



Bibliographical Essay: THE SCHOOL- TO-PRISON PIPELINE

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**Bibliographical Essay:
The School-to-Prison Pipeline**

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Introduction/Background

Many scholars and policy analysts have cited educational equity and opportunities as critical factors in preventing the engagement of young Black males in the juvenile and criminal justice systems. Positive Black male academic achievement has been associated with influencing the ability of young black males to avoid the criminal justice system. School achievement cannot, however, save young black males from the juvenile and criminal justice systems if school disciplinary policies and legislation are written and enforced in such a way that it is hard to avoid being caught up in the “system”.

Research has shown that young Black males have different cultural experiences that require a more targeted approach to reach them [1]. School district representatives and instructors acknowledge the considerable research that supports this fact. Single gender schools and classes underscore the importance of this breakthrough in reaching an important segment of the Black community [2]. Still, achieving academic success has been challenging for this group of young adults.

Black males must navigate two challenging courses simultaneously: academic success and law enforcement interaction. Not all Black male students have received the benefit of research on best practices to secure their academic success. The failure to utilize the best academic practices often means that Black male students are left to their own devices to pursue the best course for learning. If they fail to find their course to academic success, they are often unoccupied and unchallenged in the classroom. Often, being unoccupied and sufficiently unchallenged in the classroom, leads to Black male students being identified as persons with behavior problems [3].

The application of zero tolerance policies and the presence of school resource officers (SRO) allow schoolteachers and administrators to abdicate their responsibility for discipline. Rather than understanding the cultural difference and academic attention needed by Black male students, school districts resort to using a broad definition of student behavior that pushes Black males out of the classroom. Being away from the school learning environment compounds the learning challenges for the expelled students and leads to the students falling farther behind. They are embarrassed by their lack of academic preparedness and resort to acting out in other ways to conceal it [3]. Absence from school and falling behind in academic work, lead to more disciplinary problems and interactions with SROs [3].

Multiple and sustained law enforcement interactions create a criminal record for young Black men [3]. These interactions often come from so-called behavior problems for acts that are appropriate to their age and for which their non-Black classmates are not disciplined.

There have been many studies, reports and academic articles written on ways to stop or interrupt the school-to-prison pipeline. This review does not contend that all the literature has been reviewed. Instead, the emphasis of this bibliographical essay is on studies that not only highlight the problem, but on studies that offer solutions. The special focus is on research that centers on the nexus between school achievement and the prison pipeline and on literature that highlight methods being employed to stop or interrupt the school-to-prison pipeline.

Black Male Academic Achievement Gap

The Schott Foundation has focused a lot of attention on Black male achievement. In *Yes We Can*, a study they published in 2010 it was found that the majority of U.S. school districts and states were not making the necessary investments to insure success for Black male students. Their data indicated that Black male achievement was more likely to be a result of individual efforts by the student than the success of their schools [4]. Similarly, in their 2015 50-state report, they found that the academic achievement gaps continued to exist between African American males and Caucasian males. Black male students are nearly twice as likely to drop out of high school as their white counterparts [5]. The study found that of the 48 states studied, in 35 states and the District of Columbia, Black males remain at the bottom of four-year high school graduation rates. In 2012-2013, the national graduation rate for Black males was 59% compared to 65% for Latino males and 80% for white males. The graduation gap between black and white males has widened, increasing from 19% in 2009 – 2010 to 21% in 2012 – 2013.

Figure 1 shows the state-by-state graduation rates for Black male students in the United States [5]. There are only seven out of 50 states that have a graduation rate of 70% or above for black males. Nevada and the District of Columbia have graduation rates below 50%.

The large gap between Black males and others exists before these children start school and continues throughout their lifespan [6]. America is failing young black males. Only 12% of black fourth grade males are proficient in reading, compared to 38% of white males [6, 7]. Only 12% of black eighth grade males are proficient in math, compared to 44% of white males [6, 7]. Black students may be three full years behind their peers [6, 7]. As we continue to allow this trend to occur, our society is being negatively impacted by the academic achievement gap.



