EDUCATION NOT INCARCERATION:
INTERRUPTING THE SCHOOL TO PRISON PIPELINE

Nancy A. Heitzeg, Ph.D.

St. Catherine University

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OVERVIEW

"All domination is, in the last instance, maintained
through social control strategies"
(Bonilla-Silva 2001)

- THE SCHOOL TO PRISON PIPELINE: DEFINITIONS

- THE "SCHOOL TO PRISON PIPELINE": THE CONTEXT – Medicalization, Prisonization, and Media

- THE "SCHOOL TO PRISON PIPELINE": EDUCATIONAL PRACTICES & POLICIES – Zero Tolerance

- INTERRUPTING THE SCHOOL TO PRISON PIPELINE: POLICY IMPLICATIONS

THE SCHOOL TO PRISON PIPELINE

DEFINITIONS

"In the last decade, the punitive and overzealous tools and approaches of the modern criminal justice system have seeped into our schools, serving to remove children from mainstream educational environments and funnel them onto a one-way path toward prison.

These various policies, collectively referred to as the School-to-Prison Pipeline, push children out of school and hasten their entry into the juvenile, and eventually the criminal, justice system, where prison is the end of the road.

Historical inequities, such as segregated education, concentrated poverty, and racial disparities in law enforcement, all feed the pipeline. The School-to-Prison Pipeline is one of the most urgent challenges in education today." (NAACP 2005)

- The School to Prison Pipeline – sometimes called the Schoolhouse to Jailhouse Track – refers to the growing pattern of tracking students out of educational institutions via "zero tolerance" policies and tracking them directly and/or indirectly into the juvenile and adult criminal justice systems.

- The School to Prison Pipeline is characterized by a blurring of the distinction between the school system, the juvenile justice system and adult criminal justice and by schools which criminalize minor disciplinary infractions, have a police presence at the school, and rely on suspensions and expulsions for minor infractions.

- Risk of entry into the School to Prison Pipeline is not random. The School to Prison Pipeline disproportionately impacts the poor and youth of color, especially African Americans, who are suspended and expelled at much higher rates than their white peers. (Witt 2007)

- The School to Prison Pipeline is made directly possible by educational policies such as zero tolerance, and is further facilitated by persistent school segregation by race and class, concentrated poverty, inadequate school funding and the pressures of high stakes testing mandated by No Child Left Behind. (NAACP 2005; Hammond 2007)

THE SCHOOL TO PRISON PIPELINE

THE CONTEXT

POLICY SHIFTS & TRENDS:
RACE, CLASS, GENDER & SOCIAL CONTROL

- **Medicalization:** Expansion of the medical model as a treatment industrial complex and an alternative therapeutic system of control for well-to-do white youth and adults e.g. Substance use disorders and DICA (Conrad & Schneider 1992; Diller 1998;Currie 2005)

- **Prisonization:** Corresponding shift to harsh correctional policy for both youth and adults in the context of the War on Drugs and the development of the prison industrial complex (Davis 2002; Mauer & Chesney-Lind 2002)

- **Media Construction of Crime and Criminals:** "The young black male" as super-predator (Sheldon, Tracy and Brown, 2001; Walker, Spohn and DeLone 2007).

