

# Talking Points: The School-To-Prison Pipeline



## **The school-to-prison pipeline is one of the most important civil rights challenges facing our nation today.**

- The school-to-prison pipeline refers to the national trend of criminalizing, rather than educating, our nation's children.
- The pipeline encompasses the growing use of zero-tolerance discipline, school-based arrests, disciplinary alternative schools, and secured detention to marginalize our most at-risk youth and deny them access to education.

## **Zero-tolerance disciplinary policies are often the first step in a child's journey through the pipeline.**

- Zero-tolerance policies impose severe discipline on students without regard to individual circumstances. Under these policies, children have been expelled for giving Midol to a classmate, bringing household goods (including a kitchen knife) to school to donate to Goodwill, and bringing scissors to class for an art project.
- Even 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 criminals, 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."<sup>1</sup>

- There is no evidence that zero-tolerance policies make schools safer or improve student behavior. On the contrary, research suggests that the overuse of suspensions and expulsions may actually increase the likelihood of later criminal misconduct.<sup>2</sup>

## **Schools today rely on law enforcement, rather than teachers and administrators, to handle minor school misconduct.**

- Growing numbers of school districts employ full-time police officers, or "school resource officers," to patrol middle and high school hallways. With little or no training in working with youth, these officers approach youth as they would adult "perps" on the street, rather than children at school.
- Children are far more likely to be arrested at school than they were a generation ago. The vast majority of these arrests are for non-violent offenses such as "disruptive conduct" or "disturbance of the peace."<sup>3</sup>
- Children as young as five years old are being led out of classrooms in handcuffs for acting out or throwing temper tantrums. Students have been arrested for throwing an eraser at a teacher, breaking a pencil, and having rap lyrics in a locker. These children do not belong in jail.
- The explosion of school-based arrests cannot be attributed to an increase in youth violence. Between 1992 and 2002, school violence actually dropped by about half. Despite the fear generated by a handful of highly publicized school shootings, schools remain the safest places for young people.<sup>4</sup>

- Resources that could be put towards improving under-resourced schools are instead used for security. School districts spend millions of dollars for police officers and security personnel,<sup>5</sup> despite the fact that these very schools are the ones lacking basic educational resources like textbooks and libraries.

## **The rise in suspensions, expulsions, and school-based arrests may be due, in part, to the rise of high-stakes testing.**

- As a result of test-based accountability regimes such as the No Child Left Behind Act, schools have an incentive to push out low-performing students to boost overall test scores. One study found that schools meted out longer suspensions to students who performed poorly on standardized tests than to high-performing students for similar offenses. This "punishment gap" grew substantially during the period of time when standardized tests were administered, indicating that schools may use "selective discipline" to keep low-performing students out of school during testing days.<sup>6</sup>

## **We must demand accountability for the education of all students.**

- In some states, students who have been expelled or suspended have no right to education at all. These children are left to fend for themselves, while the government and school districts are absolved of any responsibility for educating their most at-risk children.

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- In a growing number of jurisdictions, struggling students are sent involuntarily to disciplinary alternative schools. These alternative schools—sometimes run by private, for-profit companies—are not subject to traditional school accountability standards (such as minimum hours and curriculum requirements), and frequently fail to provide meaningful educational services to the students who need them the most. Some lack even the basics, such as teachers and textbooks, and many do not offer high school diplomas upon graduation.

- Students confined in juvenile detention facilities have access to few, if any, educational services.

- Students who enter the juvenile justice system face many barriers blocking their re-entry into traditional schools, and can be haunted by their criminal records later in life. The vast majority of juvenile justice-involved students never graduate from high school, and may be denied student loans, public housing or occupational licenses because of their prior criminal records.

### **Students of color are disproportionately represented at every stage of the school-to-prison pipeline.**

- African-American students are far more likely than their white peers to be suspended, expelled, or arrested for the *same kind of conduct* at school.<sup>7</sup>

- In 2003, African-American youth made up 16% of the nation's overall juvenile population, but accounted for 45% of juvenile arrests.<sup>8</sup>

- There is no evidence that students of color misbehave to a greater degree than white students. They are, however, punished more severely, often for behaviors that are less serious.<sup>9</sup>

### **Students with special needs are disproportionately represented in the school-to-prison pipeline, despite the heightened protections afforded to them under law.**

- Children who have unmet special learning or emotional needs are particularly likely to be pushed out of mainstream schools and into the juvenile justice system.

