

Schoolhouse rap

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Abstract

Rap on Trial, the treatment of rap music as evidence in the American criminal legal process, is well-documented and increasingly scrutinised. Research has shown that – with little restraint – police, prosecutors, probation officers and judges use rap lyrics to investigate, prosecute and punish individuals. Less noticed is that a similar phenomenon is occurring in the American K–12 educational system, which disciplines school-age youth who participate in rap culture and sometimes refers them to the juvenile or criminal legal systems for additional punishment. This article describes and analyses a small set of identified cases of this scenario, demonstrating that rap music is used to funnel youth, including vulnerable Black and Brown youth, into what has been coined the school-to-prison pipeline and exposing the extreme dissonance between hip hop and the educational system.

Why haven't you learned anything?
 Man that school shit is a joke
 The same people who control the school system
 Control the prison system,
 And the whole social system
 Ever since slavery, know what I'm sayin'?
 (dead prez, 'They Schools' [2000])

Introduction

Hip-hop may serve as a purely creative and entertaining outlet for youth. Furthermore, listening to and creating rap music can be a healthy aspect of adolescence and young adulthood. Rap music can facilitate identity development, support emotional intelligence and provide a safe space for experimentation. (Bodner and Bensimon 2014, pp. 641–60). In social, educational and clinical contexts, as Hadley and Yancey (2011) describe, hip hop is a powerful therapeutic tool. Finally, listening to hip hop has been shown to influence youth involvement in social and political activism (Spence 2011, pp. 69–71; Kitwana and Berry 2015).

Notwithstanding the positive aspects and contributions of rap music, particularly for school-age youth, since its birth in the 1970s, rap music has faced retribution from the American criminal legal system. Each decade has seen a new tactic deployed. Beginning in the 1980s, law enforcement agencies and professional

organisations called for boycotts of artists, music labels, sellers and venues, going so far as to threaten non-enforcement in communities which did not comply. In the 1990s, police units began surveilling artists and rap venues in search of criminal activity, leading to arrests. Also, prosecutors charged some well-known rappers with obscenity crimes based on the content of their songs and shows (Nielson and Dennis 2019, pp. 28–58).

These government efforts between the 1970s and 1990s primarily targeted the artists, labels and venues; the lyrics remained for the most part in the background – that is, until police and prosecutors began to introduce the lyrics themselves into criminal court proceedings as evidence in pursuit of conviction and punishment.

‘Rap on Trial’, the practice of using rap music as evidence in the American criminal legal system, is well documented and increasingly scrutinised from a variety of disciplinary perspectives. Much of the attention devoted to Rap on Trial focuses on the criminal legal system and adult defendants. The studies reveal that with little accountability and restraint, police, prosecutors, probation officers and judges use rap music to criminally investigate, prosecute and punish individuals, often Black and brown youth and young adults. (Nielson and Dennis 2019, pp. 59–74).

This article interrogates the legal treatment of student rap(pers) in the K–12 American education system, a phenomenon that is far less well known and studied than Rap on Trial. It does so by reviewing a collection of cases, called ‘school-house rap’ cases, in which students were disciplined for rap creations. This examination sheds light on the American education system’s approach to student discipline for rap music, revealing that it by and large mirrors Rap on Trial. While educators leverage rap music to teach children, particularly Black and brown youth, those students who bring rap to school can be subject to serious disciplinary consequences for doing so. Students face out-of-school suspension, expulsion and referral to the juvenile or criminal legal systems for additional punishment. In this way, school personnel potentially funnel youth into what has been coined the school-to-prison pipeline, thereby negating the positive social, emotional and educational impacts of rap music on youth. Ultimately, this article exposes the need for additional study of the various challenges and harms that student enthusiasts of hip hop face.

Hip hop goes to school

Recognising the cultural appeal of rap, education researchers and education practitioners have adopted rap as a pedagogical tool, particularly for Black youth who are marginalised in and underserved by American schools (Gosa and Fields 2012, pp. 183–4). Educators use rap lyrics to draw students to the learning process, develop critical thinking skills and foster a sense of civic responsibility. The internet is filled with videos and stories about teachers who use rap to connect personally with and entertain their students, create welcoming spaces, and discuss subjects in a culturally relevant way. In the classroom, hip hop provides an accessible language for teaching about the social problems facing under-resourced and vulnerable youth. The writing and analysis of rap lyrics – including those with violent themes – are used in peer mediation to preempt and decrease actual violence in urban schools. In addition to improving student–teacher relationships and defusing tensions between students, using rap music can even boost academic achievement, according to Emdin (2010) and Hill and Petchauer (2013).