MEDICAL

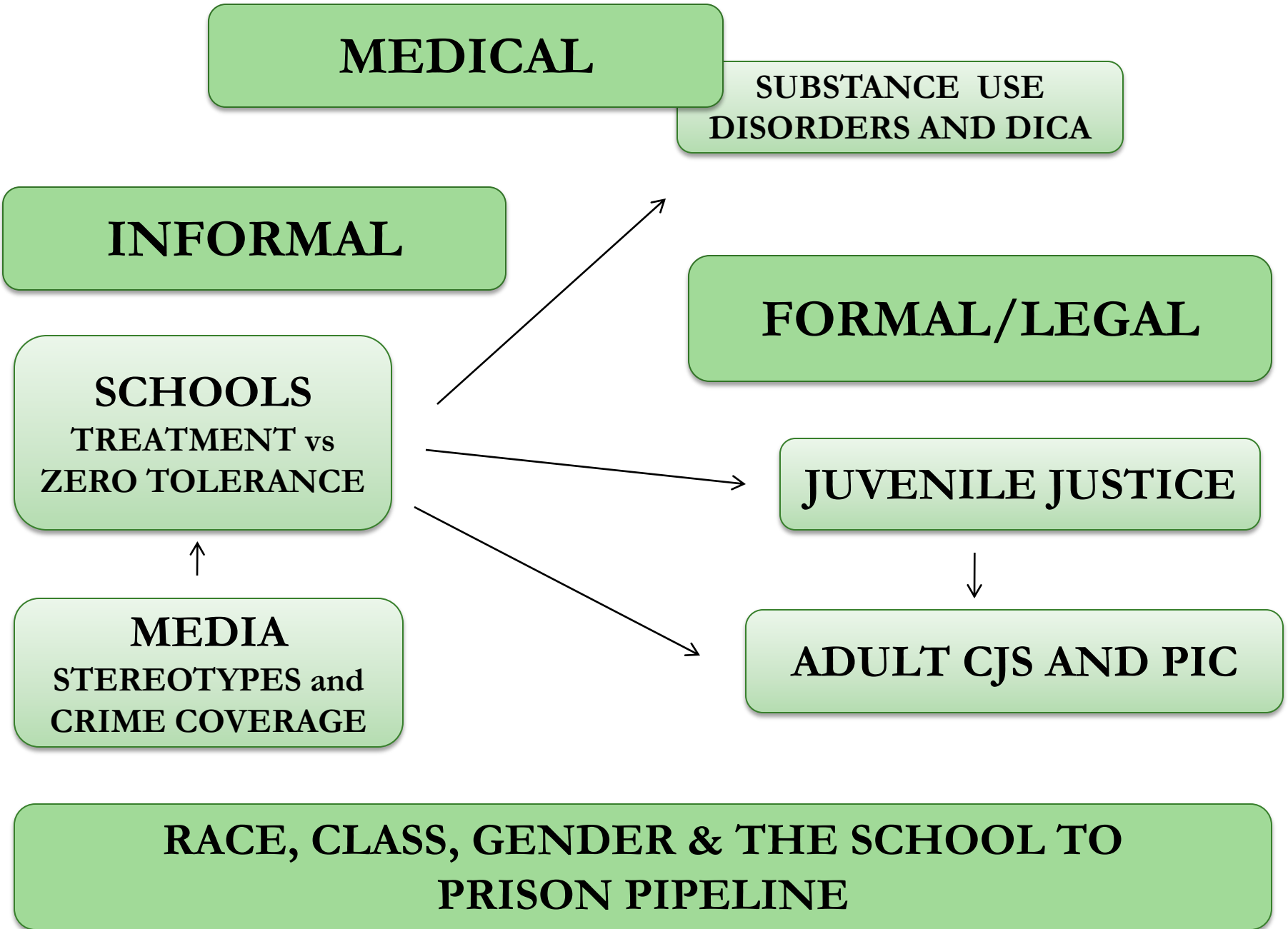**SUBSTANCE USE DISORDERS AND DICA**

INFORMAL

FORMAL/LEGAL

SCHOOLS
TREATMENT vs
ZERO TOLERANCE

JUVENILE JUSTICE

MEDIA
STEREOTYPES and
CRIME COVERAGE

ADULT CJS AND PIC

RACE, CLASS, GENDER & THE SCHOOL TO PRISON PIPELINE

THE SCHOOL TO PRISON PIPELINE

EDUCATIONAL PRACTICES & POLICY

- The School to Prison Pipeline is facilitated by several trends in education that negatively impact students of color-

    - Growing poverty rates and declining school funding

    - Re-segregation of schools by race and class

    - Under-representation of students of color in advanced placement courses and over-presentation in special education tracks

    - NCLB, high stakes testing, and rising Drop-out/Push -out rates

    - Increased reliance on zero tolerance policies

ZERO TOLERANCE POLICIES

- While there is no official definition of the term zero tolerance, generally the term means that a harsh predefined mandatory consequence is applied to a violation of school rules without regard to the ―seriousness of the behavior, mitigating circumstances, or the situational context (APA, 2006).

- Zero tolerance rhetoric became widespread as school officials and community leaders expressed outrage at gang shootings and national media reports about school shootings, even though school crime rates were stable or declining when these policies were implemented.

- The Gun-Free Schools Act of 1994 (GFSA) provided the initial impetus for zero tolerance policies. Subsequent changes in many state laws and local school district regulations broadened the GFSA focus on firearms to apply to many other kinds of weapons.

- The GFSA mandates that all schools that receive federal funding must 1) have policies to expel for a calendar year any student who brings a firearm to school or to school zone, and 2) report that student to local law enforcement, thereby blurring any distinction between disciplinary infractions at school and the law.

- Many schools have adopted what are called zero-tolerance policies - largely directed towards weapons, alcohol/drugs, threatening behavior, and fighting on school premises, and as the name implies, indicate zero-tolerance for any infractions. (Skiba 2001)

- Zero-tolerance policies are associated with an increased police and security presence at school, metal detectors, locker and person searches and all the accoutrements of formal legal control. Violators- disproportionately Black and Latino-are suspended, expelled, and increasingly arrested and charged in juvenile court as a result. (ABA 2001)

- Zero tolerance policies have generally involved harsh disciplinary consequences such as long-term and/or permanent suspension or expulsion for violations involving drugs, alcohol, aggression/fighting, and having weapons, but have also been applied to minor or non-violent violations of rules such as tardiness and disorderly conduct.

