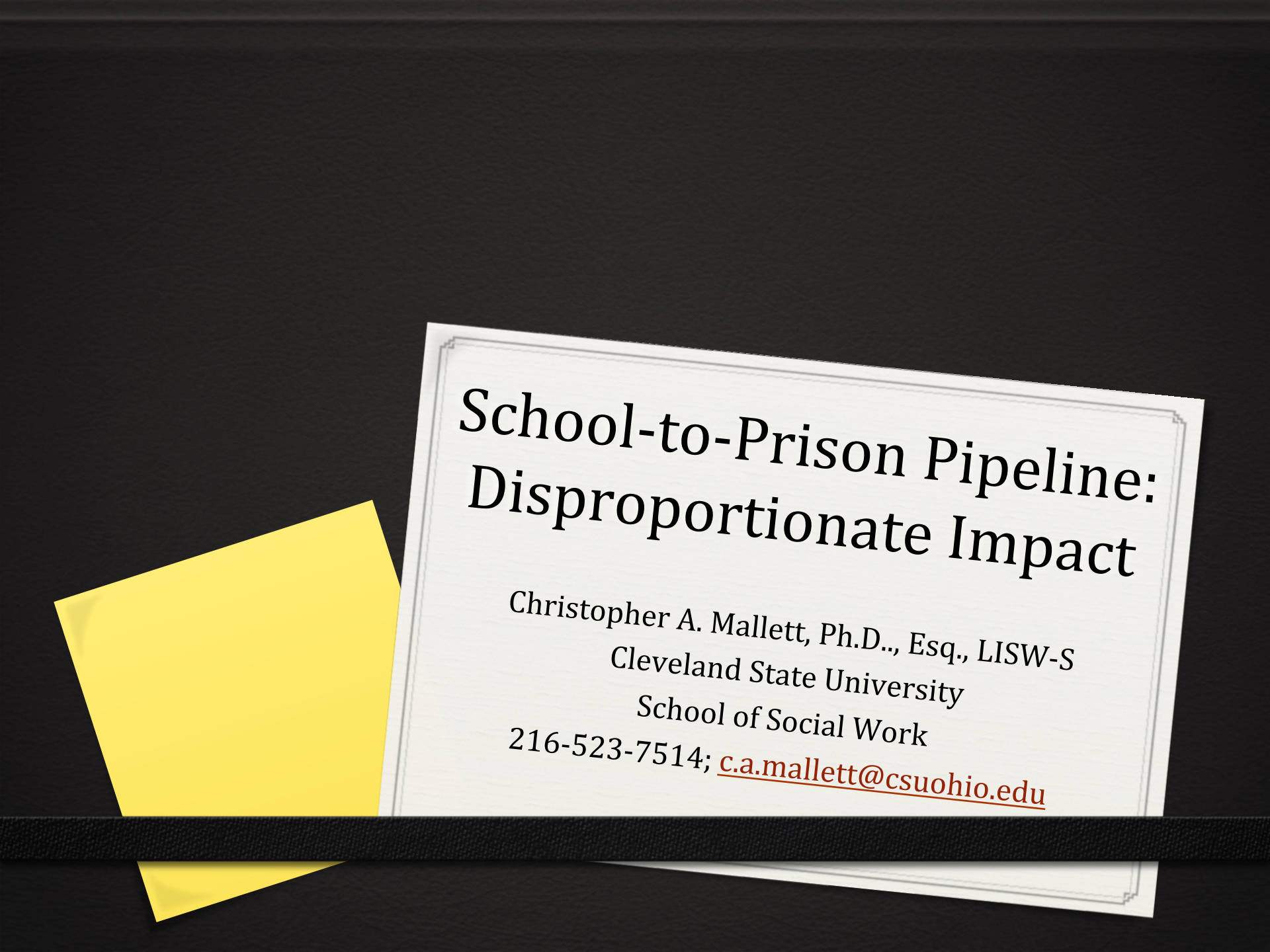




School-to-Prison Pipeline: Disproportionate Impact

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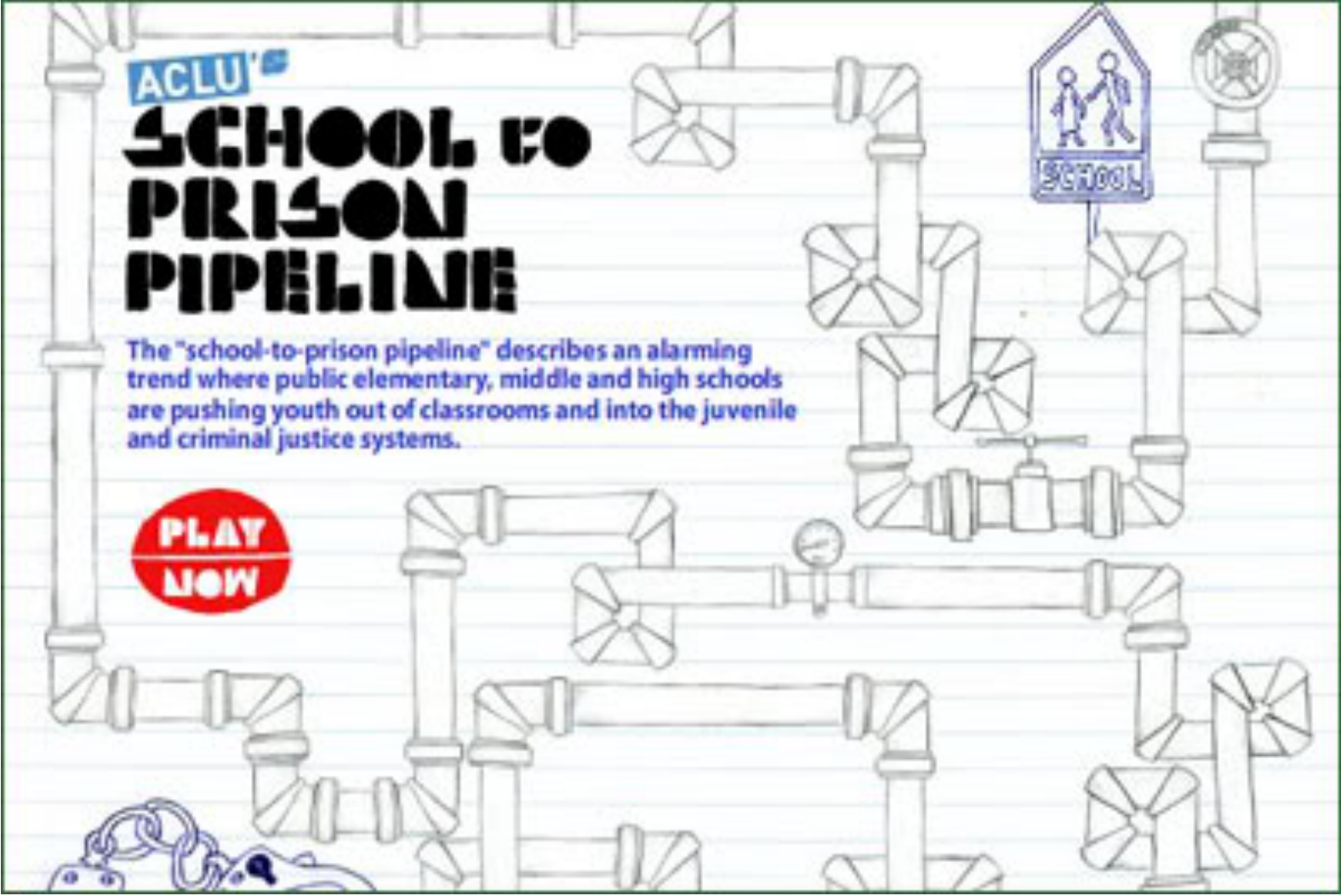
School-to-Prison Pipeline

- 0 The United States school districts and juvenile courts were never intended to operate in a collaborative paradigm.
- 0 Unfortunately, over the past thirty years a partnership among schools and courts has developed through a punitive and harmful framework, to the detriment of many vulnerable children and adolescents.
- 0 This phenomenon is often referred to as the “school-to-prison pipeline” or “school pathways to the juvenile justice system.”



School-to-Prison Pipeline

- 0 This pipeline is best understood as a set of policies and practices in schools that make it more likely that students face criminal involvement with the juvenile courts than attain a quality education.
- 0 It is not a “pipeline” for all; but increase the risk for many and seriously increase the risk for some students.



ACLU's

SCHOOL TO PRISON PIPELINE

The "school-to-prison pipeline" describes an alarming trend where public elementary, middle and high schools are pushing youth out of classrooms and into the juvenile and criminal justice systems.

