

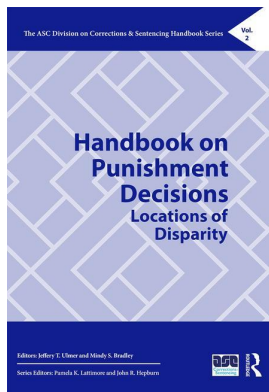
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Sowing the Seeds of Future Justice System Disparities

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3

SOWING THE SEEDS OF FUTURE JUSTICE SYSTEM DISPARITIES

School Punishment and the School-to-Prison Pipeline

Aaron Kupchik and Akilah Alleyne

The term “school-to-prison pipeline” refers to a process by which school treatment of children places them at increased risk of future incarceration. This school treatment can include denial of needed services to youth, out-of-school suspension, expulsion, and arrest. As many criminologists and other scholars have pointed out in recent years, school suspensions have significantly increased over the past few decades, as has the placement of police officers in schools and the use of other security practices (Hirschfield and Celinska, 2011; Kupchik, 2016), making school punishment and arrest more likely than in prior eras. This criminalization of students (Hirschfield, 2008) has been grouped together with broader criminal justice trends, such as mass incarceration, as both are symptoms of what Simon calls “governing through crime” (Simon, 2007).

School punishment and policing can have many harmful consequences for students, as we discuss below. When children are excluded from school and/or denied necessary educational and social supports (especially for students with disabilities), they become less likely to benefit from the school’s ability to suppress delinquency and are instead given more unsupervised time on the streets. They also build school disciplinary records that can place them at greater risk of harsher school punishments in the future. And, research finds that more police in schools is associated with more arrests, particularly for minor misbehaviors (e.g., Na and Gottfredson, 2013; Nance, 2016). Though the term “school-to-prison pipeline” may be an oversimplification, the term brings attention to an important problem within public schools across the U.S. (see Kupchik, 2014).

School punishment and the school-to-prison pipeline are thus very relevant to our understanding of punishment decisions. Further, because school punishment is disproportionately felt by socially marginalized students (see Skiba, Arredondo, and Williams, 2014; Skiba et al., 2016), it is an important site at which disparity in future punishment

decisions is shaped. Indeed, the problem of racial disproportionality in school punishment has received a great deal of attention from scholars as well as policymakers, including the Department of Education's Office of Civil Rights. Yet youth of color are not the only students at heightened risk of experiencing the school-to-prison pipeline; students with disabilities, LGBTQ youth, and others are as well (Skiba et al., 2016). In the pages that follow, we explore this in greater depth. After describing the school-to-prison pipeline and its consequences, we then provide exploratory analyses that consider the extent to which social status relates to school punishment and, as a result, influences disparity in future punishment decisions.

Harms of the School-to-Prison Pipeline

Strict and consistent rule enforcement is important for teaching children behavior standards and managing school environments (Arum, 2003). But since the 1990s, schools across the U.S. have gone well beyond such a standard, with exclusionary punishments (most often, suspension) typically in response to minor forms of misbehavior. Indeed, research finds that suspension is most commonly used to respond to minor behaviors such as defiance of authority or insubordination (Fabelo et al., 2011), behavior that, in prior years, might have resulted only in a trip to the principal's office and afterschool detention.

There is no credible evidence to suggest that growing numbers of suspensions for minor misbehaviors prevent future misbehaviors or school crime. In fact, some scholars suggest that it might cause increases in school misbehavior (see Hemphill et al., 2006). This is because an overly punitive environment can alienate students and disrupt their bonds to the school, deteriorating the school social climate (Fine et al., 2004; Rios, 2011). Given that several prior studies find that schools with more inclusive school social climates—where students feel respected, listened to, and valued as community members—have lower misbehavior rates (see Cook et al., 2010), the overuse of suspension might indeed make school safety worse, not better.

