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# Interrupting the School-to-Prison Pipeline: Are We Educating or Incarcerating Our Youth

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# Interrupting the School-to-Prison Pipeline: Are We Educating or Incarcerating Our Youth

**Abstract**

Zero tolerance policies in schools have led to substantial financial, personal, and social costs. These policies are widely criticized for being discriminatory, particularly among youth from minority backgrounds. The ways we have responded to behaviors in school has changed dramatically over the years. Today, harsh discipline measures result in lengthy out of school suspensions for minor infractions. This literature review examines the school-to-prison pipeline is and how zero tolerance policies have contributed to this social justice issue. Strategies designed to interrupt the school-to-prison pipeline are also discussed.

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INCARCERATING OUR YOUTH?

By

Gayle R. Springer

A Senior Thesis Submitted to the

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in Partial Fulfillment of the Requirements for Graduation

with Honors in Social Work

Approved at Ypsilanti, Michigan, on this date May 9, 2018

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**Abstract**

Zero tolerance policies in schools have led to substantial financial, personal, and social costs. These policies are widely criticized for being discriminatory, particularly among youth from minority backgrounds. The ways we have responded to behaviors in school has changed dramatically over the years. Today, harsh discipline measures result in lengthy out of school suspensions for minor infractions. This literature review examines the school-to-prison pipeline is and how zero tolerance policies have contributed to this social justice issue. Strategies designed to interrupt the school-to-prison pipeline are also discussed.

*Keywords:* School-to-prison pipeline, zero tolerance policies, minorities

### Introduction

Zero tolerance policies originated from the United States (U.S.) Customs Agency's effort to combat drug trafficking in the early 1980's (Losinski, Katsiyannis, Ryan, & Baughan, 2014). State and federal judicial systems have chosen to no longer exercise zero tolerance policies, while school districts have chosen to implement the policies. The implementation of zero tolerance policies in schools began between 1989 and 1994. The Gun-Free Schools Act (GFSA) passed in 1994 called for the automatic one-year expulsion of students bringing firearms to school, forcing schools to adopt zero tolerance policies. Schools that neglected to comply with the Act lost funding under the Elementary and Secondary Education Act (Losinski et al., 2014). Federal mandates required schools to adapt to zero tolerance policies; however, individual states interpreted how these policies were implemented (Losinski et al., 2014).

The ways school teachers and administrators have responded to behaviors in school has changed over the years. Behaviors such as, talking back, violating the school uniform dress code policy, and profanity were once considered minor infractions; however, with the passage of zero tolerance policies these minor infractions have resulted in harsh discipline measures. Today, students are given lengthy out-of-school suspensions or expulsions from school for these same infractions. The intentions of the zero tolerance policies were to "prevent school violence by immediately removing dangerous students and serving as a deterrent for others" (Losinski et al., 2014 pg. 128). Nevertheless, what the zero tolerance policies have done is increase dropout rates, delinquency, repeat offenses for the same or more severe behaviors, and adverse effects on educational achievement, while decreasing overall safety (Losinski et al., 2014). The outcome of the zero tolerance policies has also produced substantial costs due to arrests and incarceration



and criticism for being discriminatory, particularly among youths from minority backgrounds (Losinski et al., 2014).

This literature review will examine what the school-to-prison pipeline is, including the correlation between school suspensions and the juvenile justice system. A variety of related issues such as, school dropout, police in schools, zero tolerance policies, and the overrepresentation of youth with disabilities, race and gender will be examined, including, example cases of suspension and expulsions. Furthermore, how the school-to-prison pipeline is being disrupted by restorative justice practices, grant funding from The Department of Education, and changes to zero tolerance policies made by States in the U.S., will also be examined. Laws enacted to change zero tolerance policies will be provided as well. Though society has explored ways to interrupt the school-to-prison pipeline, such as adapting to restorative justice practices, creating mentoring programs for at risk youth, and eliminating zero tolerance policies, there are other factors that contribute to this issue that must be changed and the private prison industry is one of them.

### **Understanding the School-to-Prison Pipeline**

It is important to understand how school suspensions create a pipeline with regards to the detention of youth. Imagine being disciplined harshly for talking back to your teacher or being tardy to school? Unfortunately, this has been the reality for students in America for years. The presence of police at school can increase the risk of students being arrested at school (Heitzeg, 2016) and can possibly increase the chances of youth entering the juvenile justice system (Heitzeg, 2016). The Advancement Project (2010) states, “because there is now often an officer present and available, and criminal laws are so broad and vague, school discipline merges seamlessly into arrest” (p. 16). According to the American Psychological Task Force, referrals to

the juvenile justice system have increased due to the implementation of zero tolerance policies in schools (The American Psychological Association, 2006). While it may not be the school district's intention to open the door to the juvenile justice system for students in their schools, harsh punishments for students have resulted in just that.

### **Zero Tolerance Policies**

Zero tolerance policies were created in the 1980's with the intention to stop crime in the streets and end the war on drugs epidemic; however, these policies made their way into the school system. As school districts began to adapt to these policies, the behaviors in school did not improve. In fact, they worsened. Lawmakers thought that zero tolerance policies would improve school safety and the quality of the learning environment, but it has done the opposite. School dropout rates among youth can possibly increase when zero tolerance policies are in effect (The National Center for Educational Statistics, 2006). The more a student is suspended from school, the more they will miss out on classroom learning. Failure to complete assignments and excessive absences can possibly lead to the failure of advancement to the next grade level. This can be discouraging for students.

Racial discrimination against Black and Latino students has played a role in the school-to-prison pipeline. Minority students are more likely to be suspended and/or expelled from school than their white peers (Anti-Defamation League, 2015). We can see this connection when we look at mass incarceration rates. There are more Black and Hispanic Americans than White Americans in prison and the majority of these charges against Blacks and Hispanics are minor. Students of the LGBTQ community and students with disabilities are also disproportionately represented in schools with zero tolerance policies in place. LGBTQ youth are suspended more

often than their peers and students with disabilities are twice as likely to be suspended than students with no disabilities (Anti-Defamation League [ADL], 2015).

Zero tolerance policies have done the opposite of what they were intended to do and more and more youth end up in the juvenile justice system. These extreme measures not only affect the youth who are disciplined, they also affect the future of our youth, our schools, and our communities.