Notwithstanding the recognised benefits rap music can bring to the schoolhouse, it is not unleashed without limit. Once introduced into the school context, rap becomes subject to the special rules and codes of conduct regulating student speech and expression.

K-12 student speech and creativity rights

The First Amendment to the United States Constitution provides in the relevant part: 'Congress shall make no law ... abridging the freedom of speech' (U.S. Const. Amend I). First Amendment doctrine is quite complex and unsettled but a few aspects can be reliably understood. Of particular relevance here, political speech falls within the core protections of the First Amendment (*Meyer v. Grant* 1988, p. 421). Also protected are hateful or offensive speech (*Matal v. Tam* 2017, p. 1764), profanity (*Cohen v. California* 1971, p. 26) and entertaining or artistic speech such as music (*Schad v. Borough of Mount Ephraim* 1981, p. 65). On the other hand, neither true threats (*Watts v. United States* 1969, p. 708) nor obscene materials are accorded constitutional protection (*Roth* 1957; *Miller v. California* 1973).

Although the First Amendment regulates decisions and actions by government officials operating state-run K-12 public schools, the First Amendment is not as protective of students in the schoolhouse setting as it is in other contexts. In the landmark case of *Tinker v. Des Moines Independent School District*, the Supreme Court of the United States declared 'students do not shed their constitutional rights at the schoolhouse gates' (*Tinker v. Des Moines Indep. Sch. Dist.* 1969 p. 506). However, public-school students' rights 'are not automatically coextensive with the rights of adults in other settings' (*Hazelwood School District v. Kuhlmeier* 1988, p. 266). In *Tinker*, the Court established that schools can restrict student speech or expression in order to promote school safety and orderliness, and to prevent disruption of the school environment (*Tinker v. Des Moines Indep. Sch. Dist.* 1969, p. 513). Almost two decades later, the Court authorised student discipline for a student government candidate nomination speech that was lewd, vulgar, sexually suggestive and at times sexually explicit (*Bethel School District No. 403 v. Fraser* 1986, p. 675). Two years later, the Court permitted a school to refuse to publish student newspaper articles regarding pregnant teen students and student experiences of parental divorce (*Hazelwood School District v. Kuhlmeier* 1988, p. 266). Finally, the Court held that student speech promoting illicit drug use was permissibly disciplined (*Morse v. Frederick* 2007, p. 393).

In light of students' limited constitutional rights to free speech, student creative works may violate school standards, whether made independently, completed for a class assignment or done in connection with a school-sponsored activity (Boksenbaum *et al.* 2005, p. 137). Consequently, although education theorists and practitioners may view hip hop as another tool to be brought into the classroom by teachers to benefit student learners, particularly students of colour, school officials take a quite different view when students choose to bring hip hop to school. Students' hip hop creativity may lead to discipline when it is viewed as a threat to school functioning and security.

Disturbingly, however, the process of student discipline is generally informal, fast-moving and unchecked, and the consequences imposed on students often are severe, including punishment in the juvenile and criminal legal systems.

The K-12 student discipline process

Constitutional protections pertaining to student discipline are minimal and legal processes are quite varied, compounding concerns raised by the minimal constitutional protections for student speech and creativity described earlier. The nature of the school-imposed disciplinary consequences determines what legal protections, if any, a student will receive in the face of discipline by school officials. If the potential or actual consequences for the misbehaviour or misconduct will be in-school (e.g. detention, in-school suspension, corporal punishment) then caselaw provides that teachers and administrators generally have broad authority to carry out the discipline with few limitations (*Wise v. Pea Ridge School District* 1988, holding no procedural or substantive due process violation when a student was not provided notice and opportunity to be heard regarding temporary in-school suspension). If the student can or does receive out-of-school suspension or expulsion owing to the misbehaviour, then the requirements of the US Supreme Court's decision in *Goss v. Lopez* (1975) become applicable.

For short suspensions, i.e. 10 days or less, *Goss* established two minimal and basic requirements for protection of a student's due process rights. First, the student must receive verbal or written notice of the accusation(s). Second, the student must be given the chance to informally explain their side of the story. The notice and informal hearing may occur quickly but ideally before the punishment is imposed, although the latter is not required.