Prior research demonstrates many collateral harms that stem from student criminalization, affecting schools, families, and communities, not just the individual students who are suspended or arrested. Perry and Morris (2014), for example, find that, in schools with relatively high suspension rates, students who are *not* suspended do worse on standardized tests, compared to those in similarly situated schools, demonstrating the corrosive effect of high suspension rates on entire schools. Kupchik and Mowen (2016) illustrate how entire families suffer as a result of children's exclusion from school, including experiences such as loss of work, family conflict, and even physical symptoms, based on a series of interviews with parents whose children have been excluded from schools (Kupchik and Mowen, 2016). And Kupchik and Catlaw (2015) find that entire communities can be impacted by school suspension, since a student's experience with school suspension is predictive of lower probability of voting and volunteering in one's community years later (see also Kupchik, 2016).

But the most important consequences that result from the criminalization of students are felt by the students themselves. These harms include greater potential for

exposure to justice system involvement and academic failure. For example, in *Home-room Security*, Kupchik (2010) notes the irony of school suspension as a response to the many students whose classroom misbehavior is, according to the teachers he spoke to, the result of their academic frustration. In other words, many students who are behind their peers in understanding course material become frustrated and say or do something they shouldn't; in response, schools suspend them from school, causing them to fall even further behind. Research shows that suspended youth are at increased risk of failing courses (Balfanz et al., 2015), being held back a grade, and failing to graduate (Fabelo et al., 2011). Failing to graduate high school in turn diminishes job prospects (Rumberger, 1987), resulting in an indirect effect of school discipline on future financial insecurity. Suspension of students with working parents also means they have more free unsupervised time, which could put them at greater risk of getting in trouble in their communities.

The criminalization of students isn't limited to school suspensions but also includes a greater police presence in schools (Hirschfield, 2008). Though much is still unknown about how the presence of police, commonly known as School Resource Officers (SROs), affects schools, research finds that their presence results in increased arrests for minor offenses (Na and Gottfredson, 2013; Nance, 2016). Other research suggests that the presence of SROs might contribute to the overall criminalization of youth in more subtle ways, increasing the likelihood of criminal behavior as acts of defiance (Rios, 2011).

The criminalization of students thus increases the risk that students become involved in the justice system, in several ways. Most directly, a police presence in schools can increase the risk of arrest at schools. Indirectly, increased risk of school suspension makes it more likely that students fail, academically, and fail to graduate from high school. This, in itself, is an important risk factor for future justice system involvement (Western, 2006). Further, the criminalization of students might make students more likely to commit crimes; this can occur if students respond to school policing and punishment with deviant or criminal identities (Rios, 2011), or if excessive time spent out of school results in decreased supervision and increased criminal activity. When one considers the fact that compulsory attendance laws mean that the vast majority of youth attend public schools, it becomes clear that school policing and punishment, which result in what is called a school-to-prison pipeline, have important effects on risk of justice system involvement at an early age, with clear ramifications for future punishment decisions.

Racial Disproportionality

Recent studies find that students of color, particularly Black students, are more likely to experience exclusionary school discipline such as expulsion and out-of-school suspension (Skiba, Mediratta, and Rausch, 2016; Wallace, Goodkind, and Bachman, 2008). Further, the problem of racial disproportionality seems to be growing; the risk of out-of-school suspension for African American students increased from two times greater than the risk faced by White students in 1970, to three times the risk faced by White

students in 2002. Black students are now almost four times more likely to receive one or more out-of-school suspensions or be expelled from school, compared to White students (U.S. Department of Education, 2014). Studies also suggest that Latino/a students have a greater likelihood of experiencing suspension and/or expulsion than White youth (Skiba et al., 2011), even when their levels of misbehavior are less than or equal to those of White students (Peguero and Shekarkhar, 2011). Such instances of racial disproportionality begin as early as *preschool* for students of color (U.S. Department of Education, 2014), and exist even when controlling for self-reported student misbehavior (e.g., Rocque and Paternoster, 2011; Skiba et al., 2014).

Studies examining the intersectionality of race and gender in school punishment find that Black males and females have greater likelihoods of experiencing disproportionate punishments when compared to other races and ethnicities (Anyon et al., 2014; Losen and Skiba, 2010; Morris, 2012; Wallace et al., 2008). For example, Black males have significantly higher likelihoods of being suspended or expelled from school (Darensbourg, Perez, and Blake, 2010; Shollenberger, 2014; Townsend, 2000) than their White counterparts (Bradshaw et al., 2010; Skiba et al., 2014; Wallace et al., 2008). Moreover, scholars find that Black females, too, have significantly higher rates of out-of-school suspension when compared to Latina and White students (Finn and Servoss, 2015; Toldson, McGee and Lemmons, 2015).