States of
Emergency

Figure 1. State-by-State Graduation Rates for Black Male Students [6]

Black males continue to be both pushed out and locked out of opportunities for academic success and achievement. This includes notable disparities in their enrollment in Advance Placement courses and participation in Gifted and Talented Programs, Honors curriculum, extracurricular activities, etc. They appear to be pushed into the criminal system through a school-to-prison pipeline. Yet, Dr. Ivory Toldson, an associate professor of counseling psychology at Howard University, is hopeful. In his Breaking Barriers series, he explored factors that improve educational outcomes for Black males by analyzing academic success indicators from four national surveys [8]. Based on this data, Dr. Toldson identified potential policy solutions to improve Black males' academic success. He contends that schools and teachers can help Black males achieve and that they already have the resources to do so. An overly negative media betrayal of young Black males and their behavior in the school has driven a sense of hopelessness among so school administrators and teachers. Dr. Toldson believes that the Black community and schools have the capacity to address any of the academic and behavior challenges facing Black males [9].

School-to-Prison Pipeline

The School-to-Prison Pipeline relates to the intersection of primary and secondary educational institutions with the juvenile justice system [10]. It has had a tremendous impact on the African American community, specifically on African American males. Over the past several decades, significant changes have been made to the disciplinary measures, policies and practices within K-12. What at one point included non-exclusionary discipline now includes exclusionary discipline. Exclusionary discipline removes students from a school environment resulting in an increased number of out-of-school suspensions and expulsions [12]. Exclusionary discipline increases the probability of a youth failing in school and experiencing contact with the criminal justice system early in life [12]. Since the early 1970s, the national suspension rate has more than doubled, rising from 3.7% of students in 1973 to 7.4% in the latest 2009 – 2010 data [13-14]. From the doubling of suspension rates, African American children are more than three times as likely to be suspended than white students, and the gap continues to widen [13, 15].

The Advancement Project found that “In the 2006 – 2007 school year there was no state in which African-American students were not suspended more often than white students [13].” Suspensions and expulsions without alternative academic programs remove students from a structured and supervised environment provided through school to a non-structured and non-supervised environment through being at home alone. The home alone scenario most often takes place in socio-economic disadvantaged areas, resulting in increased opportunities for youth to engage in criminal activities and become involved with the criminal justice system [13].

Zero-tolerance policy is an example of exclusionary disciplinary. It sets predetermined consequences or punishments for specific offenses [13]. This policy was introduced in the early 1980s, during the War on Drugs, to reduce drug use in schools. Since then, the zero-tolerance policy has expanded following the Gun Free Schools Act (GFSA) of 1994 to reduce the presence of guns in school. Now it includes predetermined sanctions for serious and non-serious offenses (i.e., non-violent disruptions, tardiness, etc.) [16-18]. The GFSA was part of the Improving America’s Schools Act of 1994 [18]. The GFSA required each state receiving federal funds to have a state law in effect requiring local educational agencies to expel, for at least one year, any student who is determined to have brought a weapon to school [18].

The School-to-Prison Pipeline encompasses the growing use of zero-tolerance discipline, school-based arrests, disciplinary alternative schools, and secured detention to marginalize most at-risk youth and deny them access to education [11]. As a result of the implementation of zero-tolerance policies, there was an increase in the number of School Resource Officers (SROs) in schools and overall criminalization of student behavior [19]. A Justice Policy Institute Report found a 38% increase in the number of SROs between 1997 and 2007 because of the growing implementation of zero-tolerance policies [19]. The discipline measures used in schools mimic, far too often, the approaches used in law enforcement [19]. It is apparent that traditional disciplinary measures, such as counseling or detention are being replaced. As SROs have set up shop in schools across the country, the definition of what is a crime as opposed to a teachable moment has changed in extraordinary ways [20].

Students who attend schools with SROs present are in greater danger of unnecessary involvement in the juvenile justice system through the criminalization of behaviors traditionally

resolved through standard school discipline policies [21]. Educational systems have seen a huge increase in student referrals to law enforcement. For example, in a city in Georgia, when SROs were introduced to the schools, “school-based referral to juvenile courts increased 600% over a three-year period [22].” Policies that include increased SROs in schools disproportionately affect youth of color, specifically African American males, and are now known to drive the School-to-Prison Pipeline [21]. Too many students are on a path toward prison rather than a path toward graduation [23].

