



Youth Transition Funders Group

BEYOND THE TUNNEL PROBLEM

Addressing Cross-Cutting Issues that Impact Vulnerable Youth

Briefing Paper #2

Redirecting Youth from the School-to-Prison Pipeline
Addressing Cross-Cutting Issues in Youth Services

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If black boys were assigned to Special Education at rates comparable to those of white boys, drop-out rates would decline, graduation rates would rise, and the school-to-prison pipeline would flow less swiftly.¹

- Dr. Rosa Smith, President, The Schott Foundation for Public Education

Across the country, mayors, commissioners, superintendents, governors, and state policymakers are innovating to address the needs of vulnerable youth. These efforts take many forms: restructuring high schools to improve graduation rates, creating developmentally appropriate interventions to reduce juvenile detention, and revamping child welfare practices to keep more youth safely in their homes are just a few of these strategies. Many initiatives, however, are plagued by “cross-cutting challenges” – issues that cut across the different agencies that serve youth. Unless cross-cutting issues are addressed pro-actively, they may undermine systemic reforms.

This paper is the second in a series of briefing papers designed to inform officials, practitioners, funders, advocates, scholars and the general public about cross-cutting challenges and possible solutions to working across systems to deliver effective services to youth impacted by the juvenile justice, foster care, and education systems. The first paper in the Beyond the Tunnel Problem series began by presenting a typology of cross-cutting issues. This paper drills down and focuses on a specific problem: the “school-to-prison pipeline” that often forces our youth *off the track* to educational opportunities and future economic and personal success. Additional briefing papers in this series will focus on local initiatives that tackle specific problems and more systemic attempts to solve cross-cutting issues.

Below, we outline some of the elements of the school-to-prison pipeline and go on to explain how cross-cutting challenges often contribute to the pipeline problem and may stifle or undermine attempts to interrupt it.

What is the school-to-prison pipeline?

Our country is in the midst of an enormous education reform that is focused on expanding opportunities for all youth to attend college, with the expectation that through reform we can eliminate traditional barriers often experienced by low-income, immigrant, and minority youth. Yet, the truth is, this new effort – with its stricter standards for graduation and high-stakes testing for youth, teachers, and public schools –

¹ Rosa Smith "Race, Poverty, & Special Education: Apprenticeships for Prison Work," *Poverty & Race*, November/December 2003.

often blinds us to a stealthy, yet rather ubiquitous horror that is eroding our youth's access to educational pathways and opportunities. It's the school-to-prison pipeline, where our youth are pushed straight from school to juvenile detention and sometimes this means literally. Instead of positioning our youth for the college track, our educational systems, to borrow the words of Dr. Rosa Smith, are oftentimes creating "apprenticeships for prison work" right in our schools, despite all of this country's sincere efforts at educational reform.

The school-to-prison pipeline is defined by at least two practices that must be changed if we are to ensure that the education reform effort is successful.

1. The first practice is the excessive use of exclusionary and "zero tolerance" policies that research has proven as ineffective in addressing behavioral and/or academic issues for youth transitioning to adulthood. We must replace those policies with developmentally appropriate policies that keep a strong focus on academic achievement at all times, early intervention, and ensuring that students stay connected with school and learning. As long as the juvenile justice system – a system that is in deep need of reform itself to legitimately claim a positive impact on young people's lives – is considered part of a viable solution for getting our youth back on track, we will not be able to reach our vision for an effective education system.
2. The second practice is the unspoken racial and ethnic biases that siphon young people of color into a school-to-prison pipeline not experienced as often by white youth. We must eliminate the impact of this bias by asking the tough questions and holding systems accountable for the disproportionate number of minority youth in juvenile detention, especially when compared to the number of white youth held for similar offenses. We must begin to have data-driven reviews, advocating the need for disaggregating information by race and gender and for understanding school suspensions and arrests, responses to truancy, and even the points in the juvenile justice system that lead to detention.

What role does the school environment play?

So how do our young people end up in the juvenile justice system and experience the school-to-prison pipeline? While there are many explanations, a trait that is remarkably common among court-involved youth is a negative educational experience. Statistics

provide a clear illustration of the problem. Nationally, the failure of schools to adequately educate youth is common and more frequent for people of color. Among the native born population aged 24 to 26, 8% have not graduated from high school nor obtained a GED. This figure rises to 13% for African Americans and 17% for Hispanics.²

This inadequate academic preparation has uncanny statistical relationships with incarceration. In 1999, while 3% of white men in their early 30s (30-34) had prison records, for high school drop-outs the figure was four times larger at 13%. For black men, a lack of access to quality educational experiences had an even more disturbing outcome: 52% of high school dropouts had a prison record, compared to 22% of the overall black male population with a prison record.³ And, while, bad school experiences do not automatically lead to involvement in the justice system, most of those involved in the justice system do nonetheless have poor school records. For example, in 1995, a total of 68% of state prison inmates had not received a high school diploma.⁴ One study estimated that educational differences between blacks and whites explain as much as 23% of the black-white difference in rates of incarceration.⁵

However, the link between poor educational experiences and the justice system is not automatic, nor does it follow one single pattern. It may include the male youth who graduates from school with poor grades and struggles to find work, and who finds himself spending more time on the street with friends and getting in trouble with the police. It may include the young woman who is arrested in school for a fight, finds her school attendance disrupted by court appearances that lead her to drop out of school, and who later goes to jail for a series of shoplifting offenses. It may include the young man who cannot find a place at school after being released from a juvenile training school for a drug offense and who finds himself out of school, selling drugs and ultimately incarcerated for a drug felony offense. Many young people within the United States have stories similar to these.