PLAY
NOW

Pipeline Formation Reasons

- 0 The movement in the 1980s toward a tough on crime approach in both adult and juvenile courts;
- 0 Rising rates of juvenile arrests for violent crimes in the 1980s and concerns, though incorrect, that young people were increasingly dangerous;
- 0 Passage and enactment of the 1994 Gun Free Schools Act;
- 0 The impact and aftermath of the 1999 Columbine, and other, school shootings;
- 0 Establishment of zero tolerance disciplinary policies across most schools nationwide;
- 0 The increased utilization and federal funding of police officers (school resource officers) in schools;
- 0 Declining school funding;
- 0 The No Child Left Behind's (NCLB) focus on test scores and related consequences.

Harsh Discipline Systems

- 0 Most of the young people involved in these harsh discipline systems among the schools and juvenile courts need not be, for they are minimal safety risk concerns.
- 0 In other words, most students pose little to no threat of harm to other students, their schools, or their communities.
- 0 However, those students involved in the pipeline, and in particular those who are suspended or expelled from school or subsequently held in juvenile justice facilities, have complicated problems and poor long-term outcomes.

Harsh Discipline Systems

- 0 These problems, though, are often part of the explanation for the children and adolescents' initial involvement in the discipline systems: poverty, trauma, mental health difficulties, and/or developmental and cognitive deficits, among others.
- 0 For those students ultimately disciplined within the school-to-prison pipeline, it is a system that is difficult to escape.



Impacts all Students

- 0 A majority of students in the United States' primary and secondary schools are impacted by the criminalization of education – security guards, school resource officers, security cameras, inflexible discipline codes, and subsequent school punishment rigidity.
- 0 Most students experience these security and discipline-focused measures throughout their school day as a normative routine.

Punitive Environments make Schools Less Safe

- 0 Though this punitive environmental norm is harmful to many students' learning, academic environment, and socio-emotional development, as well as the overall school climate.
- 0 These measures, counterintuitively to many, make schools less safe.





Punitive Environments make Schools Less Safe

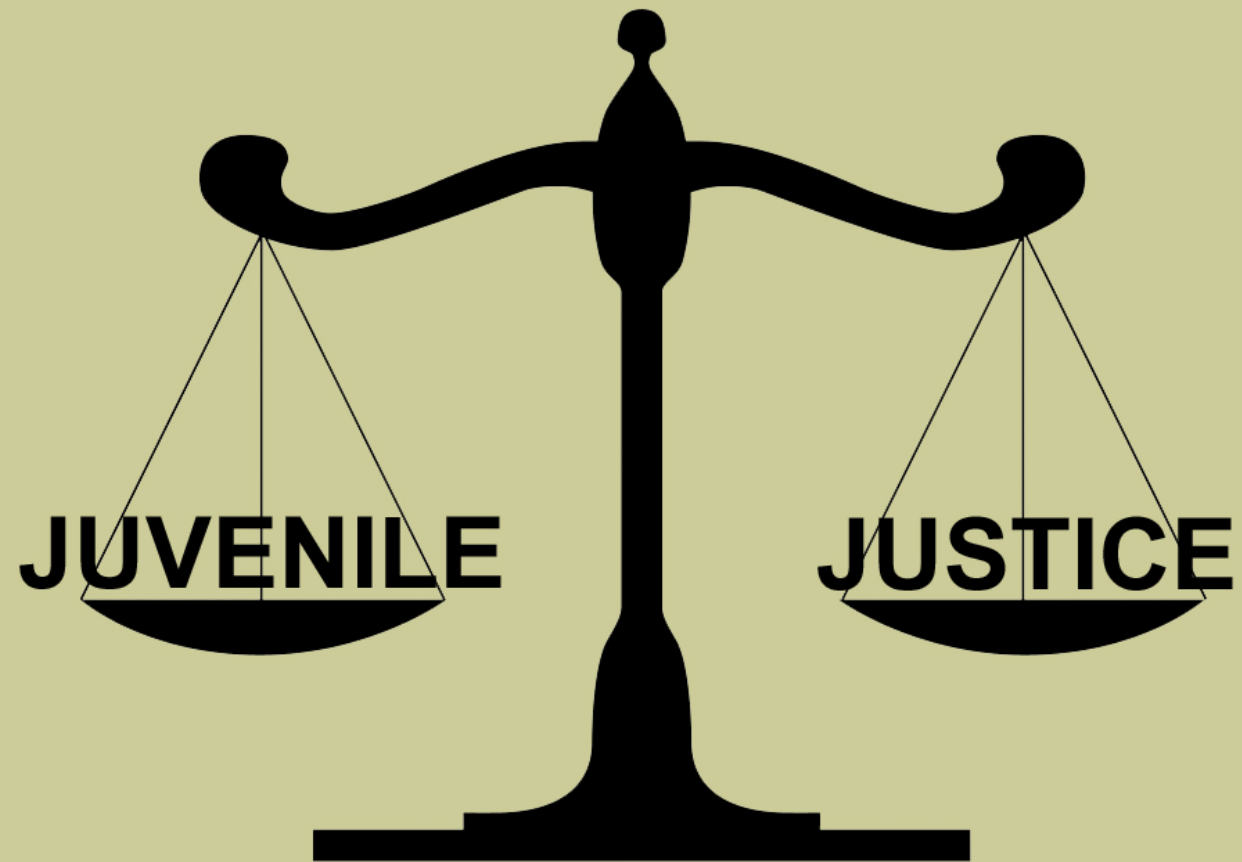
- 0 The past twenty-year shift toward strict and controlling school discipline and subsequent establishment of the school-to-prison pipeline were not well planned policies or have equitable outcomes.
- 0 The use of certain security measures within schools – cameras, metal detectors, security guards, and school resource officers – are more commonly found in urban, inner-city environments; neighborhoods that more often struggle with poverty and its insidious impact on families.