There is still limited research on the plight of Black females' experiences with the school-to-prison pipeline. However, Black females are more vulnerable to a variety of risk factors that put them at risk of school punishment (Crenshaw, 2011; Morris, 2012), and such experiences are unique from those of Black males, as well as females from other races/ethnicities (Crenshaw, 2011; Morris, 2012). Scholars find that Black girls and women are victims of exacerbated stereotypical definitions of Black femininity and behavior in ways that cause them to be singled out for punishment for acts such as being "loud" or "aggressive" (Morris, 2012), particularly when they are seen as deviating from White middle-class social norms. Compared to White women, Black women are 6.9 times more likely to have contact with the criminal justice system, while Latina women are 2.5 times more likely (Crenshaw, 2011).

Prior research suggests that the racially disproportionate rates of school punishment are not due to different rates of misbehavior (Kupchik, 2016; Losen and Skiba, 2010; Skiba et al., 2002). Rather, classroom and school-level factors, such as implicit racial bias and stereotypes, and faculty and staffs' subjective perceptions of defiance or disrespect from students of color (Kahn, Goff, and Glaser, 2016; Okonofua and Eberhardt, 2015) appear to be responsible for much of the racial disparities in exclusionary school discipline (Gregory and Weinstein, 2008; Payne and Welch, 2010; Skiba et al., 2002). Teachers and other school staff members demonstrate subtle biases, whereby they may be quicker to view youth of color as defiant and disorderly and are quicker to respond punitively than they might be to White students.

Research finds school-level effects as well. That is, schools with greater proportions of poor students and students of color are more likely to use punitive disciplinary practices such as in- and out-of-school suspension and zero tolerance policies (Nance, 2013; Payne and Welch, 2010; Welch and Payne, 2010, 2012). Schools with more youth

of color are also more likely to have metal detectors and rely on police and other forms of rigid control (Irwin, Davidson, and Hall-Sanchez, 2013; Kupchik and Ward, 2014).

Racially disproportionate school discipline thus means that youth of color are more likely to suffer the harms of the school-to-prison pipeline that we describe above, particularly increased contact with police and the criminal justice system (Darensbourg, Perez, and Blake, 2010; Gabbidon and Greene, 2016; New York Civil Liberties Union, 2011; Wolf and Kupchik, 2017). In this way, the education system serves as a disproportionate path to incarceration. Thus, the disproportionate use of discipline on youth of color only exacerbates existing racial inequality in future justice system exposure.

Other Sources of Disparity

Racial disparities in school punishment are perhaps the most studied type of disparity, but race/ethnicity is not the only source of disparity in school punishment. Other student characteristics such as being low-income, having learning or behavioral disabilities, or LGBTQ status, also relate to greater likelihood of harsh school punishment.

Certainly, school administrators have discretion to punish students with disabilities who violate their schools' codes of conduct. But federal law puts restrictions on this discretion through the 2004 IDEA (Individuals with Disabilities Education Act); under certain circumstances, administrators can be limited in the number of days that they exclude disabled students from schools or for what behaviors.¹ Despite the fact that there are more restrictions on the use of school punishment for students with disabilities than for others, students with disabilities are still at greater risk of school punishment than others. Recent research finds that nationally, students with disabilities are nearly twice as likely to receive an out-of-school suspension than non-disabled peers (Losen and Gillespie, 2012), and when disabled students receive suspensions, they tend to be for longer periods of time than received by others (Balfanz, Byrnes, and Fox, 2015). Further, the intersection of disability status and race/ethnicity can put students at even greater risk of school punishment, with African American students who have disabilities at substantially greater risk of punishment than others (Losen and Gillespie, 2012).