### **The History of Zero Tolerance Policies**

Zero tolerance policies did not begin in schools but emerged into schools after the implementation of federal drug enforcement policies were phased out (Findlay, 2008). As law enforcement used zero tolerance policies to combat the infestation of drugs in communities, the U.S. Customs Service began to adapt to zero tolerance policies by cracking down on the transportation of illegal drugs across the U.S. border (Findlay, 2008). Anyone crossing the U.S. border, with illegal drugs, was charged in federal court (Findlay, 2008). Just as the federal drug enforcement policies were reconsidered, the U.S. Customs Service's zero tolerance policies were altered as well due to the incorporation of zero tolerance policies causing great controversy in harsh discipline for minor infractions (Skiba & Peterson, 1999). Although the federal drug enforcement policies and the U.S. Customs Agency chose to steer away from zero tolerance policies, the zero tolerance policies began to be applied "to issues as diverse as environmental pollution, trespassing, skateboarding, racial intolerance, homelessness, sexual harassment, and boom boxes" (Skiba & Peterson, 1999, p. 373). The harsh policies of zero tolerance were soon phased out yet again but found their way into the school community almost a decade later. In 1989, Orange County, California and Louisville, Kentucky school districts began to implement the use of zero tolerance policies by expelling students from school for engaging in gang-related

activity and for the possession of drugs (Skiba & Peterson, 1999). Around this time, Donald Batista who was the former superintendent of Yonkers Public Schools, created a zero tolerance program to discipline students who were disruptive in school. His stance on zero tolerance programs resembled the harsh discipline approaches used in the past decade. His program called for students to be suspended immediately if they caused any disruption in school. He also banned wearing hats in school and the use of law enforcement in schools increased (Skiba & Peterson, 1999).

### **Zero Tolerance Policies in Schools**

Zero tolerance policies within school districts soon became a trend, as noted by Skiba and Peterson (1999) who stated, “by 1993 zero tolerance policies were being adopted by school boards across the county” (p. 373). The implementation of zero tolerance policies in schools began between 1989 and 1994 (Losinski et al., 2014). In 1994, Congress passed the Gun-Free Schools Act (GFSA) and former President Bill Clinton signed off on the Act (Findlay, 2008). This Act called for the automatic one-year expulsion of students bringing firearms to school (Losinski et al., 2014). The GFSA was not considered a zero tolerance law. Flexibility in the Act allowed justification for offenses to be considered (Findlay, 2008). However, “many school policies enacted in response to GFSA are often referred to as ‘zero tolerance’” (Stader, 2004, p. 62). There are two provisions included in the GFSA (Gorman & Pauken, 2003). As stated by Gorman and Pauken (2003), the first provision in the GFSA “requires the state to enact a provision, permitting the superintendent to modify the one-year expulsion requirement on a case-by-case basis” (p. 26). In the second provision, “each state, through its statutory provisions, may allow local boards of education to offer continued educational services in an alternate setting to any student who is expelled under the Act” (Gorman & Pauken, 2003, p. 26). Schools that

neglected to comply with the Act lost funding under the Elementary and Secondary Education Act (Losinski et al., 2014). Due to zero tolerance policies being forced into school discipline policies, all fifty states in the U.S. had complied by 1995 with practically every public school in the United States adapting to zero tolerance policies (Findlay, 2008). It was found in 1997 that “more than 90 percent of public schools in the United States reported having zero tolerance policies” (Findlay, 2008, p. 107), and because of this, zero tolerance policies are said to have become “public policy in America” (Findlay, 2008, p. 107).

Zero tolerance policies have done the opposite of what they were intended to do. Zero tolerance policies were put in place to prevent violence in schools (Findlay, 2008), yet, they resulted in youth being pushed into the juvenile justice system for minor infractions that could have been handled without harsh consequences (Heitzeg, 2014). Given that zero tolerance policies have been applied to different behavior instances in school, one can assume this has been done in response to fear (Findlay, 2008). According to Skiba and Peterson (1999), zero tolerance policies are used in schools because acts of random violence promote fear, for example, school shooting, arguing “that fear of random violence is clearly, the prime motivator for the adaptation of zero tolerance approaches to school discipline (p. 373). According to Stader (2004), the GFSA data does not indicate a great deal of possession of weapons in schools by students; “for example, in 1999-2000 approximately forty-nine million students attended public schools. Of these, 2,857 or .058 out of 1000 were caught possessing a weapon on campus” (p. 62).

### **The Outcome of Zero Tolerance Policies**

Stader (2004) stated, “zero tolerance generally is defined as a school district policy that mandates predetermined consequences or punishment for specific offenses, regardless of the

circumstances, disciplinary history, or age of the student involved” (p. 62) (as cited in Education Commission of the States, 2002). As stated earlier, zero tolerance policies have produced substantial costs. These costs are due to arrests and incarceration and have been criticized for being discriminatory, particularly among minority youth (Losinski, et al., 2014). The American Psychological Association published a review of research [APA]; they found that zero tolerance policies are not effective in reducing violence and promoting learning (American Psychological Association, 2006). It is evident in their research that, “schools are not any safer or more effective in disciplining children than before these zero tolerance policies were implemented in the mid-1980s” (APA, 2006, para, 3). Although violence in schools is an issue that is deemed serious, school violence is not ‘out of control’ (APA, 2006). Additionally, the APA shares that consistent discipline in schools does not increase positive behaviors by exercising zero tolerance policies (APA, 2006). The APA also concludes, “schools with higher rates of suspensions and expulsions have a less than satisfactory rating of climate and governance and spend a disproportionate amount of time disciplining students” (APA, 2006, para. 4).

### **School-to-Prison Pipeline**

The school-to-prison pipeline is an alarming trend in America where youth are pushed out of schools due to behaviors that violate school policies, which often results in youth being placed in the juvenile justice system (ACLU, n.d.). The school-to-prison pipeline takes place when schools adapt to zero tolerance policies, in-which students are penalized for minor infractions (ACLU, n.d.). In most cases, you would think the presence of police in schools would have a positive impact on students feeling safe and secure within the school environment, yet, the presence of police in schools is an aid in the school-to-prison pipeline (ACLU, n.d.). With police authority in schools, misbehaviors are redirected to the police where students are possibly

criminalized for their behavior (ACLU, n.d.). Unfortunately, youth with disabilities, minority youth, and youth of the LGBTQ community are targets for the school-to-prison pipeline. These particular youth face greater chances of being harshly punished than their peers who are white, with no disabilities and who are not a part of the LGBTQ community (ADF, 2015).

According to the American Civil Liberties Union, inadequate resources in public schools is where the school-to-prison pipeline starts for most students (ACLU, n.d.). In failing public schools, educational environments began to deteriorate when the environment is not conducive to learning. For example, classrooms are overcrowded, the rate of highly qualified teachers is low, and lack of funding leads to the absence of counselors, special education services and textbooks (ACLU, n.d.).