Long-term, out-of-school suspension and expulsion generate more procedural due process protections. In *Goss*, as Simons explains, the Supreme Court recognised that '[i]n addition to a property interest in education ... students have liberty interests in their reputations, which are threatened by long-term suspensions' (Simons 2017, p. 965). Because of these recognised interests, the Court in *Goss* held that students facing long-term suspensions may need to receive more formal hearings, although it did not mandate a judicial or quasi-judicial hearing or trial. For longer suspensions or expulsions, as exemplified by New Hampshire (N.H. Educ. Admin. Code) and Maine (*Carey on Behalf of Carey v. Maine School Administrative District # 17*), it is typical for school districts to adhere to a more formal hearing procedure where notice is written, students can examine witnesses and present some form of evidence in addition to their own testimony and, in some jurisdictions, students are permitted to have counsel present at the hearing.

Although *Goss* does not require an appeal process, after the discipline hearing, whether informal or formal, there is typically an appeal process within the school system that may then be reviewed by trial courts in the jurisdiction. In some instances, students appeal the school or district decisions in court, alleging the hearings or discipline violated their constitutional rights. While these cases are allowed (although in some states there are statutory limitations on when this sort of claim can be brought), according to Young (2020), courts generally defer to the school boards' decisions and only overrule the disciplinary measure if it was unconstitutional, unsupported by the evidence, illegal or harmed the student. Further, before a student can seek judicial review, 'a student must follow prescribed rules regarding redress of the decision of a school official and must ordinarily exhaust all remedies' (Young 2020).

To be clear, substantive and procedural protections in student discipline matters are nowhere as robust as in criminal or juvenile legal matters. Initial

investigations and decisions are made by the school principal or a senior administrator. Parents are unlikely to be present. Instead, the student self-represents. There is no formal hearing. There is no defence attorney. There is no judge or jury. The principal becomes the factfinder, judge and sentencer. Formal review is rare and highly deferential. Except in extreme circumstances, school-level or district decisions imposing punishment are not overturned.

Although rap music in schools is protected to some extent by the First Amendment and deployed by teachers as part of the learning process, actual cases reveal that student rap music creations are not exempt from discipline, and like their other behaviour that can violate school rules, students whose rap lyrics become the focus of disciplinary action experience a process that is minimal in substance and consequential in outcome.

The schoolhouse rap cases

Identifying schoolhouse rap cases is challenging. Cases follow an informal legal process and are mostly resolved within the education system. School officials' decisions are not routinely reviewed by judges. Further, there is no singular, comprehensive reporting system on, or database of, student discipline cases.

For this article, searches of legal databases and legal websites were conducted, resulting in the selection of 13 cases for review and discussion herein. The cases were selected because either the student contested the matter in court or the situation was reported by reliable sources. Admittedly, this is a quite small set of cases identified as of August 2021 and not all the cases had significant documentation providing details. Nonetheless, these cases provide a glimpse of when, how and to what extent school officials discipline students for rap music and illustrate how that discipline at times feeds students into the school-to-prison pipeline. Undoubtedly, there are many more cases that should be identified, documented and studied. That far larger set of cases probably includes discipline decisions and actions that have avoided judicial or public scrutiny. Examination of those cases may raise even greater concerns about transparency, accountability and fairness in the schoolhouse rap context than revealed herein and lead to firmer conclusions about what is occurring.

Each case is briefly described in this section. The first six cases received substantial judicial review while the latter seven cases do not appear to have been reviewed by the court system.

Doe v. Pulaski County School District

In *Doe*, Arkansas school officials expelled J.M., a seventh-grade student, in 2000 after he wrote a violent, profane and vulgar rap about a classmate he formerly dated, K.G. The two dated on and off during the school year until she permanently ended the relationship with him because she was interested in dating another student. In his frustration, J.M. drafted lyrics that described how he would rape, sodomise and murder his ex-girlfriend. J.M. explained that he wrote the lyrics to mimic works by famous rappers Eminem, Juvenile and Kid Rock. He ended up turning the lyrics into letters when he realised the lyrics 'fit no particular beat or rhythm'. He signed the letters but never sent them (*Doe v. Pulaski County School District* 2002).

The existence of the letters and their contents did not become public until shortly before his eighth-grade year when one of J.M.'s friends, D.M., found the letters in J.M.'s bedroom and read them with J.M.'s permission. Later, J.M.'s ex-girlfriend, K.G., learned of the letters and spoke with J.M. about them. He admitted he wrote them. At K.G.'s request, D.M. took the letters from J.M.'s bedroom, without J.M.'s knowledge, and gave the letters to K.G. Now back in school for the year, she read them out loud to other students in gym class. One of those students reported J.M. to a school resource officer. Immediately, the officer met with K.G. and observed that she was crying and fearful. The officer referred the matter to the principal who conducted a brief investigation and determined to expel J.M. pursuant to a zero-tolerance rule prohibiting students from making terroristic threats. The matter was also referred to the county attorney for prosecution, but the county attorney declined prosecution (*Doe v. Pulaski County School District* 2002).