School-to-Prison Pipeline

- 0 The discipline protocols and prison-like school environments in these schools are likely to harm the students more harshly than schools with fewer discipline measures or less discipline protocol rigidity .
- 0 However, the pipeline has been established across most schools.

Pipeline Impact - National

- 0 Of the forty-nine million United States students enrolled in the 2011-2012 academic year:
 - 0 3.5 million students experienced in-school detention,
 - 0 1.9 million students were suspended for at least one day,
 - 0 1.6 million students were suspended more than one time, and
 - 0 130,000 students were expelled
- 0 This represents 2.4 percent of all elementary-aged students and 11.3 percent of all secondary school-aged students who were suspended during the 2011-2012 academic year.



Juvenile Court

- 0 In 2010, over 2.1 million young people under the age of eighteen were arrested leading to the juvenile courts handling of almost 1.3 million delinquency cases involving youthful offenders charged with criminal offenses.
- 0 The juvenile courts processed nearly 150,000 status offense cases, acts that are only illicit for minors and not for adults:
 - 0 truancy (36 percent)
 - 0 liquor law violations (22 percent)
 - 0 ungovernability (12 percent)
 - 0 running away (11 percent)
 - 0 curfew violations (ten percent)
 - 0 other (nine percent)

Disproportionate Impact

- 0 It is clear there are common experiences and difficulties for being involved in school discipline and the juvenile justice system across certain vulnerable children and adolescents, with similar risks within their families, in schools, with peers, and in neighborhood settings.
- 0 These risks, experiences, and problems make it much more likely for the young person to have school problems, peer issues, family difficulties, and police and juvenile court involvement – and for some this means involvement in the school-to-prison pipeline.

Poverty

- 0 Lower-income and poor students, who are also disproportionately children and adolescents of color, are more likely to be punished in school, and with harsher discipline, than middle-class students.
- 0 More specifically, almost 22 percent of those under the age of 18 were living in poverty in 2012 (over 16 million), an increase of 34 percent since 2000.
- 0 More than one in three Hispanic and African-American children and adolescents were poor compared to one in eight Caucasian children and adolescents . . .
 - 0 with a greater disparity for those living in extreme poverty – one in five African-American and one in seven Hispanic children

Poverty

- 0 While students in poverty are over-represented in populations that experience more school discipline, poverty is not an explanatory or a correlative reason for these outcomes.
- 0 The relationship between poverty and school disruption or behavioral disorders is quite small.
- 0 In other words, significant racial disparities in school suspension and expulsions have been consistently found after controlling for poverty.

Poverty

- 0 Schools are the safest environment for children and adolescents and can maintain security in poor, middle-class, or wealthy neighborhoods, for safety is based on school climate, relationships, academic supports, and trust across stakeholders.
- 0 Poverty, and other related neighborhood problems like crime, is less important than these school supports in keeping children and adolescents in school and academically successful.