Low-income students are also at greater risk of school punishment than middle-class and wealthy students (e.g., Wu et al., 1982). These effects are seen at both the school- and student-levels. At the school level, research finds that schools with larger populations of students receiving free- or reduced-price lunch (an imperfect but available proxy for the size of a school's low-income population) are more likely to have criminal justice-oriented security practices such as the presence of police officers and drug-sniffing police dogs on campus (Kupchik and Ward, 2014), as well as relatively high rates of suspension and student arrests (Ramey, 2015). At the student level, studies find that, even when controlling for measures of student misbehavior, low-income students are at heightened risk of school suspension and expulsion (Rocque and Pater-noster, 2011; Skiba et al., 2014; Wu et al., 1982).

Though scholars have only recently turned to sexuality and gender identity as risk factors for school punishment, recent research finds that LGBTQ and gender

non-conforming youth are indeed at heightened risk of school punishment. Himmelstein and Bruckner (2011), for example, find that youth who report same-sex attraction are at greater risk than others of being expelled from school, even when controlling for self-reported rates of misbehavior (see also Mitchum and Moodie-Mills, 2014; Snapp et al., 2015).

Prior work also finds that immigration status can shape a student's risk of school punishment. For example, Anthony Peguero et al. (2015) find that Black youth who are children (and grandchildren) of immigrants, as well as Latino/a grandchildren of immigrants, are more likely to be disciplined at school than White youth, despite similar levels of misbehaviors.

This body of research demonstrates how students who occupy socially and economically marginalized positions are at heightened risk of experiencing exclusionary school punishment and suffering the harms of the school-to-prison pipeline. Overall, students of color, low-income students, students with learning and behavioral disabilities, and LGBTQ students occupy a different social space than White, middle-class, non-disabled, heterosexual youth. Each of these statuses can be a social stigma, possibly leading school staff to view them as deviant and deserving of punishment.

Based on this accumulated body of research, we believe that scholars studying school punishment should turn toward a more general view of status. Though race/ethnicity, poverty, sexual orientation/identity, and disabilities are each important in their own right, a more general investigation into how social status influences school punishment seems warranted as well. Such an investigation could help us understand whether these and other markers of lower status tap into broader themes, such as cultural, social, or political capital. That is, are students who occupy stigmatized or marginalized positions at greater risk of punishment in part because of their marginal status, and a corresponding lack of social/political/financial power?

Exploratory Analysis

To further investigate how social status influences punishment, we now turn to exploratory analyses, using data from the High School Longitudinal Study, 2009–2013. HSL:09 is a longitudinal, nationally representative study of a randomly selected sample of fall-term 9th-graders from 944 eligible public and private high schools. We use the publicly available version of the dataset, obtained from the Inter-University Consortium for Political and Social Research (ICPSR) through the National Center for Education Statistics. The HSL:09 data explore secondary and post-secondary plans of students by examining factors that influence students' attitudes, behaviors, and decisions towards high school courses and college majors. As part of the core research questions, data on high school students' interests leading into and out of science, technology, engineering, and mathematics (STEM) paths are also collected. Thus, some of the questions in the questionnaires for students, and math and science teachers, are STEM focused as part of the study. The base-year survey was administered in the 2009–10 school year to students who were in 9th grade and collected information on student home life, student and parent

background information, school climate, teacher background and preparation, and classroom practices.

There were 25,184 eligible student participants; 21,444 student participants responded and completed the base year survey questionnaire (85.7% weighted, 85.1% unweighted). Students from the 9th grade cohort participated in the first follow-up during their 11th grade year. The response rate for the first follow-up was 82.0%, and 81.8% (unweighted), and included 939 schools that were still eligible from the base year. Students were then randomly selected from the 939 schools; they completed all surveys and the mathematics assessment online using computers in their schools. Surveys were also administered to parents, teachers, and counselors online, in person, or through computer-assisted phone via request. Teacher responses and transfer students associated with ineligible schools were not included in the first follow-up. The total sample size sample was $n = 18,623$ student respondents. Due to missing values, our final analytical sample size is $n = 15,772$.

