

DEFINING AND REDIRECTING A SCHOOL-TO-PRISON PIPELINE

Framing Paper for the *School-to-Prison Pipeline* Research Conference

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The educational system in the United States, like the nation as a whole, is plagued by vast inequalities—all too frequently defined along lines of race. In a nation with the most unequal distribution of wealth and income of any industrialized country,¹ students in high poverty, high minority schools are routinely provided fewer resources. Moreover, these students have less access to credentialed, experienced teachers, to high quality curriculum, and to advanced level courses than their more affluent, white peers. Not surprisingly, they experience lower rates of high school graduation, academic achievement, and college attendance levels.

¹ Timothy M. Smeeding, "The Gap Between the Rich and Poor: A Cross-National Perspective For Why Inequality Matters and What Policy Can Do to Alleviate It", March 2001, "Wealth Inequality in the United States Leads the World and the Gap Here Is Widening," Twentieth Century Fund, 1995

Moreover, recent policy trends may be intensifying inequalities. Since 1986, Black and Latino students have grown steadily more segregated from whites in their schools. Minority students are disproportionately represented among those who are denied diplomas or retained in grade due to the proliferating use of high stakes testing throughout the country. Nationwide, Black students are nearly three times as likely as white students to be labeled mentally retarded and almost twice as likely to be labeled as having emotional disturbances. Once identified, Black and Latino students are also much more likely to be isolated in substantially separate classrooms from their non-disabled peers. Official dropout rates mask a widening “graduation gap” between minority and white students. In our 100 largest cities, 58% or more of ninth grade students in high minority schools don’t graduate four years later.²

A related educational trend that is proving to be particularly problematic for minority students involves school discipline. Since the early 1990’s, many school districts have replaced a system of graduated sanctions with a “zero tolerance” approach to wrongdoing. The result is a near-doubling of the number of students suspended annually from school since 1974 (from 1.7 million to 3.1 million), an increase in the presence of police in schools, in the use of metal detectors and search and seizure procedures in schools, and the enactment of new state laws mandating referral of children to law enforcement authorities for a variety of school code violations.

Minorities are heavily overrepresented among those most harshly sanctioned in schools. In 2000, Blacks represented 17% of the student population, but 34% of those suspended.³ Nationally, Black students are 2.6 times as likely to be suspended as White students.⁴ In one state, they are nine times as likely to be suspended as White students. Moreover, as the number of overall suspensions has increased over time, so have the racial disparities. Between 1972 and

² Robert Balfanz, “Urban High Schools and Racial Disparities in Holding Power,” Working Paper, 2003

³ Data from the Office of Civil Rights, United States Department of Education, 2000 Elementary and Secondary School Survey, National and State Projections (on file with the author). Data is from the 2000-2001 school year. School and district data from this report is available on line at www.ed.gov/offices/OCR/data.html

⁴ This ratio was calculated by first dividing the number of students of each racial group who were suspended by their total enrollment. That number represents the percentage or risk of suspension for members of that group. Next, using simple division, the risk of one group can be compared to that of any other.

2000, the percentage of White students suspended annually for more than one day rose from 3.1% to 6.14%. During the same period, the percentage for Black students has risen from 6% to 13.2%.⁵ Among students with disabilities, Blacks are three times as likely as Whites to be suspended and four times as likely as Whites to be educated in a correctional facility.⁶

Despite the seeming objective neutrality of a policy titled “Zero Tolerance”, the actual operations of school discipline and related systems reveal a host of subjective factors that appear to be a breeding medium for disparities and discrimination. For example, one study found that Black students are punished more severely for lesser offenses, such as “disrespect, excessive noise, threat or loitering” than their white peers.⁷

In recent years, several new terms have gained currency in public discourse to describe the cumulative impact of these inequalities and policy shifts: “the prison track,” and the “school-to-prison pipeline.” These phrases refer to a journey through school that is increasingly punitive and isolating for its travelers—many of whom will be placed in restrictive special education programs, repeatedly suspended, held back in grade, and banished to alternative, “outplacements” before finally dropping or getting “pushed out” of school altogether.

The second half of the pipeline metaphor refers to parallel shifts that have taken place in public attitudes and public policies regarding juvenile misconduct over the past decade. Since 1992, 45 states have passed laws making it easier to try juveniles as adults, 31 have stiffened sanctions against youths for a variety of offenses and 47 loosened confidentiality provisions for juveniles.⁸ Between 1990 and 2000 there was a 16.8% increase in the number of non-violent cases involving juveniles that were formally

⁵ Ibid.

