SCHOOL-TO-PRISON PIPELINE: ZERO TOLERANCE FOR LATINO YOUTH

NCLR
NATIONAL COUNCIL OF LA RAZA

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Systems Reform in Juvenile Justice

Background

The establishment of zero-tolerance* policies has resulted in schools implementing harsh exclusionary discipline practices for increasingly minor and illusory infractions, such as school uniform violations, profanity, and disrespect. Under these policies, students are pushed out of mainstream educational environments and placed on a path toward incarceration through the use of suspensions,† expulsions,‡ and arrests. Zero-tolerance was originally applied to the criminal justice system in the 1980s as an approach to combat violent crime and drug related offenses. In the 1990s, school systems began to adopt zero-tolerance policies as a result of the Gun Free Schools Act of 1994. The impetus behind this act was to protect students from violent or illegal behavior on or near school grounds. The establishment of these policies has roughly doubled the number of students who have been suspended or expelled since the 1970s. According to the U.S. Department of Education Office for Civil Rights (OCR), nearly three million students are suspended at least once each year and over 100,000 students are expelled. The punitive nature of zero-tolerance policies has led to racial and ethnic disparities within school and juvenile justice systems. In addition, the negative outcomes associated with zero-tolerance policies have been escalated with the placement of police on school grounds. This occurrence has resulted in an increase in the number of school-based arrests and referrals to juvenile court systems for infractions that were once handled by school administrators. The criminalization of certain kinds of school misconduct has created what is often referred to as the "school-to-prison pipeline."[1]

Effects of Zero-Tolerance Approaches

The enforcement of zero-tolerance policies has contributed to the marginalization of students of color and has resulted in racial and ethnic disparities within school systems nationwide. Under these policies, Latino§ and Black students are more likely than their White peers to receive expulsion or out-of-school suspensions for the same or similar behavior. In addition, students of color are disproportionately disciplined for subjective offenses (e.g., disrespect).[2] These practices have resulted in the disparate treatment of Latino students.

- Every seven seconds during the school year, a Latino public school student is suspended.[3]

- Latino students are 1.5 times more likely to be suspended and twice as likely to be expelled as their White peers.[4]

- Between the 2002–2003 and 2006–2007 school years, there was a 2.4% increase in the Hispanic student population, yet the number of out-of-school suspensions per Hispanic student increased by 14%, while the population of White students decreased by 2.7% and experienced a 3% decrease in the number of suspensions per student.[5]

- In 2006 alone, Hispanic males made up 10% of the nation's student population but accounted for 14% of all suspended students, while White males made up 29% of the nation's student population but accounted for 28% of all suspended students.[6]

- School suspension is the top predictor of contact with the justice system for students who become incarcerated by ninth grade.[7]

- One recent study found that 80% of youth incarcerated in a state facility had been suspended and 40% had been expelled from school prior to their incarceration.[8]

- A survey conducted by the U.S. Office of Juvenile Justice and Delinquency Prevention determined that of the youth surveyed in residential placement facilities, 65% had been suspended or expelled.[9]

The Path to Incarceration

The severity and punitive nature of zero-tolerance policies have been exacerbated by the placement of police officers in schools. Many school administrators have transferred their authority to school resource officers (SROs)** who now handle incidents that were previously dealt with by school personnel. In 2007, nearly 70% of our nation's public school students ages 12 through 18 reported that police officers or security guards patrol their hallways.[10] The placement of officers on school campuses has contributed to a significant increase in student-based arrests. In Philadelphia, for instance, the number of school-based arrests increased by 260% from 2000 to 2009, from

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* Zero-tolerance disciplinary actions are those that are immediate; automatic; applied to all instances of the behavior without specific regard for the level of safety, disruption, or risk; and often involve expulsion or suspension from school.

† Suspension refers to an out-of-school suspension, during which a student is excluded from school for disciplinary reasons for one school day or longer; it does not include students who served their suspension in the school. The U.S. Department of Education Office for Civil Rights counts suspended students only once even if a student is suspended multiple times during the school year.

‡ Expulsion refers to the exclusion of a student from school for disciplinary reasons that results in the student's removal from school attendance rolls or that meets the criteria for expulsion as defined by the appropriate state or local school authority.

§ The terms "Hispanic" and "Latino" are used interchangeably by the U.S. Census Bureau and throughout this document to refer to persons of Mexican, Puerto Rican, Cuban, Central and South American, Dominican, Spanish, and other Hispanic descent; they may be of any race.

** The role of the School Resource Officer is highly variable. Defined under 42 USC § 3796 dd8, an SRO is a career law enforcement officer with sworn authority who is deployed in community-oriented policing and assigned by the employing police department or agency to work in collaboration with schools and community-based organizations.