Children of Color

- 0 Over the past three decades, reviews have found minority students to be significantly more at risk than Caucasian students for school discipline, harsher outcomes, and involvement in the school-to-prison pipeline.
- 0 These are not new problems for African-American students, though historical investigations are less complete for other minority groups, including Hispanic and Native-American students.
- 0 Nonetheless, since 1975, African-American students have been suspended from school at two to three times the rates of Caucasian students, with some finding significantly higher disparities.

Children of Color

- 0 These disparities are found across the continuum of school procedures, school locations, and school districts.
- 0 More specifically, African-American students, particularly males, are three and a half times more likely to be suspended or expelled than their peers;
- 0 with one in five African-American male students being suspended out of school for at least one day during the 2012 school year).
- 0 As noted, these disparities cannot be explained by higher rates of student misbehavior or the difficulties of living in poverty.

Children of Color

- 0 These disparities are also found, though to lesser degrees, for Hispanic and Native American students as well as English language learning students, depending on the location of the school district.
- 0 Nationwide, African-American students constitute 18 percent of students but represent 39 percent of expulsions and 42 percent of referrals to law enforcement while in school; and in more disparate contrast
- 0 African-American and Hispanic students constitute 42 percent of students but account for 72 percent of those arrested for school-related offenses.



DMC

- 0 There are also disproportionate impacts on youthful offenders of color involved with the juvenile courts. Adolescents of color are over-represented at each decision-making point within the juvenile justice system, from arrest to charges to disposition, with the greatest disparities the further a youthful offender penetrates the system.
- 0 This problem is known as disproportionate minority contact:
 - 0 African-American youthful offenders are referred to the juvenile courts for delinquency adjudication at a rate 140 percent greater than Caucasian youthful offenders.
 - 0 And if adjudicated and probation supervised youthful offenders continue through the juvenile justice system to residential placement, the disparity is stark: African-Americans and Hispanics represent one-third of this country's adolescent population, but more than two-thirds held in the juvenile incarceration facilities.



DMC - Incarceration

- 0 More specifically, these incarcerated youthful offenders are older adolescents (16- and 17-year olds), minority (68 percent), and male (87 percent). Of the youthful offenders incarcerated who are minorities, approximately 60 percent are African-American, 33 percent are Hispanic, and, depending on the jurisdiction, between one and four percent is American Indian or Asian/
- 0 An African-American youthful offender is six times more likely to be incarcerated and a Hispanic youthful offender three times more likely than Caucasian youthful offenders, even when controlling for other explanatory variables.

Special Education Disabilities

- 0 Students with special education disabilities, as prescribed and directed by the Individuals with Disabilities Education Act (IDEA), are entitled to receive a free appropriate, public education in the least restrictive education environment.
- 0 Children and adolescents across a wide range of difficulties are protected by this federal law, but many are being inappropriately removed from the classroom and schools through harsh discipline practices
- 0 The primary concern for those over-represented in the pipeline and the juvenile courts are students with emotional disturbances and or learning disabilities.