- While approximately 8.6% of public school children have been identified as having disabilities that impact their ability to learn,<sup>10</sup> a recent survey of correctional facilities found that students with disabilities are represented in jail at a rate nearly four times that.<sup>11</sup>

- Minority students with disabilities are particularly vulnerable, since many schools regard jail as the default special education placement for poor and minority children. African-American students with disabilities are three times more likely to receive short-term suspensions than their white counterparts, and are more than four times as likely to end up in correctional facilities.<sup>12</sup>

## **Endnotes**

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<sup>1</sup> ABA Juvenile Justice Committee, ZERO TOLERANCE POLICY: REPORT (Feb. 2001).

<sup>2</sup> Advancement Project, EDUCATION ON LOCKDOWN: THE SCHOOLHOUSE TO JAILHOUSE TRACK (Mar. 2005), p. 16; Johanna Wald & Dan Losen, "Defining and Re-directing a School-to-Prison Pipeline," NEW DIRECTIONS FOR YOUTH DEVELOPMENT (No. 99, Fall 2003), p. 11.

<sup>3</sup> Advancement Project, EDUCATION ON LOCKDOWN: THE SCHOOLHOUSE TO JAILHOUSE TRACK (Mar. 2005), p. 15.

<sup>4</sup> Advancement Project, EDUCATION ON LOCKDOWN: THE SCHOOLHOUSE TO JAILHOUSE TRACK (Mar. 2005), p. 11.

<sup>5</sup> Advancement Project, EDUCATION ON LOCKDOWN: THE SCHOOLHOUSE TO JAILHOUSE TRACK (Mar. 2005), p. 17.

<sup>6</sup> David N. Figlio "Testing, Crime and Punishment," JOURNAL OF PUBLIC ECONOMICS (Vol. 90 Iss. 4-5, May 2006).

<sup>7</sup> Russel J. Skiba, ZERO TOLERANCE, ZERO EVIDENCE (2000), pp. 11-12; The Advancement Project & The Civil Rights Project, OPPORTUNITIES SUSPENDED: THE DEVASTATING CONSEQUENCES OF ZERO TOLERANCE AND SCHOOL DISCIPLINE POLICIES (June 2000), pp. 7-9; Russell J. Skiba, *et al.*, THE COLOR OF DISCIPLINE: SOURCES OF RACIAL AND GENDER DISPROPORTIONALITY IN SCHOOL PUNISHMENT (2000).

<sup>8</sup> Howard N. Snyder, "Juvenile Arrests 2003," OJJDP JUVENILE JUSTICE BULLETIN (2005), p. 9.

<sup>9</sup> Advancement Project, EDUCATION ON LOCKDOWN: THE SCHOOLHOUSE TO JAILHOUSE TRACK (Mar. 2005), p. 8.

<sup>10</sup> Sue Burrell and Lauren Warboys, "Special Education and the Juvenile Justice System," OJJDP JUVENILE JUSTICE BULLETIN (July 2000), p. 1.

<sup>11</sup> Mary M. Quinn, Robert B. Rutherford, and Peter E. Leone, ERIC Clearinghouse on Disabilities and Gifted Education, STUDENTS WITH DISABILITIES IN CORRECTIONAL FACILITIES (2001).

<sup>12</sup> Johanna Wald and Dan Losen, "Defining and Re-directing a School-to-Prison Pipeline," NEW DIRECTIONS FOR YOUTH DEVELOPMENT (No. 99, Fall 2003).

# Locating the School-to-Prison Pipeline



The “*school-to-prison pipeline*” refers to the policies and practices that push our nation’s schoolchildren, especially our most at-risk children, out of classrooms and into the juvenile and criminal justice systems. This pipeline reflects the prioritization of incarceration over education. For a growing number of students, the path to incarceration includes the following “stops”:

## Failing Public Schools

For most students, the pipeline begins with *inadequate resources in public schools*. Overcrowded classrooms, a lack of qualified teachers, and insufficient funding for “extras” such as counselors, special education services, and even textbooks, lock students into second-rate educational environments. This failure to meet educational needs increases disengagement and dropouts, increasing the risk of later court involvement.<sup>1</sup> Even worse, schools may actually encourage dropouts in response to pressures from test-based accountability regimes such as the No Child Left Behind Act, which create incentives to push out low-performing students to boost overall test scores.<sup>2</sup>

## Zero-Tolerance and Other School Discipline

Lacking resources, facing incentives to push out low-performing students, and responding to a handful of highly-publicized school shootings, schools have embraced *zero-tolerance policies* that automatically impose severe punishment regardless of circumstances. Under these policies, students have been *expelled* for bringing nail clippers or scissors to school. Rates of *suspension* have increased dramatically in recent years—from 1.7 million in 1974 to 3.1 million in 2000<sup>3</sup>—and have been most dramatic for children of color.