4,563 to 11,703.[11] Furthermore, some schools depend on metal detectors, bag searches, pat downs, and drug-sniffing dogs to create "secure environments," but these are tactics that often have negative psychological effects on students.[12]

- Under zero-tolerance policies, Hispanic youth are three times more likely to be suspended, expelled, and referred to court than White youth who commit the same infractions.[13]

- A Latino student attending a Philadelphia school is 1.6 times more likely to be taken into police custody than a White student.[14]

- In Hartford, Connecticut during the 2005–2006 school term, the rate of arrest for Hispanic students was six times higher than the rate of arrest for White students.[15]

- Research on the impact of juvenile arrests suggests that arresting students at school actually increases the likelihood that they will commit future offenses.[16]

- School-based arrests also increase the likelihood that students will be arrested and incarcerated during adulthood.[17]

Diminished Opportunities

Exclusionary discipline practices have failed to make schools safer and have been associated with increased likelihood of academic underperformance* and decreased school connection,[18] risk factors commonly associated with increased dropout rates and youth violence.[19] For suspended and expelled students, these risk factors multiply when states fail to provide access to an alternative educational placement during exclusion, a practice that increases a student's chance of being retained in grade.[20]

The criminalization of minority students has further exacerbated dropout rates and the number of students who fail to graduate high school within four years. Suspensions, expulsions, and arrests are strong predictors that students will drop out or not graduate on time, which can ultimately diminish their lifetime earnings. For youth, and Hispanic youth in particular, the consequences associated with zero-tolerance policies compound the numerous barriers to academic and career success that are already present in their lives.

- Young people who drop out of high school, many of whom have experienced suspension or expulsion, are more than eight times as likely to be incarcerated as those who graduate.[21]

- Dropouts are far more likely than the rest of the population to experience reduced job and income opportunities, chronic unemployment, or require government assistance.[22]

- By 2018, only 28% of jobs will be available to people with just a high school diploma.[23]

- The consequences of not obtaining a high school diploma are significant; dropouts are estimated to earn $375,000 less over their lifetimes than those who graduate.[24]

Recommendations

To reduce the disproportionate impact that zero-tolerance policies have on Latino youth, NCLR recommends the following practice and policy changes:

Practice

- **Develop an array of alternatives to working with challenging youth through increased and improved collaboration and communication between schools, parents, law enforcement, mental health/community-based organizations, and juvenile justice professionals.** Students often present an array of problems that cannot be effectively addressed by any single agency. A multisystemic approach to the development and delivery of individualized integrated services is necessary to increase student engagement and success. Culturally and linguistically competent programs and services, aimed at improving school engagement and behavior, should be made available.

- **Incorporate restorative justice principles into schools to effectively address behavior.** These principles can be applied in both formal and informal ways to improve the overall school environment. It can help schools prevent or deal with conflict before it escalates and allows students to actively make amends and repair harm while offering school administrators alternatives to suspension and expulsion. Restorative justice program models include:

  - Circles or peacemaking circles

  - Mediation and conferencing

  - Peer jury

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* Frequent use of suspensions and expulsions reduce students' opportunities to learn due to missed instructional time and lack of uniform policies on making up missed work.

- **Clarify disciplinary policies and inform parents, guardians, and students of the process and expectations.** Many school district discipline codes only list conduct that is subject to the school disciplinary process; these codes do not outline the circumstances under which students will be referred to law enforcement agencies. School disciplinary procedures should be made clear to parents, guardians, and students, as should local policies that require law enforcement involvement. Information must be provided in parents' and students' home language.

- **Involve students in the development and revision of the student code of conduct.** This system actively engages students in improving their school environment and allows schools to change or eliminate rules that are ineffective while improving upon or learning from those that work.

- **Ensure due process protections for Latino youth and families.** Any documents pertaining to the school discipline code and any disciplinary actions taken against a student should be provided to parents in their home language.

Policy

- **Reserve the use of exclusionary disciplinary removals for the most serious and severe disruptive behaviors.** Establishment of a comprehensive disciplinary policy that defines a graduated system of disciplinary actions and consequences based on the severity of behavior should be used to ensure that only students who pose a serious safety threat are ultimately expelled or arrested.

- **Improve and expand data collection systems for monitoring disciplinary action.** Data collection should track and disaggregate school discipline data by race, gender, age, type of infraction, teacher, or staff member reporting the infraction, resulting consequences for the infractions, arresting officer/ law enforcement agency, and any proactive approaches used to dissuade future behavioral misconduct.

- **Schools and law enforcement agencies should establish a memorandum of understanding that clearly defines the line of authority for school administrators, educators, and school resource officers over school safety matters.** Clarification of roles and responsibilities shifts the burden back on the schools to address minor discipline infractions and maintains the burden on officers to address violent offenses on school grounds. Limiting contact with school police prevents minor disciplinary matters from escalating into criminal infractions.

- **Expand required training for school resource officers and juvenile probation officers.** The curriculum should address child and adolescent development, juvenile justice, special education, urban youth culture, risk assessment and deescalation, and cultural competency.

- **Increase training for teachers in culturally responsive classroom behavior management and instruction.** Training on School-Wide Positive Behavior Support (SWPBS) should be provided to reshape student behavior and improve the school climate.

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