The school board upheld J.M.'s appeal of his expulsion; J.M. denied he was intending to threaten K.G. Ultimately, a federal appeals court upheld J.M.'s expulsion, reasoning that J.M. intended to communicate the threat and

a reasonable recipient would perceive the letter as a threat because of the contents of the letter; because J.M. acknowledged that he had written the letter; because K.G. was upset and slept with the lights on; and because J.M. told K.G. that he had shot a cat and was a member of the Bloods. (p. 631)

A dissenting judge commented that J.M.'s claim to be a Blood 'amount[ed] to teenage bravado at best, and does not warrant serious consideration by this court' (p. 632).

Jones v. Arkansas

In February 2001, 15-year-old Blake Jones wrote a rap song with violent lyrics while at school, and gave the song to a friend during class. Some of the lyrics included:

My hatred and aggression will go towards you, you better run bitch, cuz I can't control what I do. I'll murder you before you can think twice, cut you up and use you for decoration to look nice/I've had it up to here bitch, there's gonna be a 187 on your whole family trik/Then you'll be just like me, with no home, no friends, no money. (*Jones v. Arkansas*, p. 413)

The friend told him the lyrics were 'sick and gross', and she reported him to the school principal. (pp. 413–14). In response to reading the lyrics, the principal contacted the police (p. 414). Jones's friend told the investigator that she feared Jones would carry out the threats in the lyrics. Jones did not 'understand why everyone was so upset', and apologised. He explained that he was trying to express himself – his anger – and modelled his lyrics after Eminem's. Subsequently, the prosecutor charged Jones with making terroristic threats. After a juvenile delinquency adjudication hearing, the judge found Jones responsible, and imposed a disposition of 7 days in a juvenile detention facility and 2 years of supervised probation (p. 415). Jones appealed the decision arguing his lyrics were protected by the First Amendment, but the appellate court denied his appeal (pp. 416–22).

Latour v. Riverside Beaver School District

According to the complaint in *Latour*, Pennsylvania police arrested eighth grader Anthony Latour in April 2005 at school and charged him with making terroristic

threats and harassment after he wrote, recorded and posted a rap song – ‘Murder, He Wrote’ – on the internet using his home computer. The song was Latour’s effort to imagine what was going on in the minds of the students who committed the Columbine High School shooting in 1999 (*Latour v. Riverside Beaver School District, Complaint 2005*).

As a result of this song and other songs that Latour had written, the school district expelled him from middle school for the remainder of the year and from high school for the following year. School officials believed Latour’s song was referring to his school, although they never asked Latour about the song. Latour had not directed the lyrics towards the school community, brought the lyrics to school or distributed them at school. His lyrics did not cause any disruption to the school environment. No one informed the school district that they felt threatened by Latour or his songs. In fact, for several years beforehand, with the support of his parents, Latour – who is white – had been writing and recording rap music. School officials and the local community were aware of his efforts (*Latour v. Riverside Beaver School District, Complaint 2005*).

The school district also cited in support of his expulsion his battle rap entitled ‘Actin’ Fast ft. Grimey’, which included the lyrics:

So watch what you’re saying, I’m everywhere son/And the word of mouth is that I’m carrying guns/Now that I’m coming for you – what the fuck you going to do/I come double with the pump tons of slugs that will punish you. (Mayor 2005)

Latour’s suit challenged his expulsion and a federal trial court opinion preliminarily enjoined the school district from implementing the expulsion, concluding the lyrics did not constitute a true threat and were protected by the First Amendment (*Latour v. Riverside Beaver School District 2005*). Later that year, Latour and the school district settled the case (Gaynor 2005). The school district paid Latour \$90,000, amended its policy regarding exclusion of students because of their speech, and wrote a letter to the Latour family acknowledging that Latour had not threatened the school or students through his music. Two years later, Latour settled for \$60,000 with the police departments involved in his arrest which led to his detention for a weekend at the local juvenile detention facility and being placed for several weeks on house arrest (Hudock 2007). Despite the trauma of the events, which Latour talked about during an interview, Latour eventually graduated from high school and college with honours, and planned to attend law school (Poole 2012),

Bell v. Itawamba County School Board

As described in an appellate court opinion, in December 2010, several female students at Itawamba Agricultural High School in Mississippi told their friend, fellow student Taylor Bell, that two of the school’s coaches were engaging in highly inappropriate sexual behaviour towards them. Convinced that any report of this misconduct to school officials would fall on deaf ears, Bell, an aspiring rapper who performed as T-Bizzle, posted a rap song to Facebook and YouTube that identified the coaches by name and lambasted their behaviour using rhetoric that was, at times, violent (*Bell v. Itawamba County School Board 2015*).