Special Education Disabilities

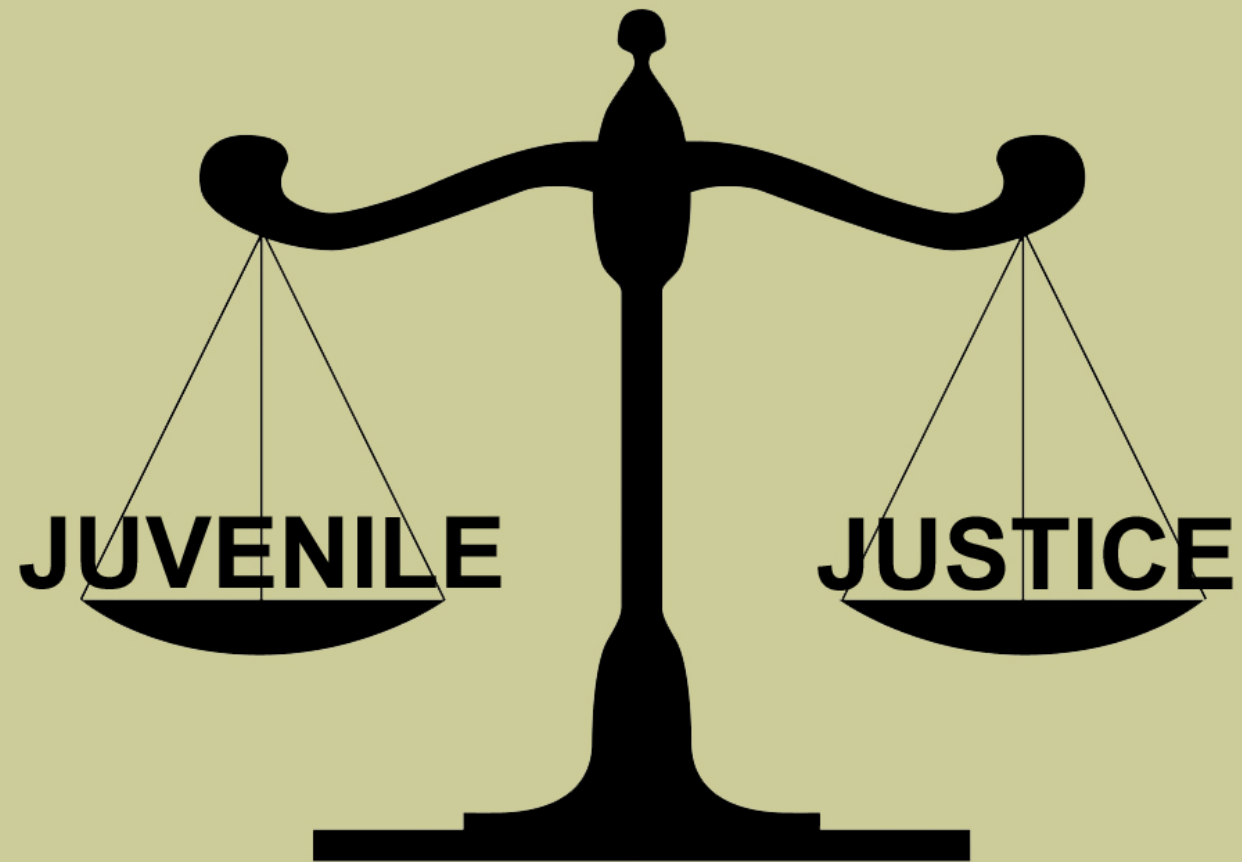
- 0 It is well established that students with learning disabilities have a two to three times greater risk than students without these disabilities of being involved in offending and delinquent activities and to have higher recidivism rates.
- 0 The risk for students of color to be diagnosed with learning disabilities is significantly greater:
 - 0 Hispanics are almost 20 percent more likely,
 - 0 African-Americans are over 40 percent more likely, and
 - 0 American-Indians are 80 percent more likely.

Special Education Disabilities

- 0 Most reviews of students with special education disabilities find that they represent a larger percentage of the suspended and expelled student population – 20 to 24 percent compared to the typical 11 to 14 percent of the population that students with special education disabilities represent within their school district.
- 0 These discipline disparities have been found to be both an outcome of higher rates of student misbehaviors and disruptions, but also for misbehavior to have no impact on these differences, calling for more investigations to determine if there is bias or targeting of students occurring.

Special Education Disabilities

- 0 In particular, students with certain impairing mental health problems – diagnosed under the IDEA as an emotional disturbance – are found to be most at risk for school discipline within the special education student population, with some researchers finding
 - 0 almost three-fourths of this group suspended or expelled during their high school years and others finding these discipline outcomes to be between seven and 12 times more likely for students with emotional disturbances compared to students without.
 - 0 In some jurisdictions African-American students with emotional disturbance disabilities are most at risk, with significantly higher numbers being suspended or expelled than Caucasian students with disabilities in studies in Texas and Los Angeles.
 - 0 More likely to be placed in restrictive settings,
 - 0 have high school dropout rates, and
 - 0 50 percent have at least one arrest as young adults, during and after high school.



Special Education Disabilities

- 0 Significantly large numbers of youthful offenders involved with the juvenile courts have special education disabilities, particularly those in detention and incarceration facilities - between 28 and 43 percent.
- 0 Among those adolescents with special education disabilities in these locked facilities:
 - 0 48 percent had an identified emotional disturbance,
 - 0 39 percent had a specific learning disability
 - 0 10 percent had mental retardation (developmental disabilities), and
 - 0 3 percent had other health impairments



Maltreatment

- 0 The link from maltreatment and trauma to the school-to-prison pipeline is indirect. This is the case for two reasons.
- 0 One, maltreatment and related traumas have multiple harmful impacts on children and adolescents, both at the time of the incidents as well as over time and through comorbidity of difficulties.
- 0 And two, because of research methodological challenges that have complicated the dearth of literature and published investigations, other links and risks are more readily apparent or easily discerned.
- 0 Here, the links and risk factors are presented, with a prima facie conclusion that maltreatment is at minimum a strong correlative thread for many students into and through the pipeline.