The longer-term implications of these patterns also have profound effects on the economy, the community and broader issues of racial equity. A research study in Wisconsin, for example, found that applicants to low-skilled jobs were significantly disadvantaged by having a criminal record. Once again, the impact on people of color

² Mike Wald and Tia Martinez *Connected by 25: Improving the Life-Chances of the Country's Most Vulnerable 14-25 Year Old's*. William and Flora Hewlett Foundation Working Paper, November 2003

³ Bruce Western, Vincent Schiraldi & Jason Ziedenberg *Education and Incarceration*, 2003, Justice Policy Institute: Washington DC

⁴ Bureau of Justice Statistics, <http://www.ojp.usdoj.gov/bjs/abstract/ecp.htm>

⁵ Lance Lochner and Enrico Moretti "The Effect of Education on Crime: Evidence from Prison Inmates, Arrests, and Self-Reports", March 2004, *The American Economic Review*, Vol. 94, No.1

was more profound for whites. Not only were African Americans less likely to be called for interviews when they did not have a criminal record, a criminal record reduced the chances of being called back for a white person by half, and a black person by two thirds.⁶ In fact, blacks without criminal records were still less likely to be called for interview than a white person with a record.

For a convicted felon, this problem is exacerbated by a disconnect between any rehabilitation ideal of the criminal justice system and federal and state laws regulating employment and support for felons after serving their sentence. Most notably, ex-felons, regardless of their offense, are generally prevented from pursuing many types of jobs in the fields of childcare, education, security, nursing and home healthcare.⁷ The irony is that a young person who has turned his/her life around is the very type of person perhaps our communities should want to choose careers in youth work or teaching. In addition, ex-felons convicted of a drug offense are, by law, ineligible for Pell grants and other student financial aid, thereby increasing the difficulty of being able to pursue postsecondary education, which might further employment prospects. Many states also limit the voting rights of ex-felons. At present, one in seven African American males is either currently or permanently disenfranchised.

What trends are affecting the school-to-prison pipeline?

In recent years, a number of developments appear to have contributed to the increased flow of young people following the track from negative school experiences to the justice system. Some of these developments have acted to “push” kids out of schooling, while others have acted to “pull” kids into the justice system.

Increasing “zero tolerance” disciplinary policies in school

Since the early 1990s, many school districts have adopted a zero-tolerance approach to school violations—including the use of arrests, exclusions and suspensions of students.⁷ For example, in 2000, 3.1 million students were suspended—nearly twice as many as the 1.7 million suspended in 1974. Also in 2000, 97,000 students were permanently expelled from school.⁸ Students of color bear the brunt of these policies, with black students 2.6 times more likely to be suspended than white students.⁹ Students who are suspended,

⁶ Devah Pager *The Mark of a Criminal Record*, 2002, PhD. Thesis, University of Wisconsin-Madison.

⁷ Johanna Wald and Daniel J. Losen “Defining and Redirecting the School-to-Prison Pipeline” in Wald, Johanna and Losen, Daniel J. (eds) *New Directions for Youth Development: Deconstructing the School to Prison Pipeline*, No. 99, Fall 2003.

⁸ National Center for Education Statistics, www.ncs.ed.gov.

⁹ Wald and Losen.

arrested, or otherwise excluded from school have reduced school performance and retention, and increased likelihood of involvement in the justice system.

Increases in zero-tolerance policies represent a “push” factor that helps push kids out of education and, potentially, into the justice system, as the recent study, *Education on Lockdown*, illustrates. The study reports that, in the case of schools in Chicago, Denver, and Palm Beach, school districts have joined law enforcement to impose a “double dose” of punishment that includes school suspension or expulsion *and* an appearance in juvenile court for student misconduct.¹⁰ Again these developments exist despite apparent improvements in the behavior of school children. Crime in the nation’s schools has been falling over the last decade or more: between 1992 and 2002, school crime dropped from 48 violent victimizations per 1,000 students to 24 per 1,000, tracking a broader decline in the national crime rate.¹¹

Increased incarceration rates

Since the early 1990s, crime, nationally, has decreased. For example, between 1991 and 2003 violence and property crime more than halved, according to victimization surveys.¹² Yet rates of incarceration of both juveniles and adults continued to increase, reflecting increasingly punitive juvenile and adult justice systems. This has increased the number of youth “pulled” into incarceration, even though their rates of crime, on the face of it, have improved.