The song at issue, ‘PSK da Truth’ (a name inspired by a classic Schoolly D track, ‘P.S.K. What Does it Mean?’), includes the following lines:

Looking down girls shirts,
drool running down your mouth.
You fucking with the wrong one,
going to get a pistol down your mouth. Boww!

Middle fingers up if you hate that nigga.
Middle fingers up if you can't stand that nigga.
Middle fingers up if you want to cap that nigga.
Middle fingers up, he get no mercy nigga.

Bell, who was a good student and had a nearly spotless disciplinary history (he was once late for school), recorded the song away from school during winter break. He never played it or performed it on campus. Students who knew of the song were never disrupted or disruptive. Nevertheless, when school officials eventually learned about the song they suspended Bell, forcing him to attend an 'alternative' school for six weeks, which was the remainder of his senior year. During his hearing before the school's Disciplinary Committee, one committee member told Bell, 'Censor that stuff. Don't put all those bad words in it ... The bad words ain't making it better' (*Bell v. Itawamba County School Board* 2015, p. 429).

The school district affirmed the decision. Bell then challenged the decision in federal court, arguing that his First Amendment rights had been violated. In the end, the appellate judges sided with school administrators, determining that his song was 'threatening, harassing, and intimidating' and was therefore not protected speech under the First Amendment (*Bell v. Itawamba County School Board* 2015). The US Supreme Court declined to review Bell's case.

As hip hop experts explained in their informational brief to the Supreme Court of the United States, it turns out that Bell was imitating well known artists (such as Tupac, Jay-Z, Snoop, Nas, Kendrick Lamar and Lil Wayne), even with his most provocative phrases (*Brief for Erik Nielson et al. as Amici Curiae Supporting Petitioner. Bell v. Itawamba County School Board*, No. 15-666 2015).

D'Ambrosio v. City of Methuen

In 2016, D'Ambrosio filed a civil suit against Methuen government officials regarding his arrest for a school-related incident years earlier. At the time, of the incident his arrest received local and national media coverage. According to the suit, in 2013, school officials in Methuen, Massachusetts, located outside Boston referred white, 18-year-old D'Ambrosio to school police after learning from a concerned student of a posting on his Facebook wall. D'Ambrosio, an aspiring rapper who adopted the name Cammy Dee, posted the following: 'fuck a boston bombinb [sic] wait til u see the shit I do, I'ma be famous for rapping, and beat every murder charge that comes across me'.

D'Ambrosio made the post during school hours; he had skipped school and used a computer at a local library to do so. The posting came about two weeks after the Boston Marathon bombing and five months after the Sandy Hook School shooting. After a brief investigation, the school police determined the post to be a 'terroristic threat' and referred him to local prosecutors. D'Ambrosio was charged and held in custody for approximately 5 weeks. Ultimately, a grand jury refused to indict him. Prosecutors declined to pursue the charge after the grand jury's

decision, and he was released. D'Ambrosio later filed an unsuccessful civil suit against the city and school officials (*D'Ambrosio v. City of Methuen 2019*)

Hildebrand v. Northwest Local School District

According to a federal complaint, in April 2014, a group of Black students at Colerain High School in Ohio were expelled for composing a rap song that allegedly contained threats and gang hand signs and references. When school administrators learned of the postings on social media, they along with local police took the kids into custody for 6 hours and interrogated them. They accused a group of students at the school who were athletes, hung out together and called themselves the 'money gang' of being a criminal gang, although one of the videos was reportedly made for a social media class and the student received an 'A' on the project. (*Hildebrand v. Northwest Local School District, Complaint 2014*).

Four of the affected students filed a federal lawsuit alleging the school system discriminated against them on the basis of their race. More particularly the students alleged that similarly situated white students were neither questioned nor disciplined. (Complaint, Hildebrand). Just months later, in December 2014, the case settled favourably for the students. (Key 2014).