⁶ U.S. Department of Education, Office of Special Education Programs, Data Analysis Systems (DANS). The raw data is available at www.ideadata.org

⁷ R.J. Skiba, R.S. Michael, A.C. Nardo, and R. Peterson: *The Color of Discipline: Sources of Racial and Gender Disproportionality in School Punishment*. Urban Review, 2000

⁸ David Osher, “Deconstructing the Pipeline: Using Efficacy, Effectiveness, and Cost-Benefit Data to Reduce Minority Youth Incarceration”, 2003

prosecuted nationally. Between 1989 and 1998, the number of juveniles detained at some point between the referral and case disposition increased by 25%.⁹

In patterns startlingly similar to those evident in student discipline data, minorities are disproportionately impacted by these harsher codes. In 1998, Black and Latino youth were disproportionately represented in 26 of 29 offense categories documented by the FBI. The same year, they represented 1/3 of the country's adolescent population, but 2/3 of all youths confined to detention and correctional placements. Four out of five new juveniles detained between 1983 and 1997 were youths of color.¹⁰ Black youths with no prior criminal records are six times, and Latino youths three times, more likely to be incarcerated than whites for the same offenses.¹¹

The adult prison and juvenile justice systems are riddled with children who have traveled through the school-to-prison-pipeline. Approximately 68% of state prison inmates in 1997 had not completed high school.¹² Seventy-five percent of youths under age 18 who have been sentenced to adult prisons have not completed 10th grade. Within the juvenile justice population, 70% suffer from learning disabilities and 33% are reading below the 4th grade level.¹³ The "single largest predictor" of subsequent arrest among adolescent females is having been suspended, expelled or held back during the middle school years.¹⁴ Seventy percent of women state prisoners have not completed high school.¹⁵

Yet, despite the strong relationships that exist between troubled educational histories and subsequent arrest and incarceration, *the specific ways in which schools may either contribute to, or*

⁹ Stahl, A., Finnegan, T., and Kang, W. "Easy Access to Juvenile Court Statistics: 1985 - 2000." Online. Available: <http://ojjdp.ncjrs.org/ojstatbb/ezajcs/>

Harms, Paul. January 2002. Detention in Delinquency Cases, 1989-1998. Office of Juvenile Justice Prevention, NCJRS, Washington, D.C.

¹⁰ "Reducing Racial Disparities in Juvenile Detention", Pathways #8, Annie E. Casey Foundation

¹¹ "And Justice for Some", Building Blocks for Youth, 2000

¹² The Sentencing Project, Facts About Prisons and Prisoners (Briefing Fact Sheet 1035)

¹³ "Abandoned in the Back Row, New Lessons in Education and Delinquency Prevention", Coalition for Juvenile Justice, 2001 Annual Report

¹⁴ "Justice by Gender", Jointly issued by the American Bar Association and the National Bar Association, 2001

¹⁵ Sandra B. Simkins, Amy E. Hirsch and Erin McNamara Horvat, "The School to Prison Pipeline for Girls: The Role of Physical and Sexual Abuse," 2003

prevent, the flow of students into the criminal justice system remains largely unexplored. Given the growing overall numbers of prison inmates—now at a record 2.1 million—in this country, along with the glaring racial disproportionality in this population, achieving a more accurate and complete understanding of these relationships is urgent.

This urgency is further underscored by the current fiscal crisis facing most states. Between 1980 and 2000, state spending on corrections nationwide grew at six times the rate of state spending on higher education, with predictable consequences in terms of racial disparities. According to the Justice Policy Institute, by the end of the century, there were almost a third more African American men in prison and jail (791,600) than in universities or colleges. (603,000)¹⁶

As many legislators now confront the need to make drastic cuts in state and local budgets, they desperately need information about how targeted investments in one system (education) may reduce the need for expenditures in the other (corrections). For example, several recent studies suggest that schools that engage and hold onto their students can serve as powerful deterrents to delinquency. The Surgeon General's report on Youth Violence, released in January 2001, found that "commitment to school" was one of only two protective buffers against specific risk factors for violence. Another study released last year found that "school connectedness"—defined as a student's feeling part of and cared for at school—is linked with lower levels of substance use, violence, suicide attempts, pregnancy, and emotional distress.¹⁷ And, one study found that a 1% increase in male high school graduates would reduce the number of crimes committed nationally by 100,000 and save the nation \$1.4 billion.¹⁸

The research presented at this conference represents the first attempt to examine systematically this complex issue. Our goals are to: (1) identify specific patterns, indicators, and

¹⁶ "Cellblocks or Classrooms? The Funding of Higher Education and Corrections and Its Impact on African American Men", Justice Policy Institute, 2002

¹⁷ McNeely, C.A., Nonnemaker, J.M., Blum, R.W. (2002) "Promoting Student Connectedness to School: Evidence from the National Longitudinal Study of Adolescent Health." *Journal of School Health*, Vol. 72 (4), 2002.