- According to data from the U.S. Department of Education and the Center for Safe and Responsive Schools, at least 75% of schools report having zero tolerance policies for such serious offenses as:

  - firearms (94%)
  - weapons other than firearms (91%)
  - alcohol (87%)
  - drugs (88%)
  - violence (79%)
  - tobacco (79%)

IMPACT OF ZERO TOLERANCE POLICIES

- 1) INCREASED RATES OF SUSPENSIONS AND EXPULSIONS – national rates have risen even though school violence generally has been stable or declining.

- Annually, there are over 3 million suspensions and approximately 100,000 expulsions each year. Nearly seven of every thousand pre-schoolers is expelled from state-funded pre-school programs - over three times the rate of expulsions in grades K-12 (NAACP 2005).

- A high rate of repeat suspensions that may indicate that suspension is ineffective in changing behavior for challenging students.

- 2) ELEVATED DROPOUT RATES – rates are directly related to the repeated use of suspension and expulsion - the most likely consequence of suspension is additional suspension. (NASP 2001)

- Zero tolerance is used to push out allegedly low-performing youths in an era of high-stakes testing

- Recent studies show how schools have raised test scores by "losing" large numbers of low-scoring students. In one city, scores soared while tens of thousands of students--mostly African-American and Latino--disappeared from school. Educators reported that exclusionary policies were used to hold back, suspend, expel or counsel out students in order to boost scores (Hammond 2007)

- Students from historically disadvantaged minority groups (American Indian, Hispanic, and Black) have little more than a fifty-fifty chance of finishing high school with a diploma. By comparison, graduation rates for Whites and Asians are 75 and 77 percent nationally. (Orfield and Lee 2007)

- Students in intensely segregated (90-100%) minority schools are more than four times as likely to be in predominantly poor schools than their peers attending schools with less than ten percent minority students (84% compared to 18%)". (Orfield and Lee 2007)

- 3) RACIAL DISPROPORTIONALITY- Black students receive more harsh punitive measures (suspension, expulsion, corporal punishment) and less mild discipline than their non-minority peers for the same conduct, even when controlling for Socio-economic Status. (ABA 2005)

- While African American students make up 17% of all school age youth, they account for 37% of suspensions and 35% of all expulsions. (Witt 2007).

- Black students are suspended and expelled at nearly three times the rate of white students. In some states, the disparities are even more glaring, with black students expelled at 6 times the rate of whites (Witt 2007).
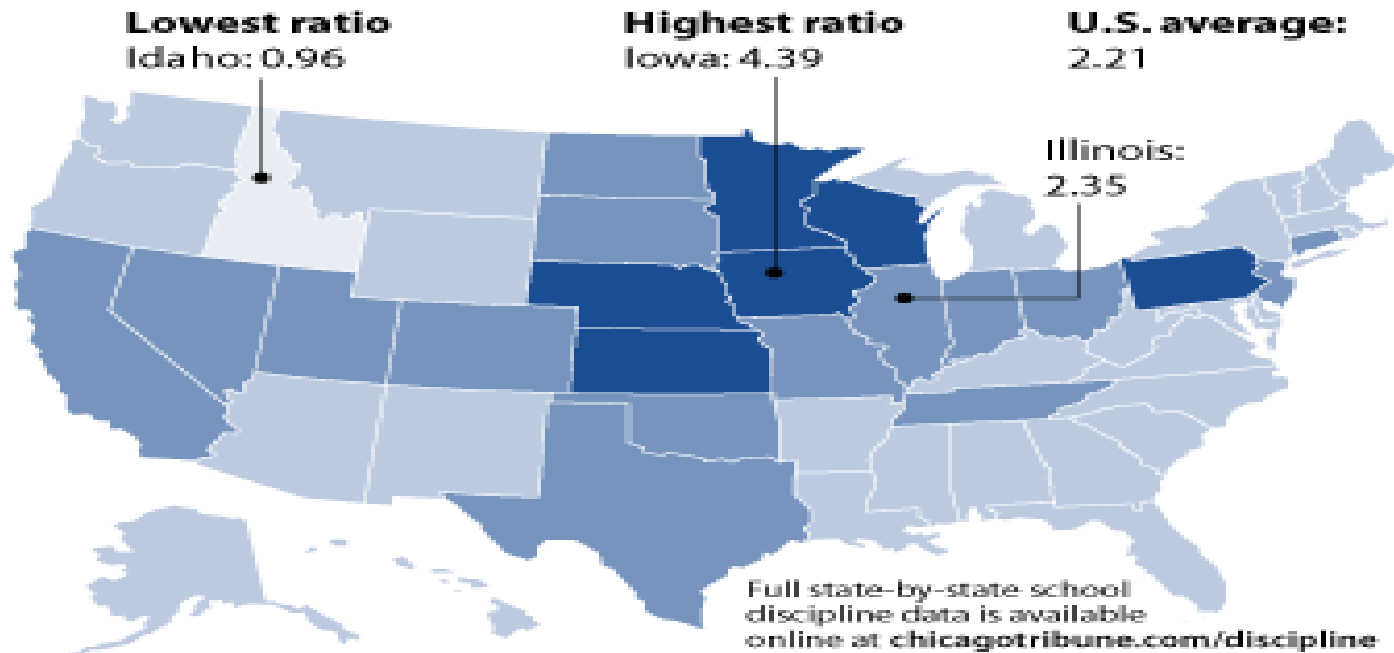
School discipline and race