The court-approved settlement of the students' federal lawsuit included as a term that the students write a rap song and make a video providing a positive message about their school. The video for their song 'Not Alone' is available on YouTube (WCPO 9 2015). The two students worked with a diversity consulting firm and Positive Message Music, a record label that encourages music with a positive message. Another part of the settlement included the school and student-plaintiffs hosting a diversity programme at which the students would show their video. The reported purpose of the diversity programme was 'to foster racial understanding in the context of a positive and safe school environment that is supportive of students of all races and ethnicity' (Key 2014).

In response to the video, the presiding judge, who appeared in the video, offered several comments, including that the video was 'entertaining and well done'; '[t]his is the sort of conversation our communities all need to be having'; and he was 'so proud of the Northwest district and Colerain High School for leading the way for other schools and other districts' (Key 2015).

John Does #1

According to a news report, in February 2007, several high school students in Loveland, Colorado, wrote a rap and posted it on MySpace. According to local police, who investigated, the students wrote and posted the rap in retaliation; they felt picked on by other students in the school and wrote the song in response. The song reportedly included the lyric: 'My fists are my best friends – you're about to meet them too'. According to another news report, the lyrics also talked about stabbing someone in the back. The students who wrote the song were suspended from school for a week, although the song was written and posted off-campus. As well, police charged six students with criminal harassment: four students were involved with writing the song and two students were from the other group of students (Taylor 2007; Chodak 2007).

student violated rules that forbade performers from using hateful or vulgar language. More particularly, the school deemed the student's song, 'Dear AmeriKKKa', was derogatory towards police officers because it referred to them as 'crooked'. The student indicated that he intended to perform the song, leaving out parts that would be offensive. When he finished his in-school suspension, a group of more than 100 classmates greeted him, protesting and chanting 'No justice, no peace, no crooked police'. None of the group of students who protested the rapper's discipline was disciplined (Johnson 2018).

Joseph Washington

In January 2021, 18-year-old Florida high school senior Joseph Washington was arrested and charged with sending a written threat to kill. Reportedly, school officials had suspended Washington the prior week for using profanity when the principal contacted him about a dress code violation. Subsequently, Washington allegedly wrote, recorded and posted a rap song specifically referring to the principal and mentioning killing him and his wife (WESH 2021).

The cases described illustrate that student discipline for rap music is swift and often severe. Collective inspection of the cases reveals some noteworthy tendencies about the circumstances leading to and consequences of discipline.

Breaking down the schoolhouse rap cases

Notable song content included lyrics that parroted songs by famous artists, referred to notorious and tragic events, and criticised state actors. Two students were suspended for repeating lyrics from songs by famous artists such as Eminem and Future (Doe #3, Doe #4). Similarly, one student facing discipline explained that songs he wrote mimicked popular artists such as Eminem, Juvenile and Kid Rock (Doe). Another student also was inspired by Eminem (Jones). Still another was inspired by Tupac, Jay-Z, Snoop, Nas, Kendrick Lamar and Lil Wayne (Bell).

In several instances student creations referred to infamous historical events. One student's lyrics referenced the 2013 Boston Marathon Bombing (D'Ambrosio) while several students referred to the 1999 Columbine High School mass shooting in their works (Latour, Clark, Doe #3). Both events involved homicidal teenage or young-adult males who killed multiple victims. School officials interpreted D'Ambrosio's lyrics to mean that he was going to conduct a bombing. Similarly, school personnel assumed based on their lyrics that Latour, Clark and Doe #3 were threatening to conduct shootings at their schools.

Finally, especially concerning are the two instances where students were disciplined for lyrics that by all accounts constituted free speech strongly protected by the First Amendment (Bell and Doe #5). Bell was disciplined for his song that drew attention to allegations that male teachers were inappropriately touching female students. Doe #5 was suspended for lyrics regarding police officers that the school labeled hate speech.

Overwhelmingly, school officials disciplined students for what were deemed to be threatening lyrics. In 11 cases, school officials claimed that the students' creations constituted threats to, or verbal harassment of, members of the school community (Doe, Jones, Latour, Bell, D'Ambrosio, John Does #1, John Does #2, Doe #3, Doe

#4, Washington, Clark). In one case, officials claimed that the students' songs demonstrated the students were in a gang or involved in gang activities (Hildebrand). In another case, the school system claimed that the student's song was hate speech (Doe #5).

Punished students were more likely to be excluded from school rather than serve consequences within the school setting. In only two cases were students subjected solely to in-school punishment (Doe #2, Doe #5). This unlikely disciplinary outcome is consistent with the trend in school systems towards more severe punishment such as suspension, expulsion or referral for charging.