When students demonstrate behaviors that are against school policy, they can be suspended, expelled, or even arrested for their actions. Repeated suspensions can lead to expulsion or school dropout, which opens the door to new challenges that may lead to contact with the juvenile justice system (Advancement Project, 2010) School districts that are in favor of harsh disciplines can possibly neglect the negative outcome those disciplines hold. Though administrators may think removing the troubling students from the school is the best thing to do for the learning environment, it is not (Advancement Project, 2010). Students can possibly internalize this form of discipline by feeling as though school staff does not care about them or they may internalize the discipline by getting out of class when they have trouble understanding class work. Instead of harshly punishing students who misbehave in school, students should be referred to additional educational counseling services instead of being referred to juvenile (ACLU, n.d.).

**Connection between the School to Prison Pipeline and Zero Tolerance Policies**

Data collection from around the country that examines the school-to-prison pipeline exposes the excessive dependence on zero tolerance policies (Advancement Project 2010). The Advancement Project gives insight on statistics from Pennsylvania, Florida, North Carolina, and Colorado. As well as statistics from Philadelphia's school district and Baltimore City public school district. For example:

- In Pennsylvania, from 1999-2000 to 2006-2007, school-based arrests nearly tripled from 4,563 to 12,918.
- In Florida, from 2007-2008, 15,000 students were arrested for misdemeanor offenses out of the 21,289 students who were arrested with given referrals to the state's Department of Juvenile Justice.
- In North Carolina, the juvenile court received 16,499 delinquency referrals from schools in 2008-2009.
- In Colorado, the majority of the 9,563 referrals of students who "violated the code of conduct" and exhibited detrimental behaviors" were given referrals to law enforcement in 2006-2007.
- In 2007-2008, the School district of Philadelphia took 4,361 students into police custody.
- There are 80,000 students within the Baltimore City public school district. Of those 80,000 students, more than half of 1,699 elementary and middle school students were arrested and given referrals to law enforcement in 2007- 2008 (Advancement Project, 2010).



### **School Suspension and The Juvenile Justice System**

Juvenile incarceration rates, school suspensions, and school expulsions drastically increased after the passing of zero tolerance policies in the United States (Dupper, 2012). As mentioned previously, the Gun-Free Schools Act (GFSA) passed in 1994 called for the automatic one-year expulsion of students bringing firearms to school and schools were forced to adapt to zero tolerance policies to prevent the loss of receiving funding. The Colorado mass shooting in 1998 at Columbine High School alarmed school officials, for they begin to increase the amount of School Resource Officers (SROs) stationed within schools by nearly a third from 1997-2007 (Nelson & Lind, Concerns About Crime section, para. 5). However, the School Resource Officers did not increase safety for students in schools. Instead, they policed students and consequently increased the probability of students becoming enmeshed in the juvenile justice system (Nelson & Lind, 2015, Schools Have Outsourced section, para. 1). It is easier for students to wind up with a juvenile record when School Resource Officers are arresting students and referring them to law enforcement as a form of punishment for engaging in behaviors that coincide with zero tolerance policies (Nelson & Lind, 2015). The Justice Policy Institute reported how schools with Resource Officers are five times more likely to arrest students for “disorderly conduct” than schools without a School Resource Officers (Nelson & Lind 2015, Schools Have Outsourced section, para. 2).

### **School Drop Out**

Dropping out of school can possibly become an option for students when they feel as though school is “not for them.” But where do these ideas stem from? When students are consistently suspended, or expelled from school, they are deprived of the learning process that school offers. The American Psychological Association [APA] evaluated the impact of zero

tolerance policies in schools from research produced within the past ten years and published a review of their findings from their study. As they explored school discipline under zero tolerance policies, their findings suggest that students suspended three or more times by the end of their sophomore year of high school, are five times more likely to drop out of school compared to students who have never been suspended (National Center for Education Statistics, 2006). Bird & Bassin (2014) assert that as schools continue to utilize zero tolerance policies for school discipline, it has been predicted that in the future, 82 percent of the adult prison population and 85 percent of juvenile justice cases will be comprised of youth who dropped out of school (as cited from Coalition of Juvenile Justice, 2001).

#### **Police in Schools**

As stated earlier, in some instances, police are an extension of the school system and are called to handle school violations that could be more appropriately addressed by school district staff and administrators (Advancement Project, 2010). Police in schools carry a persona of intimidation and power (Advancement Project, 2010). When fights break out in schools, the students involved are automatically arrested, whereas if police officers were not in school, the students would be sent to the office and the situation would be handled by the school administration. Their presence and involvement in disciplinary matters in school increases the students' chances of being pushed into the juvenile justice system (Advancement Project, 2010). It is highly unlikely for a student to be arrested from school for minor infractions if there were no police officers present (Advancement Project, 2010). Yet, as relationships build closer between school staff and law enforcement personnel, large school-based arrests continue to increase (Advancement Project, 2010).

Students face being charged as criminals when police are present in the schools. According to the Advancement Project (2010), “Having police nearby transforms the daily school experience into a minefield of potential crimes: fighting in the hallway becomes a ‘battery’ or even ‘aggravated battery’; swiping a classmate’s headphones can be classified as ‘theft’ or ‘robbery’; and talking back to an officer or a teacher is ‘disorderly conduct’” (p. 16). Even minor infractions, including being late to school call for punishment by police officers (Advancement Project, 2010). Being tardy to school should not constitute a harm punishment.

The learning environment can be negatively affected when there are police officers in schools (Advancement Project, 2010). Police presence in schools often exacerbates school discipline issues (Advancement Project, 2010). The mere presence of police officers can make matters worse and increases the chance of students being pushed into the juvenile justice system (Advancement Project, 2010). Not only will students fall behind in school but the arrests made will burden their families with economic hardships (Advancement Project, 2010), such as possible juvenile detention fees and court fees. The parents of the child can possibly experience a decrease in income due to missing work to attend their child’s court dates. It is important to note that discrimination and bias can possibly lead to strained relationships and mistrust between police officers and individuals from many minority communities (Advancement Project, 2010). The cause of distrust in police is due to the many interactions minority individuals have with law enforcement that tend to lack lawfulness and legitimacy (National Institute of Justice, 2016). So, as police are present in the school, students begin to feel as though they are automatically being viewed as “criminals-in-waiting...because officers are expecting them to do something wrong” (Advancement Project, 2010, p. 17). In response to such critiques, some schools across the

country are beginning to rethink the appropriate roles of police in schools as they seek to establish a more positive climate.