In every state except Idaho, black students were disciplined at a higher rate than their proportion of the student body. For example, in Illinois, where 20 percent of all students are black, they might be expected to make up 20 percent of all students receiving suspensions. Instead, they make up 47 percent of students receiving suspensions, or 2.35 times the percentage expected.

BLACK STUDENT SUSPENSIONS

Ratio of percentage of black student suspensions to percentage of black student enrollment

Less than 1 | 1–1.99 | 2–2.99 | 3 or more

Lowest ratio
Idaho: 0.96

Highest ratio
Iowa: 4.39

U.S. average:
2.21

Illinois:
2.35

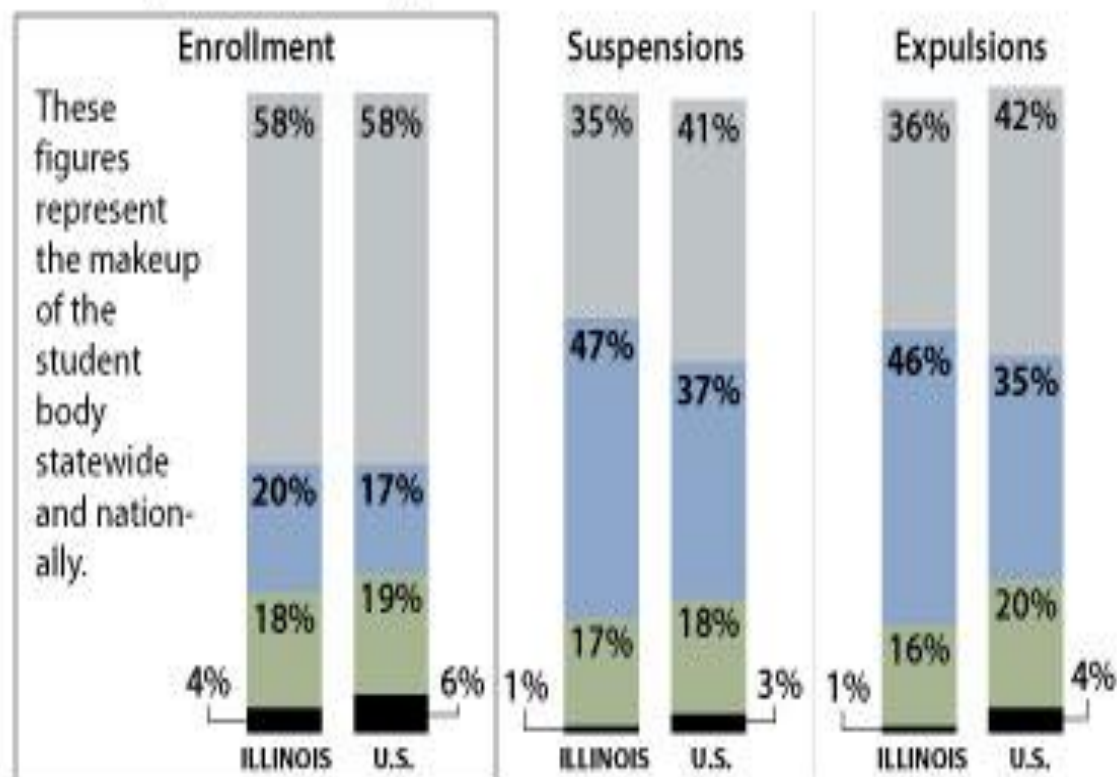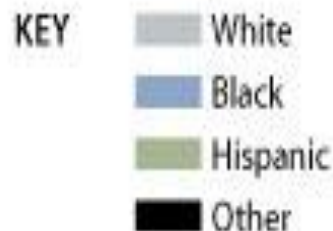Full state-by-state school discipline data is available online at **chicagotribune.com/discipline**

Source: Tribune analysis of Department of Education data for the 2004-05 school year

Chicago Tribune

Suspensions and expulsions by race/ethnicity

U.S. Department of Education statistics show that black students are disciplined at a much higher rate than students of other races. In Illinois, this disparity is slightly greater than the national average.

