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The Criminalization of Education: Combating the School-To-Prison Pipeline through Disciplinary Policy and Social Change

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The Criminalization of Education:
Combating the School-To-Prison Pipeline through Disciplinary Policy and Social Change

By

Lindsay Hemminger

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ABSTRACT

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This thesis builds on previous literature about the implications of zero tolerance policies,

policing in schools, and the school-to-prison pipeline. I evaluate the evolution of disciplinary

policies within public school districts since the abandoning of zero tolerance. Specifically, I use

the Schenectady and Niskayuna districts and apply theories about discipline, class, race, and

achievement to evaluate and compare the ways in which the school-to-prison pipeline and

disciplinary policies function. Through a series of case studies, I found that both schools, like

many others, have taken significant steps towards moving away from criminalizing and punitive

disciplinary measures. However, because of the inherent challenges urban districts like

Schenectady face, their struggle with the school-to-prison pipeline is more advanced, and,

therefore, their changes to their codes of conduct are more complex. My research attempts to fill

a gap due to lack of research conducted on these relatively new disciplinary practices and

alternative approaches towards handling behavioral issues. Overall, alternatives and practices

like restorative justice, transformative justice, and implicit bias and trauma-sensitive training

seem to be most effective. I make more detailed suggestions as to which methods seem to work

best, and how they are carried out based on my evaluations of each district and the limited

findings of other scholars thus far

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INTRODUCTION

Scholars argue that mass incarceration is one of the most significant civil rights issues of our time; while others argue that the Black-White achievement and opportunity gap is just as significant. Both the prison and education system have become a contributing factor in keeping African Americans and other minorities at a disadvantage, and both are intertwined. Prison has become an industrialized, for-profit institution, and the criminal justice system disproportionately targets the minority and impoverished population. Prison has increasing become more entwined with the prison system due to zero tolerance policies and policing in schools. The education system has increasingly failed to create equality for all students. I argue that education is a flawed system but has the ability to reduce levels of incarceration and close gaps in achievement and opportunity. Reforming it through disciplinary policy changes along with other district wide programs is one step towards achieving equality for all young people, and, in turn, equality in other realms of society.

CHAPTER ONE

I. The History of the Prison System in the United States

Both the education and the prison system have served as institutions of inequality in the United States. The prison system began as an institution that worked to achieve order and reformation within society. Its function has historically been to remove criminals from their environment in order for them to reform themselves and reenter society as a better citizen. The purpose of punishment and corrections is to deter citizens from breaking the law and prevent criminals from reoffending. However, there has always been a constant debate over which approach best achieves that goal. In the late 1700s, the Quakers believed that a reformative model would work best. Rather that forcing the offender to improve through the infliction of punishment by another, they believed that incarceration should provide an environment where the offender could reform him or herself. There was also a rehabilitative approach used that was based on resocialization. Individuals learned how to live by society's rules and norms. However, both the reformative and rehabilitative models, though ideal, were not effective in reducing recidivism. In New York, the retributive model developed. It inflicted physical punishment, solitary confinement, and hard labor to maintain order, efficiency and the economy. Retribution has become the most widely accepted form of punishment, and a variation of this model is found in most facilities today. The current correctional policy involves punishment, treatment, the improvement of academic and job skills for individuals, as well as retribution, deterrence, restoration and incapacitation. It has been mutually agreed upon and accepted that criminals should repay both the victim and the large society for the crime they commit. Incapacitation is also used simply to remove the offender from the opportunities needed to engage in criminal behavior for a period of time until the risk of further crime is reduced. Although today's prison

system is widely accepted, it has developed into a flawed, unforgiving institution that has caused more harm than good (Stanko 2004).

II. The Implications of the Current Prison Model

Some argue that prison is a total institution in which there is restricted social mobility and great social distance between the outside world and those who are on the inside. Inmates cannot be resocialized because life in prisons does not align with the functioning of the outside world. While in prison, inmates develop a code, which usually involves violence, strength, and sexual proclivity. This code develops because inmates are deprived on freedoms, goods and services, heterosexual relationships, autonomy and security. These stresses cause them to find their own solutions within subgroups. However, this code is not applicable to their life after they are released, largely because these types of behaviors are illegal or frowned upon (Stanko 2004).

When a person enters the prison system, they go through a process of prisonization. While in prison, inmates are forced to change or lose their identities and assimilate into a subculture in order to survive. They are cut off from their family, friends, jobs, and social roles. Numbers replace their names, and they lose all other aspects of their identity. This often results in negative feelings towards the facility, the guards, and the other inmates. They become so reliant on the subculture they have entered that they are unable to readjust to everyday life after release. Researchers argue that this may decrease the likelihood that they will gain employment and increase the chances of parole violations and recidivism (Stanko 2004). The way in which the prison system has been designed is not conducive to truly correcting the behaviors of those deemed criminal.

III. Mass Incarceration and the War on Drugs

Between 1980 and 2010, incarceration rates have skyrocketed. Imprisonment has become the solution for all crimes no matter the level of severity. During this decade, the number of people incarcerated has increased from 300,000 to 7 million. Nearly one out of every 31 adults is behind bars, on parole, or on probation. Despite decreasing levels of crime, the United States has an incarceration rate that is six to ten times greater than that of other industrialized nations. The War on Drugs, initiated by President Ronald Reagan, has been widely argued as a primary contributor to this incredible increase. Though many believe that the War on Drugs originated due to the increase in the presence of crack cocaine in inner cities, Reagan actually called the war before the emergence of crack cocaine. However, the media used crack as a means of gaining support for the war. The drug war began while drug use was on the decline. Less than 2% of the American public was concerned about drugs as a significant issue facing society (Alexander 2012).

Scholars argue that Ronald Reagan's drug war had little to do with public concern about race, and more to do about concern about poor and working-class minorities. Reagan's presidential campaign relied heavily on themes of crime and welfare. Rhetoric used to criticize welfare was targeted towards poor Blacks who refused to work and engaged in street crime (Alexander 2012). Reagan introduced his plans to combat drugs, particularly cocaine. He introduced two "Anti- Drug Abuse Acts." The first created mandatory life sentences for those "convicted of conducting a continuing criminal enterprise" (Gray 2001:26). Its most controversial section instituted mandatory minimum sentences for simple possession charges (Gray 2001). Ultimately it treated powder cocaine differently than crack cocaine. A 100-1 quantity ratio was created, which essentially created a much higher threshold for the criminalization of powder cocaine than for crack. The second act arose in 1988 and created

harsher sentences for second offenses, and it brought the death penalty to the table as a possible punishment for serious drug offenses as well (Kitly 1999).

Because crack was less expensive than cocaine and plagued inner cities rather than suburban areas, poor, minorities became the primary culprits of these crimes and the justice system disproportionately took them off the streets. Crack became a scapegoat for other social failures such as unemployment, unequal education, poverty, and residential discrimination (Alexander 2012).

As a result, arrests for drug law violations increased from 600,000 to about 1,700,000 between 1980 and 2000. . The number of people under state and federal custody for drug offenses increased from about 25,000 to about 310,000. In 2000, less than 7% of federal drug convictions, for cocaine specifically, were high-level dealers. More than 70% were at the bottom of the drug chain. These street level dealers served longer sentences as well. This steep increase in incarceration rates since the beginning of the war on drugs is what author James Gray calls the "prison industrial complex." Prisons are severely overcrowded because of the mandatory minimum sentences and the lack of jurisdiction that judges have over them. The only people who benefit from this "industry" are those who are getting paid. It is a financial issue for the government and causes the criminal justice system to lose credibility and legitimacy. Prisons are becoming more of a business than a productive institution that keeps society safe and holds offenders accountable for serious and damaging crimes. Overcrowding has led to the release of violent criminals who have not served their full time, so that non-violent drug offenders can finish out their mandatory minimum sentences (Gray 2001).

More alarming is the disparity between the number of Whites and Blacks that have been incarcerated, especially for drug offenses. "The United States imprisons a larger percentage of its

Black population than South Africa did at the height of apartheid" (Alexander 2012:6). Despite the fact that all races use and sell drugs at similar rates, Black men have been imprisoned on drug charges 20 to 50 times more than White men. In major cities, 80% of African American men have a criminal record. Michelle Alexander argues that mass incarceration has become the new Jim Crow. The web of laws, policies, and institutions that have lead to the high rates of arrests and criminalistics labeling of African Americans has maintained their second-class citizenship in this country. Police disproportionately stop and search African Americans on the street with little regulations over their discretion or need for reasonable suspicion. When minorities enter the criminal justice system, they are often too poor to post bail or acquire a lawyer that can give their case an adequate amount of time. They plead guilty to crimes they did not commit for a plea bargain because they fear mandatory sentences. If they are addicted to drugs, they often do not receive the treatment they need. Once they are labeled a felon, their life after release is incredibly limited. They cannot vote, and they struggle to acquire employment. They are barred from public housing by law and become ineligible to receive government-subsidized aid for things like food stamps and education. Statistics show that 30% of released inmates were rearrested within six months and 68% within three years. No matter how little the crime, incarcerated persons are not given a fair chance to truly reenter into society. People, particularly African Americans, pay for their crimes long after they are released from prison (Alexander 2012).

IV. History of the United States' Education System

Though the racist and discriminatory undertones of the War on Drugs and the criminal justice system are largely to blame for the epidemic of mass incarceration, the education system has also perpetuated racism and discrimination that leads young African Americans down a path towards prison. Anna Deavere Smith, executive producer and researcher, argues that the problem

with over-incarceration starts with a lack of education. In her film "Notes From the Field," she states, "it is impossible to talk about the criminal justice system without talking about education" (Smith 2018).

The idea of public education for all has been of great importance since the founding of America in the late 18th century. It was believed that education had a strong influence over the development of the character of young people early in life, which would reflect the character of the nation as a whole. In its earliest discussions, many believed that education was a right of all citizens no matter what their struggle, and it was the government's responsibility to provide it. Horace Mann, a Massachusetts senator and later the secretary of the Board of Education, was one of the first to advocate heavily for public education. He held the profession of teaching to a high standard, and he believed that only the enthusiastic and most qualified individuals should serve as role models for children within the public school system. Mann also advocated for active learning on the part of the students. He felt that a student could not be mindlessly fed knowledge, but rather he or she should be a voluntary participant in education (Fife 2013). He was also the first to argue that education could serve as an "economic equalizer in the United States so that poor people could become wealthy" (Fife 2013:30). Mann's ideas about public education were progressive for his time. Overall, Horace Mann "viewed education as a truly public good, one in which students from diverse backgrounds would assemble in the same building for a common purpose" (Fife 2013:40).

V. Racial Inequalities in American Education

The virtues that the education system was originally built on such as the public provision of schooling, the public funding of schools, separation of church and state, gender neutrality, and equal access were idealistic for their time. Though Horace Mann recognized the diversity of the

nation, the early beginnings of schools were often limited to Whites, males, and elites. Slavery and racism had a profound effect on the development of the public school system. During slave times, there were major debates over whether or not African Americans should be educated. The South opposed the idea because they believed that it was unnecessary unless it contributed to their work ethic. Southerners also felt that education would provide African Americans with the ability to organize and revolt. They knew that slavery was morally wrong, but they wanted to prevent any chance of its collapse. Others believed that African Americans were generally inferior to Whites due to their stubbornness and lack of intelligence. However, many founding fathers considered the benefits of educating Blacks. Ben Franklin supported the idea because he believed that education would convert them to Christianity and make them economically efficient. He rejected the idea that they were intellectually inferior and argued that education would provide them with great moral and intellectual benefits (Jeynes 2007).

In the North, there were no laws prohibiting Blacks from attending White schools. However, due to poor economic conditions and the awkwardness of attending White schools, many African Americans did not attend White schools. Many felt more comfortable sending their children to segregated schools designed to help freed slaves. In 1806, the Boston School committee agreed to create public schools for Blacks. However, they had to self-fund them, which made them eventually question the wisdom of segregated schools. The Boston School Committee concluded that the quality of education that Blacks were receiving was inferior to that of White students. As a result, they put in to law that schools were to be racially integrated, despite the fact that there had never been any laws against it. African Americans began to make many academic and intellectual contributions through the 1800s. However, many also lead revolts, especially in the South. Nat Turner's revolt in 1831 was among the most prominent

because it aroused the hostility of slaveholders toward Northern educators of slaves (Jeynes 2007).

During the 19th century, Blacks took initiative in creating and bettering their educational opportunities, particularly in New York. In 1812 a group of African Americans bought a plot of land in Albany on which they planned to build a school. By 1816, the school was established and incorporated by the state legislature as the Albany School for Educating People of Color. The first Black public school was founded in Brooklyn the following year. At its construction, White trustees decided that Black students would be placed in separate classrooms and taught only by Black teachers. When slavery was abolished in 1827, the Black public school was forced out of the district's building. The school was moved into a privately owned building and became administered almost entirely by Blacks. The school was publicly funded; however, their resources were limited. They fought to receive more funding in order to educate more students, and by the 1840's, they succeeded. During this time, a group of Blacks opened a privately funded school in Troy. Parents paid tuition if possible, and they created a committee that worked to raise funds from both Blacks and Whites. Most notable at this time was the creation of the Society for the Promotion of Education among Colored Children, which was spearheaded by Black leaders and worked to organize a charity society to run Black schools. This organization enrolled more Black students than any other Black-controlled organization in New York State up until 1900. In Schenectady, there was a relatively smooth transition from Black charity schools to Black public schools. When public schools came into existence, two of the members of the charity school board became members of the new school board. The new board provided a building for a Black school, and the students were placed in classrooms immediately. Though Black leaders often needed to assistance of Whites for financial purposes, they took a significant

initiative to provide education for Black children. While many of their efforts failed, Black leaders were able to keep schools open long enough to convince Whites that Blacks desired to learn and were capable of doing so (Maybee 1979).

The South did little to provide education for Blacks, unless it was to make them more efficient workers. After Nat Turner's revolt, southern states passed a series of laws to prevent slaves from accessing education, particularly through religious groups. Education during this time was an important component of the quest for equality. After the Civil War, W.E.B DuBois and Booker T. Washington both fought for and agreed upon the idea that education was invaluable in working to raise the status and living conditions of African Americans. They also both envisioned a day in which Blacks would enjoy the privileges and joys of the American dream. Education then became a staple in the Civil Rights Movement (Jeynes 2007).

Plessy vs. Ferguson was not directed towards education, but had a huge impact on it. Schools in the South were strictly segregated by race, but they were not equal. Brown vs. Board of Education arose in Topeka, Kansas when Linda Brown was forced to attend an all-Black elementary school even though there was a White school much closer to her house. Linda Brown won her case in 1954, which gave momentum to the Civil Rights Movement. Many schools in the South took very long to integrate their schools, and most attempts at integration did not work. Busing was used to bring children to different schools; however, it meant that Black students would spend so much time traveling and their parents could not be as involved as White parents. (Jeynes 2007).

It was not until 1968 that the process of integration truly began. Multiple Supreme Court cases involving desegregation resulted in desegregation and rezoning plans in both the North and the South. However, little progress was made to effectively challenge the segregation of public

schools. In the case Milliken v. Bradley, school board members in the Detroit public schools were ordered to create desegregation plans for the school district, while the state created a plan for a "metropolitan unitary system involving three counties" (Fife 2013:151). However, these plans did not involve any of the suburban districts outside of the city, which caused their plans to show little signs of success. The justices essentially ruled that the case was irrelevant because there was no de jure segregation in the Detroit City School District and that any ordered solution would impose on the outlying, suburban districts. This decision put a halt to true desegregation because as long as there were no laws enforcing segregation within a state or city, it wass not within the scope of the court. As a result, "school desegregation has remained an urban phenomenon and suburban American has been largely excluded" from this responsibility today, and "poor families-and, disproportionately, non-Caucasian ones-have become increasingly isolated in central cities all across the country" (Fife 2013:152). Since this case, school desegregation has not been a priority for policy makers (Fife 2013).