### **Case Examples of Suspension and Expulsion**

Nancy Heitzeg (2016) lists five examples of typical suspension and expulsion cases in her book *The School-To-Prison Pipeline: Education, Discipline, and Racial Double Standards*. She explains how some school districts do not draw a line between minor misconduct from serious misconduct. As a result, of this, youth are punished harshly with suspensions and expulsions from school often for minor infractions that could have been resolved in school. Heitzeg (2014) identifies example cases of suspensions and expulsions for minor infractions:

- A nine-year-old was given a one day suspension for bringing a one-inch knife to school after finding it in a manicure kit.
- A 17-year-old junior was expelled from school when the student accidentally broke the skin of a cafeteria worker when trying to shoot a paper clip with a rubber band at a peer.
- Two 10-year-old boys from Arlington, Virginia, put soapy water in a teacher's drink. They received a three-day suspension, in addition to a felony charge that could sentence them to 20 years in juvenile detention. Months before the case was dismissed, the boys were processed through the juvenile justice system.
- An eight-year-old student brought a pair of cuticle scissors to school to assist in opening the wrapper on her breakfast. As a result, she was suspended from her third-grade class for two days.
- In Palm Beach, Florida, a 14-year-old disabled student allegedly stole \$2 from another student. The student was referred to the principal's office where police were called to handle the matter. This was the students first time being arrested, for he was charged with

strong-armed robbery and had to spend six weeks in an adult jail. When the local media criticized the prosecutor's decision to file adult felony charges, he responded, "depicting this forcible felony, this strong-arm robbery, in terms as though it were no more than a \$2 shoplifting fosters and promotes violence in our schools." When a 60 Minutes II crew made an appearance at the student's hearing, the prosecution dropped the charges.

- A Pennsylvania kindergartener was suspended for two days after telling her friends she would shoot them with a Hello Kitty toy that makes soap bubbles. It was determined that the incident was a 'threat to harm others.'
- In Denton County, Texas, a 13-year-old student ended up spending six days in jail for writing a scary story about shooting up a school. Although the student was instructed to write a scary story and received a passing grade for his work, he was sent to the principal's office where police were called to handle the matter. After spending six days in jail, the courts released him due to no crime being committed (Heitzeg, 2014, p. 92).

According to Heitzeg (2016) removing students for violating the schools' behavior policies is an act to ensure an atmosphere of safety for other students and staff. Though it may seem like removing the troubling youth from classrooms will call for positive results in the school, it does not. Schools are not considered 'safer' when students are suspended or expelled (Heitzeg, 2016). These example cases are minor infractions that resulted in students missing out on classroom learning. As Heitzeg (2014) states, "a variety of data sources indicate that youth violence, in general, is at the lowest rate in decades and school violence in particular, while always relatively rare, has held at a low and steady rate since 1985" (p. 93).

**Who is Targeted: Race, Gender & Youth with Disabilities**

Multivariate analyses continuously indicate race as a significant predictor of suspension and expulsion (Skiba, Chung, Trachok, Baker, Sheya & Hughes, 2014). As stated earlier, Black students are suspended and expelled at a rate three times greater than their white peers (Anti-Defamation League, 2015). To show evidence of discrimination between African American students and White students, Skiba et al. (2002) analyzed disciplinary data for one year in urban middle schools. The results of their study showed that, “White students were more often referred to the office for offenses that appear to be more objective—smoking, vandalism, leaving without permission, and obscene language—while African American students were referred more often for disrespect, excessive noise, threat, and loitering, which are behaviors with more subjective connotations” (Skiba et al., 2014, p. 646). There is also evidence that supports how minority races in addition to African Americans are also targeted for harsh disciplinary action (Skiba et al., 2014). Hispanic students may face harsh disciplinary action as well. As stated by Skiba et al. (2014), “in a national study of schools implementing Positive Behavioral Interventions and Supports (PBIS), Skiba, Horner, Chung, Rausch, May, and Tobin (2011) reported that while the assumptions of graduated discipline—that consequences are scaled in proportion to the severity of behavior—held in general across a national sample of elementary and middle schools, African American and Latino students were far more likely to receive exclusionary discipline consequences for mild and moderate offenses” (p. 659).

The gender of a student also plays a vital role in overrepresentation of disproportionality in youth. According to Skiba et al., (2014) “male students are disciplined 2 to 4 times higher than female students (p. 645) (as cited from Raffaele Mendez & Knoff, 2003; Imich, 1994). According to data from the Department of Education, “boys, who represent 51 percent of the

public-school enrollment nationally, constitute 70 percent of out-of-school suspensions. In comparison, girls, who make up 49 percent of the school population, represent only 30 percent of suspensions (Petras, Masyn, Buckley, Ialongo, & Kellam, 2011, p. 224). The different discipline rates in gender have suggested that “gender disproportionality could be accounted for by the fact that teachers may view boys as more defiant and disruptive than girls” (Skiba et al., 2014, p. 645) (as cited from Newcomb et al., 2002; Wentzel, 2002).

Recent research on gender disproportionality also shows that African American girls are being disciplined at disproportionate rates. According to the Department of Education Suspension Data for Girls and Boys, African American girls are suspended 6 times more than white girls which ranks African American girls at 12 percent for suspensions compared to 2 percent of white girls being suspended (Crenshaw, Ocen, & Nanda, 2015). The disparities African American girls face seem to go unnoticed regarding punitive policies in public education (Crenshaw et al., 2015), and unfortunately, opportunities that are fair and equal for African American girls have not been confronted nor challenged to change this inequality (Crenshaw et al., 2015).

It is well documented that minority youth and youth with disabilities are overrepresented when it comes to the implementation of zero tolerance policies in and out of school (Evans & Lester, 2012; Shelton, 2006). Youth with disabilities are also suspended and expelled from school more often than students with no disabilities (Anti-Defamation League [ADL], 2015). As stated by Bird and Bassin (2014), “cross the country, there are a growing number of students with and without disabilities who are being suspended or expelled from their regularly assigned or zoned schools” (p. 14).

### **Interrupting the School-to-Prison Pipeline**

There are ways to interrupt the school-to-prison pipeline and schools have been adapting to new problem-solving methods by engaging in restorative justice practices. In 2014, The Department of Education invested \$70 million dollars in grants to improve school climates and school safety (Department of Education, 2014). Also, new legislations since 2011 aimed to reduce out of school suspensions and encouraged school districts to use alternative methods. While these practices have been working to end the school-to-prison pipeline, there is one change that needs to be made if America wants the school-to-prison pipeline to end, and that is forcing an end to mass incarceration.

#### **The Private Prison Industry**

In the book, *The School-To-Prison Pipeline: Education, Discipline, and Racial Double Standards*, Nancy Heitzeg (2016) explains how there are other factors which must change to interrupt the school-to-prison pipeline. One of those factors includes mass incarceration. Mass incarceration is a major issue in the United States. This has become a major issue because the United States has the highest prison population rate amongst all other countries in the world (Herival & Wright, 2014).