The discipline gap within schools is directly connected to the achievement gap. Studies have revealed that students who are suspended or expelled from school encounter more negative life outcomes than those who are not [13]. Black students represent 16% of the student population, but 32-42% of students suspended or expelled as shown in Figure 4 [24]. Black children represent 18% of preschool enrollment, but 48% of preschool children receiving more than one out-of-school suspension [24]. Boys receive more than two out of three suspensions [24]. Black boys and girls have higher suspension rates than any of their peers as shown in Figure 5. Twenty percent of black boys, and more than 12% of black girls receive out-of-school suspension [24]. Black students represent 16% of student enrollment, and represent 27% of students referred to law enforcement, and 31% of students subjected to a school-related arrest as shown in Figure 6 [24]. Suspensions and expulsions result in an increased risk of students dropping out, ultimately contributing to a youth’s increased chances of becoming involved with the criminal justice system [24]. Decades of research on dropout factors have found that school suspensions are a significant predictor of being held back a grade and dropping out of school all together [25].

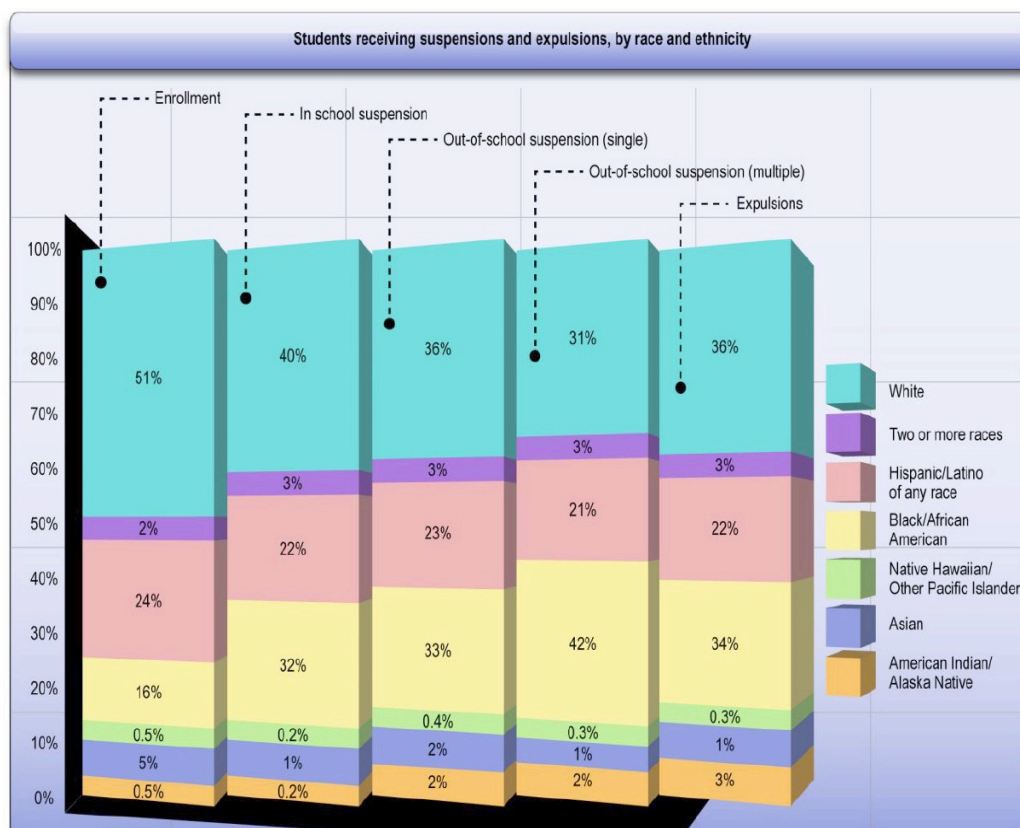


Figure 4. Detail may not sum up to 100% due to rounding. Students receiving suspensions and expulsions, by race and ethnicity [24].

