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# Schools Fail to Get It Right on Rap Music

By **Andrea Dennis** | December 7, 2015

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Word to the wise.

School officials treat rap music as a serious threat to the school environment. Fear and misunderstanding of, as well as bias against, this highly popular and lucrative musical art form negatively shape their perspectives on this vital aspect of youth culture.

As a result, students who express themselves through rap music in a way that challenges the schoolhouse setting risk the possibility of suspension, permanent exclusion and referral to the criminal justice system.

The ongoing case of Taylor Bell is the latest and most complex battleground on which this issue is playing out.

On Jan. 5, 2011, Bell, a high school senior at the time, posted online a rap song he had composed and recorded. He wrote the song during the 2010 Christmas break from school after female friends told him of their experiences of being sexually touched and harassed by two teachers at the school.

Bell's song described the alleged misconduct, identified the two teachers by name, referred to one teacher's family life and contained profanity, vulgarities, the n-word and references to firearms and retribution.

After a brief investigation by school officials, Bell was suspended from school. After a disciplinary hearing, he remained suspended and was transferred to an alternative school for the remainder of the grading period, approximately six weeks. Bell appealed the decision as a violation of his First Amendment right to freedom of speech, but the school system as well as a federal trial court upheld his punishment.

This past August, a [federal appeals court](http://www.ca5.uscourts.gov/opinions%5Cpub%5C12/12-60264-CV2.pdf) ruled that Bell's song threatened, harassed and intimidated the teachers, thus impeding and disrupting, if not destroying, their ability to teach and learn. Moreover, according to the court, his song "reasonably could be forecast ... to cause a substantial disruption" of the school and encouraged other students to engage in similar disruptive behavior.

Bell's last option for relief is the U.S. Supreme Court. Reportedly Bell will ask the court to review his case, although a grant of his request would be a long shot given the small number of cases the court hears each year.

Bell has long since finished high school, but the case understandably remains important to him, whether to clear his educational record, clarify students' free speech rights or seek protections for the art form he has long appreciated and studied.

To be clear, though, Bell's situation is not the first and only in which school officials have disciplined students for rap music.

Fifteen years earlier, Arkansas school officials expelled a seventh-grade student after he wrote a violent, profane and vulgar rap about a classmate he formerly dated. The student claimed he was mimicking Eminem and other famous rappers and denied he was intending to threaten his ex-girlfriend. Ultimately, a [federal appeals court](#)

<http://media.ca8.uscourts.gov/opndir/02/09/011048P.pdf>) upheld his expulsion.

Since that early case, an Internet search today will uncover many news reports and legal cases nationwide in which school officials have disciplined students for rap music. And there are likely many more instances of which we are publicly unaware.

Schools have disciplined students for composing and performing lyrics with violent, profane, vulgar or illicit ([http://www.schooltoprison.org/news/article.197496-Fla\\_high\\_school\\_punishes\\_students\\_for\\_writing\\_profane\\_rap\\_lyrics](http://www.schooltoprison.org/news/article.197496-Fla_high_school_punishes_students_for_writing_profane_rap_lyrics)) content. Others have expelled students for composing and performing lyrics allegedly promoting gang activity (<https://www.washingtonpost.com/news/post-nation/wp/2014/09/03/lawsuit-black-teens-unfairly-expelled-from-ohio-high-school-after-making-rap-music-videos/>) or firearms. And in one startling case, a 6-year-old boy was suspended for singing the lyrics of a highly popular song (<http://www.gopusa.com/freshink/2012/05/05/6-yr-old-suspended/>) by LMFAO to another student.

[Related: Government Should Not Expel, Charge Students for Tasteless Speech] (<http://jjie.org/government-should-not-expel-charge-students-for-tasteless-speech/154696/>)

Educators' decisions to penalize youth for their love of rap music can have lifelong consequences.

This discipline strategy is a manifestation of the school-to-prison pipeline (<http://www.naacpldf.org/case/school-prison-pipeline>) in which suspension, expulsion, referral to an alternative school and referral for criminal prosecution have become the primary means of school discipline, even for behaviors that traditionally were considered minor infractions. Less severe and historically used remedial measures, such as counseling and detention, have taken a back seat to the current zero tolerance approach.

These new measures slowly, and at times immediately, push youth out of the school system, eventually channeling them into the juvenile and criminal justice systems.

And not surprisingly, the school-to-prison pipeline disproportionately affects black male youth who are far more likely to be disciplined and to be harshly disciplined than other youth for the same or similar conduct.

Consider again Bell's case. His school was not actually disrupted by his song. He had no serious school disciplinary history, no apparent criminal or violent history and was known to be an aspiring professional rap artist. Nonetheless, Bell – who is black – was suspended rather than given in-school suspension or counseling, or asked to turn this into a learning moment.

And last year, black students in Ohio, who were expelled for composing a rap song that allegedly contained gang references and threats, filed a lawsuit alleging the school system discriminated against them on the basis of their race. That case reportedly settled (<http://www.wcpo.com/lifestyle/settlement-reached-in-rap-video-suit-against-northwest-local-school-district-colerain-township-cops>) favorably for the students.

This practice of punishing individuals for rap music is not isolated to childhood. Young adults – particularly black men – face criminal justice consequences based on rap music.

Almost a decade ago I wrote ([http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1104756](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1104756)) of prosecutors obtaining criminal convictions by using the rap lyrics defendants wrote as evidence against them. With few limitations and challenge, prosecutors were able to present the lyrics to jurors as autobiographical confessions and paint defendants as violent or threatening. The practice is widely used today.

In both the school discipline and criminal justice settings, officials demonstrate their misapprehension of and bias against rap music as a meritorious artistic enterprise. They fail to evaluate the lyrics in the context of poetic and authenticity expectations as well as the influence of commercialization. Overwhelming fear of future violence or criminality seems to be the decision driver.

For example, Bell's rap was clearly intended to publicize and protest the alleged egregious behavior of teachers. He did so by using metaphors, violent imagery and the call-and-response style – all common features of rap music – and hoped that the song would attract industry attention.

A school official acknowledged the importance of the topic about which Bell rapped but nonetheless said he should have censored himself. This official apparently ignored that youth are engaged in a process of learning to express themselves and that exploration involves expressing themselves in ways that youth understand and appreciate, though not necessarily adults.

Schools are charged with the safety and security of students, teachers and administrators. It is an awesome responsibility that cannot be easily dismissed. But they are also charged with understanding youth and their culture as well as thoughtfully educating them.

Rather than fearing rap music and the youth culture it represents, school officials would be better served leveraging rap music to support their educational mission.

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