VI. The Black-White Achievement Gap

Extensive studies have concluded that the academic achievement of African American students continuously falls significantly below that of their White counterparts. Whites outperform Blacks by four years in math and reading. In New York, the graduation rate for White students has been nearly double that of Black students. This same gap can be seen across the country. The smallest gap still remains at 12%. Black students are much more likely to drop out of school than Whites, as well. Whites also exceed Blacks in SAT and ACT scores and college enrollment rates, even when controlled for social class. Scholars like Paige and Witty argue that the gap is "a major barrier to racial equality and social justice in America that must be confronted and defeated" (Paige and Witty 2010:42-43). The gap contributes to and strengthens

racist stereotypes that African Americans are intellectually inferior to Whites. Black students carry this burden with them through their educational experience. When students feel like they are expected to perform poorly, they usually do. Similar to the effect that labeling has on criminals when they are released, students experience the same threat to their success when they are labeled as incapable of achievement. The academic gap between Blacks and Whites is a contributor towards the income gap between the races. Higher levels of academic achievement earn more money from employers. This gap also affects African American's ability to access health insurance and live long lives. Incarceration rates are much higher for those who do not complete high school, while only 2.4% of high school graduates go to prison. Dropouts are twice as likely as high school graduates to end up incarcerated (Paige and Witty 2010).

This gap has been attributed to multiple causes. Socioeconomic disparities between Whites and Blacks are most commonly used to explain the gap. Support for this argument comes from evidence of the effect that differences in parenting skills and education levels of lower income parents have on children before they enter school. Though this is true, it cannot be the sole explanation (Paige and Witty 2010). Studies show that when the achievement gap is controlled for class, it grows wider. Although suburban Blacks out-perform urban Blacks, there is still a gap between races of the same class (Weiner 2017).

Some argue that the sociopathological culture of African Americans causes them to achieve at lower rates. Social forces such as unstable families, poor parenting skills, and low parental involvement are to blame for their underachievement. This conservative viewpoint places high expectations on African Americans to fix their own lives in order to close the gap. Though it is true that educational achievement is reliant on sociopathological forces, it is unfair

to assume that this is solely due to African American culture or that there is nothing to be done about the gap (Paige and Witty 2010).

VII. The Opportunity Gap

There are many arguments as to why the achievement gap exists between White and Black students, none of which have inspired effective reform. Richard Milner challenges the achievement gap and argues, "focusing on an achievement gap inherently forces us to compare culturally diverse students with White students without always understanding reasons that undergird disparities and differences that exist" (Milner 2010:8). He believes that "a focus on an achievement gap places too much blame and emphasis on students themselves as individuals and not enough attention to why gaps and disparities are commonplace in schools across the country," while "opportunity forces us to think about how systems, processes, and institutions are overtly and covertly designed to maintain the status quo and sustain depressingly complicated disparities in education" (Milner 2010:8). Milner believes that an achievement gap exists due to numerous other gaps that exist within education such as, "the teacher quality gap; the teacher training gap; the challenging curriculum gap; the employment gap; the wealth and income gap; the health care gap; the nutrition gap; the school integration gap; and the quality childcare gap" (Milner 2010:9). The Black White achievement gap often puts students of color in inferior positions and labels them as underachievers who are poorly prepared and somehow inept in the eyes of educators. The Black White achievement gap also reinforces the oppressive view that "the performances, experiences, and outcomes of White students are 'the norm' by which others are compared, measured assessed, and evaluated" (Milner 2010:9). Because there are number of deficits that many students of color inevitably face both in and out of the education

realm, their opportunities to succeed are often smaller than those of White students. Combating those deficits is likely to be more effective than solely focusing on test scores (Milner 2010).

VIII. Role of Disciplinary Policies in Education

The inequities and failures within the public school system, particularly for students of color, are closely connected to the history and role of discipline. When schools could no longer resist integration in the 1970s, they turned to disciplinary action to keep people of color in an inferior position. African Americans students were treated differently within schools from the beginning. White parents were concerned that Black students would be disruptive in the classroom, act violently towards Whites, and slow down learning in the classroom simply because they were not smart enough. To address these fears, schools stigmatized African American students and targeted them through their disciplinary policies. Teachers feared that racial tensions would cause the classroom to become unmanageable. They pushed for greater jurisdiction over discipline, and they succeeded. African Americans students have been suspended two to three times higher than White students. Multiple court cases arose from these unfair practices; however, the racial discrimination within the disciplinary policies was never truly resolved. The Supreme Court struggled to "retain benevolent disciplinary discretion while restraining discriminatory discretion" (Black 2016:45). As a result, the "solution was to adopt new facial neutral discipline processes that promised fairness for all students" (Black 2016:45). However, this idealistic version of fair process did not extricate bias. School officials also felt that the fair process undermined the schools authority and created an "us versus them" mentality among students and teachers. As student behavior became more criminalized and zero-tolerance policies came into the picture, these due process hearings became nothing more than a few questions. Punishments were no longer given on a case-by-case basis. Similar to the criminal

justice system in the US, school discipline became a means of excluding those who were unwanted rather than a system meant to teach students a lesson. Suspensions, expulsions, and in-school arrests have increased considerably due to these policies, and the result is commonly known as the school-to-prison pipeline (Black 2016).

IX. The School to Prison Pipeline Deconstructed

Much of the achievement and opportunity gap can be attributed to the school-to-prison pipeline. Due to the rise of the prison industrial complex and the era of mass incarceration, juveniles, particularly Black and Latino students, are imprisoned before they even reach graduation. In the 1990s, a series of laws were passed that helped shape this pipeline. As a result of the Gun-Free Schools Act of 1994, the Safe Schools Act of 1994 and a 1998 amendment to the Omnibus Crime Control and Safe Streets Act of 1968, there was an increase in mandatory minimum sentences, the emergence of the three strikes law, a punitive overtake of the juvenile justice system, and the start of broken windows policing and zero tolerance in schools. Like the War on Drugs, the media used the public's fear of unsafe communities and schools to gain support for these new legislative decisions (Heitzeg 2016).

The Gun-Free Schools Act broadened the scope of zero-tolerance policies to include much more than just weapons. Alcohol, drugs, threatening behavior, fighting, and minor misconduct such as tardiness, defiance, and disruptive behavior have all been included under the zero-tolerance umbrella. Similar to mandatory minimum sentencing, zero tolerance policies made no distinctions between serious and minor violations. Along with these policies, there has also been an increase in police presence within schools. As a result, behavior that was once dealt with internally within the context of school has become criminalized and addressed by law enforcement. Schools are also installing metal detectors, conducting routine stops and searches,

and increasing surveillance. Students, particularly those of color, are suspended or expelled and pushed into the legal system with arrests made at school. This places them on a path towards incarceration (Heitzeg 2016).

The development of disciplinary systems in education follows a path parallel to that of the prison system. Schools have begun to crack down on disruptive and unlawful behavior and give out excessive punishments that do not always fit the crime. These punishments have long lasting effects on the student's lives especially when they miss a significant amount of school. It has become clear that education is not a forgiving system that allows students an equal opportunity despite their race, class, or ability (Goldin and Katz 2008).

There are numerous consequences of the adoption of these policies and practices. Firstly, removing students from schools for minor infractions does not make schools safer. There is no evidence that high rates of suspension and expulsion lead to an improvement in discipline and school climate. These policies create distrust between teachers and students, and it creates a hostile environment in which students have little motivation to learn. Police in schools also creates this sort of climate. Students are arrested for minor offenses and sent straight into the criminal justice system. Schools with a police presence have been shown to have five times the arrests for disorderly conduct than those without it. The police exert force through the use of Tasers and pepper spray. The arrests are accompanied with fines, probation, possible detention, and criminal records that follow young people into adulthood and affect their ability to be successful, productive citizens. Juvenile detention decreases the chances of graduation by 39% and increases the likelihood of future incarceration by 41% (Heitzeg 2016).

Zero-tolerance policies unfairly target students of color and those in poor, urban schools. Those students are often times the ones struggling on tests, so schools have more reason to push

those students out in order to comply with the expectations of certain legislation. Because they are not enforced equally across all districts, minority, poor districts suffer the most. African American students are overrepresented in suspension and expulsion rates. Black students are three and a half times more likely to be suspended or expelled than their White peers. In some schools, that number increases to six. This trend begins in preschool. 42% of children who are suspended are Black, despite the fact that they only make up 18% of preschool enrollment. Black and Latino students make up over 70% of all students arrested or referred to law enforcement in schools. Disruptive behavior among White students is often diverted from criminalization through medical diagnoses and labels. Therefore, the students who are pushed from school to prison are most often students of color, signaling that zero-tolerance policies are racially motivated and enforced (Heitzeg 2016).

X. Sociological Perspective on the School-to-Prison Pipeline

In order to deconstruct the foundations and evolution of the school-to-prison pipeline, sociologists have used different theories to explain both its emergence and its consequences. According to functionalist theory, society is a system of interconnected institutions that work in tandem to create balance and harmony in society. Both the education and prison system provide a function for society. Their goal is to socialize individuals in order to maintain stability and safety. Educational institutions function as a source of personal advancement as well as a public good that unifies society. However, both criminal and educational institutions serve a social control function; "they indoctrinate, regulate, seek to assimilate, and replicate an already unequal social order" (Heitzeg 2016:4). Education benefits those with privilege while also keeping those without it at a second-class status. As education has increasingly begun to criminalize student

behavior, sociologists consider that the latent function of education is to socialize select groups of people into prisoners (Heitzeg 2016).

The effects of this school-to-prison pipeline are often explained by a key sociological theory of deviance known as labeling theory. Labeling theory argues that people identify and behave in ways that reflect how others perceive them. When students are harshly disciplined, they are labeled as a "bad kid," and this label follows them throughout their educational life course. They internalize the label and behave accordingly. This label strips them of their own identity, fails to acknowledge their struggles, and denies them respect. As a result, they often act out further as a means of resistance (Rios 2011).

XI. Attempts to Improve Achievement

The dominant argument around reform efforts focuses on the idea that effective educational practices can overcome social disadvantages such as socioeconomic class. Many argue that administrators and teachers have the ability to close the achievement gap and improve outcomes for students at risk (Paige and Witty 2010). The No Child Left Behind Act is the most recent major legislative attempt at school reform. It introduced "the threat of student exit from schools and bleeding of moneys from low-performing schools" (Leonardo 2009:135). It required annual testing for student's grades three through eight. Individual schools had to meet state annual yearly progress goals for both the student population and subgroups based on race and class. Report cards on schools were also required. After three years of failing test scores, schools were forced to provide choice for students to leave. After five years, the school could be subject to governmental changes or complete disintegration. It also placed requirements on the hiring of teachers in public schools in order to ensure that they were "highly qualified" (Fife 2013). This

reform act had serious, negative implications on the education system, specifically in poor districts.

The conservative undertones of the No Child Left Behind Act ignore the important reality that poverty is a relevant factor in education. The idea of providing school choice aligns with the "laissez-faire assumption that marketplace competition will force deficient schools and their officials to improve or cease to exist" (Fife 2013:109). It uses test scores to threaten struggling schools from becoming charter schools or being closed altogether, even if they are improving in other areas. The founding of charter schools was based on the conservative belief that market mechanisms would increase efficiency and create quality through educational competition. This idea was based in economic theory and data that showed that private schools outperform public schools. They are public schools given a "charter" from an agency such as a school board, city, or state to offer an education to students. Charter schools are privately run, but they must be non-religious, free for all students, open to all students, and participate in state testing and accountability measures. However, they are exempt from requirements regarding hiring of teachers, curriculum requirements, and other regulatory demands (Fife 2013).

There are many criticisms to charter schools and school choice. Charters divert money away from public schools, which reduces the resources available to those who remain behind causing failing schools to be at an even greater disadvantage. However, support comes from both parties. Democrats support charters because they desire to have more choice for urban students who cannot afford private schools, and they are frustrated over failure of reform in public schools. However, in urban areas, school choice does not always work because of the high number of failing schools (Weiner 2017). Statistics also show that charter schools have

noticeably higher suspension rates than non-charter schools. They also suspend Black students four times as much as White students (Camera 2016).

Zeus Leonardo argues that the No Child Left Behind Act, which expired in 2007, failed closing the achievement gap because it was a mechanism of color-blindness. NCLB punished educators that did not meet the yearly standards of progress, most of which are schools with high numbers of students of color. However, they were made to believe they were failing non-racialized academic standards. Reform efforts like the No Child Left Behind Act acknowledged the fact that there were issues among White and minority students' achievement, but did not take into consideration the causes of this issue such as health disparities, labor market discrimination, and other processes and structures. When Whites fail in education, it is blamed on their poverty. For minorities, it is blamed on exaggerated diagnoses of mental illness, learning English as a second language, and on the minorities themselves. NCLB assumed that the achievement gap was a problem of both teaching and the educational state apparatus, something that can be addressed by putting pressure on teachers to do their jobs. Its funding only covered testing costs rather than resources that struggling students need in order to succeed. Overall, it failed to create any groundbreaking changes, especially for minority students (Leonardo 2009).

The Obama Administration introduced a new education agenda that also focused around incentives based on competition between school districts. Race to the Top was announced in 2009, and it became one of the largest investments in education reform in American history. He stated,

> "This competition will not be based on politics or ideology or the preferences of a particular interest group. Instead, it will be based on a simple principle—whether a state is ready to do what works. We will use the best evidence available to determine whether a state can meet a few key benchmarks for reform—and states that outperform the rest will be rewarded with a grant. Not every state will win and not every school district will be happy with the results" (Obama 2009).

The agenda focused around "adopting internationally benchmarked standards; improving the recruitment, retention and compensation of teachers and school administrators; improving data collection; and implementing strategies to turnaround failing schools" (Viteritti 2012). Obama continued to promote charter schools and school choice, as well, which was effective in many urban communities (Viteritti 2012). Many of the programs that arose from Race to the Top addressed issues of poverty and race and promoted a shift away from focusing solely on test scores. Teacher quality has improved in high-poverty schools and states are beginning to effectively intervene in low-performing schools (Miller and Hannah 2014).

However, studies continue to show that the achievement gap between low-income students and high -income students is growing at an even faster rate than the racial gap. Despite the successes of Race to the Top and its ability to effectively create policy implementation in many states, there is still a significant amount of work to be done to improve education for students facing opportunity gaps in their everyday lives (Viteritti 2012).

XII. Attempts at Disciplinary Reform

Because laws like the Gun-Free School Act of 1994, the Safe Schools Act of 1994, and the 1998 amendment to the Omnibus Crime Control and Safe Streets Act of 1968 have essentially created this pipeline, it is likely that it is imperative to dismantle these laws. Reform efforts on the federal level have been limited. In December of 2012, the first congressional hearings were held on the school-to-prison pipeline. Illinois Senator and chairman of the Senate Judiciary Committee's subcommittee on constitution, civil rights, and human rights Richard J. Durbin called the hearing. There were expert testimonies and statements from many organizations and youth advocates about the extent of the issue and potential solutions. From this hearing came multiple recommendations for Congress including decreased funding incentives for

police, increased funding for counseling and other educational resources, mandatory data collection on suspension, expulsion, and arrest rates across the nation, and support for solutions to end racial disparities that formed the pipeline. There have also been calls for less reliance on testing and more attention to school climate to counteract the consequences of No Child Left Behind that often push students out of schools at a young age. The Elementary and Secondary Education Act was reauthorized in December of 2015 as a result of these recommendations; however, it failed to hold school districts with high discipline disparities accountable for implementing reforms. To date, the only meaningful action taken by the federal government against the school to prison pipeline is new guidelines on School Climate and Discipline issued by the Department of Education and Department of Justice. These guidelines emphasize changing school climate and preventing behavioral problems, consequences that will help students improve, and equality in policies for all students. Though this is the first time that a federal agency has directly advocated a move away from zero-tolerance, there is no guarantee how long these policies and provisions will last (Heitzeg 2016).