Between 1991 and 1999 statistics suggest that the numbers of youth in custody of the juvenile justice system rose by 50%. At the end of this period, 62% of juveniles in custody were youth of color, compared to 34% in the population as a whole.¹³ In fact, youth of color often receive more severe punishments than white youth for the same offenses. For example, black males are six times more likely to be admitted to state juvenile facilities for crimes against persons than their white counterparts; four times more likely for property crimes; an astonishing 30 times more likely to be detained in state juvenile facilities for drug offenses than white males.¹⁴ In adult corrections, between 1991 and 2003, the prison population rose by 76%. If patterns of institutional

¹⁰ See school district profiles for *Education on Lockdown* at <http://www.stopschoolstojails.org>.

¹¹ National Center for Education Statistics, www.ncs.ed.gov.

¹² Bureau of Justice Statistics, <http://www.ojp.usdoj.gov/bjs/glance/tables/viortrdtab.htm> and <http://www.ojp.usdoj.gov/bjs/glance/tables/proprtdtab.htm>. For more information, also see Making Connections Core Results: Connections to Prisoner Re-Entry Issues online at: http://www.aecf.org/initiatives/mc/core_results/pdf/exfelon_research_rationale.pdf.

¹³ Melissa Sickmund *Juveniles in Corrections*, June 2004, National Report Series Bulletin, USDOJ: Washington DC

¹⁴ Christine Sturgis “Dismantling the School-to-Prison Pipeline”. *Shaping the Future of American Youth: Youth Policy in the 21st Century*, 2003, American Youth Policy Forum: Washington DC.

racism do not change, it is estimated that about one in three black males will go to prison in their lifetime, compared to one in 17 white males.¹⁵

The result is that youth—particularly African American, Latino, and Native American—spend more time locked up without access to positive developmental opportunities. Once released, they face enormous barriers to accessing education, even though education is what they often most need.

Challenges of improving school standards with limited resources

The increasing use of student testing in schools—given new impetus by the No Child Left Behind Act, 2001—have many positive implications, not least strengthening accountability of schools for the success of their pupils. Yet, a school’s ability to do this effectively relies on resources being available. There are notoriously wide funding disparities in the American public school system, which add to the difficulty of providing the necessary support to the most vulnerable children. There is a striking inverse correlation between poverty rates and expenditures on students. For example, in school districts allocating less than \$4,000 per student, average student poverty rates are 23%, while for school districts allocating \$13,000, the average poverty rates is 6%.¹⁶ Under these circumstances, it is no surprise that in the one hundred largest cities in the US, 58% or more of ninth-grade students in high-minority schools do not graduate four years later.¹⁷

New pressures on schools to be held accountable for the success of their pupils, coupled with shortages in available resources, may have unintended consequences such as pressures to hold children back a grade and to direct students towards GED completion instead of a high school diploma. School administrators may react to the increased focus on test scores by excluding children whose performance or behavior may threaten school standards. This may be particularly true given the primary emphasis given to test scores, over high school graduation rates by the NCLB Act.¹⁸ These dynamics can draw attention away from working to improve the outcomes of the most vulnerable youth, which may pave the way for drop-out, exclusion and involvement in the justice system. This may act as a “push” factor within the school-to-prison pipeline.

¹⁵ Thomas P. Bonczar, *Prevalence of Imprisonment in the U.S. Population, 1974-2001*, BJS special report, Aug 2003, BJS: Washington DC.

¹⁶ Bruce J. Biddle and Davic C. Berliner *Unequal Funding for Schools in America*, 2003 Policy Perspectives, Wested: San Francisco

¹⁷ Robert Balfanz, Kurt Spiridakis, Ruth Curran Neild, Nettie Legters “High-Poverty Secondary Schools and the Juvenile Justice System: How Neither Helps the Other and How that could Change” in Wald and Losen (eds), 2003.

¹⁸ Urban Institute *Alice Doesn’t Learn Here Anymore*, 2005.

What are some of the cross-cutting challenges that plague the school-to-prison pipeline? How can we address these challenges?

Policymakers seeking remedies to the school-to-prison pipeline should note how the schools, institutions of the justice system, and other agencies often fail to work in concert, or at the very least fail to deliver appropriate services to the most vulnerable youth. This lack of coordination can further add to the flow of young people down the school-to-prison pipeline. The previous briefing paper in this series highlighted some important “cross-cutting” dynamics in the way institutions collectively fail to provide appropriate services to vulnerable youth. These dynamics provide a useful lens for thinking about the school-to-prison pipeline, and are discussed below.

Snapshot #1: CROSS-CUTTING DYNAMICS WITH A NEGATIVE IMPACT ON VULNERABLE YOUTH

In briefing paper #1, we identified the following cross-cutting dynamics as impacting negatively on the welfare of vulnerable youth:

The tunnel problem - A youth’s entry point into government systems will tend to determine the services they receive, rather than their underlying problems. In this way, youth are sent along separate—and somewhat arbitrary—“service tunnels.”

Lack of information flow - Many problems in providing youth with suitable services follow from a failure to effectively share information about the young person between separate agencies, which might otherwise enhance the quality of services that s/he receives.