In two cases, school officials suspended students (Doe #1, Doe #4), while in four cases students were expelled (Doe, Bell, Hildebrand, Latour). Of the cases involving expulsion, two students were not referred for charges, one group of students was interrogated by police (Hildebrand) and one student was arrested and held in pre-trial detention (Latour).

In more than half the cases, students were referred for charging based on, or charged with crimes relating to, their lyrical expressions. In two cases, school officials referred students to police for charging but law enforcement declined to pursue cases (Doe #2, Doe #4). One student was charged but quite surprisingly, the grand jury declined to return an indictment (D'Ambrosio). Another student was charged but the charges were later dismissed (Latour). In four instances, students were charged but the resolutions of the charges are unknown (Doe #1, Doe #3, Washington, Clark). In one, the principal referred the student for charges, which the prosecutor pursued and ultimately, the juvenile court found the student responsible. (Jones).

Most students do not challenge their discipline and if they do, the challenge is unsuccessful. Sometimes students file legal challenges asking a court to overturn discipline that has been imposed or receive financial compensation for injuries resulting from the discipline. Among the cases reviewed herein, four students did not obtain any relief from their imposed discipline (Doe, Jones, D'Ambrosio, Bell), while two cases were favourably settled for the students (Latour and Hildebrand). Whether students in any of the other cases pursued judicial remedies or relief is unknown.

Both Black and white students faced discipline for their raps, but in what proportions remains unclear because of lack of information. Determining the racial background of students in these cases is challenging because of lack of self-identification and a dearth of documentation. In some instances, the race of the involved student is known but often not. Three cases apparently involved white students (Doe, Latour, D'Ambrosio), and three apparently involved Black students (Bell, Hildebrand, Clark).

This breakdown of a small subset of cases admittedly provides limited information about system-wide or nationwide discipline of students for rap music. However, it does suggest concerning patterns and trends that merit more study. In short, school officials often view rap lyrics as threatening, ignore social or educational concerns discussed in the lyrics, and fail to provide supports for the student's emotional issues voiced in the creations. Students face discipline for rap music creations and are subject to the severest of consequences, including out-of-school suspension, expulsion and referral to the juvenile and criminal legal systems. Given the minimal due process legal protections accorded students who face discipline, or have been disciplined, it is often the case that any consequences imposed by the school will be assured, even severe ones.

Evolving from student as creator to student as criminal

Rather than being deemed, or used, as a tool for positive student development and learning, or recognised as a protected form of self-expression, rap music creativity and expression serve to funnel youth into the juvenile and criminal legal systems. These legal experiences of student rappers should not be viewed as rare occurrences of isolated experiences within school walls. Instead, these occurrences should be understood as connected to and emblematic of the far-reaching and troublesome phenomenon of the school-to-prison pipeline (STPP).

The STPP is a metaphor for the modern system of school discipline that usually slowly, but at times immediately, pushes youth out of the school system and channels them into the juvenile or criminal justice systems. The STPP represents a move away from individualised, informal, in-school student discipline towards uniform, zero tolerance, severe discipline approaches. Suspension, expulsion, referral to an alternative school and referral for criminal prosecution have become the primary means by which school officials control undesired student behaviour. Less severe and historically used remedial measures, such as counselling and detention, have been sidelined in favour of the current zero tolerance approach, even for behaviours that traditionally were considered minor infractions. These modern education disciplinary schemes apply not only to serious conduct (such as drug and violent crime) but also to minor conduct that in the past would not have warranted harsh treatment (such as disobedience and rough-housing; Thurau and Wald 2010, p. 977).

While the concept of the STPP emerged into the American mainstream in the last couple of decades, the phenomenon is historically, geographically and socio-legally rooted in and connected with the same timeframe and circumstances that gave birth to rap music. Whether attributable to developments on the east coast or west coast, it is an outgrowth of the nation's desire for continued socio-legal control of Black and brown youth after the Civil Rights Movement and school desegregation, the subsequent government-created War on Drugs and War on Gangs, and the get tough on crime philosophy that followed.