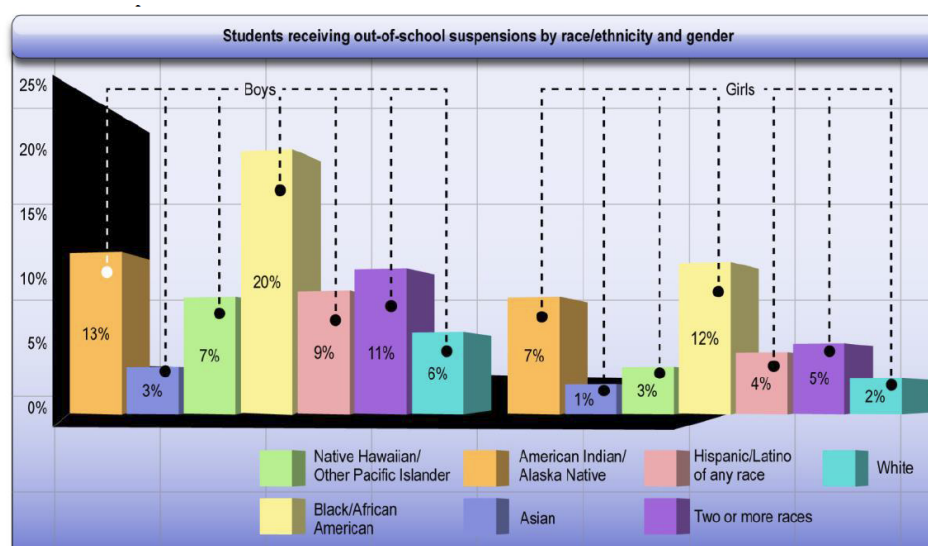


Figure 5. Students receiving out-of-school suspensions by race/ethnicity and gender [24]

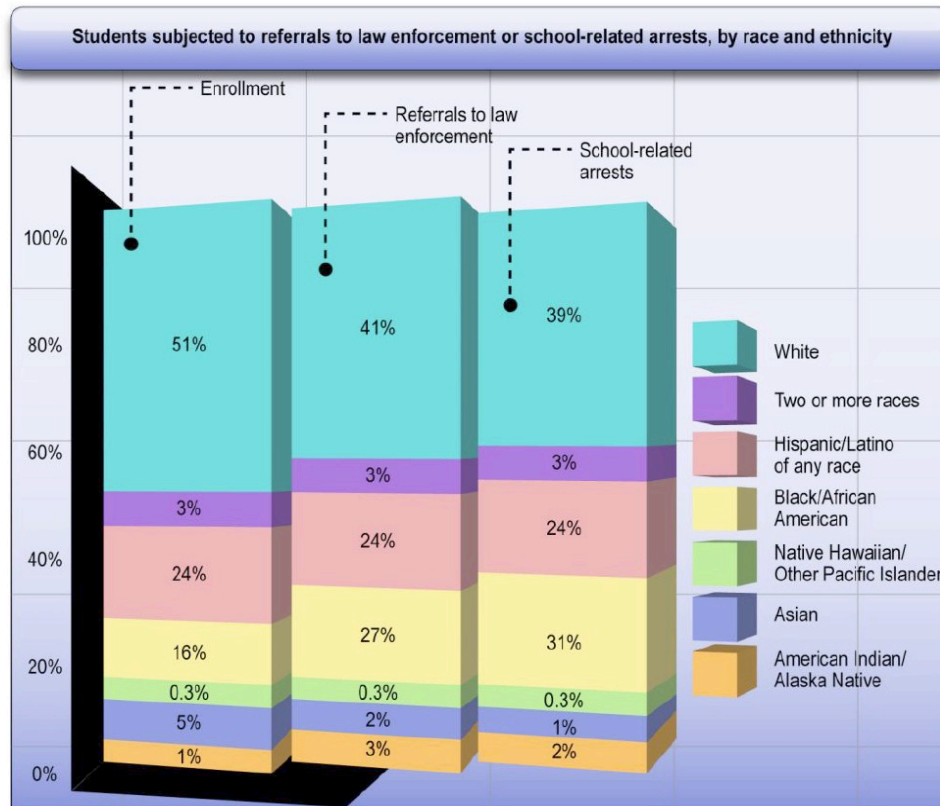


Figure 6. Detail may not sum up to 100% due to rounding. Students subjected to referrals to law enforcement or school-related arrests, by race and ethnicity [24].

Significant data that reveals that African American students are being pushed into prison through our school systems, known as the School-to-Prison Pipeline are listed below [26]:

- 40% of students expelled from U.S. schools each year are black
- 70% of students involved in “in-school” arrests or referred to law enforcement are black or Latino
- Black students are 3.5x more likely to be suspended than whites
- Black and Latino students are 2x more likely to not graduate high school as whites
- 68% of all males in state and federal prison do not have a high school diploma. People of color make up 37% of the U.S. population but 67% of the prison population.