Heitzeg (2016) argues that eliminating zero tolerance policies will not put an end to the school-to-prison pipeline; nevertheless, we must focus on “the long reach of monster it feeds” (p. 108) in order to successfully interrupt the pipeline. Furthermore, if societies reliance on racialized punishment for profit does not decline, education policy and practice interventions alone may not be successful enough to end the school-to-prison pipeline (Heitzeg, 2016). It is imperative to understand and realize that changes must be made not only because the school-to-



prison pipeline is “an educational system under siege” (Heitzeg, 2016, p. 108) but, also because of societies profound investment in the punishing state.

Hervial and Wright (2014) believe the United States has massive incarceration rates because of the financial profit that can be earned for private prisons. Their research explains how the private prison industry makes billions of dollars by incarcerating individuals. Private prisons operate successfully by making mass incarceration a top priority. The more inmates these prisons have, the more profit these prisons generate. Hervial and Wright (2014) believe this practice is unethical. Private prisons have established unethical methods on how they generate their funding and as Herival and Wright (2014) state, “turning the operation of prisons over to organizations that are organized for the sole purpose of generating profits will inevitably produce pressure for increased incarceration” (p. 8). With the substantial number of youth being referred to the juvenile justice system for their behavior at school, not only is their freedom, education, and rights being stripped from them, but they become an asset to the prison industry if later in their lives they commit a crime that will cause them to be imprisoned.

Contracting prison labor by private corporations has been legalized in 37 states within the United States of America. The long list of companies who operate inside state prisons is alarming. Such companies include “IBM, Boeing, Motorola, Microsoft, AT&T, Wireless, Texas Instrument, Dell, Compaq, Honeywell, Hewlett-Packard, Nortel, Lucent Technologies, 3Com, Intel, Northern Telecom, TWA, Nordstrom, Revlon, Macy’s, Pierre Cardin, Target, and many more” (Pelaez, 2018, Who is investing section, para 1). In 1980 the profits of prison labor were \$392 million, and by 1994, the profits increased to \$1.31 billion. As the companies’ profits from prison labor increased, the inmate’s wages remained incredibly low or far under the inmate minimum wage (Pelaez, 2018, Who is investing section, para 1). If an inmate works for a

maximum of six hours in a private prison, he/she can receive no more than 17 cents per hour. Tennessee's Corrections Corporation of America (CCA) offers highly skilled positions where their inmates can earn 50 cents per hour (Pelaez, 2018, Who is investing section, para. 2). As the highest paying private prison, inmates can earn "\$1.25 an hour and work eight hours a day, and sometimes overtime. They can send home \$200-\$300 per month" (Pelaez, 2018, Who is investing section, para 2).

Financial gain appears to be more prominent for organizations than the overall welfare of the prisoners. It has been argued by others that this idea and act is immoral. The American Friend Service Committee disagrees with this motive and labels prison privatization as inherently unethical, stating:

First and Foremost, we oppose companies operating correctional facilities for the purpose of making profit for their owners and investors. It is inherently unethical for a private corporation to profit from depriving human beings from their liberty. The very nature of the arrangement invites these companies to prioritize their profits over the needs of those in their custody (Herival & Wright, 2014, p. 8).

To contrast prison privatization, interventions from restorative justice programs are being used (Armour & Sliva, 2016).

### **Restorative Justice Practices**

Restorative Justice is an approach that aims to build responsibility within an individual where one takes accountability for the harm done to someone or a relationship rather than focusing on the blame or assigning punishment (Hopkins, 2014). The use of restorative justice is not only used within the community but it is also beneficial to the schools to help with disciplining students. Instead of suspending students for minor infractions, restorative justice can

replace traditional problem-solving methods such as zero tolerance-policies, with an approach that will promote academic achievement, safety in schools, and respectful relationships across the board. Belinda Hopkins (2014), says there are four questions to ask when using restorative justice:

- What happened?
- Who has been affected and how?
- How can we correct our wrongdoings and make right to the harm done?
- What all have we learned to prevent this outcome, so that if this happens again, we will know how to make appropriate decisions?

School-based restorative justice not only benefits students, but it impacts the school's climate in a positive way. Gonzalez (2012) states that "it allows for students, teachers, families, schools, and communities to resolve conflict, promote academic achievement, and address school safety" (Gonzales, 2012, pg. 1). In the United States, the utilization of restorative justice programs in schools has increased within the last 11 years (Gonzalez, 2012). For example, in Lansing, Michigan it has been reported that student suspensions have decreased and have been avoided due to the implementation of a restorative justice program (Gonzales, 2012). In 2004, a pilot restorative program was first conducted at an elementary school in the Lansing School District and elementary school suspensions decreased by fifteen percent in 2005. Due to the success of the program, the Lansing School District expanded the restorative justice program into nineteen schools in 2009. Fifteen thousand students have been involved with the program since the implementation of restorative justice programs in the Lansing School District. Utilizing a restorative justice program generated positive results for the Lansing school district, where "507 of the 522 cases were resolved, 11 cases were in lieu of expulsion, and more than 1600 days of

student suspension were avoided” (Gonzalez, 2012, pg. 10). Long-term surveys were conducted by the Lansing School District where 90% of participants reported that after the restorative justice intervention, they learned new skills to solve or avoid conflicts (Gonzalez, 2012). Restorative justice practice creates a positive impact within students and communities, where healthy relationships can be built and students, parents, teachers, administrators and community members can be empowered (Gonzalez, 2012).