State reforms have been focused around the idea of restorative justice and mandated data collection; however, most legislation passed is simply a recommendation rather than a requirement. Though many schools have changed their disciplinary approaches and codes of conduct, many have not fully enforced these changes. There has also been a lack of attention paid for other issues that play a part in the Black White achievement gap, opportunity gap and school-to-prison pipeline. Efforts to reduce police presence in schools have not been addressed at the legislative level. In fact, there has been an increase in support for school policing since the Newtown shooting in Connecticut. States have done little to acknowledge the inherent

disadvantages students face base on race and class and its translation into behavior, and they have done little to expand teacher education to eradicate implicit biases (Heitzeg 2016).

Scholars argue that in order to effectively decrease suspension rates and improve academic achievement, school districts must understand that complex factors that cause the issues. The climate that a school's disciplinary approach creates has a dramatic impact on student behavior. African Americans are more often exposed to negative school environments. There has been little research conducted on the connection between discipline and the racial achievement gap; however, some studies suggest that solving high suspension rates may also help to close the gap. Researchers have found that the percentage of low-income and middle-income students in a school is related to the disciplinary climate and student achievement. Because there is such a high level of segregation in school districts by socioeconomic class and race, African Americans disproportionately end up in schools that lack resources and struggle to maintain an orderly and productive school environment. They resort to punitive measures, which has a direct impact on test scores. There is evidence that when the disciplinary climate improves, test scores follow. Schools must understand that student misbehavior and academic achievement are functions of the social and disciplinary climate that they produce (Black 2016).

Despite the limited actions the federal government has taken to attack harsh disciplinary practices, there has been some evidence of success since the issue has been acknowledged. Between 2012 and 2014, the number of suspensions and expulsions in public schools has declined by 20%. The programs and policies that schools have implemented in the past few years may be contributing to this decline; however, there has been little research done on the matter. It is not entirely clear which methods work better than others. It is also questionable as to whether or not these reform efforts have succeeded in reducing disproportionate suspension rates for

African American students or have any impact on closing the racial achievement gap. Suspension rates alone do not provide information about the effects of reform efforts on teachers or students without behavioral issues. Because school demographics differ greatly from district to district, it is important to evaluate which efforts work in which schools. So far, transformative and restorative justice, trauma-sensitive training, preventative intervention, and a focus on opportunity gaps seem to be at the core of effective reform. Research on these specific alternatives and initiatives is vital to ending the school-to-prison pipeline and improving educational outcomes for students of all races who deserve a right to equal education (Steinberg and Lacoe 2017).

CHAPTER TWO: METHODOLOGY

I. The Problem and Why it Matters

At its' beginning, America's public schools were meant to function as a remedy for violence and social disorder. As Horace Mann proposed, the education system was meant to instill a sense of obedience and morality within its students in hopes that they would become productive citizens. It was not until the 1960s and 70s that it became evident that schools were not meeting these expectations. School violence and disobedience remained consistent throughout the public school system. Students in poor, urban schools have suffered the greatest from these failures. Since the 70s, the debate over how to respond to disciplinary issues took charge. Conservatives believe that in order to combat these issues there must be a focus on academic skills, competition and tough discipline, while liberals believe that schools are failing because they are too authoritarian and repressive. Traditionally, schools have relied on suspension and expulsion in an attempt to rid their district of violence, disobedience, and distractions (Anderson 1998). However, there has been little evidence that these approaches are effective. In fact, these tough, zero tolerance policies have instead created a school-to-prison pipeline, which puts students, particularly low-income, minority students, in the hands of the criminal justice system (Heitzeg 2016).

The school-to-prison pipeline is a relatively new label used to describe a larger sociopolitical climate of public education that has been forming since the formation of the public school system. "Double segregation, dwindling resources and high-stakes testing, extensive industrialized profit-driven system of social control, and racialized results in an era of ostensible color blindness" contribute to the shaping of the pipeline (Heitzeg 2016:56). However, it has been apparent that the push of youth towards the prison system is accelerated by the use of zero-

tolerance policies and police in schools. Punishments of minor levels of misconduct are becoming increasingly harsh and now result in suspension, expulsion, or an arrest. The industrialization and profitization of the prison system through the development of the War on Drugs has motivated a trend towards mass incarceration and an attack on juvenile delinquency. The criminalization of education serves to foster that social trend through the enactment of the Gun-Free Schools Act and other "race neutral" policies (Heitzeg 2016).

American and Latino students are at the highest risk, which makes the school-to-prison pipeline an even greater moral dilemma. Black students are up to six times as likely to be suspended or expelled than their White counterparts. Black and Latino students make up only 45% of the student body, but make up 56% of all expulsions. They also make up over 70% of the students arrested or referred to law enforcement in school. Though Black males are at the brute of this issue, Black girls are at a comparable risk. Black girls "have experienced the greatest increases in the rate of exclusionary discipline" (Morris 2013:5). Scholar Monique W. Morris found,

> "Black girls may also be criminalized for qualities that have been long associated with their survival. For example, to be "loud" or "defiant" –two "infractions" that may lead to the use of exclusionary discipline in schools – are qualities that have historically underscored Black female resilience to the combined effects of racism, sexism and classism" (Morris 2013:5).

Black students experience this discrimination at the early stages of their educational career, and the deviant label they are given often follows them through their schooling. These students are pushed out of school through these zero-tolerance policies and school policing, which leads to higher rates of dropout and unemployment. Both of these consequences put youth at an increased chance of incarceration. "In a late capitalist postindustrial economy that has turned to a prison industrial complex as both repository for disposable labor and employment sector for a declining

middle class, these youth are being prepared for their future roles as prisoners" (Heitzeg 2016:103). They are selected not based on merit or potential, but rather race and class (Heitzeg 2016).

Despite the fact that some groups are at a higher risk to enter this pipeline than others, it is a concern that does an injustice to all Americans. This school-to-prison pipeline has contributed directly towards the trend of mass incarceration, which has come to function as a new form of slavery in this country and a direct violation of civil rights. This is also incredibly expensive and unproductive epidemic. In New York City, it costs about $168,000 to feed, house and guard each inmate a year. Taxpayers are funding an institution that is not only unjust in it's practices, but also takes potentially productive citizens out of the workforce. The average cost of prisons in 2010 in 40 of the 50 states was $39 billion (Santora 2013). Meanwhile, it costs about $10,500 to send one child to public school each year (Vo 2012). Analyses by the Department of Education show that "state and local spending on prisons and jails has increased at triple the rate of funding for public education for preschool through grade 12 in the last three decades" (U.S Department of Education 2016). Failing to invest in the future of youth does a disservice to the country as a whole. Education is an institution that works to instill morality, motivation, and intelligence into young people to not only create more productive citizens but also to prevent people from becoming a burden to society by breaking the law. However, the government continues to prioritize incarceration over bettering future generations. The United States has a moral obligation to address the failures of the education system due to its overwhelming issue of disproportionality, blatantly racist practices, and high levels of student failure and incarceration (Alexander 2012).

II. Aim of This Research

The aim of this research is to better understand how different disciplinary policies contribute towards the school to prison pipeline, how specific districts are altering their codes of conduct, and the effectiveness of new approaches towards discipline. The ultimate goal of this examination is to understand the causes of juvenile delinquency particularly amongst different groups, provide insight into the role that disciplinary policies play in student achievement both in and out of the classroom and form a conclusion about the most effective policies and perspectives school districts should adopt. I will evaluate the ways in which the code of conduct has changed in two different school districts in New York and assess attitudes of administrators and school officials about these changes.

III. Demographics

In order to grasp a sense of how disciplinary policies are functioning in schools, I evaluate the codes of conduct in two public school districts in upstate New York. Both Schenectady and Niskayuna School Districts are located just outside the state's capital of Albany. These neighboring districts differ greatly in demographics, student achievement, and suspension rates.

Schenectady County has a population of 154,796 people and a median income of $58,114. The population is 75.1% White, 9.3% Black, and 6.37% Hispanic. 10.3% of the people in Schenectady speak a non-English language. The median property value is $165,800 and the homeownership rate is 66.5% (Deloitte et. al. 2015). Schenectady City School District has a K-12 enrollment of 9,327. 4,807 or 52% are male and 4,520 or 48% are female. 33% are Black, 19% are Hispanic or Latino, 17% are Asian or Pacific Islander, 27% are White and 5% are multiracial. 79% of students are considered economically disadvantaged. 78% are eligible for free or reduced-price lunch. There is a 91% annual attendance rate. The turnover rate of all

teachers is 12% and 29% amongst teachers with fewer than five years of experience. 8% of students dropped out during the 2016-2017 school year, and 10% did not complete high school. 27% of graduates entered a four-year college, and 50% entered a two-year college. 2% went to the military, and 4% when straight to employment. Less than 30% of students were considered proficient on standardized testing in grades 4-8. 14% of students in this district were suspended from school during the 2016-2017 school year (Schenectady City School District 2017). School suspension rates in minority schools like Schenectady remain above the statewide rate of 4% (Bump 2015).

Niskayuna, New York has a population of 4,911 people with a median household income of $100,417. The population is 88.1% White, 6.21% Asian, and 2.75 Hispanic. 12.1% of people speak a non-English language. The median property is $211,200 and the homeownership rate is 89.9% (Deloitte et. al. 2015). Niskayuna School District has a K-12 enrollment of 1,386 students. 662 or 48% are male and 724 or 52% are female. 4% of students are Black, 2% are Hispanic or Latino, 16% are Asian or Pacific Islander, 76% are White, and 2% are multiracial. 13% of students are considered economically disadvantaged. There is a 96% annual attendance rate. 13% are eligible for free or reduced-price lunch. 1% of students dropped out and 1% of students did not complete high school. 75% went to a four-year college and 18% went to a two year college. 3% went straight to employment. 96% of students were considered proficient on standardized testing in grades 4-8. 3% of students were suspended in the 2016-2017 school year (Niskayuna School District 2017)

IV. The Relevance of Social Class

The demographics of Schenectady and Niskayuna are vastly different. The median income in Niskayuna is nearly double that of Schenectady. The social structural location of

students in these neighboring districts plays a significant role in the shaping of their daily lives. By acknowledging "selected aspects of family life as differentiated by social class," we can create a narrative based on the quantitative data characterizing each district (Lareau 2011: 236). In a study conducted by Annette Lareau, a professor of sociology at University of Pennsylvania, investigated the differences in the lives of middle class and lower class families. Lareau found that social class positions are aligned with certain childrearing practices and cultural beliefs.

Middle class families follow what she calls "concerted cultivation" (Lareau 2011:238). Parents tend to schedule their children's activities, hover over them in and out of the household, and make a conscious effort to "foster and assess their children's talents, opinions, and skills" (Lareau 2011:238). Middle class children have the freedom to participate in sports at a young age, which gives them an advantage when they reach high school level athletics. Their family schedules are hectic, but mothers are generally able to make sacrifices to provide their children with transportation and economic resources. Middle class parents tend to have a higher level of education and flexible work schedules. Their children learn to make relationships with authority figures, which gives them advantages as they age and begin networking within the workforce. In school, parents consider themselves equals with educators, and children expect these institutions to accommodate their needs. However, middle class parents also understand the important correlation between educational achievement and success in the job market, so they take active measures to ensure that their child performs well academically (Lareau 2011).

Middle class parents are also more likely to use reasoning within their households, specifically as a form of discipline. This usually translates into the school setting where similar practices are used to address disciplinary issues. The privileges that come along with being a member of the middle class are also reflective within schools. Like families, school districts in

predominantly middle class neighborhoods are associated with specific educational practices that provide different outcomes for middle class students such as offering Advanced Placement classes, courses on preparing for college, and recreational clubs, teams, and programs that keep students from engaging in deviance outside of school (Lareau 2011). It is likely that families in the Niskayuna engage in practices of concerted cultivation, which, in turn, makes their school district inherently different from Schenectady School District.

Lower class families practice what Lareau calls "the accomplishment of natural growth" (Lareau 2011:238). Parents believe that their children's development unfolds spontaneously as long as they provide food, shelter, and other basic necessities. They organize their children's lives so that they spend time in an around the house; however, lower class children are often times given "more autonomy regarding leisure time and more opportunities for child-initiated play" (Lareau 2011:238). Families of lower and working classes give educators responsibility for their children's lives in school, and they tend to feel inferior to them. Parents tend to experience economic constraints, which limits the number of activities children are about to participate in. As a result, children of working class families learn to entertain themselves. The use of reasoning is much less common. Instead, parents expect their children to obey them. However, they also often distrust authority figures to do right by their children, so they are more likely to encourage their children to handle situations on their own and defend themselves (Lareau 2011). Schenectady is overwhelmingly made up of lower and working class families, so it is likely that they face these similar obstacles and practice the accomplishment of natural growth as well. As a result, the school district has historically faced different challenges and responded in specific ways that presumably differ from Niskayuna.

V. Education and Reform in the Film Industry

The media plays a significant role in how society perceives education. There are numerous films that attempt to take on school reform in urban districts, and they create certain images of what the day to day is like in these types of schools. Often these films are inspiring to viewers; however, they are also problematic. *Freedom Writers,* a film based on a true story of a White teacher with little experience who works to make school matter to a group of troubled students in an urban school, depicts this school in a way that reinforces a stereotype. The opening scene consists of a drive-by shooting and the initiation of a young girl into a gang. Though this is an occurrence in some schools, often times the violence and deviancy urban districts experience are not this dramatic. There are also depictions of neighborhood violence, racial tensions, territorial issues, classroom disruptions, fighting, weapons in schools, and attendance problems, some of which are a bit sensationalized as well. On opening school night, the teacher, Ms. Gruwell, spends the night sitting in an empty classroom because no parents show up. She has little support or resources to help troubled students outside of the classroom. The administrators assume that all of her students do not care to learn and, therefore, do not deserve to learn. In the end, she is able to evoke empathy through storytelling and motivate many of them to come to school and work towards graduation. Though many of these issues are common among many urban school districts, this is not the case for all of them (LaGravenese 2007). Not all urban schools are struggling because of extreme cases of violence and behavioral issues among students. These issues occur in schools that are predominantly White, as well; however, those districts are not given the same media attention.

Similarly, the film *Dangerous Minds* depicts a former marine named LouAnne Johnson who gets a job at an inner city, poverty-stricken school with no experience. She is a White woman in a predominantly Black school, which her students actively criticize her for. Though

not as exaggerated, the film focuses on stereotypical issues in urban schools. The students engage in a lot of fighting, attendance issues are plentiful, and parents have little involvement. She is able to connect with her students on a personal level, and she convinces many of them to stay in school and care more about their success in the classroom (Smith 1995).