Interrupting and/or Eliminating the School-to-Prison Pipeline and Enhancing the Academic Experience

Within the past several decades, numerous individuals, organizations, and agencies have led the effort with respect to research and public policy to eliminate the School-to-Prison Pipeline and identify ways to enhance the academic experience. Across the nation, groups and individuals have come together to build and strengthen the White House's 2014 launch of My Brother's Keeper. My Brother's Keeper encourages communities to implement a coherent cradle-to-college-and-career strategy for improving the life outcomes of all young people, specifically males of color, to ensure their full potential [4].

The American Bar Association has condemned zero-tolerance policies as inherently unjust: "zero-tolerance has become a one-size-fits all solution to all the problems that schools confront. It has redefined students as criminal, with unfortunate consequences.... Unfortunately, most current [zero-tolerance] policies eliminate the common sense that comes with discretion and, at great cost to society and to children and families, do little to improve school safety [11]."

Teachers and education activists have built campaigns to protect the educational system. They have hosted numerous educational conferences on the criminalization of youth or related topics and the betterment of our educational systems [20]. Teachers, students, parents and administrators have begun to fight back against zero-tolerance policies--pushing to get rid of zero-tolerance laws [20]. They have created alternative approaches to safe school communities that rely on restorative justice, community building, public responsibility, legislative policies, reinventing education and the curriculum instead of criminalization [20].

In addition, initiatives such as revamping schools have been studied and implemented. These initiatives include after-school and summer community-based programs [5]. An example of the success of revamping schools is the Chicago Child Parent Center (CPC) where the development of a high-quality, seamless pre-K through grade three continuum program which relied on research-based strategies for optimizing a child's early cognitive and emotional development was implemented [5]. A long-term study of the CPC revealed that students who attend pre-K through grade three at CPC showed encouraging statistics: early achievement gains persisted in middle school and fewer children were retained [5]. The program showed that the effects continued through adulthood, resulting in lower incarceration rates, higher educational attainment and higher income levels [5].

The Brotherhood Sister Sol (BHSS) is an out-of-school and summer program that placed emphasis on morality and ethics. Data revealed that 85% of their students graduate from high school as opposed to 24% in similarly troubled neighborhoods [5]. The incarceration rate of students who participated in the BHSS program, after 15 years of study, showed that not a single member of BHSS had been incarcerated [5].

Some school-wide positive behavioral interventions that have been adopted and implemented include the 1) Good Behavior Game, 2) Restorative Justice, and 3) Social Emotional Learning [13]. The Good Behavior Game is a classroom-level intervention that uses student peer pressure to enforce good behavior rather than bad behavior [13]. Research has shown that the

Good Behavior Game effectively decreases problem behaviors such as talking out of turn, getting up from one's seat, cursing and verbally and physically aggressive behavior in K-6 settings [13]. Restorative Justice Models of school discipline represent a distinct departure from the retributive philosophy that pervades much of American criminal justice and zero-tolerance school policies. The Restorative Justice model emerges from a commitment to restorative visions of justice and to rebuilding relationships. Restorative Justice seeks to recognize the impact of offenses to the wider community, engages the victim and the perpetrator in coming to solutions, and has the goal of both repairing the harm to the victim as well as reintegrating the offender into the school community. Research has shown that the Restorative Justice model in the Oakland Middle School resulted in an 87% decline in suspensions and zero expulsions [13, 27].

Last, but not least, the Social Emotional Learning intervention encompasses a family of ideas about what makes a healthy child and healthy community. The Social Emotional Learning program focuses on teaching self-awareness, self-management, social awareness, relationship skills, and responsible decision-making. This helps children learn to effectively manage emotions, set and achieve goals, understand and appreciate other perspectives, build and maintain healthy relationships, and make healthy decisions in their lives [13, 28-29]. An incredible wealth of research links the Social Emotional Learning program to decreased truancy, less drug use, lower dropout rates, improved academic performance, improved connection to school, and fewer behavioral problems [9, 29, 30].