KEY
- White
- Black
- Hispanic
- Other

Enrollment

These figures represent the makeup of the student body statewide and nationally.

ILLINOIS
- 58%
- 20%
- 18%
- 4%

U.S.
- 58%
- 17%
- 19%
- 6%

Suspensions

ILLINOIS
- 35%
- 47%
- 17%
- 1%

U.S.
- 41%
- 37%
- 18%
- 3%

Expulsions

ILLINOIS
- 36%
- 46%
- 16%
- 1%

U.S.
- 42%
- 35%
- 20%
- 4%

Note: Totals may not add up to 100 percent due to rounding.

Source: Tribune analysis of Department of Education data for the 2004-05 school year

Chicago Tribune

- 4) LEGAL AND CONSTITUTIONAL QUESTIONS- there is statutory vagueness, inconsistent application of zero tolerance policies and lack of due process for searches/seizures and arrests that occur on school property (ABA 2005)

- Turning schools into "secure environments" – replete with drug-sniffing dogs, searches and school-based police- lowers morale and makes learning more difficult. (Advancement Project 2006)

- Zero tolerance has a growing number of legal challenges, including the recent U.S. Supreme Court case, *Safford Unified School District #1 et al. v. Redding,* which barred some school strip searches for drugs. (Arum & Preiss 2009)

School Discipline Methods Questioned in Courts

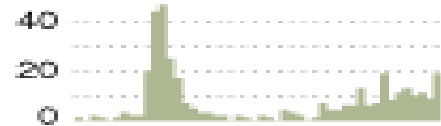More cases are being heard in appeals courts as schools try to buckle down on drugs and violence.

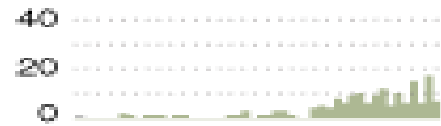**School discipline cases decided by state and federal appeals courts**
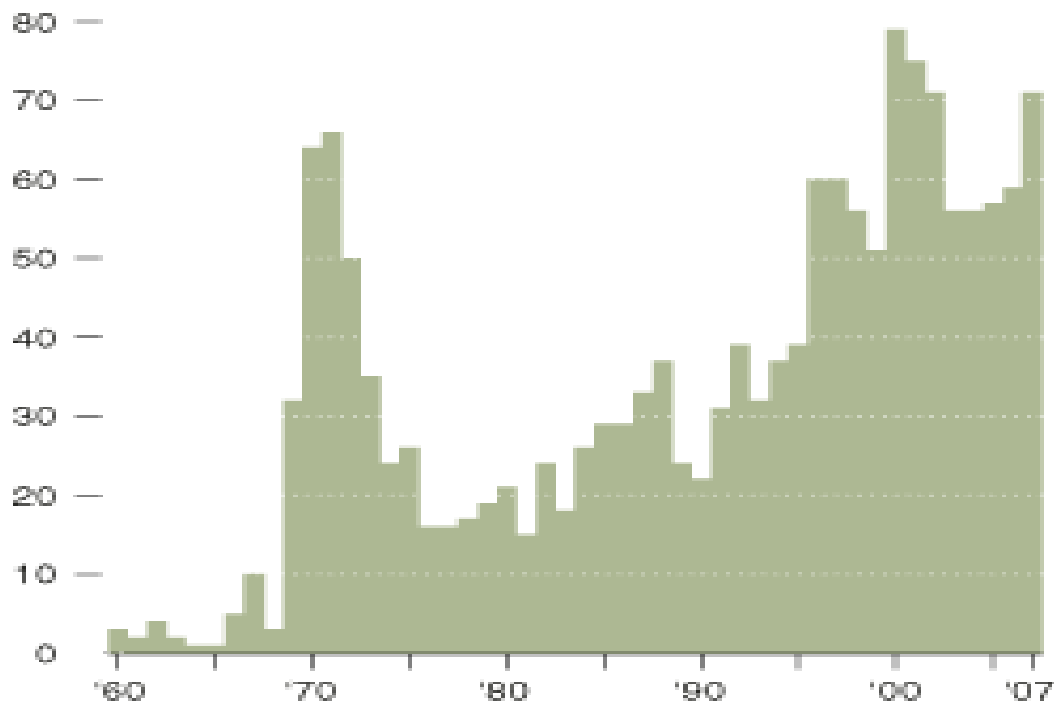
Source: Richard Arum and Doreet Preiss, N.Y.U. Department of Sociology
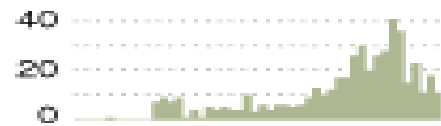
Cases involving...