¹⁸ Lance Lochner, Enrico Moretti, "The Effect of Education on Crime: Evidence from Prison Inmates, Arrests, and Self-Reports," JCPR Working Paper 287, 2002

choice points along the school-to-prison pipeline; (2) begin to generate strategies and policies for how both the educational and juvenile justice systems can redirect this pipeline away from despair toward greater hope and opportunity; and (3) identify critical areas for further gap-filling research and policy development.

Preliminary Research Themes

Some of the themes emerging from the research presented at this conference that may warrant further investigation include the following:

- **Inadequate school resources, and high stakes testing retention and graduation requirements may indirectly contribute to dropping out and delinquency.**

Several exploratory studies are examining possible links between winding up in the juvenile justice system and school characteristics and policies, including disproportionate exposure to unqualified teachers, lack of challenging curricula and effective counseling and support services, and the punitive impacts of high stakes testing for grade retention and diploma denial. The hypothesis that inadequate schooling and inappropriate policies may be indirectly contributing to delinquency has critical civil rights and policy implications. Further research in these areas may prove very compelling.

- **Failure to provide appropriate behavioral interventions may be contributing to delinquency among students with disabilities.**

This trend in the research is particularly relevant today as Congress is considering the elimination of due process protections for students with disabilities facing long-term suspension or expulsion. The new research is consistent with recently published research by the National Research Council and by The Civil Rights Project. Findings suggest that minority students with disabilities, and especially poor Black males, are at greatest risk for

being suspended repeatedly in a given school year, raising serious questions about the adequacy of behavioral supports that are being provided.

- **Suspensions do not address the root cause of misbehavior, and may be related to higher rates of juvenile incarceration and lower rates of academic achievement.**

One new study found a high correlation between sixth grade suspensions and future suspensions in seventh and eighth grade, which subsequently were linked to a lower likelihood of graduating on time. Black males in special education were at particular risk for following this pattern. Another study examined national data across 37 states and found evidence of racial disproportionality across virtually all states in incarceration, out-of-school suspension, and expulsion. In addition, correlational analyses revealed that: (1) states with higher rates of out-of-school suspension also have higher overall rates of juvenile incarceration; (2) racial disproportionality in out-of-school suspension is associated with similar disproportionality in juvenile incarceration; and (3) higher rates of out-of-school suspension are associated with lower rates of achievement in reading, mathematics, and writing.

- **Retention in ninth grade increases the likelihood of dropping out and of incarceration**

Findings from one new study show that the proportion of students held back in ninth grade has increased sharply in the last two decades, while another study reports that being retained in ninth grade increases the likelihood of both dropping out of school and being incarcerated. Research on incarcerated girls and women indicates that the transition from 8th to 9th grade was particularly problematic for them, and accelerated their slide into school failure. In one major city, the overwhelming majority of incarcerated students are ninth graders, many of whom are repeating ninth grade for the second and third time.

- **In many districts, new statutes mandating referral to law enforcement for school code violations are disproportionately affecting minority children and may be unnecessarily pushing them into the criminal justice system.**

Several authors note school behaviors such as shouting, refusing to cooperate, and verbal altercations are warranting referrals to law enforcement under vaguely termed statutes that include “disrupting schools,” “safe school ordinances”, and “being beyond the control of schools.” In one instance, a seven-year old child was charged with a “safe school disturbance” for running in and out of the classroom. Even when the penalty is “a slap on the wrist” these referrals establish criminal records for students, with serious repercussions for their futures. Students are also frequently double-sanctioned for the same behavior, through suspensions and court referrals. Initial data from three districts reveal that these types of referrals are being disproportionately meted out to minorities, particularly black males.