Diffusion of responsibility - Even when different agencies know they share a common client, tension around appropriate roles and responsibilities often results in vulnerable youth falling between the gaps.

Unloading “problem cases” and shifting burdens - Sometimes agencies may deliberately seek to shift responsibility for serving or responding to a youth away from themselves to a different agency, which may simply exacerbate the youth’s problems.

The school-to-prison pipeline as a distinctive service tunnel

The school-to-prison pipeline may be considered a distinctive “service tunnel” through which youth pass, primarily because the juvenile justice system—rather than a different agency—has stepped in to deal with a problem. If a youth had encountered different services earlier, such as mental health, substance abuse or child welfare services, they may have avoided the justice system altogether.

For example, one review of 34 separate studies found that rates of mental disorders were substantially higher among youth involved in the justice system than among youth in the general population.¹⁹ Furthermore, research from the adult justice system suggests that the justice system is increasingly used as a surrogate for providing mental health services.²⁰ It is likely that, in at least some cases, youth targeted with appropriate and effective mental health services earlier on may have avoided or delayed contact with the juvenile justice system, and have proceeded down a different service tunnel.

The experiences of girls in the justice system are also instructive. Victimization – physical, sexual, and emotional – often occurs as a first step along females’ pathways into the juvenile and criminal justice systems and as a primary determinant of the types and patterns of offenses typically committed by girls and women.²¹ Young women are much more likely than young men to be the victims of sexual abuse. Close to 70 percent of girls in the juvenile justice system have histories of physical abuse, compared to an estimated rate of 20 percent in the general population.²² Once again, early intervention by child welfare or other services might provide the basis for a different service tunnel to the school-to-prison pipeline for many girls.

¹⁹ Otto, R.K., Greenstein, J.J., Johnson, M.K., and Freedman, R.M. “Prevalence of Mental Disorders among Youth in the Juvenile Justice System” in *Responding to the Mental Health Needs Among Youth in the Juvenile Justice System* eds J.J. Cocozza. Seattle, WA: The National Coalition of the Mentally Ill in the Criminal Justice System., 1992

²⁰ Joseph J. Cocozza and Kathleen Skowrya “Youth With Mental Health Disorders: Issues and Emerging Responses” in *Juvenile Justice*, Vol VII, 1, OJJDP

²¹ Acoca, Leslie. “Investing in Girls: A 21st Century Strategy”. Office of Juvenile Justice and Delinquency Prevention; October, 1999.

²² Lederman, Cindy S. “Entangled in the Shadows: Girls in the Juvenile Justice System”. *The Buffalo Law Review*: Fall, 2000.

Promising Practices

There are some promising ways to address the problems associated with the service tunnel. Snapshot 2 shows how Maricopa County's department of probation (AZ) has partnered with schools to develop a program that targets truant youth. The program youth who traditionally would have been treated as "status offenders" would have been bound for the juvenile justice system. Now, instead, the program pushes the youth down a different service tunnel: it replaces the formal status offender process with an unofficial mock court hearing held in the school, involving both youth and family; and it connects the youth with appropriate services either in the school or in the community to ensure school attendance.

Snapshot # 2: THE COURT UNIFIED TRUANCY SUPPRESSION (CUTS) PROGRAM IN MARICOPA COUNTY, ARIZONA

In Arizona, status offenders are considered children between the ages of 8 and 18 that are ungovernable, habitually truant or have run away. Parents, school officials, police and other agencies may refer status offenders to juvenile probation when there is a truancy problem at school. Although secure detention is not allowed as a disposition, Arizona statutorily permits status offenders to be detained in secure facilities for contempt of court and violations of valid court orders.

Maricopa County runs the Court Unified Truancy Suppression Program (CUTS), rather than send cases to court. Probation holds - in collaboration with the school - a mock court hearing in the school with the youth and family. Held on school grounds, the meeting is more accessible to parents and the meeting is focused on setting up necessary school-based services and community-based services to ensure that the youth attend school and to divert the youth from court. CUTS was piloted in 1998 and is now in several schools in the county. Between 1998 and 2002, truancy cases formally processed in court dropped by 52 percent (from 814 court cases to 394). In addition, 97% of students who go through CUTS regularly attend school after enrollment and four-year graduation rates increased by 14%. There is both a decrease in related offenses and a decrease in behavioral problems for schools that host a CUTS program.

How limited information flow from schools to other service providers is an obstacle to addressing the needs of vulnerable children

The identification of problems while youth are at school presents an opportunity – albeit one often missed – to pre-empt some of the life challenges that they may face while transitioning to adulthood.