Though this all sounds positive and inspiring, movies like these, though inspirational, perpetuate the concept that minority students are in need of saving by a White teacher. Chris Edmin, a professor at Columbia University's Teachers College, published a book criticizing the White savior complex that exists not only in movies but also in reality (Downs 2016). In it he argues,

> "The model of a hero going to save this savage other is a piece of a narrative that we can trace back to colonialism; it isn't just relegated to teaching and learning. It's a historical narrative and that's why it still exists because, in many ways, it is part of the bones of America. It is part of the structure of this country. And unless we come to grips with the fact that even in our collective American history that's problematic, we're going to keep reinforcing it. Not only are we setting the kids up to fail and the educators up to fail, but most importantly, we are creating a societal model that positions young people as unable to be saved" (Downs 2016).

Chris Edmun believes that young people should not be viewed as victims in need of saving, but rather individual agents who have brilliance "just on their own terms" (Downs 2016). Rather than cracking down with discipline, he suggests students should feel free in the classrooms. This means that both Black and White teachers must rid themselves of the White supremacist ideologies that plague the system of education. Teachers must become active learners about their student's lives. Edmun argues that making effective changes in education can be as simple as working to change the perception that inner city students do not want to learn and therefore need to be bound to the confines of discipline. Caring about the youth experience is key to creating better outcomes for these students (Downs 2016).

VI. Nuances and Implications of Media Coverage of Schools

Media coverage of urban districts in newspapers is very different than that of rural schools. One study found that newspapers are much less likely to print stories about crime in urban schools than they are in rural schools, particularly when it comes to shootings. Researchers suggest that the reasoning behind this is that "urban school crime is no longer views as newsworthy" (Rose et. al. 2001:460). Because "Americans have a picture of life in rural America," it becomes newsworthy "when that stereotypical vision is broken" (Rose et. al. 2001:460). Race also seems to play a role in the coverage of school crime. News coverage of school shootings in rural schools, which are most often committed by White males, include some sort of justification as to why the White teens committed the acts such as psychological problems, abuse, bullying, and parental neglect. Newspaper media attempts to ease the minds of its readers by "offering insights into why the shootings occurred," while also including a "reaction from politicians, at all levels, as they sought to assure their constituents that they would do whatever they could to ensure safety in the schools" (Rose et. al. 2001:459).

In the capital region of New York State, the local newspaper, the *Gazette,* covers news in both Schenectady and Niskayuna school districts. After looking at the articles posted under the education section of the Gazette's website since the start of the current school year, I found that there were many more articles posted about Schenectady than Niskayuna. However, when I compared the content of these articles I found some of the same trends that Rose et. al. found. When reporting about crime, the nature of the articles from each district is very different. The articles about crime in Schenectady were very short and to the point, almost as if were speaking to an audience that expected these types of incidents in this urban district. In two articles regarding a teen starting two fires in school restrooms and a middle school student who was behaving "out of control," there was no mention as to why these students acted the way they did.

They did not use any sort of justification to explain the events. There were fewer articles published about Niskayuna; however, the ones regarding juvenile delinquency were much longer and more detailed than the articles regarding Schenectady. An article posted about the rising rates of alcohol and drug abuse among Niskayuna teens included justifications for these teens behavior such as peer pressure, anxiety, and stress. There was even a quote stating that Niskayuna residents did not believe that the statistics were true because "'there is a lot of community pride [in Niskayuna] and no one wants to taint that" (Schultz 2018). The article also discussed an event that the Niskayuna Community Action Program hosted to discuss possible solutions to this problem. The author assured readers that the program would conduct another "prevention survey" (Schultz 2018). In the *Daily Gazette*, the rural district received much different coverage than the urban district because of the stereotypes that each of them have. This way in which the *Gazette* portrays these two districts has an impact on the way the community perceives their students' and their schools' ability to succeed and worthiness of success.

VII. The School-to-Prison Pipeline in the Capital Region

The Capital Region of New York has become increasingly aware of the school-to-prison pipeline and its detrimental effects on its youth. Statistics show that on any given day, over 500 students are expelled or suspended from school in New York. Schenectady City School District's Superintendent Larry Spring joined the district in 2012 and has encouraged a change in the way educators think about discipline. In 2015, he stated,

> "Kids who offend, generally speaking, not all of them, but a high percentage of them, have behavioral health issues. And kicking them out of school or putting them in the juvenile justice system is a remarkably poor prescription for dealing with a behavioral health issue. Actually, when you look at the data, their likelihood to re-offend goes up" (Bump 2015). Assemblywoman and Education Chairwoman Catherine Nolan proposed a bill called the "Safe and Supportive Schools" bill that would "put an end to indiscriminate suspensions at public schools across the state" (Bump 2015).

This bill would do a number of things to break the school-to-prison pipeline in New York. Firstly, it would end suspension for students in Kindergarten through third grade. It would replace harsh and ineffective punishments with restorative justice and other alternatives such as mediation, peer counseling or conflict resolution. Teachers could no longer force a student to leave their classroom for minor infractions such as inappropriate language or dress code violations. Suspensions would be limited to 20 days maximum, and suspended students would have access to work and alternative instruction. This bill would also work to improve relationships between students and school resource officers as well as improve training for adults in the school to ensure that they are creating safe, healthy, and inclusive settings (Bump 2015).

Little research has been done on the effectiveness of making changes like those proposed in Catherine Nolan's bill, particularly because it has not passed in many states yet. However, Schenectady City School District has taken significant steps to find alternatives to the traditionally harsh disciplinary system, and they seem to have had some success. In their code of conduct they state,

> "Practices that allow educators to address disciplinary matters as opportunities for learning instead of punishment are far more successful in changings a student's behavior than a reliance on increasing punitive measures. Consequences are more effective with students when they deal directly with the problem, in a way that students view them as fair and impartial. To this end the District understands the importance of restorative practices when student behavioral issues affect the safety of the classroom and school and interfere with the learning of all students." (Schenectady City School District Board of Education 2017:10).

The following chapters will investigate these progressive changes and their effectiveness further.

VIII. Methods

In order to examine how the code of conduct has changed and its effectiveness in the schools themselves, I interviewed an administrator from both Niskayuna School District and Schenectady School District as well a two former Board of Education members. An

unstructured, open-ended interview method was chosen to allow for a wide-range of responses from each participant. This method also allowed for the use of potential follow-up questions, and it provided me with a better understanding of how school decision makers' attitudes play a role in the construction of school disciplinary policies. This method was much more useful than a simple survey because it was able to capture the variety of responses from each individual. The interviews included questions regarding the role of disciplinary policy in schools, the ways in which the code of conduct is enforced, each individual's role in the process, attitudes towards the changes in policy in recent years, the effectiveness of new alternatives to zero tolerance, and the believed areas in need for improvement. With this research, the importance of implementing progressive alternatives to zero tolerance can be validated and an ideal model of disciplinary policy can be formulated for future application.

IX. Sampling Population

After receiving necessary approval from the Human Subjects Review Committee at Union College, participant permission was granted to study one administrator and two former Board of Education members from both Niskayuna School District and Schenectady City School District. These participants were found after contacting Assistant Superintendents as well as professors from Union College who have been involved in the school boards asking if they would be willing to participate. Each individual's participation was entirely voluntary. I set up times and dates to go to the work offices of each administrator as well as sit down at Union College with the former school board members to conduct the interviews. One of the three participants was questioned via email because he was not on campus or in the Capital Region at the time this research was conducted. Two of the participants were female and one was male.

X. Distribution of Research Instrument

Once arriving at the offices or meeting locations of each participant, I provided them with an informed consent form, which explained the purpose of my research and ensured his or her voluntary participation. It highlighted that their responses would be confidential but not entirely anonymous, as I would be using titles to describe them. After I obtained all signatures of the participants, I recorded each in person interview via cell phone. Before beginning, I answered any other questions the participant may have had. The Board member from Niskayuna sent me his consent form via email, and I obtained his responses in writing.

XI. Description of the Interview

An open-ended interview approach was used in this thesis study. A complete list of the interview guide can be found in the Appendix. A total of 13 questions were asked to each participant. Some questions led to specific follow up questions to gain more information about the district.

The first question asked about the participant's job description and time spent in that position. Questions 2-4 involved nature of the discussion around discipline, the perceived level of deviance in the district, and the process of creating the code of conduct. Question 5 addressed the role of social class in student behavior. It also asked what the participant believed the main contributing factor is towards the differences in test scores between the two districts. Questions 6-10 were aimed to gain more information about specifics of each district such as the use of resource officers, issues with funding, diversity amongst teaching staff, the infractions most commonly dealt with and the involvement of law enforcement. Question 11 asked about the role of the media within the district. Question 12 regarded how the code of conduct has changed

which led to a series of follow up questions, particularly for the Schenectady officials. Question 13 asked about the influence of mental health on disciplinary measures and the code of conduct.

Lastly, at the end of the direct questions, each participant was asked if he or she had any additional questions or statements on the subject.

XII. Data Analysis

Three of the four of the participants' responses were recorded, transcribed, and generalized to the specific school district's code of conduct and responses to violations. The fourth interviewee typed out his answers himself, after being sent the questions via email. Their responses were then compared to one another's as well as to previous literature examined in the first chapter. Some of their responses inspired further investigation into prior literature as well as new information, which will be addressed in the later chapters.

I interviewed the Schenectady School District's Director of Pupil Services at Mount Pleasant Middle School. I spoke with the Schenectady Board of Education Member in Lippmann at Union College. As previously mentioned, I interviewed the former Niskayuna Board of Education Member via email. Each interview will be further discussed in the next chapter.

CHAPTER THREE: RESULTS

This section summarizes the responses of each participant and is separated according to the school district. I will discuss the responses of each district's Board member and administrator together in order to create a well-rounded perspective. The discussion relates the participants' responses back to the literature presented in the previous two chapters. Therefore, the findings in each district are discussed both in comparison to each other and to previous research about alternatives to zero-tolerance and the implications of class and race in schools.

I. Schenectady City School District

The Schenectady School Board Member offered a perspective as both a member and a former Board President. She is currently in her 8th year on the Schenectady Board of Education. She was President from the day she went on the Board in the summer of 2010 up until 2017. She adds that at the time she began there were serious issues with the code of conduct. The Schenectady School District's Director of Pupil Personnel oversees the code of conduct, and she works in the district's administrative office. She is in her 2nd year as Director. Previously, she served as a social worker at Schenectady High School for many years. The responses of both of these women together provided me with a more complete assessment, since both of their positions work in tandem to create the code of conduct.

When asked what the nature of the discussion around the code of conduct has been with regards to the school-to-prison pipeline and zero tolerance, the Board member went into great detail about the role of the Superintendent and the differences between Niskayuna and Schenectady, and she gave a specific, relevant anecdote. She said that since her time on the Board there was never a use of a total zero-tolerance policy and that they certainly do not use one now. She explained that the current Superintendent, Larry Spring, has been "very focused on

trying to reduce this concept of the school to prison pipeline." She believes that Schenectady probably deals with these issues more so than Niskayuna because it is an urban district with its own set of demographics and challenges. She elaborated on the issues that the Board faced several years ago with the code of conduct. She stated that,

> "The code of conduct issues we had several years ago dealt with the wearing of beads. We had a case where a middle school student was wearing rosary beads. In urban districts you are very concerned with symbols of gangs. That situation got quite a bit of attention and press around 2009, and may have gone into 2011 when I was there. I think people thought he was not being sincere; it was not like him to be wearing rosary beads. So we had to modify our code of conduct in regards to [religious vs. non religious dress]. What students wear is often times the focus of the code of conduct."

She concluded that they have not dealt much with zero tolerance policies since her time on the Board, but the school to prison pipeline is a continued concern, particularly for the Superintendent.

The Director of Pupil Services focused on the issues of disproportionality when asked this question. Disproportionality in Schenectady School Districts has a relevant topic for about five or six years. She explained,

> "We have NYU working with us. Their technical assistants in disproportionality department have been infused in our district and in looking at our data around discipline, around special group classifications, things like that to identify where we are disproportionate and what the root causes of that are. Right now we are out of the root cause phase and on to action planning and building five-year action plans. So from that we have some groups that have been a spin off of that work. I am in charge of the Family and Community Tie groups, so we get together and read culturally relevant books, and we do book studies about community engagement and disproportionality. A lot of the work we are doing is about having hard conversations about things like the pipeline to prison. We are working on the systems and efforts around intervening and making sure our students of color are getting adequate support and services to avoid having the pipeline to prison be a reality for them."

The Board member also elaborated on the efforts being made in the state to combat the school to prison pipeline. She stated,

> "I believe that there are about 14 different committees in the state working on that. These groups not only involve schools but also involve people from probation, the Council of Community Justice and the Department of Justice to work on how to handle different issues."

The Schenectady School District has begun utilizing different resources in the community to help aid in this fight. The code of conduct also directly addresses its mission to move away from harsh disciplinary policies. It states,

> "In the past, school-wide discipline has focused mainly on reacting to specific student misbehavior by implementing punishment-based strategies including reprimands, loss of privileges, office referrals and suspensions. Research has shown that implementation of punishment, especially when it is used inconsistently, and in the absence of other positive strategies, is ineffective" (Schenectady City School District Board of Education 2017).

This acknowledgment makes it clear that this district has used harsher punishments in the past, and also indicates that deviance and code violations are a prevalent issue in the district.

In response to the third question regarding the perceived level of deviance and behavioral issues within the district, the Board member explained that,

> "Well on the face of it we look at the number of incidents and superintendent's hearings we have and it would appear high. What has been presented to us this year is the fact that the violations, particularly out of the high school, are generally of a less severe nature than they might have been in the past, but we still have a large number of incidents. We have over 300 or more superintendent's hearings already this year, and probably over 1,000 incidents overall already. I have not looked at the statistics of the levels of severity of those 1,000 incidents."

She concluded that the aim of the district is to keep students in school because "it is too easy for them to drop out; too many other aspects of their lives are chaotic." However, "at the same time we have to have some order in the school and we have had some difficulties with that this year."

In regards to question four about the process of creating the code of conduct, the Board member responded briefly. She explained,

> "The administrators as well as principals and teachers create the code of conduct themselves. The Board of Education sees the code of conduct in mid July and then there

is a public hearing on it. It is usually passed at the second meeting in August. A summary is sent to the parents and the full code is put up online for the public to see."

She also noted that it has been modified in the last several years.

I asked the Director of Pupil Services to elaborate more on the way in which the code of conduct is carried out once it is approved and the school year starts. Though it all depends on the seriousness of the violation, she states that there are numerous interventions that teachers are expected to try in order to maintain order in their classroom. She explains,

> "We would like to see teachers have ownership over their classroom and have a classroom management plan in place so that kids know that if they don't come to class on time, for example, there are specific consequences they can expect. Maybe they have to make up that time at lunch or they may not earn a point this week. If it rises to a situation in which it now becomes something that an administrator needs to get involved with, we expect that the teacher have a conversation with a parent to keep them in the loop as to what the concern is. If it is something serious like a fight has just happened or someone has been found with drugs and it rises to the level of in school or out of school suspension there are certain notifications and forms that have to be filled out. There is an opportunity for an informal conference with the administrator to exercise their due process rights. Lets say its really serious and they are going to come straight to a Superintendent's meeting from the start, all those same things happen in that order. A suspension letter will go home as well as a notification that the principal will be bringing charges to a Superintendent's level hearing. That request comes to my office, we send out a list of charges to the parents to let them know what their due process rights are and that they can bring an attorney if they would like."

Following this process, there are a few options that the parent and student can make. She elaborates on this later.

Question five was one of particular importance for my research. I asked how she believed social class plays a role in the differences in behavioral issues between schools like Schenectady and Niskayuna. I also asked what obstacles or disadvantages threaten student's success outside of the school. The Board member responded,

> "I think parental involvement and the opportunities that families have on the outside are contributing factors to student success that relate to social class. For example, we have trouble putting together a football team because we do not have parents who can afford a feeder program. In suburban schools, parents can afford to put their children into sports at

age five or six and set them on a path. It is things like this that people don't think about. These parents are just lucky to have childcare."

