN HARMFUL CARCERAL PRACTICES

- Ban restraint and seclusion, especially for disabled students, and monitor implementation through state and federal oversight.
- Prohibit segregated or highly restrictive placements that violate the IDEA’s least-restrictive environment mandate.

5. ADVANCE INCLUSIVE & ABOLITIONIST EDUCATIONAL MODELS

- Fund inclusive education by eliminating segregated placements and ensuring access to rigorous, grade-level curriculum for all students, including those in alternative or juvenile justice settings.
- Invest in abolitionist educational models that reject punitive responses to difference, reimagining education as a space of care and liberation rather than control.

6. Access here: <https://www.sroresearchproject.ca/research/alternatives>

7. Access here: <https://www.ed.gov/media/document/504-discipline-guidance-2022-21258.pdf>

6. COLLECT & PUBLICLY REPORT DISAGGREGATED DATA TO EXPOSE RACIALIZED ABLEISM

- Collect and report disaggregated data by race, disability, gender, and school placement to identify patterns of racialized ableism and target interventions.
- Require state and district reporting on exclusionary discipline, restraint, seclusion, and law enforcement referrals.

7. PRIORITIZE RESEARCH ON CARCERAL EDUCATION AND ABOLITIONIST ALTERNATIVES

- Fund research on the intersections of race, disability, and carcerality in education, including studies that center the voices of disabled students of color and their families.
- Support policy pilots of non-carceral alternatives to school discipline and juvenile incarceration, guided by DisCrit. Rather than addressing either race-based or disability-based disparities in isolation, DisCrit operates from the premise that racism and ableism work together to shape how

students from marginalized communities are pushed toward criminalization. Unlike approaches that focus narrowly on restorative justice, race, or disability alone, DisCrit highlights unmet needs, cultural biases, and systemic barriers within institutional contexts, uncovering how school rules, surveillance, and disciplinary practices are rooted in exclusion. This intersectional lens makes DisCrit uniquely suited to guide non-carceral alternatives that move beyond surface-level fixes toward structural change.

The overrepresentation of disabled students of color in exclusionary discipline, segregated placements, and youth incarceration is not inevitable; it is the direct result of policies rooted in carceral logics. The evidence demands a decisive shift: one that replaces punitive practices with restorative and inclusive approaches, invests in supports rather than surveillance, and ensures accountability under federal disability rights laws. By advancing research and policy initiatives grounded in disability justice and abolitionist visions, we can dismantle racialized ableism in education and build systems that honor every student's right to learn, thrive, and belong.



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