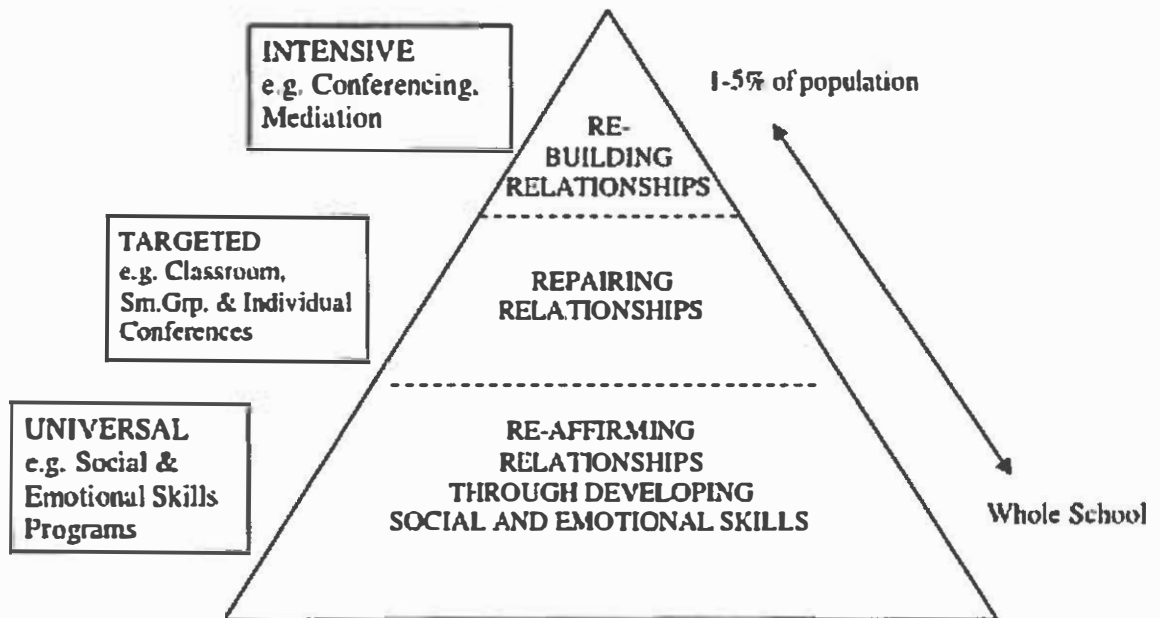
As schools adapt to restorative practices, they use a school-based approach that engages everyone who has been affected by the behavior or issue. These school-based approaches can include peer mediation, youth courts, restorative circles, and conferences and are used as non-discipline practices to promote growth in existing relationships between, “students, teachers, administrators, and the school community” (Gonzalez, 2012, p. 2).

Morrison et al. (2005) has also defined a three-level approach that is based upon universal, targeted and intense responses (See Figure 1, p. 23). The universal, targeted, and intense interventions are different interventions with ultimately the same end goal; to resolve conflict without suspending the student, and establishing healthy relationships within the school community. The universal level of intervention focuses on an ‘immunization strategy’ where the development of social and emotional skills within the school community are used to combat conflict in caring and respectful ways (Morrison et al., 2005).

The targeted intervention is used to address conflict that has begun to affect others within the school community (Morrison et al., 2005). The way to resolve conflict in the targeted intervention level is to use restorative circles. Restorative circles are mostly carried out in a classroom setting where learning outcomes can be supported, boundaries can be set, and positive relationships can be developed (Gonzalez, 2012. p. 17).

The last level, identified by Morrison et al. (2005), is intensive intervention. This particular level uses two approaches when resolving conflict within the school community; namely, conferencing and mediation. In a restorative mediation, all persons involved must answer the basic restorative questions until an agreement is achieved. In this approach, the restorative justice coordinator is to remain neutral while facilitating the dialogue. When there is an imbalance of power between parties, a conference approach is needed. For example, if someone were being bullied, a restorative conference would be the appropriate intervention to use. The restorative justice coordinators role is different from his/her role in mediation approaches when conferences are needed. In a restorative conference, the restorative justice coordinator's focus is to correct the imbalance of power in both parties, protect the victim, and balance out the needs of the victim and offender. Given the severity of the behavior or incident, more individuals may be called to be a part of the conference. As Morrison et al (2005) state, "the intense level of intervention typically involves the participation of an even wider cross-section of the school community, including parents, guardians, social workers, and others who have been affected or need to be involved, when serious offenses occur within the school" (p. 349).

Figure 1. Hierarchy of Restorative Responses



*Note:* Morrison et al. (2005)

The outcomes of using school-based restorative justice usually include, “personal apologies, public apologies, agreements to be polite, reestablish friendships, agreements to show mutual respect, agreements to address conflicts in private, and community service” (Gonzalez, 2012, p.18). The restorative justice coordinator must follow up with all persons involved to ensure the goals of the restorative agreement or outcome are being met after each restorative mediation, circle, or conference (Gonzalez, 2012).

Removing students from the classroom does not promote academic achievement nor does it increase classroom safety (Gonzalez, 2012). It ultimately can possibly provide a gateway for student to act out on purpose because they know their disruptive behavior can get them kicked out of class. For example, if a student does not understand how to do their class work, they may gain their teachers attention by possibly acting out as they know the teacher may possibly

dismiss them from their classroom. This possibly leads to poor academic achievement among students. With restorative justice, the purpose is to “reintegrate the student into the school community, rather than removing the student and increasing the potential for separation, resentment, and recidivism” (Gonzalez, 2012, pg. 2).

If schools want to engage in restorative justice practices successfully, the entire school community’s values of removing students from the learning environment and punishing them for disruptive behaviors, even ones that pose no harm to anyone, must change. Relationship development and connectedness are values the school community will need to shift to (Gonzalez, 2012). Shifting to school-based restorative justice practices cannot be done overnight, for this takes time and effort. The school’s discipline code of conduct will require changes to remove the zero tolerance policies that were in place. Ideally, it should take four to five years to implement a plan that focuses on five key areas (Morrison et al., 2005) which are: commitment from the school community, short, medium and long-term goals, establishing responsive and effective practice, “developing policies that align with restorative practice to transition into a whole school approach, rather than a program based model”, and “investing in an ongoing system of growth and development for all members of the school community” (Gonzalez, 2012, pg. 7). (See Table 1, p. 25). Students and teachers see each other every day whereas victims and offenders may never encounter one another again. If minor incidents are not utterly addressed on the day of occurrence, the situation can escalate quickly. Thus, successful implementation of school-based restorative justice practices are only possible if practices are embedded within the school’s culture (Gonzalez, 2012).

Table 1. Timeframe &amp; Indicators of change

12–18 months	Gaining commitment. Changing dialogue. Pockets of practice. Improved statistics. Increased options for managing behavior.
12–24 months	Altered dialogue & processes. Alignment of policy & procedure. Increased skill development. School community commitment.
24–36 months	Embedding of practice at all levels. Altered operating framework. Reviewing policy and procedure. Creative solutions continue to emerge.
4–5 years	Best practice. Behavior change embedded. Cultural change across school community.

*Note:* (Morrison et al., 2005)

### A Response to the School to Prison Pipeline

#### Department of Education Grants

In efforts to improve the climate in schools, The Department of Education contributed over \$70 million to 130 schools in 38 states to improve school climate and keep students safe in September of 2014 (Department of Education, 2014). There are four competitive grant programs that stemmed from President Barack Obama and Vice President Joe Biden’s “Now Is the Time” in-depth plan, which aimed to create safer schools, limit gun violence by keeping guns out of the hands of persons that may cause harm to others, and increase mental-health services (Department of Education, 2014). The four grant programs include:

- School Climate Transformation grants to school districts—\$35,18,097
- School Climate Transformation grants to states—\$7,339,654
- Project Prevent grants to school districts—\$14,167,876
- School Emergency Management grants to states—\$13,082,991 (Department of Education, 2014).