The Director responded similarly. She stated,

> "Families of low socioeconomic status like many of the ones in Schenectady often experience a high level of trauma, which impact their everyday lives. We are starting to work towards understanding the underlying layers that translate into misbehavior. We have about 350 students who are experiencing homelessness and those are only who we know of right in this moment. We started the initiative around trauma sensitive schools where we are trying to develop a much more trauma sensitive environment and training people in how experiencing trauma can manifest itself into behaviors that appear to be delinquent or disruptive along with better ways to address them rather than trying to discipline it out of a student, which we know doesn't work."

These responses align with previous literature about the impact that social class has on families and children's educational opportunities. Lareau, as cited in Chapter Two, states that social class positions are directly related to certain realities and outcomes for students. Lower class parents do not have the economic freedom to sacrifice work to provide transportation or spend a lot of time helping with homework. They are often predominantly focused on providing shelter, food, and basic care for their children. When parents struggle to provide these basic necessities due to economic hardship, stress, tension, and trauma often occur, which has a profound impact on the ways in which a child conceptualizes their life and their behavior. As a result, students are more likely to struggle with their education (Lareau 2011).

The Board member also added in some specific examples of work that the district is doing to combat these undeniable disadvantages and setbacks that many student's face. She notes,

> "We just hosted an event this month to try to raise money for the Educational Foundation, which provides funding that will allow a teachers to bring someone of significance like an author into the classroom for the day or to take kids on a field trip. We have a pretty good arts program, the John Sales School of Fine Arts. John Sales was a graduate of Schenectady, and he is now a movie producer of some renown. All of this meant to break down that school to prison pipeline and the challenges that come with it to get kids on the

right track. We probably offer more course selections and services than surrounding school districts, as well."

I followed up by asking how race and gender plays a role in the way in which Schenectady experiences disciplinary issues. The Board member stated,

> "It is to my understanding that we are the largest, most diverse school district in the Capital Region. In a speech at graduation, I stated that because students are used to going to school with peers of different backgrounds, they are better situated in the world. They will be better versed in diversity whether it is race, religion, ethnicity, gender, etc. There have become major issues in some of our close school districts regarding race and gender. For us, we sort of roll with the punches."

The Director also mentioned the fact that students of color are at a higher risk of getting involved in the criminal justice system because of institutionalized racism in this country. She noted that the district has begun talking about race and how it plays a role in student outcomes, despite the fact that these conversations are difficult. They are beginning to question teachers if they see that there are more Black student's failing their classes in proportion to the White students. As she previously discussed, disproportionality affects students of color, and she believes it is imperative to acknowledge this in order for student's to achieve.

When asked about the use of school resource officers, both women elaborated on the connection between school policing and the prison pipeline. In Schenectady School Districts, there are safety officers. The Director mentioned that years ago there were police within the school district, but they have moved away from it, especially since Superintendent Larry Spring has joined the district. There is struggle to fund these positions; however they do exist to some extent. The Board member explained,

> "We try to hire people who will de-escalate the situation as opposed to people who will cause the situation to blow up. There is a real suspicion among many of our kids about police, so we try to avoid creating that type of climate. Our interim Superintendent began that initiative; he did not want our school to look like a prison or to be guarded, so that is what we have maintained. Generally we favor having the school be more open and congenial. Many students come in not expecting to have great relationships with these

officers to begin with. We do have a sign in sheet at the main office for people entering, but in general we are not putting people through metal detectors or policing the hallways."

The response of the Director was essentially the same. Decriminalizing school climate is imperative. Making the school feel like a prison is counterintuitive to the work they are trying to do to avoid student involvement in the criminal justice system. This practice along with this attitude towards the effects of policing in schools aligns with those of scholars mentioned in Chapter One. Heitzeg argues that police in schools creates a hostile and negative learning environment, and it leads to more arrests and increases chances of incarceration in the future (Heitzeg 2016). Using safety officers to deescalate situations rather than police who typically punish students is a progressive and more productive step towards preventing students from falling victim to the pipeline to prison.

Question seven regarding issues of funding is one of particular interest to this Board member. She noted that the district does have the ability to provide students with some extracurricular options; however, students struggle to access them due to transportation and other challenges that are common of students of low socioeconomic status. She explained,

"The high school is on one side of the city and some students live almost 4 miles away. Many students do have to walk and many take care of younger siblings, which is why they have trouble getting to school on time."

There are significant issues with funding in New York State, and education often seems to be on the "hit list" when the governor is creating the budget. Urban districts are often the ones to suffer the most from a lack of funding. She stated that "Schenectady has a higher property tax value than that of some suburban areas; however, houses have not increased in value like they have in suburban districts. This plays a role in how much funding this district receives." Board members, like this one, often participate in advocacy work. She explained,

"I am going back to Washington on Saturday to advocate against changes to the Every Student Succeeds Act; they are changing the metrics of what districts have to report. Too many of the metrics are such that if you don't reach them, you get penalized which certainly does not help matters. I have become the Area 7's director for the NYS School Board Association and that covers the Capital District. I have about 62 school districts in that area. Schenectady's district alone has three appointments set up with Congressmen to talk about the NYS budget in hopes that we will not have to take any steps backward. Last year we received additional money, but we already know that this year they are planning to cut back. We have at least 5 million dollars or more to advocate for. We will need even more than that if we want to put in place the new initiatives we have come up with, which are all intended to improve students' skills and talents to get them graduated."

The Director also discussed the struggles with funding and receiving grants. In order to continue improving services and programs for students, the state must continue to support them financially.

The Board member also made it a point to mention the activities that Schenectady students engage in that promote relationships with the community.

"We have very generous kids. We had the JROTC group put together a fundraiser. They bought fleece and made 200 scarves for the elementary kids at Pleasant Valley. We had kids at Mount Pleasant who collected a ton of food and delivered it to families in the area around Christmas time, some of which may have been their own families."

She also discussed the district's attempt to start more clubs at both the high school and the lower grade schools. She explains,

"These co-curricular activities are often geared towards having the kids develop empathy for others because that is a real difficult thing for kids who are in traumatic situations. We had two or three sets of authors come in to visit the schools. Last spring we had one of the middle schools read a book written by both a White author and Black author. The book shared the perspectives of both authors. We had 900 kids read that. We are trying to focus on literacy and improve skills through these initiatives."

Question eight is especially relevant to the school-to-prison pipeline. I asked to what extent law enforcement and the traditional criminal justice system are involved in disciplinary issues. When police are involved, there is a greater chance that an arrest will be made, which

puts a student at risk of entering the criminal justice system and potentially staying there. She

responded with a particular incident that occurred the week before.

> "We had police involved last week with an incident where a fight had broken out. A staff
> member was passing by and tried to de-escalate the situation. A few girls had thrown
> down water on the floor and the faculty member slipped and broke his ankle. The police
> were called because of that injury."

She also notes that many incidents occur outside of the school. She explains,

> "The school can't be held responsible for what happens on neighboring streets. The
> campus is open, so the students can leave campus to get food and what not on their
> periods off. A lot of neighbors feel that it should be much more closed in, and they are
> often the ones contacting police. There was a fire near the school at an empty house, and
> they feel pretty certain that there were kids involved because it started around 5:30 pm.
> However, we do have police at football games, just as many other schools do."

She also addresses incidents in which behavior becomes a legal issue such as the possession or

use of drugs or weapons The Schenectady School District code of conduct lays out diagram that

categorizes violations into separate levels, which are accompanied by a list of possible responses

by the school. Possession of controlled substances and firearms are listed as level 4 violations.

Distribution of illegal drugs or weapons is a level 5 infraction. None of the possible

consequences listed involve police intervention. However, there is a specific section that states

"The Superintendent is required to refer the following students to the Country Attorney for

juvenile delinquency proceedings before the Family Court: Any student under the age of 16 who

is found to have brought a weapon to school; or any student, 14 or 15 years old, who qualifies for

juvenile offenders status under the Criminal Procedure Law" (Schenectady City School District

Board of Education 2017). It also states, "The Superintendent is required to refer students 16 and

older, or any student 14 or 15 years old who qualifies for juvenile offender status to the

appropriate law enforcement authorities" (Schenectady City School District Board of Education

2017). Though these infractions do occur, this Board member believes they are much less common than many think. She explains,

> "I think our school definitely has issues with drugs, but they just had a big forum on drugs out in Niskayuna. I think it's bigger out there because they have the resources to purchase those substances. The inner city kids often do not."

The Director provided information about how they work with the community as well as the police in the event that an arrest is made. At the Center for Community Justice in Schenectady there is a program called the Community Accountability Board. It services as an alternative to the traditional criminal justice process. When a minor is involved in a petty crime, they are sometimes given the option to go through the CAB process, which allows them take accountability for their actions and requires them to make amends in a variety of ways. The Director mentioned that the district works with the CAB program when students are in trouble, and often times the work they complete for CAB will also satisfy their expectations of the student if the incident occurred within the school.

Questions nine followed concerning which infractions are most commonly disciplined. The Board member responded that,

> "Attendance issues are a large part of our problem. We do have fights quite often, as well. I don't think we can attribute fighting to gangs. We know that there are students that have gang connections in the school, but I wouldn't say we have a gang problem to my knowledge. One of the things in the code that we had an issue with was cellphones. We change that policy every year. One year they were trying out a red, yellow, green zone type of system where students could use their phones in certain places in the school. One of the difficulties was that parents want their kids to have them, or teachers want to be able to use theirs. It is a tough policy. Some teachers use the phones as part of a class discussion or lesson. Others say they don't want students on them at all. That along with the dress code always becomes a big discussion especially amongst parents."

The current code of conduct puts attendance issues and unauthorized cell phone use at a level 1 code violation. Fighting is a level 4 violation. The dress code is also specifically laid out in the text. It is very broad, but it sets an expectation that "student's style of dress may reflect

individual choice but must be within the constraints of reasonable rules and appropriate standards with an environment that promotes a positive learning atmosphere free of disruptions and distractions" (Schenectady City School District Board of Education 2017).

The Director had a more statistically based answer to this question. She said that last school year the most common issue reported was "disruptive behavior." However, they found that disciplining this type of infraction led to many inconsistencies and biases. She stated that because of this,

> "We have taken out words like disruptive behavior and insubordination because those terms are too ambiguous. What one teacher may consider disrespectful may not be disrespectful to another. So we have specific expectations for teachers on dealing with classroom management to ensure that these things aren't up to interpretation."

The Director found a copy of the code of conduct from 1972, which was formerly known as "Rules and Regulations for the Maintenance of Public Order." In this document, there is a level of ambiguity in the language that could have potentially allowed for a zero tolerance form of discipline to occur. Phrases like "interference with normal functions," "use of profane or obscene language," and "disruptive interference with normal school activities" are used throughout. These phrases could be conceptualized in different ways depending on the teacher, so it essentially allows even the slightest misbehavior to become grounds for suspension (Schenectady City School District 1972).

In the current code of conduct, there is a specific section about disruptive students in the classroom, which outlines what is expected on the teacher before a student is removed. It states, "the teacher should provide the student with an explanation for why he or she is being removed and an opportunity to explain his or her version of the relevant events before the student is removed" (Schenectady City School District Board of Education 2017). Following this, there is a specific procedure the teacher must follow. However, it states, "in most instances, the classroom

teacher can control a student's behavior and maintain or restore control over the classroom by

using good classroom management techniques" (Schenectady City School District Board of

Education 2017). As the Director mentioned, the code attempts to avoid excessive instances in

which a student is formally disciplined due to a wide array of "disruptive behaviors."

When asked question ten regarding diversity amongst teaching staff, both women

asserted that there is a huge issue with this in Schenectady. They stated that their staff is

overwhelmingly White, which is an issue that they have gotten a lot of pressure to change. Both

believe that the staff should be more representative of the demographics in the district; however,

it is a difficult issue to overcome. The Director explained,

> "Many of our students of color cannot see themselves in their educators and that is
> definitely an issue we struggle with."

In New York's Capital Region districts, Black and Latino teachers make up 1% or less of the

teacher population. In Schenectady City School District, currently only about 7% of teachers are

Black or Latino. This is problematic considering that more than half of the students in this

district are Black or Latino (Report: New York Teacher Diversity Falls Short 2017). This is a

criticism that many scholars have investigated when evaluating the issues of student

achievement, particularly for minority students. As cited in Chapter One, Milner argues that a

lack of diversity amongst teaching staff is detrimental to students because they are less likely to

relate or connect to their teachers. Having teachers of color in schools with high minority

populations is important to student success (Milner 2010).

> The Schenectady Superintendent stated in a recent new article,

> "'It's really hard for us to create those practices that are culturally-responsive when we
> are dominantly a monolithic culture. If we are trying to design curriculum practices for a
> group of people that are not represented at the table we can be pretty sure that what we
> are designing is fairly tone deaf'" (Report: New York Teacher Diversity Falls Short
> 2017).

According to Matson's article, the district has created a "recruitment specialist position focused on increasing the number of minority applicants the district can hire from" in the past two years (Report: New York Teacher Diversity Falls Short 2017). However, that position is now open, and the district decided to change the title to "Diversity Recruitment and Retention Specialist" to further promote their mission (Report: New York Teacher Diversity Falls Short 2017). The Superintendent also acknowledges that there is a challenge to find minority candidates to begin with. In this report, there are recommendations "that educator preparation programs focus more on diversity, that the state expand grants to support minority teachers and that districts look for ways to encourage more of their own students to pursue teaching careers" (Report: New York Teacher Diversity Falls Short 2017). The report also highlights the fact that "the education system currently leaves too many students from historically under-served groups unprepared for college and for highly skilled careers like teaching" (Report: New York Teacher Diversity Falls Short 2017). This is an opportunity gap that people of color face, which directly contributes to this educational deficit many urban districts struggle with.

Following this, I asked about the role of the media in the Schenectady School District. This Board member stated,

> "As an urban district the sad thing is we have the newspapers involved. Whenever I hear of something happening at another school I listen attentively. I don't cheer when issues occur at Shenendehowah or Saratoga School District, but I am glad if it is not Schenectady. I just want people to realize that these [issues that make the news] happen in other districts as well, not just with our kids."

The Director responded,

> "Sometimes the media is helpful with getting word out there about all of the positive things we are doing. However, sometimes they do portray us in a way that perpetuates the stigma that we have as an urban district. We have such an array of issues that are so layered, so it is hard for the media to accurately portray everything."

As scholars have found, urban districts are often in a brighter spotlight in the media. Despite the fact that all districts face some level of deviancy, urban districts inherently face greater criticism and attention than suburban schools do for similar issues. Though the exact reasons for this are unclear, it does not go unnoticed by administrators (Rose et. al. 2001).

Question twelve is one of major significance to my research. I asked how the code of conduct has changed throughout their time with the district and what alternative measures have been used to discipline rather than suspension and expulsion. Though I was given the sense that the district has become more progressive in their values involving discipline through the previous questions as well as evaluating codes of conduct from prior years, they were able to give me a personal perspective from their respective positions. Both stated that starting around 2014, there has been a wave of restorative practices introduced in the district. The Director stated,

> "In general, attitudes over time have been more about what not to do rather than what to do. Now we are more focused on replacement behaviors and looking at root cause of behavior and trying to provide support services and intervention as opposed to just saying 'no talking' or 'no violating these rules.'"