Maltreatment

- 0 The links from maltreatment, particularly for child victims, to school difficulties is clear. The literature on school discipline and the number of groups who are at higher risk for involvement in the pipeline is also self-evident – children and adolescents in poverty, students of color, and students with special education disabilities (among others).
- 0 Thus, maltreatment may be a strong, and for many children a direct, link to disproportionate school discipline because of these trauma-related problems.
- 0 In addition, it is speculated by many child welfare experts that the identified and substantiated cases of child maltreatment is significantly undercounted – with the actual number of victimizations being many times greater than the annual approximate count of 800,000.

Maltreatment

- 0 When this disproportionality is evaluated, it is identified that between 26 and 60 percent of adjudicated delinquent adolescents have been found with past or concurrent maltreatment victimizations.
- 0 Maltreatment victims have been found:
 - 0 much more likely to be arrested, though this varied by gender, race, and maltreatment type,
 - 0 to be involved with more serious delinquent activities, and
 - 0 for the continuation of criminal involvement.



LGBT Students

- 0 Students who identify as lesbian, gay, bisexual, and transgender (LGBT) have been found to be at greater risk for involvement in school discipline and, for some, the juvenile courts and detention and incarceration facilities.
- 0 In the past few years researchers have identified this student group to have heightened risk for involvement in the pipeline, this may be due to more students have found ways to identify as LGBT and subsequently researchers have been investigating the problems for this group. Thus, there is limited, though compelling evidence.

LGBT Students

- 0 LGBT students experience exclusionary discipline – suspensions and expulsion – and hostile school environments more often than their peers, increasing the risk for arrests and juvenile court involvement.
- 0 One nationally-representative research sample of LGBT-identifying students found a 30 to 150 percent greater risk, dependent on outcome of interest, for school expulsion, juvenile arrest, and conviction, with a particularly higher risk for girls, even after controlling for other explanatory variables.
- 0 School environments have been found to be hostile and unsafe for many LGBT-identifying students, leading some to become confrontational and aggressive to maintain safety.



I SKIPPED
SCHOOL TODAY -
I WAS TOO
AFRAID
TO GO.

LGBT Students

- 0 Other LGBT-identifying students avoid the difficulties, hostilities, and challenges and have increased absenteeism rates, due to being unsafe in school, with many having poorer academic outcomes, grades, and school engagement as a result of these and other problems.
- 0 In-school victimizations for LGBT students has been associated with
 - 0 harmful psychological effects, including depression and other mental health difficulties, including high rates of suicide compared to their peers.

LGBT Students

- 0 Within the LGBT student community, the most recent school climate report found that
 - 0 63 percent felt unsafe because of their sexual orientation,
 - 0 38 percent were physically harassed,
 - 0 18 percent were physically assaulted, and
 - 0 32 percent skipped a day of school in the prior month due to feeling unsafe.

LGBT Students

- 0 These difficulties may also begin for many of these young people at home, where there is a significantly increased risk for family violence once an adolescent announces their sexual orientation as non-heterosexual, as well as disproportionate numbers of LGBT adolescents who run away from home.
- 0 Homelessness is a significant predictor for a young person to be involved with the juvenile justice system and up to 40 percent of homeless adolescents are LGBT.

LGBT Students

- 0 As LGBT students are disproportionately impacted by school discipline, greater numbers are undoubtedly moving through the school-to-prison pipeline.
- 0 Though this area is a recently investigated phenomenon, for the same research limitations enumerated earlier, it is probably not a new situation in the juvenile courts.
- 0 Historical myths that LGBT adolescents are rare or non-existent in the juvenile courts have given away to epidemiology of the adolescent population.

LGBT Students

- 0 Emerging evidence has found that LGBT adolescents are twice as likely to be arrested and detained for status and other nonviolent offenses and
- 0 that between 13 and 15 percent of youthful offenders formally processed in the juvenile courts and being held in the detention centers are LGBT.
- 0 A disproportionate number, up to 60 percent, of these arrested and detained LGBT adolescents are black or Hispanic, mirroring or expanding the racial and ethnic disparities.