Some researchers have indicated that zero tolerance originated in the 1960s in the Los Angeles Unified School District public school system that primarily educated large numbers of Black and brown youth, although the term 'zero tolerance' was not used at the time. For example, Kafka (2011) explains that in the mid-1950s, Los Angeles-based teachers began pressuring local school districts and school boards to implement two recommendations regarding discipline: (1) 'expand the disciplinary role of nonclassroom personnel' and (2) 'codify disciplinary rules, roles, and procedures' for the school district. Los Angeles teachers argued not only that discipline was outside their role as educators, but also that discipline should be more standardised. The Los Angeles teachers' reform proposals were broadly supported; in 1959, Los Angeles City Board of Education approved the reforms, creating one of the first system-wide school discipline policies in the country. The trend towards zero tolerance continued in the following decades. Through the 1960s, Los Angeles continued to codify and centralise school disciplinary procedures, largely in response to efforts by Black and Mexican-American students who wanted greater equity and autonomy in their education, and in the 1970s, the Los Angeles Unified School District began to enact policies that looked like today's zero tolerance policies.

In contrast, Black (2016, p. 34) states that a zero-tolerance approach appeared during the 1970s in east-coast public schools. According to his research, in 1971 in

Alexandria, Virginia, the school superintendent entered into a labour contract with teachers that allowed them the unilateral right to expel students from their classrooms, even permanently. He links this agreement to opposition to desegregation and a desire to control Black students.

Other accounts of the development of zero tolerance discipline laws and policies situate them in response to federal law enforcement policies of the 1980s. Black (2016), McNeal (2016) and Skiba and Petersen (1999) begin their origin stories during the 1980s when President Reagan's administration began its 'War on Drugs' and 'tough-on-crime' approach to federal drug enforcement. The 'War on Drugs' soon extended to students and schools as education officials and the public became concerned about a spike in violence and drug use among youth and in schools. In late 1989 school districts in Orange County, California, and Louisville, Kentucky, instituted policies imposing expulsion for possession of drugs or participation in gang-related activity. The next year, in Yonkers, New York, the superintendent of the public schools implemented a broad zero tolerance programme that applied to students who caused school disruption. By 1993, school boards nationwide were adopting zero tolerance policies that included not only drugs and weapons but also tobacco-related offences and school disruption.

Almost 30 years later, the prevalence and persistence of zero tolerance school rules and the existence of the STPP lay bare the direct linkage between the education and criminal legal systems. They also demonstrate that harsh student discipline outcomes mimic the harsh punishment approaches of the juvenile and criminal legal systems. The disciplining of rap must be situated within and sheds light on this much wider trend of criminalising young people in schools. Sociologist Alex Vitale has traced this trend, explaining how it was spurred by the 1990s 'super-predator' myth and the 1999 Columbine High School massacre of 1999, and instead of restorative methods, 'took a punitive form, driving additional "zero tolerance" disciplinary procedures and further contributing to suspensions, expulsions, and arrests on flimsy evidence and for minor infractions' (Vitale, 2018, p. 57). Schoolhouse rap must be understood as emblematic of this trend.

Rap music and student fans of rap music have been caught up in these legal phenomena, despite evidence of the pro-social aspects of rap music and no evidence in the schoolhouse rap cases that student rap music creativity has undermined school safety. Student expressions of rap music in school are unlike school-related misconduct involving fighting, weapons possession or drug possession, and student rap music has not demonstrably led to actual disruption of school. Rather, school officials' claims of disruption owing to rap music are often based on subjective perceptions of the threatening nature of lyrics and on the unrealised potential for schoolhouse disruption. Nonetheless, student fans and creators of hip hop are subject to the same swift and severe discipline and punishment as students engaged in far more serious conduct. Student creators of hip hop are viewed as dangerous troublemakers who must be controlled through the imposition of harsh consequences, removed from the school setting and treated as criminals.

Conclusion

This article has attempted to demonstrate that the state has transformed rap music from a means of youth education and development to a behaviour worthy of

student discipline and criminal punishment. Inquiry into Rap on Trial has tended to focus attention on adults moving through the criminal legal process, from investigation through trial and sentencing, because the criminal courtroom is an important space for all involved, especially for defendants. But every day across America, school officials assess which youth will face the possibility of punishment and how much. Their decisions require careful examination because they are invisible to the public, under-scrutinised, have disparate impacts, damage youth development and serve as a gateway to the criminal process. In these hidden spaces where students are powerless, rap music has been used in troublesome ways to impose punishment and push youth out of the school system and into the prison pipeline, including Black and brown children, who are the presumed beneficiaries of hip hop education practices. This punishment occurs even though the educational system recognises that rap music can be a positive approach to youth education and development. Examination of this tension, and possible resolution, is vital to the continued study of Rap on Trial and the lives of creative youth worldwide.

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