- **Incarcerated girls and women are frequently victims of sexual and physical abuse, and this is often neither recognized nor understood by school officials.**

One study found that school failure was a “powerful indicator” of future incarceration among the sample of girls interviewed. Many of the problems that these girls experienced in school stemmed from earlier sexual and physical abuse. Because this abuse was often neither recognized nor acknowledged in school, these girls did not receive the help from adults that they desperately needed. Rather, they overwhelmingly viewed school as unwelcoming and uncaring. Of the 35 incarcerated girls in this study, 71% reported some type of school failure, including truancy, grade repeats, suspensions, or expulsions. Of the 26 incarcerated women interviewed, 73% had less than a high school education and 54% had not completed 10th grade. These findings are consistent with other research that has been conducted exploring links between sexual and physical abuse, school failure, and delinquency in girls.

- **Juvenile and educational systems frequently work at cross-purposes and this lack of coordination is further harming vulnerable students.**

In one major city studied, the educational and juvenile justice systems are actually creating conditions that exacerbate the school to prison pipeline. Once referred to the juvenile justice system, students often have to miss multiple days of school to make court appearances, even if their cases are ultimately dismissed. The juvenile justice system also places newly released students back into schools throughout the year, making it difficult for already overburdened schools to absorb these students. The educational services offered by the juvenile justice system generally take place outside of the school system.

On the education side, schools often refuse to accept students who are court-involved, leaving them without educational services for months at a time and increasing the likelihood that they will have further run-ins with the law. Schools rarely offer adequate transition or re-entry counseling programs for students returning from residential settings, thus increasing the likelihood of further failure for these students. The proliferating use of suspensions for non-violent school misbehaviors can also result in students having parole or probation revoked for trivial offenses, such as truancy, tardiness, or talking out of turn.

- **Alternative placements for excluded students are often disproportionately filled with minority students and inadequately serve the needs of students sent there.**

Schools have few incentives to engage vulnerable students. Instead, they are under pressure (1) to maintain order by banishing “potentially dangerous” students; (2) to boost school’s aggregate test scores; and (3) to fill up a series of outplacement programs (alternative schools, boot camps, evening schools) that are often inadequately staffed and do not offer the range of courses that students

need to graduate. As a result, in some districts students are being sent to these placements for their “potential for dangerousness” or for being academically at risk, rather than for any crime or serious offense they may have committed.

There are many excellent alternative schools that offer students who have dropped out or been expelled from school a second chance to succeed. However, data about the quality of services offered at some “disciplinary alternative” schools is troubling, suggesting that many do not provide the curriculum that students need to graduate and gain acceptance into higher education, nor do they offer the supports that vulnerable students may need to get back on track academically. The vast differences in quality that exist among alternative programs needs to be more fully studied, as well as the methods used by school systems to place students into these alternative programs. In particular, the racial disproportionality within the population sent to these alternative schools is a source of great concern.

- **Re-entry to school is a critical valve in the pipeline.**

Students returning from long suspensions or expulsions, from residential placements, or secure facilities are particularly at risk for school failure and dropping out. They are often academically behind as a result of missing months or even years of schooling. This period of re-entry is when they need intensive academic and counseling interventions to successfully transition back to school. Unfortunately, students rarely receive these services. In one city, within a year of re-enrolling in high school, nearly two thirds of the first-time ninth graders and over three fourths of the repeat ninth graders who were incarcerated and returned to school will either withdraw or dropout.

- **“Gatekeepers” in both the juvenile and educational systems may be making subjective judgments that are directly and indirectly connected to youth’s racial and class position in society.**

Several studies explored the impact of “gatekeepers” (i.e. teachers, court officials) from both the educational and juvenile justice system. These individuals often make assessments of youth’s character – their potential for academic success (as indicated by standardized test scores, track placement) and rehabilitation (as indicated by offense type and lifestyle characteristics) that are resulting in the under-selection youths of color for high academic tracks and their over-selection for harshest treatment within the juvenile justice system.

We conclude this paper with a question, which, in today’s world, may reflect more fantasy than reality:” What if the phrase “Leave No Child Behind” were more than rhetorical flourish? What if, as a nation, we committed ourselves to building a series of educational programs and options designed to embrace and hold onto all students, including those most troubled, most vulnerable, and most at-risk?

As Ann Arnet Ferguson writes in her book, *Bad Boys*: “Perhaps allowing ourselves to imagine the possibilities—what could, should, and must be—is an indispensable first step” toward improving educational outcomes for minority youths.

We hope that the research and discussions flowing from this conference will help us to begin to conceptualize such a vision and therefore move one step closer to making it our children’s reality.