Overly harsh disciplinary policies push students down the pipeline and into the juvenile justice system. Suspended and expelled children are often left unsupervised and without constructive activities; they also can easily fall behind in their coursework, leading to a greater likelihood of disengagement and drop-outs. All of these factors increase the likelihood of court involvement.<sup>4</sup>

As harsh penalties for minor misbehavior become more pervasive, schools increasingly *ignore or bypass due process protections* for suspensions and expulsions. The lack of due process is particularly acute for *students with special needs*, who are disproportionately represented in the pipeline despite the heightened protections afforded to them under law.

## Policing School Hallways

Many under-resourced schools become pipeline gateways by placing *increased reliance on police* rather than teachers and administrators to maintain discipline. Growing numbers of districts employ *school resource officers* to patrol school hallways, often with little or no training in working with youth. As a result, children are far more likely to be subject to *school-based arrests*—the majority of which are for non-violent offenses, such as disruptive behavior—than they were a generation ago. The rise in school-based arrests, the quickest route from the classroom to the jailhouse, most directly exemplifies the criminalization of school children.

## Disciplinary Alternative Schools

In some jurisdictions, students who have been suspended or expelled have no right to an education at all. In others, they are sent to *disciplinary alternative schools*.

Growing in number across the country, these shadow systems—sometimes run by private, for-profit companies—are immune from educational accountability standards (such as minimum classroom hours and curriculum requirements) and may fail to provide meaningful educational services to the students who need them the most. As a result, struggling students return to their regular schools unprepared, are permanently locked into inferior educational settings, or are funneled through alternative schools into the juvenile justice system.

## Court Involvement and Juvenile Detention

Youth who become involved in the juvenile justice system are often denied procedural protections in the courts; in one state, up to 80% of court-involved children do not have lawyers.<sup>5</sup> Students who commit minor offenses may end up in secured detention if they violate boilerplate probation conditions prohibiting them from activities like missing school or disobeying teachers.

Students pushed along the pipeline find themselves in *juvenile detention facilities*, many of which provide few, if any, educational services. Students of color—who are far more likely than their white peers to be suspended, expelled, or arrested for the *same kind* of conduct at school<sup>6</sup>—and those with disabilities are particularly likely to travel down this pipeline.

Though many students are propelled down the pipeline from school to jail, it is difficult for them to make the journey in reverse. Students who enter the juvenile justice system face many *barriers to their re-entry* into traditional schools. The vast majority of these students never graduate from high school.

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## Endnotes

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<sup>1</sup> American Academy of Pediatrics, Committee on School Health, "Out-of-School Suspension and Expulsion," *PEDIATRICS* (Vol. 112 No. 5, Nov. 2003), p. 1207. See also: Johanna Wald & Dan Losen, "Defining and Re-directing a School-to-Prison Pipeline," *NEW DIRECTIONS FOR YOUTH DEVELOPMENT* (No. 99, Fall 2003), p. 11.

<sup>2</sup> David N. Figlio "Testing, Crime and Punishment," *JOURNAL OF PUBLIC ECONOMICS* (Vol. 90 Iss. 4-5, May 2006).

<sup>3</sup> Advancement Project, *EDUCATION ON LOCKDOWN: THE SCHOOLHOUSE TO JAILHOUSE TRACK* (Mar. 2005), p. 15.

<sup>4</sup> American Academy of Pediatrics, Committee on School Health, "Out-of-School Suspension and Expulsion," *PEDIATRICS* (Vol. 112 No. 5, Nov. 2003), p. 1207. See also: Johanna Wald & Dan Losen, "Defining and Re-directing a School-to-Prison Pipeline," *NEW DIRECTIONS FOR YOUTH DEVELOPMENT* (No. 99, Fall 2003), p. 11.

<sup>5</sup> ACLU, The Children's Law Center & The Office of the Ohio State Public Defender, *A CALL TO AMEND THE OHIO RULES OF JUVENILE PROCEDURE TO PROTECT THE RIGHT TO COUNSEL* (Jan. 2006), p. 1.

<sup>6</sup> Russel J. Skiba, *ZERO TOLERANCE, ZERO EVIDENCE* (2000), pp. 11-12; The Advancement Project & The Civil Rights Project, *OPPORTUNITIES SUSPENDED: THE DEVASTATING CONSEQUENCES OF ZERO TOLERANCE AND SCHOOL DISCIPLINE POLICIES* (June 2000), pp. 7-9; Russell J. Skiba, *et al.*, *THE COLOR OF DISCIPLINE: SOURCES OF RACIAL AND GENDER DISPROPORTIONALITY IN SCHOOL PUNISHMENT* (2000).

<sup>7</sup> David Osher *et al.*, "Schools Make a Difference: The Overrepresentation of African American Youth in Special Education and the Juvenile Justice System," *RACIAL INEQUITY IN SPECIAL EDUCATION* (Daniel J. Losen & Gary Orfield eds., 2002), p. 98.