LGBT Students

- 0 In fact, family rejection and school harassment continue to be factors that increase the numbers of LGBT adolescents in the juvenile justice system, with this lack of support perpetuating offending and truancy recidivism.
- 0 LGBT adolescents are also nearly three times more likely to report being a victim of childhood physical or sexual abuse, with boys more at risk than girls.
- 0 Following family rejection during adolescence, drug use was three times more likely and suicide was eight times more likely for LGBT young people.
- 0 In addition, one review found that the risk for home removal by a children's service agency and placement in a group or foster home was twice as likely for LGBT adolescents than maltreated non-LGBT adolescents.



Pipeline Impact - Ohio

- 0 Ohio schools issued over 210,000 out-of-school suspensions in 2012-2013
 - 0 As well as 3,400 expulsions
- 0 Most of these were for “disobedient or disruptive behavior” – 54% of suspensions and 21% of expulsions
- 0 Black students = 15.9% of enrollment & 52% of suspensions and 53% of expulsions
- 0 Students with disabilities = 14.8% of enrollment and 27.5% of suspensions
- 0 A black student with a disability was 25 times more likely to be suspended than a white student without a disability



What Can You do?

- 0 Change the Law (more next)
 - 0 O.R.C. § 3313.534; ORC § 3321.19
- 0 Collect and use the data on impact and outcomes
- 0 The Ohio State Board of Education has adopted Positive Behavior Interventions and Supports (PBIS), though progress is slow in implementation
 - 0 Ohio Attorney General moving to create a MoU for police officers in school buildings (not discipline related)
- 0 Advocate against Zero Tolerance Policies
- 0 Educate Others
- 0 2014 Ohio Discipline Report Card:
 - 0 <http://www.racialjusticenow.org/index.php/report-card-home>

Ohio Law O.R.C. § 3313.534

0 Directs Ohio boards of education to adopt:

0 **“a policy of zero tolerance for violent, disruptive, or inappropriate behavior, including excessive truancy.”**

0 This is ineffective and outdated, should be replaced with a policy of specifically encouraging school districts to adopt preventative approaches to school discipline and bullying.

Ohio Law O.R.C. § 3321.19

- 0 Ohio law defines habitual truants as students who miss 5+ consecutive school days, 7+ days in one month, or 12+ days in a year.
- 0 Chronic truants are students who miss 7+ consecutive school days, 10+ days in one month, or 15+ days in a year.

Ohio Law O.R.C. § 3321.19

- 0 When a student is truant from school, education officials can take the following courses of action:
 - 0 May require the parent/guardian attend an educational program to encourage parental involvement in compelling the attendance of the child at school.
 - 0 Shall “examine into” any truancy within the district and warn the child, if found truant, and the child's parent, guardian, or other person having care of the child, in writing, of the legal consequences of truancy and require the youth’s attendance. If the child does not attend, the superintendent may direct the parent or other person to attend the educational program and may file a complaint in the juvenile court.
 - 0 For habitual truants, the board of education of the school district or the governing board of the educational service center shall do either or both of the following: 1) take actions described in 3321.191 OR 2) file a complaint in the juvenile court.
 - 0 For chronic truants, the complaint shall be filed in juvenile court.

Ohio Law O.R.C. § 2151-354(C)

- 0 Under 2151.354(C), the juvenile court can intervene by requiring the child to attend an alternative school, participation in an academic or community service program, drug or alcohol treatment, medical or mental health counseling, or any other order.
- 0 The court can also start criminal charges against the parents.
- 0 *Problem:* Current law does not require the school to intervene with youth before filing a truancy complaint except giving notice of the consequences of truancy.

Ohio Law O.R.C. § 3321.19

- 0 *Current law:* Ohio's current truancy law requires some truancy offenses (chronic and "double habitual" truants) to be considered delinquencies automatically.
- 0 *Problem:* Ohio's approach conflicts with the federal Juvenile Justice and Delinquency Prevention Act, which states that truancy offenses can only be delinquencies after a student has violated a Valid Court Order (i.e. the youth is truant, the judge issues an order telling the youth to go to school, and the youth violates that court order).
- 0 *Solution:* Eliminate the offenses of "double habitual" and chronic truancy from Ohio code.



Are we flushing
children's
futures down
the drain?

THE SCHOOL TO PRISON PIPELINE





THE SCHOOL-TO- PRISON PIPELINE

A COMPREHENSIVE ASSESSMENT



CHRISTOPHER A. MALLETT

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