She also mentions a personal experience she had while doing her school counseling internship. She explained,

> "I think back to how my own training around discipline and classroom management has evolved. In my first elementary school group that I ran, I had to create a set of norms for the classroom. The clinician that was training me was running another group in another room, and I remember at the end of the session we came together and compared my class's norms to hers. Hers were all about respecting one another and working collaboratively and mine were 'no chewing gum', 'no hitting each other', 'no, no, no', so it was a learning experience for me, even in that moment, about the shift in how you talk about rules and discipline and collaboration."

Both women discussed the new diversion program that has been instituted as an alternative to the traditional Superintendent's hearing. The Director of Pupil Services shared,

"The diversion program has been great. We had our first full year of implementation last year and now we are in year two, and we are seeing a flip-flop in terms of the amount of kids who chose diversion instead of choosing to go to hearing. It was higher last year, the number of students choosing the hearing, and now it is the opposite. A lot more families are taking advantage of diversion and understand that it is a much more therapeutic approach. They can earn early returns to school and get in contact with service providers outside and inside the school. So we are seeing a lot of good results. 95% of students who chose diversion have not gotten suspended again. The remaining 5% are generally students who do not complete the necessary steps after choosing diversion."

The Board member agreed that the diversion program has gotten a lot of positive feedback. The Board of Education does not do much with Superintendent meetings or hearings unless there is an appeal. She stated, "as far as I know there has not been an appeal this year." I followed up by asking why a parent may not choose the diversion program. The Director explained,

"Sometimes we get families where the student is just adamant that they didn't do anything wrong. So as a parent you're kind of stuck because you have the administrative team telling you this is what happened and you have your child saying it occurred in a different way. Sometimes there is a benefit to just going and seeing the evidence and having a conversation in a more formal way so you can really understand what happened. Sometimes a parent will choose the hearing for due process; they want to have their say. Then when they get in there, they see a video and they say to their child 'wow you didn't tell me that it happened like that'. So sometimes they are signing onto diversion at that point instead. Sometimes when the hearing is over and they are given a consequence that they are not happy with, they can reconsider diversion, and they are always welcome to do that. With diversion, you are pleading no contest so we don't spend a lot of time coming back to and discussing the incident itself. We are spending more time looking at the assessment that tells us what is happening with you and how can we intervene with you. We spend some time with the incident to look at who else was involved, consider if we have to put restorative circles in place or if we have to do repair work before you can all coexist again, but aside from that we don't get into the 'did you or did you not do it' conversation. We are beyond that point and sometimes a student or family is not ready to be at that point when the initial contact is made. The other thing I find is that there is a stigma with mental health sometimes in our community. If diversion is not explained carefully to a parent so that they really understand it, the situation can go either way. An administrator could explain it to a parent, but there is a lack of trust. They say, 'so your telling me that my child is suspended but you're also telling me I should go do this diversion program, but how do I know that's not just going to give them more consequences?' We have it designed so there is a social worker or a pupil service type field person having the conversation with the parent, so it is not so intimidating. It may just be about who delivers the message, or it may be that well 'I don't really want my child to go to counseling' because of that fear or that stigma around it."

The Director also discussed some of the work they are doing to improve this program as they

find what works and what does not. She shared,

> "I am putting in a budget proposal to request a full time parent liaison specifically for
> diversion. We are finding that our mental health counselor alone cannot do all of the case
> management and supply the direct contact that parents need in order to feel comfortable
> throughout the process. She can't give the level of intensity that is needed for each
> family. "

Now that this program is up and running, the Director stated, "Now its about looking at the tiers

and layers of what is happening before these students get in trouble in the first place."

> Because mental health plays a huge role in the way in which a school handles

disciplinary issues, Question thirteen asked how mental health and discipline are related and

addressed within the district. This Board member shared that,

> "The Regents Board has approved a proposal to include mental health in the curriculum
> for health classes last week. It is an acknowledgement of the concerns about mental
> health. About 10 years ago there was a rash of suicides, particularly among girls. We
> think it was gang related. So now we have kids that we watch very carefully and check in
> on their mental health, particularly if we have an incident. About two or three years ago
> we had a male student commit suicide. It was quite a shock because he was close with the
> principal. So now we have a list of kids that certain people keep an eye on."

In regards to the acknowledgement of the relationship between mental health and behavioral

issues, she stated,

> "We have a high classification rate in terms of special education. Always, whenever there
> is an incident, there is a conversation about whether there is an underlying special
> education related difficulty contributing to the behavior or if there is an outlying issue of
> mental health. That is why our staff is trained to handle these situations. We have become
> a trauma sensitive school. We did some training last summer about this. Today is a
> professional development day, one part of which will be dedicated to this training. There
> are specific members of the staff who are specifically trained in this more intensely. The
> trauma could be poverty or incarceration or a mudslide coming down on the house, which
> happened last weekend to two students. So we are working on that program, which is
> growing."

The Director's response added to that,

"Many of our students end up in crisis situations, whether they are mental health related or not. We have mobilized a medical team and hired a nurse practitioner to address issues when students are in crisis. If a student's parent calls saying that their child's ADHD medication ran out and they cant get into their doctor for four months then the nurse can prescribe the medication for the time being."

There is a section in the code of conduct dedicated to disciplining students with disabilities. It states that school administrators are required to "work closely with their school psychologist and Committee on Special Education, to consider whether or not the behavior is a 'manifestation' of this student's disability" (Schenectady City School District Board of Education 2017). As the Director previously mentioned, the district is beginning to focus on evaluating the root causes of behavior, especially because social forces that are at work in Schenectady such as poverty, unemployment, and homelessness have such a profound effect on a child's well being.

This Board member shared final thoughts about what more must be done to improve outcomes for students. She mentions the importance of creating jobs, particularly for students, because often they do not have the economic resources at home. She also shares that transportation in Schenectady must be improved so that students have better access to the support systems the district is providing. The Director concluded by assuring that though much progress has been made in the past few years, there is still work to be done to continue improving outcomes for high-risk students who overwhelmingly characterize the Schenectady School District.

II. Niskayuna School District

The Niskayuna Board of Education member I interviewed resigned a few years ago. However, he was a member for 20 years. He is also a professor at Union College. I was not able to ask follow up questions since I interviewed him via email. However, his knowledge about the

public education system and his extensive time spent with the Niskayuna School District made him a valuable resource for my research.

When asked about the nature of the discussion around the code of conduct, particularly in terms of the school-to-prison pipeline, the response was very different for Niskayuna. The Board member responded,

> "My district had no issues with student criminals, but issues around behavior, bullying and drugs were not unusual. The school did not use zero tolerance as a standard in the 20 years that I was on the Board."

Unlike Schenectady, the Niskayuna School District is not considered to have a high level of deviance or behavioral issues, according to the Board member.

The process of creating of the code of conduct in Niskayuna is similar to that of Schenectady. The Board member stated, "the code is revised usually by a committee at the school level and then they make recommendations to the Board of Education who vote on and approve it."

When asked about the role that social class play in the differences in student outcomes between Niskayuna and Schenectady, the Board member responded,

> "Niskayuna has a more affluent population and students come from highly educated families. So it plays a big factor in explaining differences."

Like Lareau found, middle class families have the resources to provide more than just basic essentials. They have time to take them to sports games or help them with homework. They also have financial resources that allow them to avoid trauma and stress that can often arise when basic needs are not met (Lareau 2011).

The responses to the questions six through nine were relatively short, which indicated to me that Niskayuna does not deal with the issues of deviance and discipline on such a prominent scale like Schenectady does. Niskayuna used to have school resource officers; however, due to a

lack of funding they were cut. Funding extracurricular activities for students is not often a concern. The Board member noted, "Often parents will resort to self-funding programs if necessary."

Law enforcement and police do not get involved in disciplinary violations within the school. However, there is a section in the code of conduct that lists a number of infractions that could lead to a referral to the police. Those include possession of illegal drugs, paraphernalia, alcohol, or a weapon, vandalism, theft of property, creating a safety hazard, trespassing, unauthorized access to academic or administrative records, sexting, sexual exploitation, or any other criminal conduct. The infractions most often dealt with are bullying and drugs.

There is little diversity among the teaching staff in Niskayuna, but it is not considered an issue. Most of the school district is White, so they have a different perspective on the importance of teacher diversity. However, there is a growing population of Black and Asian families in Niskayuna. In October of 2017, the Environment and Culture Advisory Committee held a meeting to discuss a number of issues surrounding diversity. In their meeting minutes, there was a mention of a "Students of Color video project," which would "feature students of color sharing their experiences as Niskayuna students" (Environment and Culture Committee 2017). This meeting also discussed a group of students' decision to kneel during the national anthem in an attempt to spread awareness around police brutality and injustices experienced by people of color. Due to the both positive and negative reactions received, the "High School Leadership Team made the decision to devote time at the faculty meeting to discuss student rights and diversity at the high school" (Environment and Culture Committee 2017). One of the psychologists at the school "acknowledged that work around race and racism is difficult and emotional, but that is the first step" (Environment and Culture Committee 2017). Because they

received a significant amount of hateful backlash, the committee felt it was important to address

these divides within the school district. There was also an interest in funding and recruiting a

Diversity Officer for the school (Environment and Culture Committee 2017).

The Niskayuna code of conduct has experienced changes in recent years. The Board

member stated,

> "It was revised to deal with more issues of drugs and use of technology, particularly to
> harass students. Also hazing and recent court decisions about what schools can do to
> protect the rights of students and due process when charged have influenced changes to
> code."

Appendix D in the code of conduct addresses drug and alcohol abuse regulations. It lays out the

consequences for first time offenses, second offenses, and third and subsequent offenses. The

most severe punishment listed is suspension from school for five days. Students will be "strongly

urged to seek more intense rehabilitative care," as well (Niskayuna Board of Education 2017).

The code of conduct also has a section regarding alternatives to suspension. Community service

can replace a suspension less than five days. Other individual-focused remedial measures are

listed as well, which include peer support groups, supportive intervention, behavioral

management plans, and student counseling, along with a number of school-wide or

environmental remediation strategies. Though these alternatives are listed, there is no clear

indication that the Niskayuna School District has made these changes because they have

struggled with zero tolerance policies or a school-to-prison pipeline. This is not surprising when

considering the demographics of Niskayuna. As mentioned by many scholars, middle class

school districts have historically been less likely to deal with issues like the school-to-prison

pipeline.

Mental health issues in Niskayuna are not of the same nature of those in Schenectady.

Students do not face nearly as many challenges in Niskayuna, mostly because of their

socioeconomic status. However, there are specific procedures that the district abides by when disciplining students with disabilities based on the Individuals with Disabilities Education Act. Mental health was also a topic of discussion during the recent Environment and Culture Advisory Committee meeting. Ideas were brainstormed on how to handle concerns about mental health and wellness. Some ideas included the establishment of a "calm room" at the high school along with creating a "social-emotional curriculum with regard to coping skills," promoting a "positive focus on pro-social behaviors, not just anxiety," and an increased "focus for staff on various issues related to mental health and wellness" (Environment and Culture Committee 2017).

Based on these case studies from Schenectady and Niskayuna School District, I was able to formulate a number of conclusions. In conjunction with previous research on alternatives to zero tolerance, I gathered together what I perceive to be the most effective and necessary reform efforts for school districts, especially those struggling to combat the school-to-prison pipeline.

CHAPTER 4: DISCUSSION AND CONCLUSIONS

The research conducted on disciplinary policies of both Schenectady City School District and Niskayuna School District aligns with previous literature about the reality of the school-to-prison pipeline. It is clear that class and race play a role in the opportunities that students have from the beginning of their education. The obstacles that families face in urban, low class districts differ greatly from those in suburban, middle class districts. Because of this, the discussion around the school-to-prison pipeline and their level of concern around disciplinary policies differed greatly between the two schools.

I. Sociological Perspective of Deviance and Education

In order to make a decision about how deviance should be addressed in schools, it is necessary to understand the function that education plays in society. Structural functionalism, heavily influenced by Durkheim's ideas, states that education is one sub-system of society that works with others to create social cohesion and solidarity. Sociologists like Talcott Parsons argue that education both socializes individuals into the norms and values that are demanded by society and prepares or selects them for future social and economic roles as adults. Schools shape their personalities, morals, and social dimensions and equip to better contribute to society in the future. They learn respect, commitment, and work ethic through their education (Gewirtz and Cribb 2009). Sociologist Robert Dreeban proposes that school teaches children a number of key norms that are necessary for them to eventually transition into society. The norm of independence "refers to the learning that occurs when children come to take responsibility for their own action and to acknowledge that others have a right to hold them accountable for such action" (Feinberg and Soltis 1998:18). Children learn this norm through different sanctions and disciplinary measures. Nearly all schools have embodied this function and adopt some sort of

code of conduct to handle situations in which children act out or disobey. However, the ways in which schools choose to hold students accountable is the debate that has arose in current years.

Emile Durkheim's theory of anomie, or the lack of normal ethical and social standards, has been connected to youth crime and deviance. In his work The Division of Labor, he states:

> "That moment of the fullness of youth is...the one when men are most impatient at any restraint placed upon them, and when they are most eager for change. The life flowing within them has not had time to coagulate, to assume definitively a determined form, and is too intense to submit to any discipline without resistance. This imperative will thus be all the more easily satisfied if it is less restrained from outside, and it can only be satisfied at the expense of tradition" (Durkheim 1964:236).

Durkheim argues that all forms of deviance are a challenge to the normalized repressiveness of the state. Adolescents have a desire to change, which can take the form of disobedience. In order to satisfy their desires, they must feel less restraint from the external forces of society. In *Moral Education*, Durkheim suggests that modern schools must provide discipline for children and instill respect for rules, especially as family dynamics change. However, he also acknowledges that because of anomie, children often respond to constraints on their behavior with disobedience (DiCristina 2016). Though he does not give any suggestions on how to balance discipline and freedom, his acknowledgement of criminality and deviance as a response to failures in society is worth noting. Durkheim's sociological perspective can be applied to the discussion over how to reform school policy, specifically those regarding discipline. It is likely that Durkheim would argue that zero tolerance policies are too restrictive on adolescent behavior, and, therefore, would not be effective in reducing conduct violations in schools.

Conflict theory addresses the inherent inequalities in American education. Conflict theorists "believe the driving force in complex societies is the unending struggle between different groups to hold power and status" (Feinberg and Soltis 1998:43). Education is a key factor in this struggle for power. Theorists "believe that schools serve the dominant privileged

class by providing for the social reproduction of the economic and political status quo in a way that gives the illusion of objectivity, neutrality, and opportunity" (Feinberg and Soltis 1998:43). This division of power occurs predominantly amongst race and socioeconomic class. When studying the failures of public education, it is clear that schools provide benefits those who already have privilege. Minority and poor students have been more likely to fall into the school-to-prison pipeline and enter adulthood far less prepared than their White, wealthier counterparts.

II. Changing the Way We Educate

Before discussing the ways in which school districts can address the school-to-prison pipeline through changes in disciplinary practices, it is important to address the numerous scholars who argue that the way in which education is administered is fundamentally wrong. Boggs argues that the top-down factory model of education has failed students since the 1960s. As a result, 35-50% of inner city youth drop out each year. She argues that many drop-outs end up in the drug economy or in prison because they do not find the value of sitting in a classroom all day to learn. Students in this model are continuously fed information only to choke it back up onto tests in which they are labeled and judged by. School has become a sort of incarceration in and of itself. To many students, it is a boring, waste of time, which denies them of their humanity and ability to create and make a difference. Education has separated children from physical activity and the outside world, and it has simply become a "passport to more money and higher status in the future" (Boggs 2011:110).