In addition to campaigns and various interventions, it is imperative to identify additional steps toward ending policies that favor incarceration and/or criminalization over education and disproportionately pushing minority students out of schools and into jails [31]. The Juvenile Justice and Delinquency Prevention Act of 1974 is a United States federal law providing funds to states that follow a series of federal protections, known as the “core protections,” on the care and treatment of youth in the justice system [32]. The four “core protections” of the act are [32]:

- 1) Deinstitutionalization of Status Offenders – Youth who are runaways, truants or curfew violators cannot be detained in juvenile detention facilities or adult jails
- 2) Sight and Sound – disallows contact between juvenile and adult offenders (i.e., if juveniles are put in an adult jail or lock up under the limited circumstances the law allows for the juvenile to be separated from adult inmates)
- 3) Jail Removal – disallows the placement of youth in adult jails and lock ups except under very limited circumstances
- 4) Disproportionate Minority Confinement – requires states to address the issue of over-representation of youth of color in the justice system

The last reauthorization of the Juvenile Justice and Delinquency Prevention Act (JJDP A) was in 2002 [33]. The Act is the only federal law that sets national standards for the custody and care of youth in the juvenile justice system and provides direction and support for states to improve their juvenile justice programs. In 2015, Sen. Chuck Grassley (R-IA) and Sen. Sheldon Whitehouse (D-RI) introduced a reauthorization act, with amendments. The amendments required states to identify and reduce the disparities in the incarceration rate of youth. It also provided concrete guidance on how to do so: establishing or designating local stakeholder groups to advise on the best ways to reduce disparities; identifying key decision points where disparities emerge

and implementing a work plan that included measurable objectives to reduce disparities [34]. A major reduction has taken place in the number of teenagers committed to juvenile facilities in this century. Between 2001 and 2013, the number of juveniles committed to juvenile facilities after an adjudication of delinquency fell from 76,262 to 35,659 as shown in Figure 7 [35].

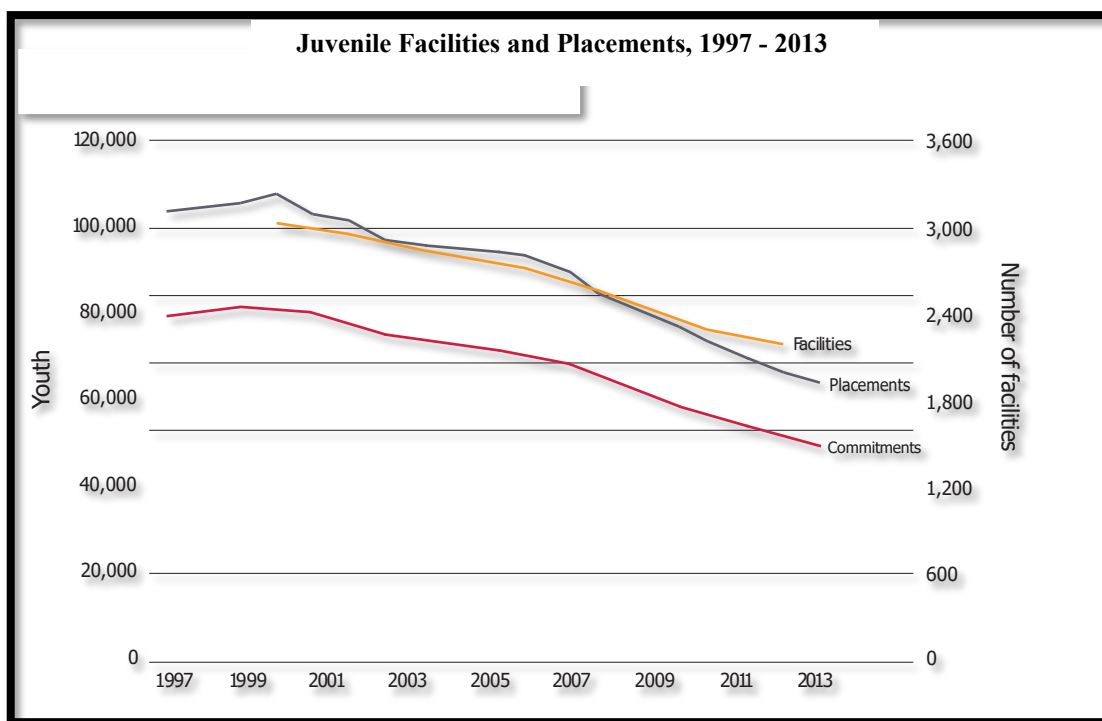


Figure 7. Juvenile Facilities and Placements, 1997 – 2013 [32].