Politics

Disability

Violence

Drugs
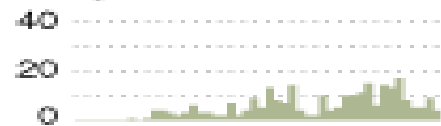
Alcohol
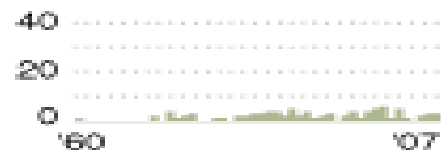
INTERRUPTING THE SCHOOL TO PRISON PIPELINE

CRITICAL RESISTANCE
JOIN THE STRUGGLE TO END THE PRISON INDUSTRIAL COMPLEX

"The most difficult and urgent challenge of today is that of creatively exploring new terrains of justice, where the prison no longer serves as our major anchor."

(Davis 2003)

RECOMMENDATIONS

- LEGISLATIVE/LEGAL

    - State legislatures must clarify statutes pertaining to the referral of students to law enforcement agencies.

    - Schools must cease criminalizing students for trivial behaviors that can be handled by traditional, educationally-sound school disciplinary measures.

    - Schools should notify students and parents under what circumstances the law requires, or standard practice dictates, referral of students to law enforcement agencies and for what conduct.

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- School districts should improve data collection of arrest/summons data and should monitor referrals to law enforcement to root out subjective, unnecessary, and discriminatory referrals

- School districts must be sensitive to the experiences communities of color have had with law enforcement.

- Schools should implement policies that require that parents, or an adult advocate for the student, be present for any questioning of children where it is possible that criminal charges may be filed.

- Students should be routinely advised of their *Miranda* rights where criminal charges may be filed. (Advancement Project 2006)

- EDUCATIONAL
  - Avoid incorporating harsh automatic consequences that do not consider mitigating circumstances into school codes of conduct for specific violations, or remove these restrictions if already in place.
  - Employ a wide variety of disciplinary consequences in student codes of conduct, and indicate that the use of these should be tailored to the specific circumstances of the student and the violation.
  - Specify graduated categories of inappropriate or undesirable behaviors, and align them with categories of consequences - this is a more desirable than specifying punishments for each behavior.

- Minimize the use of exclusionary disciplinary punishments and include an amnesty clause where non-violent students who inadvertently bring banned objects to school or find them can give them to a school official without fear of punishment. (CPSV 2008)

- Schools should utilize their mental health experts - school psychologists, counselors and social workers - to research and develop discipline policies and positive behavior training strategies

- Alternatives to zero tolerance should involve families and community resources, include violence prevention, social skills training, and early intervention strategies. (NASP 2008)

- SOCIETAL
  - Return to a separate, less punitive juvenile justice system
  - A legal system guided by reparative justice rather than retribution and an end to policies of mass incarceration
  - End to mandatory minimum sentencing for non-violent offenders
  - Decriminalization of drugs and treatment rather than punishment for those who are addicted.
  - Abolitionist alternatives to the prison industrial complex and the death penalty (Justice Policy Institute 2008; Council on Crime and Justice 2008)

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POLICY IMPLICATIONS

"The most difficult and urgent challenge of today is that of creatively exploring new terrains of justice, where the prison no longer serves as our major anchor."

(Davis 2003)

MEDICALIZATION

- The treatment of mental illness is now a multi-billion dollar industry, privatized and driven by the wide-spread use of pharmaceuticals to treat nearly every major affliction. (APA 2008; Conrad and Schneider 1992)

- Access to this model requires insurance or sufficient wealth to accommodate psychiatrists, $50,000+ stays at private treatment facilities, and psychotropic medications. (Currie 2005; Safer and Malever 2001)

- Class, insurance coverage, and race are key indicators of who receives treatment. Racial disparities exist in the diagnosis and treatment of ADHD as well as other Disruptive Behavior Disorders, with the indication that teachers were most likely to expect and define ADHD as an issue for white boys. (Currie 2005; Safer and Malever 2001)

- The expansion of the medical model creates new opportunities for the diversion of white and middle-class children and adults from the juvenile and criminal justice systems. Their substance use, their disruptive behavior, their deviance may now be defined as an addiction and a disease, not as a disciplinary infraction or a crime.