According to Boggs, children must be motivated to learn rather than forced. "In order to transform children from angry rebels to positive change agents, schools must give them a sense of the unique capacity of human beings to shape and create reality in accordance with conscious purposes and plans" (Boggs 2011:107). Students must have the ability to think critically and

creatively in the classroom. Boggs advocates for a service-learning curriculum that allows students to have a "hands on" experience and collaborate with their communities. This model could also encourage cooperation between districts that are highly segregated and allow students to engage in projects that could have social and economic benefits for the community they are in. Education must hold a meaningful place in their lives and inspire them to use what they have learned when they enter the world as adults. Programs like Detroit Summer, KIDS, Earth Force, and Creative Change Educational Solutions give children and young people the opportunity to take control of the problems and issues that affect their school or towns. This form of education prepares them to become active citizens in a democratic society, while giving their time at school meaning (Boggs 2011).

Scholars like Anthony Simon Laden also address the importance of including equality and justice in the curriculum. He argues, "schools can prepare children to be citizens only if they also help them learn to be equal" (Laden 2013: 62). In order to do this, relational justice must replace distributive justice in the education system. Distributive justice pays no attention to the role of the recipient in the production of the goods that are handed out. Relational justice states that no one is in a position to rule arbitrarily over another person. Justice should serve as a practice of equality by standing in certain relations to others. "Engaging in the practice of justification that secures relational justice requires being responsive and accountable to those to whom you are offering justification" (Laden 2013:68). In order for teachers to practice this sort of justification, they must be responsive to their students and treat them as the student they are rather than a placeholder or test score in a larger institutional system (Laden 2013).

In order for schools to become the sort of institution that teaches students about equality, they must choose to be schools of justice rather than schools of despotism. The must stop

streamlining their mission into one involving test scores or other impersonal outcomes. Schools do not need to be fully democratic to foster reasonableness and other practices of equality. They can still have a hierarchy necessary to achieve its other missions in a way that makes sure relationships are reciprocally accountable. It allows students, teacher, parents, and staff to ask "why" questions and receive constructive responses rather than viewing these "why" questions as a challenge to the hierarchy (Laden 2013).

Laden addresses privilege in relation to how schools become schools of justice. "The training in reasonableness that students need may differ depending on the lessons they are learning from the other institutions they participate in" (Laden 2013:76). Children with privilege may need to be taught how to listen and take other people's views seriously in order for them to see and understand their own privilege in relation to others. Children lacking privilege may need to be taught how to assert themselves and demand justifications by asking "why" questions. It is up to the teachers to maintain trustworthiness so that disadvantaged students who are taught to quietly adhere to authority feel comfortable asking questions (Laden 2013). By making equality a priority in the classroom, schools can become a vehicle towards social change in the future.

III. Acknowledging Class, Race, and the Opportunity Gap

Reform efforts have failed to improve student achievement because they have been based on a skewed perception of the actual problem. Rothstein argues that school reform is not the way to address the disparities in achievement between White and non-White students. He, like Milner, states that achievement varies more with family, community, health, and other socioeconomic inequalities than it does with school quality.

> "Impediments to learning…all are exacerbated when large numbers of disadvantaged children are concentrated in racially low-income neighborhoods with limited opportunities for exit-in short, ghettos" (Rothstein 2013:173).

The lack of opportunities that many poor, minority students face make them inherently

unprepared for school. These opportunities gaps are rarely addressed in education reform.

Lack of school integration has left Black students in underfunded and low performing

schools, while White students have enjoyed the privilege of attending well established schools.

Nikole Hannah-Jones argues,

> "Integration as a constitutional mandate, as justice for Black and Latino children, as a moral righting of past wrongs, is no longer our country's stated goal. The Supreme Court has effectively sided with Reagan, requiring strict legal colorblindness even if it leaves segregation intact and even striking down desegregation programs that ensured integration for thousands of Black students if a single White child did not get into her school of choice" (Hannah-Jones 2016).

Giving parents the ability to choose their schools has come with its own set of issues. In New

York City, children are often waitlisted because there is intense over-crowding in schools that

are perceived to be superior. Studies conducted at Columbia University's Teachers College

found that White parents choose schools based on the racial makeup of the school rather than

simply looking at test scores. Students of color are concentrated into specific schools that the

state fails to provide resources for. When students fail, they are labeled with a test score and the

school is deemed unacceptable. White parents thus do not send their students to these

predominantly Black schools, which isolates funding and wealth in specific areas (Hannah-Jones

2016).

Scholars argue that policies attempting to integrate school districts will only be effective

if they work to reduce the residential isolation and segregation of low-income Black families,

which have resulted from a series of federal, state and local policies intended to create a racially

segregated country. These reforms must be "metropolitan in scope" so suburbs are not exempt

from these reforms (Rothstein 2013:193). They also cannot be limited to a single jurisdiction

within a metro area. Instead, it must encompass the entire county or state to prevent housing

developers from avoiding specific cities or towns when addressing the housing demand (Rothstein 2013). Fighting for rezoning and integration of schools must happen at the local level and in local elections as they have been in many areas of New York City. There is a persistent "notion, embraced by liberals and conservatives, that we can address school inequality not with integration but by giving poor, segregated schools more resources and demanding of them more accountability" (Hannah-Jones 2016). However, many White families are unwilling to give up their advantages in order to pull poor, minority families, so this notion is simply misguided.

Based on my findings from Niskayuna, I conclude that districts in predominantly White, middle class neighborhoods are not as susceptible to the school-to-prison pipeline, as previous research has found. School segregation in Schenectady County contributes significantly to this fact as well. Minority students are concentrated in Schenectady, while their schools receive a smaller share of funding than any of the other five districts in the county. The Regent's Board has addressed this issue; however, little has been done to improve the situation ("Regents Eye Policy to Combat School Segregation 2017). Though students are still violating the code of conduct in White schools like Niskayuna, they receive much less media attention, police attention, and overall criticisms towards the district. Issues of alcohol and drug use amongst students do not tarnish the district's reputation like they do in urban schools where minorities make up the majority of the student population. Rather, when incidents occur, they work very hard to minimize the opportunity for others to stigmatize the district by ensuring that they are taking active measures to combat the issue. Niskayuna students are often provided with opportunities to succeed because of their middle class status and their White privilege. Though Niskayuna has taken steps to provide alternatives to suspension, their motivation to do so does not seem to stem from threats of low graduation rates or future incarceration. As the former

Niskayuna Board member mentioned, wealth and education levels amongst parents place students in a position to succeed from the start. Therefore, Niskayuna simply provides this study with validation that the school-to-prison pipeline disproportionally affects students of color and lower class families.

IV. The Importance of Diversity in Teaching

There has been a considerable level of criticism of the lack of diversity amongst teaching staff. Scholars generally argue, "When teachers have the same racial background as their students, there are more opportunities for teachers and students to connect, and there are fewer situations for misunderstandings to occur in the learning environment" (Milner 2010). Having racially and culturally diverse teaching staff also provides students with an array of perspectives that allows them to gain a better understanding of the world they are living in. Teachers of color can provide an array of assets to their classrooms that particularly benefit students of color. They are more likely to "incorporate materials in the curriculum that showcase and speak from the point of view of their students of color," and they can "address disciplinary conflicts in the classroom to avoid sending students to the office and provide 'tough love' when necessary" (Milner 2010).

Data shows that in the 1990s, 26% of the teaching population was of color. During the 2014-2015 school year, only 18% was of color. Teachers of color are more likely to be employed in districts that are struggling with budgetary issues, so they face lower pay, inadequate facilities, and limited resources. This leads to high turnover rates, which can be devastating to a school district (Graham 2014). High turnover rates are costly for a district, and it often means that students are less likely to develop relationships with teachers. It also gives school districts a

negative reputation. In turn, they face difficulties implementing new programs and providing strong support systems amongst staff members (Guin 2004).

The National Education Society suggests "more programs and initiatives need to be developed that work towards bringing minority teachers into the profession" (Graham 2014). These include "increasing the programs that work," "working on supporting high-need schools," and "working on strengthening current policies in place-including scholarships, training programs, the Grow Your Own projects-to allow more minorities to access the resources they need to enter the teaching workforce and stay there for their entire careers" (Graham 2014). Effective reform cannot be achieved without making teaching diversity a priority.

V. Challenging Zero Tolerance in the Court Room

Despite the reliable evidence that finds zero tolerance policies and school policing to be ineffective and harmful, the movement towards dismantling the status quo in these schools has been slow. There have not been any monumental cases at the federal or state level that directly address zero tolerance policies as an entire entity. However, there have been a series of small successes within the law that have proved to positively impact school climate, student success, and suspension and expulsion rates. Some individualized cases have set important precedents for school districts to abide by. Thus far,

> "The Supreme Court in recent years has struck down the strip search of a student for possessing Tylenol as too invasive, indicated that the police interrogation of a student at school must be informed by the student's age, and found that minors are unsuitable for criminal law's ultimate sanctions" (Black 2016:205).

Though these decisions do not dismantle zero tolerance or the school-to-prison pipeline entirely, it is worth noting that some progress has been made in securing student's liberties, especially those who disproportionately find themselves as perpetrators of conduct violations.

The most simple and necessary reform involves the adoption of a student code of conduct, which lays out the district's expectations, policies, punishments, and procedures. In the mid-1990s, the Texas Education Code Section 37 required each district in the state to implement a code of conduct. Though it is not a federal law, districts across the nation have developed some sort of code that is available to parents and students. They create a foundation for the entire district, and they have the ability to avoid biases among teachers and minimize ambiguity (Ruiz 2015).

Based on the discussion with both Niskayuna and Schenectady administrators and school board members, I suggest that school districts not only create a clear and accessible code of conduct, but also take time to evaluate, criticize, and constantly revise them. As a school district begins to face new challenges, it is imperative that their codes of conduct acknowledge and take substantial efforts to address them. As previously mentioned, both Niskayuna and Schenectady have revised their codes of conduct significantly not only over the past few decades, but also over the past few years as they come into contact with new issues such the use of drugs, alcohol, and the rise of technology. Schenectady has also become much more aware of the language they use in their code of conduct. They have attacked the use of the term "disruptive behavior" and no longer include it as a type of violation because it is an umbrella term that allows for biases amongst teaching staff. As mentioned in Chapter Three, "disruptive behavior" was the most common issue reported during the 2016-2017 school year. By avoiding the use of this term as a violation, teachers and administrators are forced to sort through these behaviors, take time to understand the motivation and causes behind student's actions, and find reasonable ways to curtail them. This is the first step towards creating alternative measures that are effective disciplining behavior and preventing it from happening in the future.

Another simple yet essential area of reform involves the assurance of due process rights. Due process in schools, or lack thereof, has been given attention in the Supreme Court. The Fourteenth Amendment requires school officials to abide by due process rights when they deprive a student of certain liberties. When a student is up for suspension or expulsion,

> "Procedural due process requires that the student receive written notice that specifies the reason for the punishment, describes the hearing process, and synthesizes both the decision of and evidence used by the school official," and "substantive due process obliges the school to demonstrate that the suspension or expulsion is an appropriate means for safeguarding the educational objectives at stake" (Ruiz 2017:817).

The Columbus Public School System in Ohio failed to grant a number of students a hearing before their suspension, nor did they provide an official testimony with any evidence regarding the incident at hand. Both a district court and the Supreme Court concluded that the students' due process rights were compromised and "held that oral or written notice and a potential hearing were required for suspension and expulsion sanctions" (Ruiz 2017:819). Though this court case does challenge an injustice within schools regarding discipline, it is incredibly limited in schools that practice zero tolerance. Zero tolerance policies often disregard these requirements because they "rob school administrators of the ability to exercise their discretion, and instead demand suspensions, expulsions, or placement in alternative schools" (Ruiz 2017:821). However, in schools that are taking steps away from zero tolerance, it is important that they ensure that they are affording students of their right to due process.

Schenectady City School District and the Niskayuna School District have addressed a student's right to due process in their 2017-2018 code of conduct. Schenectady's code states,

> "The amount of due process a student is entitled to receive before a penalty is imposed depends on the penalty being imposed. In all cases the school personnel authorized to impose the penalty must inform the student of the alleged misconduct and must investigate the facts surrounding the alleged misconduct. All students will have an opportunity to present their version of the facts to the school personnel imposing the disciplinary penalty in connection with the imposition of the penalty. Students who are to

be given penalties other than an oral warning, written warning, or written notification to their parents are entitled to additional rights before the penalty is imposed" (Schenectady City School District Board of Education 2017:15).

Niskayuna's code states,

> "Students suspended from instruction shall be afforded their due process rights pursuant to sections 3214 and 310 of the Education Law, and section 100.2 of the Commissioner's Regulations. Students suspended from instruction for five days or less shall be given notice of the charged misconduct and may request an explanation of the basis for the suspension. If the pupil denies the charges leading to a suspension, the pupil or the pupil's parent may request an informal conference at which the pupil or parent may present the pupil's version of the event and ask questions of complaining witnesses. This notice and the opportunity for an informal conference shall take place prior to the suspension unless the pupil's presence poses a continuing danger or threat of disruption to the academic process, in the opinion of the principal" (Niskayuna School District Board of Education 2017).

It is nearly impossible to implement any alternative to zero tolerance without also protecting a student's due process rights. Not only does it challenge constitutionality, but it also allows the student to have a fair chance to defend his or herself, and it prevents false accusations or unfair punishments. It is imperative for school systems to incorporate this simple practice into their disciplinary systems.

VI. What Alternatives Work?

The school-to-prison pipeline has faced the most challenges at the local level in school districts themselves. These actions have included:

> "Revised disciplinary codes, development of graduated punishment schemes, moratoriums on out-of-school suspensions, especially for K-middle school students, and adoption of policies that emphasize positive reinforcement and conflict resolution" (Heitzeg 2016:116-117).

Comparing the efforts of similar schools across the country to those in Schenectady provide some insight into which methods have seemingly been most successful thus far. Based on previous research as well as the research conducted on the Schenectady and Niskayuna School District, I have compiled a number of alternatives that seem to have had a significant level of

success. However, I also address their limitations and suggest how to combine multiple alternatives to address all threats of the school-to-prison pipeline and student success.

Firstly, a model that has shown some success in improving school climate and preventing negative behavior is Positive Behavioral Intervention and Supports. It has been implemented in more than 6,000 schools thus far. "PBIS focuses on the development and reinforcement of positive behaviors, as opposed to punitive approaches" (Heitzeg 2016:117). The PBIS program establishes a team of staff members and administrators who develop support programs and work with school psychologists to implement them. Its' overall goal is to provide incentives and reinforcement for positive behavior throughout the school. It also ensures that all teachers and administrators understand what issues should be handled in the classroom and which violations are administratively managed. It provides consistency throughout the entire school to avoid biases and misunderstandings (Bradshaw et. al. 2015). Schenectady School District uses similar practices to prevent and intervene when a child is struggling. In their code of conduct, they state their dedication to creating a positive school climate, exercising periodic recognition of student's achievement, and rewarding students for positive behavior. They employ a School Based Support Team "that supports student's social, emotional and academic needs," and "can provide increasingly intense interventions for students who are struggling with academics or behaviors" (Schenectady City School District Board of Education 2017:4). The team also identifies the reasons for behavior and creates an Instructional Support Plan for behavior to help the student replace bad behavior with positive actions. They work with school psychologists and social workers, as well (Schenectady City School District Board of Education 2017).

Evidence holds that "schools achieving a high level of PBIS implementation fidelity experienced 20%-60% reductions in office discipline referrals" (Bradshaw et. al. 2015:482).