We use these data to explore punishment rates among students who are socially marginalized and economically disadvantaged. School punishment is measured in the first follow-up parent survey. Parents are asked whether their children had ever been suspended or expelled from school. Overall, 12% of students had been suspended or expelled. To consider how social status and disadvantage relates to punishment, we analyze how suspension relates to a number of social status variables, including school bonds, socio-economic status (SES), sex, English language learner status, and race/ethnicity. English language learner status information comes from the first follow-up parent survey; parents were asked whether the students had ever been enrolled in an English learning program during high school. Information on sex and race/ethnicity are self-reported by respondents in the baseline interview.

Our variable for SES is taken from the baseline survey. It is a standardized measure, provided in the HSLs, that is based on parent/guardians' education, occupation, and family income. The SES variable allows us to examine whether there are any differences in suspension or expulsion across socio-economic status. Our variable for school bonds consists of the mean response to three questions asked of students in the baseline student survey: whether they feel *safe* at school, whether they feel *proud* to be part of school, and whether getting *good grades* is important. Each is measured along the scale: 1 = Strongly Agree, 2 = Agree, 3 = Disagree, 4 = Strongly Disagree. All of these items measuring attitudes and feelings towards school were reverse coded, so that higher values represent stronger school bonds. An exploratory factor analysis confirmed that the three questions load highly onto a single factor, and the resulting index has an alpha reliability coefficient of 0.65. School bonds represent a form of social capital; students with stronger bonds are likely to be more central to the school community, whereas students with weaker bonds are somewhat marginalized. Given that we seek to explore a variety of sources of student marginalization, this offers a relevant and novel view into variations in school punishment.

To analyze how school bonds and SES relate to the likelihood of punishment, we consider the proportion of students who are suspended or expelled, by quartile of each of these two continuous measures. These results are presented in Figure 3.1 and

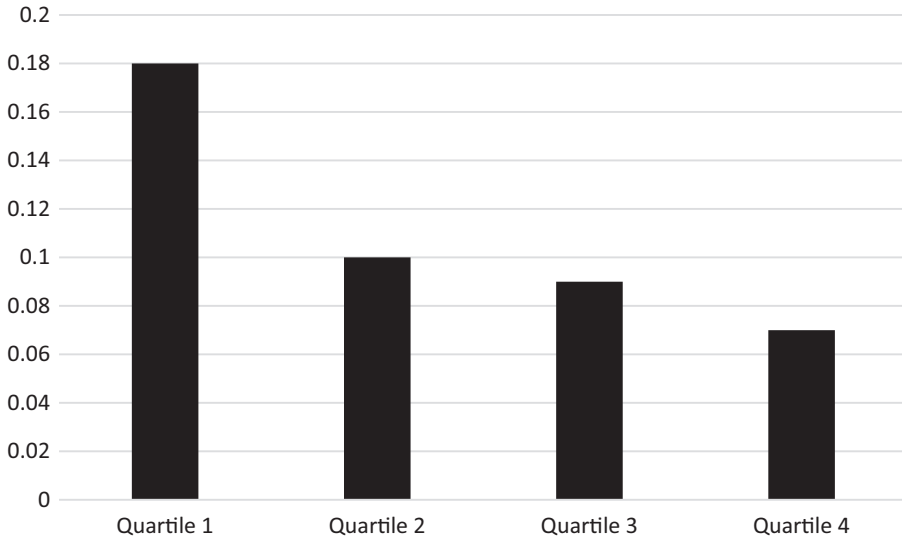


Figure 3.1 Proportion of Students Suspended or Expelled, by School Bonds (Quartiles)