- The existence of a therapeutic medical alternative also makes the rise of the punitive state of juvenile and adult criminal justice possible, and creates the context for the escalating risks for youth of color by insuring that their white counter-parts may not be caught in the same legal net.

PRISONIZATION AND THE PIC

- The U.S. has the highest incarceration rate in the world – 1 in 100 adults is in prison or jail. (PEW 2008)

- For every 100,000 in the population, there are 751 people in Federal or state prisons or in jail. (PEW 2008)

- Another 5 million, 1 in 31, are under some other correctional supervision (BJS Statistics (2007)

USA INMATES
(PEW 2008)

- 1970, 200,000
- 1980, 500,000
- 1990, 1.1 million
- 2000, 2 million
- 2005, 2.3 million
- 2008, 2.4 million

- Despite no statistical differences in rates of offending, the poor and people of color, particularly African Americans, are over-represented in these statistics at every phase of the criminal justice system. (Walker, Spohn & DeLone 2008)

- 50% of all prisoners are African American, 30% are white and 20% are Latino. 50-70% of all inmates are sentenced for non-violent crimes (Bureau of Justice Statistics 2007)

- 1 in 31 adults is under correctional supervision and 1 in every 100 adults is in prison as are 1 in every 36 Latino adults , one in every 15 black men, 1 in every 100 black women, and 1 in 9 black men ages 20 to 34 (Pew 2008)
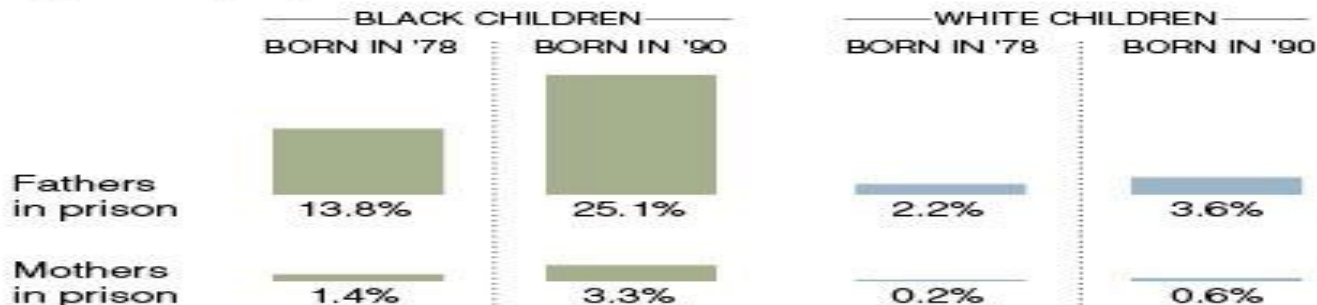
- African Americans, while representing 17% of the youth population, account for 45% of all juvenile arrests. (NAACP 2005)

- Black youth are 2 times more likely than white youth to be arrested, to be referred to juvenile court, to be formally processed and adjudicated as delinquent or referred to the adult criminal justice system, and they are 3 times more likely than white youth to be sentenced to out-of –home residential placement.(Panel on Justice 2001 Walker, Spohn and Delone 2007)

- Black youth are increasingly likely to have a parent in prison -- Among those born in 1990, one in four black children, had a father in prison by age 14. Risk is concentrated among black children whose parents are high-school dropouts; 50% of those children had a father in prison (Wildeman 2009)

The Incarceration Generation

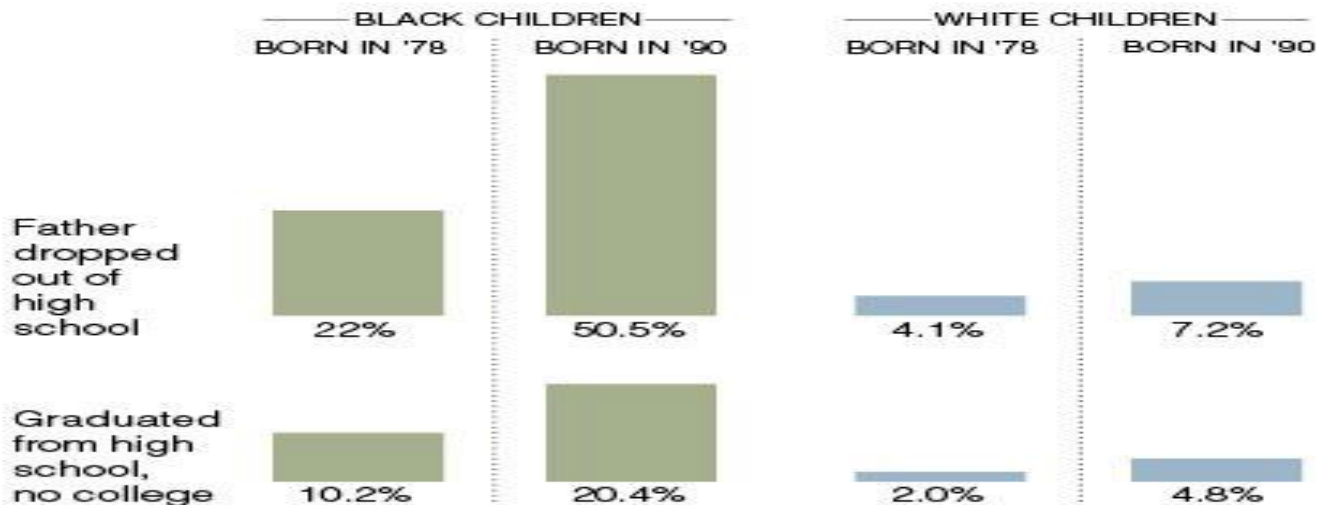The rise in the adult prison population has increased the share of children with a parent in prison.