Controlled studies also show that PBIS has "significant impacts on suspensions and office referrals, bullying, and peer rejection, as well as improved academic achievement and school climate" (Bradshaw et. al. 2015:483). Thus, their students "have better educational outcomes, more pro-social behavior, and are subject to fewer disciplinary referrals" (Heitzeg 2016:117). However, both researchers and Schenectady's district administrators have found that there are some barriers to these programs. "Schools structural composition (e.g., high concentration of poverty and mobility)-which relate to negative student outcomes and serve as proxies for school disorder-hinder implementation" (Bradshaw et. al. 2015:483). Because many districts facing behavioral challenges have high levels of poverty, mental health issues, and trauma among students and families, programs like PBIS cannot be used exclusively.

Restorative justice has become a popular alternative approach to harsh, punitive measures of discipline like zero tolerance policies. It has become increasingly popular in both the adult and juvenile justice system as an alternative to the traditional model, as well. Rather than using blame and punishment to remedy the situation, restorative justice focuses on mediation and reparation for all parties involved. The offender takes complete accountability for his or her actions and works with school personnel as well as the victim to repair the harm done in order to achieve a positive outcome for everyone. One example of this alternative is the Restorative Justice for Oakland Youth used in schools in Chicago, Philadelphia, Portland, and Denver. Its goals are to reduce violence, arrests and suspensions in schools and communities as well as decreasing their consequences and costs and promoting parental involvement. Since 2010, there has been an incredible success rate. Suspensions and expulsions have declined by over 75% and racial disparities in discipline have dissipated (Heitzeg 2016).

Similarly, Schenectady's adoption of the diversion program has seen significant success. When a student is referred to a Superintendent's Hearing and faces the potential of receiving a suspension longer than five days, he or she's family is given the option to choose diversion, which provides the opportunity to access mental and behavioral health services. It can potentially decrease the number of days they will be suspended, as well. A social worker allows the student and their guardians five days to decide if they would like to choose this option rather than the traditional route. If they give consent, the student will receive a screening for a mental health tool that can identify possible needs. If the student appears to need mental health services they are referred to a clinician for further assessment. If they do not need these services they will receive a different assessment to determine their risks and the proactive factors necessary to help them be successful in the future. After these assessments have been conducted, either the clinician or the school social worker will refer the student to the appropriate community-based services. An Emergency Response team will create a contract with the student to finalize their expectations and hopefully reduce the number of days they will spend out of school. The team monitors the student's progress and determines when the student is ready to return to school (Schenectady City School District Board of Education 2017).

The diversion program is only about a year old; however, the school district has seen results. During the 2016-2017 school year, 98 students were given the option to choose diversion during the first 15 weeks of school. About 43% of all students who faced suspension decided to choose this option. During the first 15 weeks of the 2017-2018 school year, that number increased to 74%. These percentages have indicated to district officials that behavioral issues are decreasing since implementing this alternative path. The middle schools in particular have seen a significant decrease in conduct violations. 941 conduct violations were noted in the first quarter

of the 2016-2017 school year. The first quarter of the following year experienced less than 400 incidents. Schenectady High School reported that the number of serious incidents has dropped from 168 in the first four months of the 2016-2017 school year to 74 during the first four months of the 2017-2018 school year. They have also seen a 56% decline in "level five" violations, which include violence, assault, drug distribution and weapon possession. The high school principal stated that they have begun putting a greater emphasis on keeping track of students who miss multiple classes (Matson 2018). "The approach is two-tiered: increase programs that support students, while raising expectations that students are in class doing their work" (Matson 2018). Though the implementation of these alternative measures is recent, they are beginning to show some effectiveness, and I would recommend that this type of approach be adopted in schools struggling with behavioral issues.

Along with the diversion program, the use of restorative circles is also important to incorporate on a day-to-day basis. Restorative circles are becoming much more prevalent in Schenectady School District. They are not only used to settle disciplinary issues, but also to communicate and express concerns or struggles that students have on a day-to-day basis. At Schenectady High School, the engagement team, dean, and supervisor lead these circles. As of February 2018, there have been more than 170 circles since the start of the school year. The size of the circle ranges from a few students to dozens of students. Some of them are for females, others are for males, and many include all students. Some are centered on attendance, while others relieve classroom tensions. The primary goal for these circles is to allow students to "speak their truth" ("Restorative Circle Opens Door to Talk About Race" 2018). As the Director mentioned, the district is also focusing on having discussions about issues around race. A recent

article in *The Gazette* talked with students about their experience with these circles that have specifically addressed race and identity.

> "Students described the ways their race has affected how other people have treated them and how they have thought and felt about themselves. The students also talked about stereotypes and how no one is born hating or judging other people because of their skin color; it's something this is learned through a culture and media that perpetuates stereotypes" ("Restorative Circle Opens Door to Talk About Race" 2018).

The directors of the program also shared "their own biases and how being White limits their perspectives" ("Restorative Circle Opens Door to Talk About Race" 2018). Students believe that the circles are comfortable spaces that allow them to speak their opinions and respect one another. These circles have also inspired different projects for students such as art shows depicting their cultural values. They have been incredibly successful in boosting students' confidence, while also opening up dialogue about social issues that are often difficult to talk about in classroom settings ("Restorative Circle Opens Door to Talk About Race" 2018).

The restorative justice model has faced criticism for not acknowledging the larger structural forces that contribute to the conflicts that students face (Heitzeg 2016). As the Director of Pupil Services in Schenectady mentioned, creating a successful alternative to harsh punishments like expulsion or suspension is just the beginning. Evaluating the larger issues that lead to conduct violations is more difficult but arguably most important to truly dismantling the prison pipeline.

In response to the criticisms of restorative justice, another alternative has evolved addressing the larger social context of oppression and the role it plays in disciplinary issues. Transformative justice requires students and educators to reflect on certain behaviors while also taking into consideration the social context surrounding them. Transformative justice argues that most people commit wrongdoings because they have been marginalized or disempowered in

some way, which leads to feelings of anger, alienation, and frustration. Rather than attempting to restore the situation in the isolated moment, transformative justice urges those involved to incorporate an understanding of the social problems that lead to disobedience such as structural racism and classism. It addresses immediate behavioral issues, but also questions the dynamics of school discipline. Because there is such an apparent race and class disparity in school discipline, this approach is relevant and significant in changing the trend of poverty and racism that have plagued the educational system. However, it also "requires sustained and extensive collaboration with schools and communities," which is a challenging task (Heitzeg 2016:119). Brinson and Smith argue that teaching students about racism and the ways it exists in our society is not a priority for many schools. They also argue that in most schools, faculty "do not engage in a regular or systematic process of exploring the extent to which racism exists in their school settings," and they "spend very little time assessing the effect of racism on their personal and professional lives" (Brinson and Smith 2014:4). In order for schools to become more equal, administrators and educators must recognize implicit bias and understand that a colorblind mentality in the classroom will not be effective in eradicating prejudice and discrimination (Brinson and Smith 2014). Despite its exciting potential, there has not been any district-wide adoption of this model (Heitzeg 2016).

Exercising transformative justice within a school district can occur in different forms. Firstly, teachers and administrators must educate themselves on racial bias and opportunity gaps. In Schenectady, training has been done to open up conversations about race, class, and opportunity. Staff members have read Richard Milner's book on opportunity gaps in order to gain a better understanding of the issues that students in urban districts face, which has a direct effect on their behavior. Because there are a disproportionate amount of White teachers,

especially in minority schools, there are inherent divides between staff and students. Teaching educators how to overcome colorblindness and cultural conflicts as well as acknowledging that not all students have the same opportunities to succeed can foster better relationships in the classroom. Incorporating multiculturalism within the curriculum can aid this process immensely. School systems experienced an integration of material about other cultures into their curriculums after large influxes of immigration occurred in the latter half of the 20th century. Despite pushback, it has been very successful in teaching students about historical figures that are of different ethnicities and valued in different cultures. Its' goal is to raise self-esteem and be more inclusive of racial minority students, especially when there is an overwhelming proportion of White teachers in schools (Jeynes 2007).

Developing a relationship between the community and the school is important in transforming the way that students perceive themselves and empathize with others. In Schenectady, the Director mentioned a mentoring program they have recently incorporated, funded by a grant as a part of President Obama's My Brother's Keeper organization. Each week about 30 male students of color take a bus to Union College to meet with Black and Latino students who "will serve as confidants, tutors and friends to the seventh-, eighth-, and ninth-graders" ("Union, Schenectady Program Brings 'Young Men of Color' Together 2018). The goal of the program is to foster relationships between these young men of color and inspire students to consider college as a pathway for them. The program also supports bias training for teachers and staff, as well. The program will involve restorative circles where students can discuss any struggles they are having, and conversations are "designed to regularly reinforce the importance of academics and the potential they have to perform and achieve in school" ("Union, Schenectady Program Brings 'Young Men of Color' Together 2018). "Many Schenectady

students participating in the program have already expressed enthusiasm about having someone to look up to as well as exploring options like college for their future" ("Union, Schenectady Program Brings 'Young Men of Color' Together 2018). Connecting students with their communities provides them with a sense of awareness of the world around them and the way in which they fit into the bigger picture as members. Creating and funding programs like these should not only be a priority for the government, but also for administrators looking to improve student outcomes.

Another way to practice transformative justice is to acknowledge and provide support for the trauma that many students of low income face on a day-to-day basis. It is vital to understanding the root cause of behavior. Many districts, including Schenectady, have put themselves through extensive training on becoming trauma-sensitive schools. Research shows that adverse childhood experiences can have a harmful impact on the brain, and often times the stress of trauma manifests itself in behavioral issues at school. Trauma can include mental, emotional, and physical abuse, the incarceration of a parent, mental illness in the household, criminal or violent behavior in the household, and the struggles that come with poverty such as inadequate living spaces and hunger. The emotions they experience because of this distress are often expressed in inappropriate ways. In becoming a trauma-sensitive school, staff is trained on the impact and prevalence of trauma. The school then adopts a district-wide shift in perspective, maximize social services within schools, and facilitate student empowerment and resiliency. Creating medical support teams to take on these cases is crucial (Plumb et. al. 2016). Instituting this type of agenda is expensive and requires a significant amount of time and training; however, its ability to target the root cause of negative behavior is not only beneficial for the student, but also the school climate as a whole.

Reducing arrests in schools that maintain a police presence has become an even greater challenge. Most often the only successful efforts involve a comprehensive approach that involves multiple parties. The best example originates in Clayton County, Georgia where a juvenile court judge formed a task force of parents, law enforcement, community leaders and school officials to address the high level of minor cases his court received from school police officers. An agreement was formed that ensured that minor acts such as fighting, disrupting the classroom, disorderly conduct, and most criminal trespasses do not result in the filing of a complaint unless it is the third offense. It also prohibited elementary students from receiving referrals to law enforcement for misdemeanors. The results of this agreement have shown a decrease in the presence of dangerous weapons by 70%, improvement in police officer's relationships with students, an 87% decrease in fighting offenses, and a 36% decrease in other minors acts of disorderly conduct and classroom disruption. This model has been adopted in Alabama, Connecticut, and North Carolina and all implementations have experienced similar outcomes (Heitzeg 2016).

Even more effective is removing police officers from schools entirely and replacing them with officers who work to deescalate situations, as they have done in Schenectady. Working with restorative services in the community like the Community Accountability Board in Schenectady can also improve student outcomes and prevent them from entering the criminal justice system. It would be beneficial for law enforcement to develop better relationships with administrators as well as with students. Improving trust issues between law enforcement and the community can instill mutual respect and a greater understanding between both parties.

Challenging the school-to-prison pipeline by instituting these changes is no easy feat; it is complex and costly. Schools must understand that there is no one simple fix. There are many

factors that contribute to behavioral issues; therefore there are many factors that are necessary to prevent them. The federal and state legislatures must make this a priority, and by doing so, the country will become more productive, more safe, and more educated. The lives of future generations matter, and the school-to-prison pipeline allows for a blatant disregard for them, especially those who have been historically disadvantaged.

VII. Limitations of this Research

This study attempts to evaluate the effectiveness of relatively new changes in disciplinary practices to address a problem that has not received attention until the past decade. The school-to-prison pipeline is a term that has not been applied to education until recently. Only two neighboring districts were analyzed. I only spoke with one board member from Niskayuna, and I was not able to make contact with any administrators in that district; therefore, my discussion of that district is limited. I was not able to gain much information about the nature of discipline in their schools because of this. Therefore, Niskayuna only served as a comparative model in terms of race and class rather than disciplinary reform efforts.

Schenectady has only recently implemented these changes to their code of conduct, so it is difficult to truly decide what is effective and what is not. I only spoke with two officials from the school, so it is difficult to make general suggestions for all schools. It would be helpful to hear from school social workers or teachers to learn more about the effects and flaws of the new programs that have been implemented. Future research is needed to fully understand which alternatives are most useful. It would be interesting to investigate districts similar to Schenectady in other states to see if they have taken such progressive measures to combat the school-to-prison pipeline. Comparative studies between two similar districts would give more insight into what types of alternatives are worth investing in.

VII. Final Remarks

Focusing on closing opportunity gaps and acknowledging the historical origins of racism and discrimination should be at the core of American education reform. Though many people have opted to take a colorblind standpoint as a means of avoiding racial bias, recognizing race and the fundamental disadvantages that have plagued certain groups is the only way to combat the failures of the education system. Education has the ability to be an equalizer, but only when the nation takes substantial and effective measures to fulfill this purpose. As President Bill Clinton stated at the 2012 Democratic Convention,

> "It turns out that advancing equal opportunity and economic empowerment is both morally right and good economics, because discrimination, poverty and ignorance restrict growth, while investments in education, infrastructure and scientific and technological research increase it, creating more good jobs and new wealth for all of us" (Clinton 2012).

It is worthwhile to invest in this institution and move away from criminalization and punitive laws that infringe on civil rights and liberties.

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APPENDIX A: INFORMED CONSENT

My name is Lindsay Hemminger and I am a student at Union College in Schenectady, NY. I am inviting you to participate in a research study. Involvement in the study is voluntary, so you may choose to participate or not. A description of the study is written below.

I am interested in learning about disciplinary policies in this school district. You will be asked to answer a series of questions. This will take approximately one hour. There are no foreseeable risks to taking part in this study. If you no longer wish to continue, you have the right to withdraw from the study, without penalty, at any time.

Your responses will be held confidential but not anonymous. This means that your name and responses will be linked in data file(s) retained by the researcher, but with few exceptions, the researcher promises not to divulge this information.

By signing below, you indicate that you understand the information above, and that you wish to participate in this research study.

Participant Signature	Printed Name Date

You may consent to having your interview via cell phone or you may decline. Please sign your initials by the appropriate statement below to indicate these wishes.

__ I consent to being recorded via cell phone.
__ I do not consent to being recorded via cell phone.

APPENDIX B: INTERVIEW QUESTIONS

1. How long have you been on the board/in this position and what is your role?

2. What is the nature of the discussion around the code of conduct? Are the terms school-to-prison pipeline or zero tolerance used and what role does it play?

3. Would you say the Schenectady/Niskayuna school district considered to have a high level of deviance and behavioral issues in its schools?

4. What is the process of creating the code of conduct?

5. How do you believe that social class plays a role in the differences in behavioral issues in its schools?

6. Are resource officers employed in the schools in this district?

7. Does this district experience struggles due to lack of funding?

8. To what extent do law enforcement get involved in disciplinary violations and what role does the traditional criminal justice system play in this district?

9. Is there diversity amongst the teaching staff? Is this considered an issue?

10. What are the most common infractions dealt with in this district?

11. How has the code of conduct changed throughout your time with this district?

12. What role does the media play in how this district is perceived by outsiders? Is this helpful or harmful?

13. What role does mental health play in this district and how is it addressed when it comes to discipline and the code of conduct?