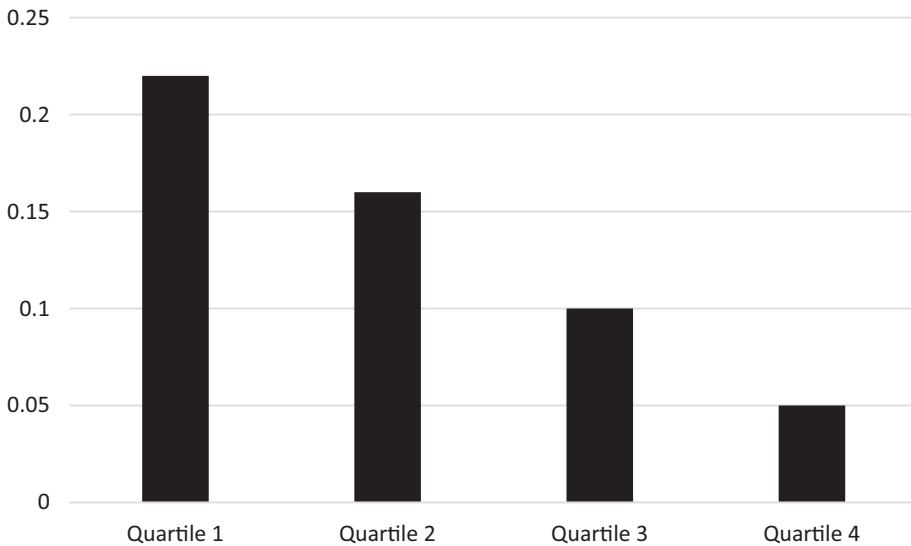


Figure 3.2 Proportion of Students Suspended or Expelled, by SES (Quartiles)

Figure 3.2. We also show the proportion of students of each recorded race/ethnicity who are suspended or expelled in Figure 3.3, and results for English language learner (ELL) status and sex in Figure 3.4. The results show significant differences in suspension/expulsion by sex and for each racial/ethnic group, relative to others. We also find that suspension rates vary significantly by quartile of SES and school bonds, based on ANOVA tests. As we discuss below, the only result that was not statistically significant was our comparison of ELL youth to other youth.

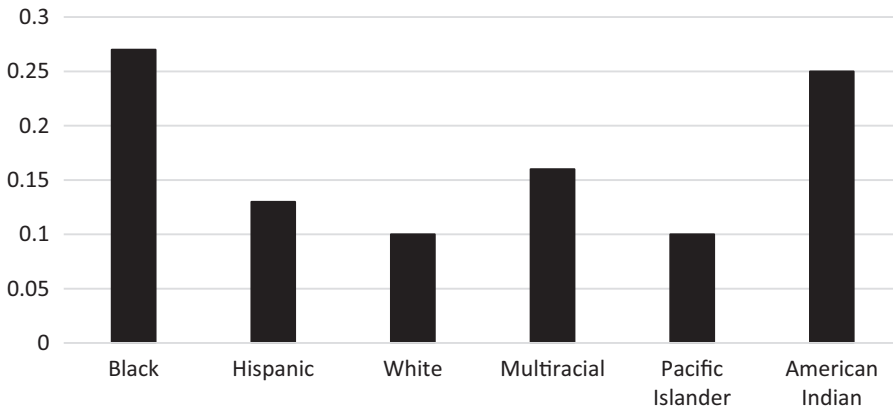


Figure 3.3 Proportion of Students Suspended or Expelled, by Race/Ethnicity

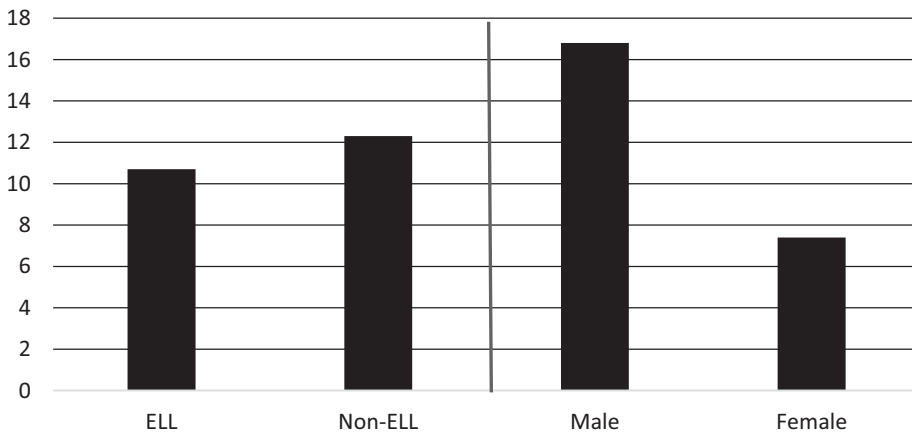


Figure 3.4 Proportion of Students Suspended or Expelled, by English Language Learner Status and by Sex

Figure 3.1 illustrates the proportion of students in each quartile of our school bond measure that were suspended or expelled. The relationship is clear, with 18% of students in the lowest quartile of school bonds having been suspended or expelled, but only 7% of students in the highest quartile. A similar pattern is evident in Figure 3.2, where we show the proportion of students in each quartile of SES who are suspended or expelled. The rate of suspension/expulsion consistently declines with higher levels of SES, ranging from 22% to only 5% in the highest SES quartile.