Children with parents in prison by age 14

A child born in 1990 was more likely to have had a parent in prison by age 14 than one born in 1978, and black children had a significantly higher chance than whites.

	BLACK CHILDREN		WHITE CHILDREN	
	BORN IN '78	BORN IN '90	BORN IN '78	BORN IN '90
Fathers in prison	13.8%	25.1%	2.2%	3.6%
Mothers in prison	1.4%	3.3%	0.2%	0.6%

Children with fathers in prison, by fathers' education level

More than half of black children born in 1990 to high school dropouts had their father imprisoned by age 14.

	BLACK CHILDREN		WHITE CHILDREN	
	BORN IN '78	BORN IN '90	BORN IN '78	BORN IN '90
Father dropped out of high school	22%	50.5%	4.1%	7.2%
Graduated from high school, no college	10.2%	20.4%	2.0%	4.8%

Sources: Demography, "Parental Imprisonment, the Prison Boom, and the Concentration of Childhood Disadvantage" by Christopher Wildeman

THE NEW YORK TIMES

- **The prison industrial complex is a self-perpetuating machine where the vast profits** (e.g. cheap labor, private and public supply and construction contracts, job creation, continued media profits from exaggerated crime reporting and crime/punishment as entertainment) **and perceived political benefits** (e.g. reduced unemployment rates, "get tough on crime" and public safety rhetoric, funding increases for police, and criminal justice system agencies and professionals) **lead to policies that are additionally designed to insure an endless supply of "clients" for the criminal justice system** (e.g. enhanced police presence in poor neighborhoods and communities of color; racial profiling; decreased funding for public education combined with zero-tolerance policies and increased rates of expulsion for students of color; increased rates of adult certification for juvenile offenders; mandatory minimum and "three-strikes" sentencing; draconian conditions of incarceration and a reduction of prison services that contribute to the likelihood of "recidivism"; "collateral consequences"-such as felony disenfranchisement, prohibitions on welfare receipt, public housing, gun ownership, voting and political participation, employment- that nearly guarantee continued participation in "crime" and return to the prison industrial complex following initial release.) (Brewer and Heitzeg 2008)

MEDIA

- Television news in particular dramatically over-represents violent crime, youth crime and African American and Latino males as violent offenders. (Entman and Rojecki, 2000)

- Blacks are 4 times more likely than whites to be seen in a mug shot; twice as likely to be shown in physical restraints; and 2 times less likely to be identified by name. (Entman and Rojecki, 2000).

- TV news coverage of crime over-represents black males as offenders, under-represents them as crime victims, and dramatically over-estimates black on white violence. (Dorfman and Scharldi, 2001).

- Media generated hysteria inextricably linked gang-violence and the crack cocaine "epidemic" became in the late 1980s and throughout the 1990s and were unmistakably characterized as issues of race. The coverage of the youth gangs, which focused almost exclusively on African American and Latino gangs, exaggerated the extent of gang membership and gang violence, contributing the creation of "moral panic" (McCorkle and Miethe 2000).

- Gangs, crack and youth of color became synonymous, and ushered in a series of harsh legislative responses (Sheldon, Tracy and Brown, 2001; Walker, Spohn and DeLone 2007).

- Widespread acceptance of this stereotype by the general public has implications for everyday interactions that these boys and men have in public places, with employers, with teachers, with public officials, and with the police. (Walker, Spohn and DeLone 2007).

- "We must give serious consideration of 'abolitionist' strategies to dismantle the prison system … which preserves existing structures of racism as well as creates new ones…

  This is no more outlandish than the fact that race and economic status play more prominent roles in shaping the practices of social punishment than does crime.."

  (Davis 1998: 105)