Former Secretary of Education, Arne Duncan, made a statement regarding the Department of Education’s contribution saying, “If we can’t help protect kids and staff, and make them feel safe at school, then everything else that we do is secondary. If kids don’t feel



safe, they can't learn. It's that simple. Through these grants of more than \$70 million, we are continuing our commitment to ensure that kids have access to the best learning experience possible" (Department of Education, 2014, para 2).

One of the grants aims to resist the school-to-prison pipeline, *The School Climate Transformation grants to school districts*. The funding from this grant provided 23 states and 71 school districts with more than \$35.8 million dollars. With this grant funding, school districts were able to garner the necessary resources to "develop, enhance, or expand systems of support for implementing evidence-based, multi-tiered behavioral framework for improving behavior outcomes and learning conditions for students" (Department of Education, 2014, The School Climate Schools District section). In addition to developing supports for students to improve behavior outcomes, the funding from this grant could be used to interrupt the school-to-prison pipeline, where school districts can implement models of reform and evidence-based practices (Department of Education, 2014).

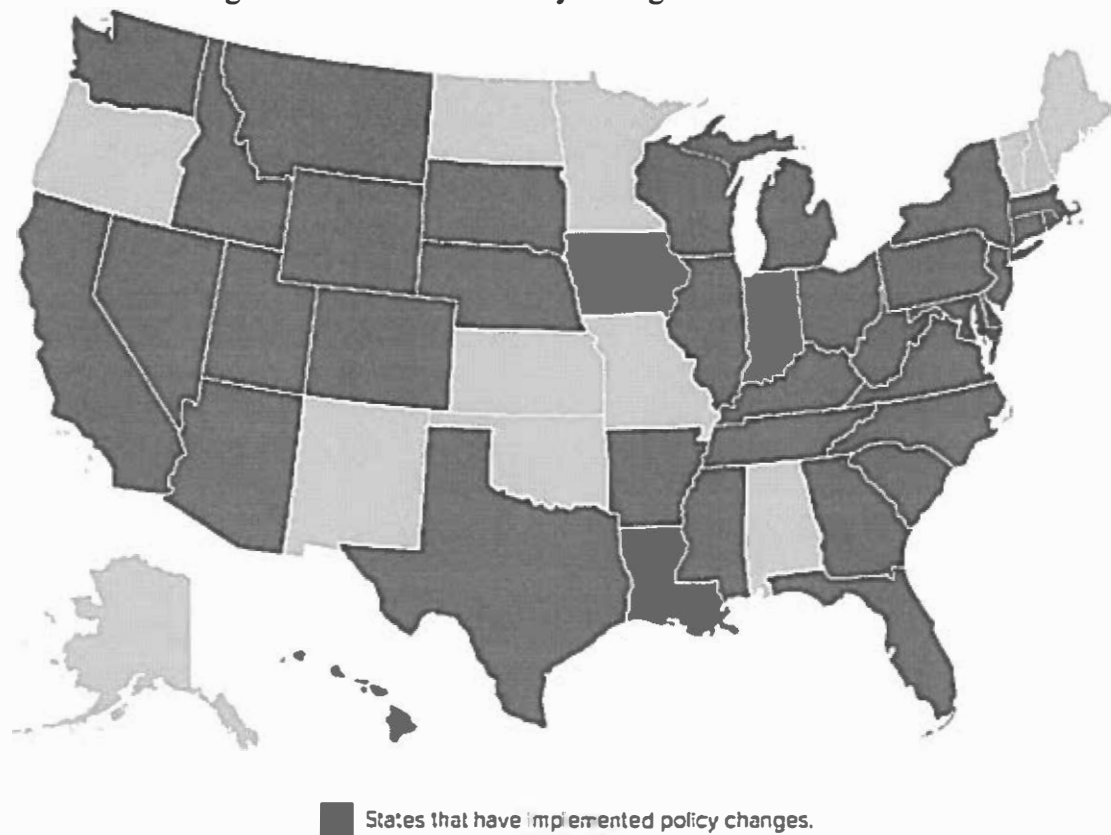
Michigan was one of the states selected to receive grant funding from the Department of Education in 2014. Within the state, three school districts received the school climate transformation grant to "develop, enhance or expand statewide systems of support for, and technical assistance to implement an evidence-based, multitier behavioral framework for improving behavioral outcomes and learning conditions for all students" (Department of Education, 2014, The School Climate Transformation grants to states section). According to The Department of Education (2014), Elkton-Pigeon-Bay Port Laker Schools received \$361,303. The School District of the City of Detroit received \$705,797, and Muskegon Area Intermediate School District received \$442,125 in funding to transform their schools' climate

(Department of Education, 2014, School Climate Transformation Grants—School District Grantees section).

### **States Change Zero Tolerance Policies**

In the United States, many states have chosen to change their zero tolerance policies due to the negative impacted on youth in their schools (Advocacy & Communication Solutions, n.d.). According to Advocacy and Communication Solutions (n.d), 38 states have implemented policy changes to zero tolerance policies in their schools. (See Figure 2, p. 28). To change these policies, states passed legislation where school safety will be maintained and the negative effects of zero tolerance policies will be lessened for students by either changing truancy related punishment outcomes of out-of-school suspensions and expulsions policies, changing zero tolerance policies completely, or stressing the importance on early intervention and support services to keep students in school (Advocacy & Communication Solutions, n.d.). To address the policy changes of zero tolerance, states relied on resources from the Juvenile Justice Information Exchange and the National Conference of State Legislatures' Juvenile Justice Guide Book for Legislators (Advocacy & Communication Solutions, n.d.). Furthermore, the 2014 school discipline compendium published by the Department of Education and the U.S. Department of Justice was used by the American Association of School Administrators (AASA) to examine and recapitulate the changes in several states (Advocacy & Communication Solutions, n.d.). The AASA also used this resource to predict significant "movements in school discipline laws throughout the states" (Advocacy & Communication Solutions, n.d., p. 6).

Figure 2. Recent State Policy Changes in The U.S.



*Note:* (Advocacy & Communication Solutions, n.d.)

Michigan’s Board of Education decided to update its policies on zero tolerance to reduce out-of-school suspensions or expulsions by making revisions to the 2014 Model Code of Student Conduct (Advocacy & Communication Solutions, n.d.). The Board has developed and implemented alternative behavior disciplines to promote positive social behavior whereas students will not be suspended for minor infractions. The goal of this student code of conduct is to “keep students in school and engaged in the learning process (Advocacy & Communication Solutions, n.d., p. 8). The Michigan State Board of Education “strongly urges school districts to review zero tolerance policies and adopt practices that allow educators to adopt disciplinary matters as opportunities for learning instead of punishment” (Advocacy & Communication Solutions, n.d., p. 8). The policy is very clear on the expectations of disciplinary actions students

will face when they are in violation of the student code of conduct. In the Student Code of Conduct, resources available to help guide the process, definitions for disciplinary actions are provided, as well as, “model policies for student searches and sample forms and notices” is included in the 42-page document (Advocacy & Communication Solutions, n.d., p. 8).