Conclusion

This essay has focused on two separate, but intertwined issues: increasing Black male academic achievement and interrupting or stopping the school-to-prison pipeline. Existing data and research findings confirm that young Black males require a different approach to being taught. Standard approaches used to reach non-Black males have not been as successful. Single-gender schools and classrooms allow the focus to be on the young Black male only. Bad individual behavior is less tolerated by the group; this raises the behavior standard for the whole group. Black males seem less likely to revert to the alpha personality when they are surrounded by other Black males. They feel less on stage than when girls are present.

Research has shown that keeping young Black males in school and being creative in handling their age appropriate behavior is a key to promoting academic achievement and reducing their involvement in the juvenile and criminal justice systems. Schoolteachers and administrators handling discipline problems, without referring students to School Resource Officers, help to make this a reality. As has been shown, keeping students away from interaction with School Resource Officers greatly increases the chance that their behavior will not be criminalized. The student also avoids being suspended or expelled, which keeps them engaged in a learning environment. Thus, Black male students have a better than average chance to stay engaged in learning; are less likely to fall so far behind in their class work that they give up; and avoid interaction with law enforcement for their age appropriate behavior.

As this literature review shows, school districts and organizations that serve young Black males have created programs to address the dual issues. The federal government, led by President Obama, has created incentives for states to reduce the number of young Black males being incarcerated and release of many who are currently incarcerated. My Brother's Keeper has been created by Obama "to address persistent opportunity gaps faced by boys and young men of color" and accordingly help all young people to "reach their full potential"[36].

School districts and states have recognized the challenges faced by those who are reentering school and society after incarceration. New attention is being focused on helping these young men readjust to prevent further incidents of incarceration and increase the chances for a successful adulthood.

The attention given these issues by the academic community is important as organizations and agencies look for data to support activity that will successfully address these issues. The research has given school districts, legislators and community organizations necessary material to evaluate programs and legislation. The research has also help to debunk some of the myths around black male incarceration rates such as the often-quoted statement that there are more Black males in prison than there are in colleges. This review supports the need for greater collaboration between educators, researchers, legislators, policy makers, and advocates to design and implement programs, policies and legislation to stem the flow of young Black males into the school-to-prison pipeline.

REFERENCES

- 1) Spergel, I. A. (1995). *The Youth Gang Problem*. New York, NY: Oxford University Press.
- 2) Diane Halpern, et al., The Pseudoscience of Single-Sex Schooling, 333 SCIENCE 1706–07 (2011).
- 3) Roberge, Ginette (2012). “*From Zero-Tolerance to Early Intervention: The Evolution of School Anti-bullying Policy*”. Laurentian University. Retrieved 2015-11-15.
- 4) Yes We Can: The Schott Foundation 50 State Report on Public Education and Black Males, August 2010.
- 5) Black Lives Matter: The Schott 50 State Report on Public Education and Black Males. 2015. www.blackboysreport.org
- 6) Policy Notes: News from the ETS Policy Information Center. Volume 19, Number 3. Porlich and Evaluation Center. Fall 2011.
- 7) Lewis, Sharon et al., A Call for Change: The Social and Educational Factors Contributing to the Outcomes of Black Males in Urban Schools, Council of the Great Schools, October 2010.
- 8) Toldson, Ivory A. *Breaking Barriers: Plotting the Path to Academic Success for School-age African-American Males*. Congressional Black Caucus Foundation, 2008.
- 9) Toldson, Ivory A. *Breaking Barriers 2: Plotting the Path Away from Juvenile Detention and Toward Academic Success for School-age African American Males*, Congressional Black Caucus Foundation, 2011.
- 10) Kim, Catherine Y. Losen, Daniel J. and Hewitt, Damon T. *The School-to-Prison Pipeline: Structuring Legal Reform*. New York: New York University Press, 2010.
- 11) Darenbourg, A. and Perez, E. *Overrepresentation of African American Males in Exclusionary Discipline: The Role of School-Based Mental Health Professionals in Dismantling the School to Prison Pipeline*. Journal of African American Males in Education 2010, Vol. 1 Issue 3.
- 12) Koon, D. *Exclusionary School Discipline: An Issue Brief and Review of the Literature*. The Chief Justice Earl Warren Institute on Law and Social Policy. April 2013.
- 13) Losen, Daniel J. and Gillespie, Jonathan, *Opportunities Suspended: The Disparate Impact of Disciplinary Exclusion from School* (The Civil Rights Project / Proyecto Derechos Civiles at UCLA, August 2012; Sam Dillon, “Racial Disparity in School Suspensions”, The New York Times, September 13, 2010, sec.
- 14) Losen, Daniel J. and Gillespie, Jonathan, *Opportunities Suspended: The Disparate Impact of Disciplinary Exclusion from School*; Russell J. Skiba et al., “The Color of Discipline: Sources of Racial and Gender Disproportionately in School Punishment,” *The Urban Review* 34, no.4 (2002): 317-342,
- 15) “*The Emergence of the School-to-Prison Pipeline Solo*, Small Firm and General Practice Division.” www.americanbar.org. Retrieved 2015-11-16.
- 16) George, J.A. (2015). “Stereotype and School Pushout: Race, Gender, and Discipline Disparities.” *Arkansas Law Review*.
- 17) P.L. Rev. 133(1999-2000) Gun-Free Schools Act of 1994: Zero Tolerance Takes Aim at Procedural Due Process.