Figure 3.3 reports the proportion of youth of each racial/ethnic group who were suspended or expelled. As expected, Black youth are much more likely to receive school punishment; 27% of Black youth experienced exclusionary school punishment, as opposed to only 10% of White youth. Though there are far fewer of them in our sample, American Indian youth also show high rates of suspension and expulsion, as 25% report such punishment.

Figure 3.4 includes two separate analyses. The first is a comparison of the rate of exclusionary punishment among youth who have ever been in ELL courses, compared to others. While those in ELL courses have lower rates of exclusionary punishment, this is the only result shown that is not statistically significant at $p < .05$. The second result in Figure 3.4 is a comparison of males to females, where we find that 17% of males report exclusionary punishment as opposed to only 7% of female respondents.

While these are only bivariate, preliminary findings, they both mirror prior results and begin to extend prior work by considering additional avenues of student marginalization. Results for sex, race/ethnicity, and SES are indeed what one would expect based on prior work. But by comparing school punishment rates across students who are well-bonded to schools and those who may be socially marginalized, and also by considering how English language learner status may relate to school punishment, we offer novel analyses of additional ways that marginalized or low status students might be at greater risk of school punishment

Conclusion

Above we review research on school punishment, and how it is an important precursor to justice system involvement. It is very clear that schools across the U.S. are quicker to exclude students than were schools a generation ago, most commonly via out-of-school suspension, for relatively minor offenses. It is also clear that this increased rate and severity of school punishment has the potential to increase the likelihood of future justice system involvement. School suspension can mark students as trouble-makers, set them on a path for increased misbehavior, interrupt their educational paths, make high school graduation less likely, and result in arrest and/or incarceration.

Not only are schools an important precursor of future justice system involvement, they are also a site at which disparities in who becomes entangled with the justice system develop and grow. Prior research has established racial disproportionality in school punishment as a substantial problem on a national scale. As we discuss, other disparities are worth consideration as well. While youth of color are undeniably at greater risk than White students of school punishment, a small but growing body of research finds that other sources of marginalization matter as well, including disability status, gender identity and sexual orientation, immigration status, and socio-economic status. To the extent that school punishment is a response to students who violate social norms or lack social/political/financial capital, other sources of marginalization or disadvantage might similarly serve as risk factors for the harmful effects of exclusionary school punishment.

Our exploratory analysis is intended to both reinforce prior research findings and begin a conversation into other sources of marginalization and school punishment. Our analyses are preliminary; one particularly important limitation is that they do not control for additional influences, such as student misbehavior. But they do find that potential sources of marginalization other than race/ethnicity—including sex, SES, and school bonds—may matter as well. We encourage other researchers to continue to

explore understudied sources of student marginalization that may increase their risk of punishment.

Educational achievement is commonly discussed as a means for avoiding poverty and problems such as incarceration (see Kupchik, 2016). Yet, research on school punishment finds that some school practices, such as overuse of exclusionary punishment, place students at increased risk of the future problems that education is intended to help them avoid. Moreover, students of color and other marginalized youth disproportionately feel these harms; thus schools become sites at which future justice system disparities emerge and grow.

We end with a note of optimism. We are encouraged by the fact that a handbook in the ASC Division on Corrections & Sentencing Handbook Series would include a chapter on school punishment. The overuse of harsh school punishment is indeed an important risk factor for future justice system involvement, and we are grateful that it is recognized as such, with attention being paid to the long-term consequences of school punishment. Our hope is that such recognition represents an important step toward effectively addressing this problem.

Note

- 1 <https://sites.ed.gov/idea>.

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