In practice, vulnerable youth are often easily identifiable within school settings before their problems get out of hand. One study that focused on a mid-Atlantic school district showed that youth who are incarcerated are a clearly identifiable and distinct group well before their contact with the juvenile justice system. First of all, they were primarily African American males who attend one of twelve high-poverty, nonselective neighborhood high schools. Perhaps more importantly, the year before incarceration, most were attending school barely half the time and failing most courses. They were suspended more often at eighth grade and were more disengaged from their peers. Notably, this group still had high educational aspirations, and all expected to graduate from high school.²³

Yet, in many high-poverty high schools, the overriding administrative goal is to maintain order particularly when funding may be substantially less than the national average. Principals also may feel pressure to raise test scores, while their jobs may be threatened if the disorder in their schools attracts neighborhood or media attention, further limiting their tolerance for problem children within school.²⁴

Failure to identify and communicate such problems, and partner with, families, community and service providers to address them, may ultimately result in a youth being pushed down inappropriate service tunnels that include the police, juvenile or adult justice systems.

Promising Practices

There are some promising models that support a reduction in school exclusion. Snapshot 3 provides one successful example of an initiative to reduce school exclusion by bringing social workers into school. The social workers identify children with problems and work to provide them and their families with appropriate support. This example comes from Britain, which has faced some similar challenges to the US with regard to school exclusions.

²³ Balfanz et al, 2003.

²⁴ Balfanz et al, 2003.

Snapshot # 3: REDUCING SCHOOL EXCLUSIONS THROUGH PARTNERSHIPS BETWEEN SCHOOLS AND SOCIAL WORKERS: PROMISING PRACTICES FROM ABROAD ²⁵

Between 1990 - 1991 and 1995 - 1996, school exclusions nationally increased from about 3,000 to about 13,500 in Britain. One key explanation for this increase was the pressure from successive governments to raise academic standards, which included the growth of 'performance tables.' This took place in an environment of increasing parental choice.

A pilot program, operated in the North East England in 1996-1999, attempted to reduce the number of school exclusions by placing five support staff - all trained social workers - in seven relatively disadvantaged schools. Each was given a caseload of up to 10 pupils at a time, selected mostly because of their behavior. The support workers befriended the pupils, taught them to manage their anger and tried to improve their self-esteem and relationships with others. They also supported their families and stepped in immediately to help with crises in school that could lead to exclusion.

Over the three years, they helped 208 challenging pupils, nearly two-thirds of them boys. Half were in Years 9 and 10. Senior managers at the schools estimated that they saved 26 pupils from permanent exclusion, representing a 25% reduction in the exclusion rate over the three-year period.

The authors of research evaluating the program concluded that the support workers were able to lessen the tension between the drive for higher standards and the policy of increasing the integration of children with special educational needs.

How diffused responsibility across justice agencies interferes with the educational welfare of court-involved youth

Whether a child is arrested inside or outside of school, once they are involved in the juvenile justice system this involvement typically spells disruption in their schooling and decline in their academic fortunes. This pattern is underpinned, at least in part, by a diffusion of responsibility for a child's education and welfare between schools and the criminal justice system, often exacerbated by a lack of information sharing. The two

²⁵ Graham Vulliamy and Rosemary Webb "Reducing School Exclusions: an evaluation of a multi-site development project", *Oxford Review of Education*, Vol. 29, No. 1, 2003.

systems often work at cross purposes, lacking the kind of coordination that would ensure a youth's smooth transition through their education.

At the very least, involvement in the court system is associated with missed days at school. Others may experience substantial absences because of pretrial evaluation or detention.²⁶ Still others will be placed in secure facilities, which will directly interrupt their schooling within mainstream settings. One study focusing on seventh, eighth and ninth grade pupils of inner-city schools suggests that those arrested during seventh and eighth grade increase their likelihood of repeating eighth grade, while those arrested in ninth grade have dramatically increased chances of dropping out and substantially reduced attendance and grades.²⁷

Once held in secure facilities, school-age children are entitled to educational programs. However, research suggests that education programs in the juvenile justice system are often inadequate.²⁸ Furthermore, after release from incarceration, young people may struggle to be re-admitted to school and struggle to have their educational credits transferred. The result is that young people with histories of court involvement often complete high school through the GED route at higher rates than whites – earning an educational credential that has lower economic value in the eyes of some employers. Research in New Jersey describes how local school officials are often reluctant to permit the readmission of re-entering youth because of their histories of attendance, discipline and/or academic problems in their schools—particularly given today's climate where schools are judged by test scores. The same research shows that other students face scheduling or technical difficulties that can cause long delays or can defeat attempts to return to school.

The New Jersey research also highlights how students who effectively return to education may find that they are off track for graduation due to a lack of educational credits, or that their credits from disciplinary or jail schools are not accepted by the local school district. Problems may be exacerbated further when records and information on a youth are not transferred between school and the juvenile justice systems to facilitate appropriate educational programming.²⁹

²⁶ Balfanz and Curran Nield in Wald and Losen (eds)

²⁷ Paul Hirschfield, *Impact of Juvenile Justice Involvement on Educational Outcomes*, 2004, PhD Thesis, Northwestern University.

²⁸ *ibid*

²⁹ David R Giles, "School Related Problems Confronting New Jersey Youth Returning to Local Communities and Schools from Juvenile Detention Facilities and Juvenile Justice Commission Programs", June 2003, New Jersey Institute for Social Justice and the New Jersey Public Policy Research Institute's Re-Entry Roundtable.