- 18) Schept, Wall, Brisman, Judah, Tyler, Avi (2015). *“Building, Staffing, and Insulating: An Architecture of Criminological Complicity in the School-to-Prison Pipeline.”* Social Justice.
- 19) “Stop the School-to-Prison Pipeline”. Editorial. Winter 2011-2012.
- 20) Mauer, Marc. The Sentencing Project. Prepared for the Senate Judiciary Subcommittee on the Constitution, Civil Rights, and Human Rights. Hearing on “Proposals for Reducing Gun Violence: Protecting our Communities while Respecting the Second Amendment”, February 11, 2013.
- 21) Brady, Kevin P.; Balmer, Sharon; Phenix, Deinya (2007-08-01). *“School-Police Partnership Effectiveness in Urban Schools: An Analysis of New York City’s Impact Schools Initiative.”* Education and Urban Society. 39(4): 455-478.
- 22) Knefel, M. *The School-to-Prison Pipeline: A Nationwide Problem for Equal Rights.* Rolling Stone. November 7, 2013.
- 23) U.S. Department of Education Office for Civil Rights; Civil Rights Data Collection: Data Snapshot (School Discipline), March 21, 2014.
- 24) American Psychological Association, “Are Zero-Tolerance Policies Effective in the Schools?: An Evidentiary Review and Recommendation”, American Psychologist (2008): 852-862.
- 25) Amurao, C. Fact Sheet: *How Bad is the School-to-Prison Pipeline?* www.pbs.org
- 26) Sumner, Silverman, and Frampton, *School-Based Restorative Justice as an Alternative to Zero-Tolerance Policies: Lessons from West Oakland.*
- 27) Durlak et. al. A., *“The Impact of Enhancing Students’ Social and Emotional Learning”*
- 28) Osher et al., *“How Can We Improve School Discipline?”*
- 29) Wilson, David B., Gottfredson, Denise C. and Najaka, Stacy S. “School-Based Prevention of Problem Behaviors: A Meta-Analysis,” Journal of Quantitative Criminology 17, no. 3 (2002): 247-272.
- 30) *Teaching Tolerance: A Project of the Southern Poverty Law Center.* The School-to-Prison Pipeline, Number 43: Spring 2013.
- 31) The National Juvenile Justice and Delinquency Prevention Coalition (NJJDPC). Act 4 Juvenile Justice (ACT4JJ). www.act4jj.org
- 32) John Kelly). “Bipartisan Juvenile Justice Bill Would Phase Out Valid Court Order, Demand Data on Isolation”. *The Chronicle of Social Change.* Retrieved 2014-12-12
- 33) *Declines in Youth Commitments and Facilities in the 21st Century.* Policy Brief: Youth Commitments and Facilities. The Sentencing Project.
- 34) Sickmund, M., Sladky, T.J., Kang, W., and Puzzanchera, C. (2015) “Easy Access to the Census of Juveniles in Residential Placement”. Available online: <http://www.ojjdp.gov/ojstatbb/ezacjrp/>
- 35) *Black Lives Matter: Eliminating Racial Inequity in the Criminal Justice System.* The Sentencing Project. Research and Advocacy for Reform. www.sentencingproject.org
- 36) Fact Sheet on My Brother’s Keeper: <https://www.whitehouse.gov/the-press-office/2016/04/22/fact-sheet-my-brothers-keeper-%E2%80%93-two-years-expanding-opportunity-creating>