Before the Model Code of Student Conduct 2014 was legally mandated, schools could decide if they wanted to adapt all or some of the new discipline approaches (American Institutes For Research, 2017). Even with this option, the state of Michigan urged school leaders to follow through with the 2014 Model Policy, because the new disciplinary tactics were making a positive impact on all students (American Institutes For Research, 2017). The 2014 Model Policy struck many school leaders attention, where they seized the opportunity to “increase students’ social and emotional learning” (American Institutes For Research, 2017, The Results section, para. 2). It was imperative that Michigan school districts showed a decrease in suspensions and expulsions, because in April 2016, the state passed “a school aid budget bill that reflected the new Model Policy” (American Institutes For Research, 2017, The Results section, para. 3). If school districts did not show decreased numbers in school suspensions and expulsions, they would run the risks of partially losing state funding starting in the 2017-18 school year (American Institutes For Research, 2017, The Results section, para. 3).

The following factors must be taken into account before any suspension and expulsions takes place, effective 2017-18 school year, due to Michigan’s governor signing the bipartisan legislation “that further integrated the new approach into the state’s laws” (American Institutes For Research, 2017, The Results section, para. 4).

- The student’s age and disciplinary history, and whether the student has a disability

- The seriousness of the violation, and whether it threatened anyone's safety
- Whether a "lesser intervention" would "properly address" the behavior
- Whether "restorative practices" will be used to address the behavior.

### **Laws Enacted to Change Zero Tolerance Policies**

State legislatures have pushed extremely hard for schools to no longer use out-of-school suspensions and expulsion for minor infractions (Advocacy & Communication Solutions, n.d.). Because of their continuous pressure to remove school suspension and expulsion as harsh punishments for minor infractions, several states have enacted laws to change the way their schools discipline students. Furthermore, the elimination of racial bias in discipline referrals has been 'strongly encouraged' for school districts by the federal government (Advocacy & Communication Solutions, n.d.).

To combat truancy, "nineteen laws have been enacted in 17 states since 2011 to limit the use of suspension for truancy" (Advocacy & Communication Solutions, n.d., p. 7). School districts in Florida, Illinois, New Mexico, Virginia, and Washington D.C., have drastically limited their ability to suspend students for excessive absence, while under a 2011 amended law in Colorado, school districts are permitted to follow through with a court proceeding as a 'last option' only if the students' truancy persists after the school's implementation plan to ameliorate attendance is unsuccessful (Advocacy & Communication Solutions, n.d.).

In 2011, the state of Indiana passed a remarkable law that possibly has a powerful impact on a students' social, emotional and academic achievement (Advocacy & Communication Solutions, n.d.). This law, HB 1107, allows students who have been referred to the juvenile justice system to be paired with an advocate who will establish individual plans to promote

positive outcomes for the student (Advocacy & Communication Solutions, n.d.). The individual plans used for each student will provide counseling, tutoring and mentoring services (Advocacy & Communication Solutions, n.d.).

As stated previously, the presence of police in schools sometimes insinuates a negative outcome for students when officers become the authoritative figure for school discipline (Advancement Project, 2010). To remove the negative effects that police presence has in schools, local governments and school systems have tried to find the “balance between school safety and addressing non-academic needs of students” (Advocacy & Communication Solutions, n.d., p. 3), in efforts to bring the school-to-prison pipeline to an end. This effort to end the school-to-prison pipeline is happening in Denver Colorado where the Denver Police Department and Denver Public Schools signed an Intergovernmental Agreement (IGA) in February 2013. Police officers’ role in schools will be limited by the IGA. Furthermore, the involvement of community stakeholders is mandated which requires “comprehensive training for teachers and administrators” (Advocacy & Communication Solutions, n.d., p. 3). In addition to these mandates, students will have the right to due process (Advocacy & Communication Solutions, n.d.).

#### **Alternative Discipline Interventions & Supports**

Alternative discipline interventions have been implemented around the U.S. in efforts to end the school-to-prison pipeline (Advocacy & Communication Solutions, n.d.). Positive Behavior Interventions and Supports (PBIS) and Tools for Promoting Educational Success and Reducing Delinquency are two interventions that aim to end the school-to-prison by decreasing the chances of students being suspended or expelled (Advocacy & Communication Solutions, n.d.). According to Reinke, Herman, & Stormont (2012) PBIS uses a more positive school-wide

approach that focuses on prosocial student behaviors to increase academic performance, and “reduce problem behavior” (Reinke et al., 2012, p. 39). Tools for Promoting Educational Success and Reducing Delinquency was developed by the National Association of State Directors of Special Education (NASDSE) and the National Disability Rights Network (NDRN) (National Association of State Directors of Special Education & National Disability Rights Network, 2007), to transition youth back into the school community; using a nine-step approach (OSEP Technical Assistance Center on Positive Behavioral Interventions and Supports 2017).

### Conclusion

The school-to-prison pipeline has gained the necessary attention of lawmakers, school districts, and myself included as a future social worker. It is important that social workers are aware of the school-to-prison pipeline and act to intervene this injustice because it is their responsibility to promote social change by gaining access to knowledge to provide services and resources for oppressed populations that are affected by the school-to-prison-pipeline. It is my hope that one day this pipeline will no longer exist, and students from minority backgrounds, with disabilities; different genders and the LGBTQ population will not be targeted for behaviors that do not call for suspension and/or expulsion. The presence of police in schools does not seem to be positively supporting school discipline, rather, it is possibly contributing to this social justice issue. The history of zero tolerance policies illustrate that these policies do not promote positive behavioral outcomes. Instead, they potentially produce negative outcomes for students. While it was not the intention of school administrators to create a school-to-prison pipeline for students to wind up in the juvenile justice system, the implementation of zero tolerance policies in their schools have done just that. With more focus and implementation on positive behavior practices like restorative justice in schools and PBIS students and staff will possibly be able to

develop positive relationships and better ways to handle disruptive behaviors without suspending or expelling the student. The initiative, *Tools for Promoting Educational Success and Reducing Delinquency*, may allow for more students to reenter the school community after falling into the juvenile justice system. Continuous work may be needed by the school community to eliminate zero tolerance policies and replace them with alternative discipline practices that will promote academic success, positive behavior, and positive relationships.



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