Promising Practices

Snapshot 4, below, provides one example of how a transitional school targeted at young people leaving custody can pave the way for re-entry into mainstream education. The school helps by providing a coordinating bridge between school staff and agencies that monitor criminal justice, as well as providing direct education and services to this group in order to render them suitable for mainstream schooling or employment.

**Snapshot # 4: COMMUNITY PREP HIGH SCHOOL IN NEW YORK CITY:
APPROACHES TO ENSURING STUDENTS STAY IN EDUCATIONAL
PIPELINE**

The Community Prep is a transitional high school that engages youth who are leaving justice system custody. Like in other parts of the country, in New York City this group typically has limited literacy skills, histories of poor academic achievement, and emotional and social needs. They have few or no school credits, poor attendance, and are disproportionately entitled to special education services. They are also older than expected but have fewer credits than expected for their grade level. Public schools do not usually offer the resource-intensive environments these students need to thrive. The justice system releases these students year-round, including the mid-semester, when schools are least equipped to absorb them.

Students enroll in a unique credit-granting academic curriculum, receive intensive academic enrichment, develop social and job readiness skills, and are coached for the transition to a community school, GED program and/or employment after 9-15 months at Community Prep.

The school includes:

- Collaboration between school staff and agencies that monitor criminal justice.
- Rolling admission for students released by the justice system throughout the year.
- A dual curriculum to build students' academic and social skills.
- After-school tutoring, recreation, employment skills training, and internships.
- Family involvement.

How schools unload problem cases back onto families and communities, by pushing youth out of mainstream school settings

In 1994, Congress passed the Gun-Free Schools Act of 1994, which required states to enact laws mandating the expulsion of students found on school property with firearms.

Most states and school districts went further than the act required, passing laws and policies that required expulsion and suspension for a wider range of offenses, and this policy subsequently seems to have become a broadly applied response to a range of infractions in schools.

Whether or not suspensions or exclusions ultimately pave the way to the full exclusion of youth from mainstream schooling, it is clear that these efforts are an attempt to shift the burden of youth out of the classroom or school building— at least temporarily— often pushing the problem back to the youth’s family. This presents an alternative to addressing the complex needs of struggling youth within the school setting. Apparently, it is becoming increasingly the norm: research suggests that there has been a growing use of suspensions for minor infractions, much of which is associated with perceived disrespect, disobedience and disruption. For example, in Milwaukee, only three percent of the suspensions were related to the use of drugs, alcohol or weapons; the rest were for “behavioral issues.”³⁰

Suspension from school inevitably impacts negatively on youth. Existing research shows correlations between suspension and poor academic preparedness, grade retention, court involvement and dropping out, disaffection and alienation, and drug use.³¹ Where youth are expelled from school, this can amount to actual denial of education—only half of states ensure that youth who are expelled have a right to another school. Some youth can end up in an alternative setting. In many cities, for example, students deemed to be “troublemakers” are transferred to disciplinary schools, though without assessments to diagnose the nature of their troubles.³²

Like other points in the school-to-prison pipeline, suspensions and expulsions are disproportionately applied to young people of color. In 1972, no state suspended nine percent or more of its white students while six states suspended nine percent or more of its black students. In the 1998–1999 school year, due to the cumulative disparity in the education and juvenile justice systems, only one state suspended more than nine percent of its white students, while 35 states suspended at least that percentage of black students.³³

³⁰ Advancement Project, Padres and Jovenes Unidos, Southwest Youth Collaborative and Children and Family Justice Center of Northwestern University School of Law *Education on Lockdown: The Schoolhouse to Jailhouse Track*, 2005

³¹ Linda M. Raffaele Mendez “Predictors of Suspension and Negative School Outcomes: A Longitudinal Investigation” in Wald and Losen (eds), 2003

³² In a few cases, schools have well-developed approaches to addressing the behaviors and helping students develop new coping skills though many are simply offering a highly structured environment and low-quality education (some do not even offer credits).

³³ Christine Sturgis, 2003

Promising Practices

Snapshot 5 highlights how a different approach can be taken by schools to deal with youth's problems. This time, rather than pushing problems back on the family when they occur through suspensions and exclusions, schools and families can form partnerships to prevent discipline problems and raise achievement levels in schools.

Snapshot #5: HOW PARTNERSHIPS AMONG SCHOOLS, FAMILIES, AND COMMUNITIES CAN IMPROVE YOUTH'S PERFORMANCE AND BEHAVIOR³⁴

A large body of research, summarized by Henderson and Mapp, shows clearly that when schools, families, and community groups work together to support learning, children tend to do better in school, stay in school longer, and like school more. For example, studies show that when parents are involved, students across different incomes and backgrounds are more likely to:

- earn higher grades and test scores, and enroll in higher-level programs
- be promoted, pass their classes, and earn credits
- attend school regularly
- have better social skills, show improved behavior, and adapt well to school
- graduate and go on to postsecondary education.

Schools that are effective in engaging the community tend to focus on partnership building among teachers, families and community, recognize and respond to families needs and differences, and share power and responsibility with families and communities. Further, research also shows that communities can organize to hold low performing schools accountable, and have been effective in improving staffing, curricula, and resources in schools.

In one example, ACT—a community organization in Sacramento—worked with an elementary school that had extraordinarily high suspension rates to develop a home visit program. ACT worked with the teachers to develop a training that focused on relationship building. Within a year, the school culture was transformed, and suspension rates dropped. The home visit program has expanded throughout the state and is being used in middle as well as high schools.

³⁴ Anne T. Henderson and Karen L. Mapp *A New Wave of Evidence: The Impact of School, Family and Community Connections on School Achievement*, 2002

How schools shift burdens of discipline to law enforcement

The most direct route by which school youth enter the justice system follows from schools' reliance on criminal justice responses as a method of disciplinary control. For overworked school administrators there is a strong incentive to allow or encourage the use of arrest—it often relieves school staff of responsibility for addressing the problem behavior, may remove the need to follow up with the youth's family, and should the juvenile justice system detain or place the youth, the school no longer has to monitor the youth's future behavior. In addition, relying on arrest also removes a youth who is likely to score poorly on standardized tests.

This pattern is reflected by the increasing presence of police officers within schools.³⁵ Some police districts have police departments within school districts while others may have memoranda of understanding outline set roles for law enforcement officers within schools.³⁶ And, while national data is not available, data from some districts show that arrests and referrals to law enforcement agencies are increasingly used to address violations of school discipline. For example, in Philadelphia, the number of arrests in County schools increased from 1,632 during the 1999-2000 school year to 2,194 in 2002-2003. Or in Denver, referrals through tickets or arrests rose from 818 in 2000-2001 to 1,401 in 2003-2004.³⁷ Furthermore, available statistics often suggest that police are used routinely for less serious violations that, in the past, might have been dealt with internally. For example, in Chicago, of all school-based arrests for 2003, forty-three percent were for simple assault/battery – which translate as offenses involving no serious injuries and no weapons and are often no more than a threat or minor fight. Ten percent of all school arrests were for children aged 12 and under.³⁸ Qualitative research in Connecticut and New York confirms the idea that arrests are used to manage lower-level discipline problems.³⁹

Arrested youth, however, not only wind up with record, but are also likely to see the school as the institution that resulted in their incarceration with all that implies for building a future trusting relationship with educators. Even without formal sanctions, involvement in the juvenile justice systems can have very disruptive implications on schooling.

³⁵ Wald and Losen, 2003

³⁶ Advancement Project, *Padres and Jovenes Unidos*, Southwest Youth Collaborative and Children and Family Justice Center of Northwestern University School of Law, 2005

³⁷ Advancement Project, *Padres and Jovenes Unidos*, Southwest Youth Collaborative and Children and Family Justice Center of Northwestern University School of Law, 2005.

³⁸ *ibid*

³⁹ Ronnie Casella "Punishing Dangerousness through Preventive Detention: Illustrating the Institutional Link between School and Prison" in Wald and Losen (eds), 2003.

Promising Practices

Snapshot 6 provides one example of how police in schools have tried to change the way they do their work to avoid the use of arrest – and hence formal juvenile justice responses. Their approach favors the use of alternatives that draw on partnerships between the school and outside community organizations.

Snapshot #6: THE BALTIMORE SCHOOL POLICE FORCE DIVERSION AND EARLY BEHAVIORAL INTERVENTION INITIATIVE

In 2003, a police directive within Baltimore School Police Force shifted the focus of police officers in schools to diversion rather than arrest. The policy explicitly aims to decrease entry into the juvenile justice system, to address minority over-representation in the juvenile justice system, and to provide an alternative to filing criminal charges. The intervention is used instead of, or prior, to filing criminal charges in the following cases:

- when student behaviors are disruptive and arrest is not applicable;
- when arrest is discretionary;
- when a victim agrees to attempt an intervention.

There are three main diversion and behavioral intervention options that the police are required to use. These include:

Teen Court – The Baltimore Teen Court is a voluntary alternative to the juvenile justice system that emphasizes self-accountability, community involvement and positive peer influence. It advocates for the youth who have made poor decisions and also for those youth who are interested in the law. Teen Court trains students to volunteer as bailiffs, clerks, jurors and attorneys during the Teen Court sessions.

Community Conferencing - the Baltimore Community Conferencing Center provides a conferencing program in which the offender must admit to wrongdoing and all parties must agree to go through the conferencing process instead of sending the case to court. This process involves a three-part restorative conference structure: hearing what happened, letting everybody say how they have been affected by the situation and then having the group come up with ways to repair the harm and prevent it from happening again.

Community Mediation – The Community Mediation Program in Baltimore is also an informal process. It is carried out in a neutral and private setting with two trained mediators. The goal of mediation is to let people speak for themselves and work together to find a lasting solution to their conflict. The mediators are members of the community they serve and reflect the diversity of that community in terms of race, ethnicity, gender, age, socio-economic status, and educational background.

Conclusion

While we paint a dismal picture of the school-to-prison pipeline, it is not inevitable that the school and justice systems function in this way. There are a wide range of problems that underpin the pipeline, and we have focused on those that cut across the different agencies that serve youth. The types of solutions we have highlighted focus on developing partnerships and relationships between agencies and groups that overcome problems of communication, coordination and diffused responsibility between them. It is important that these solutions are seen as a complement, rather than an alternative, to a broader set of strategies that target education and justice policies, irrespective of their cross-cutting dynamics. In the appendix we offer some further guidelines for building responses to cross-cutting challenges along the school-to-prison pipeline.

In the next briefing paper, we turn our attention to a focus on structural racism and how it often impedes the ability for our public systems to treat all youth as equals under the law. Unfortunately, a youth's racial and ethnic background often appears to determine through which service tunnel s/he is sent. Whether it's the school-to-prison pipeline or just the lack of attention to the disparities youth of color experience, structural racism often has a detrimental influence on the future outcomes of our youth. As a precursor to the next paper, we encourage you to read publications listed in Snapshot 7 below, which offers some of the most thoughtful and cutting-edge research and critiques on structural racism and its relationship to the school-to-prison pipeline. These recent works illustrate that addressing structural racism and the criminalization of youth of color in particular are necessities for improving the chances of all vulnerable youth.

Snapshot # 7: Youth of Color and the School-to-Prison Pipeline Resources

The Schott Foundation for Public Education

A Positive Future for Black Boys (2005)

Dr. Rosa Smith

<http://www.schottfoundation.org/publications/Saving%20Black%20Boys%20ASBJ%20Sept.%202005.pdf>

Race, Poverty, & Special Education: Apprenticeships for Prison Work (2003)

Dr. Rosa Smith

http://www.prrac.org/full_text.php?text_id=938&item_id=8343&newsletter_id=71&header=Education

Justice Matters

Turning to Each Other and Not on Each Other: How School Communities Prevent Racial Bias in School Discipline

Susan Sandler, et al.

<http://www.justicematters.org/turning.pdf>

Building Blocks for Youth Initiative

No Turning Back: Promising Approaches to Reducing Racial and Ethnic Disparities Affecting Youth of Color in the Justice System (2005)

http://www.buildingblocksforyouth.org/noturningback/ntb_fullreport.pdf

The Advancement Project

Education on Lockdown: The Schoolhouse to Jailhouse Track (2005)

<http://www.advancementproject.org/reports/FINALEOLrep.pdf>

Also visit the websites of the **Harvard Civil Rights Project**

(www.civilrightsproject.harvard.edu), **The Advancement Project**

(www.advancementproject.org), and the **Juvenile Law Center** (www.jlc.org) for additional materials.

PROBLEM	ACTOR			
	Schools	Justice agencies	Community	Other service providers
Tunneling	Identify and respond to vulnerable youth's needs before they lead to court-involvement and drop-out	Police should minimize presence in school. Police and justice agencies should participate in diversion programs for delinquent students.	Organize and advocate for changes to school policies to improve standards, minimize criminal justice involvement in school, maximize diversion programs for youth.	Identify and respond to youth problems early.
Lack of information flow	Identify problems, and make appropriate referrals to other agencies to target children's needs.	Liaise with schools about educational progress and issues.	Inform schools and justice agencies of available services and make appropriate referrals for youth with problems.	Inform school and justice agencies of problems and issues relating to youth served where appropriate.
Diffusion of responsibility	Participate in partnerships among school, community, justice agencies and other service providers to directly address overlapping issues.	Follow-through on educational welfare of youth as they transition out of youth facilities. Participate in partnerships among school, community, justice agencies and other service providers to directly address overlapping issues.	Participate in partnerships between school, community, justice agencies and other service providers to directly address overlapping issues.	Create "bridge" services that coordinate agencies around and provide services to youth who traditionally fall through the service gaps. Participate in partnerships between school, community, justice agencies and other service providers to directly address overlapping issues.
Burden shifting	Take responsibility for internal disciplinary control. Work with families and communities to solve problems collaboratively, rather than pushing them out to community.	Take responsibility for educational welfare of youth.	Work with schools to solve problems collaboratively. Develop appropriate community-based services for vulnerable youth. Organize and advocate to hold justice agencies and schools accountable for the educational welfare of youth in the justice system.	Be available to or present in schools and justice system agencies to respond to youth problems.

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*About the **Beyond the Tunnel Problem** series:* This series examines how the systems of public education, juvenile justice, and child welfare can work in better coordination to address the needs of youth who are often impacted by more than one system at a time. The series provides information on the scope of the "tunnel problem" and recommendations for how funders and policymakers can support better collaboration between systems and youth-serving organizations at the federal, state, and local levels. It features thoughts and commentaries from leading experts from various disciplines. The series is sponsored by Youth Transition Funders Group in partnership with The Annie E. Casey Foundation.

About Youth Transition Funders Group: The Youth Transition Funders Group (YTFG) is a network of grantmakers whose mission is to help vulnerable youth make a successful transition to adulthood by age 25. For more information on YTFG, log on to www.ytfg.org.

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