Keeping Youth in School and Out of the Justice System: Promising Practices and Approaches

Center for Juvenile Justice Reform

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The "school-to-prison pipeline," a term that has garnered a great deal of attention in recent years, describes the direct link between exclusionary school discipline practices and students' subsequent involvement in the juvenile justice system. Behaviors such as truancy and violating school rules are often part of normal adolescent development. However, due to the focus on zero-tolerance school policies first implemented in the 1980s, misbehavior historically handled by school staff are now often referred to law enforcement officers as delinquent offenses, causing unnecessary interactions between youth and the juvenile or criminal justice systems. This bulletin discusses the school-to-prison pipeline issue, focusing on school-based referrals to law enforcement, arrests in schools and their harmful consequences, and highlights promising practices and examples of local reform efforts designed to keep youth in school and out of the justice system.

The Issue

Although schools often rely on exclusionary discipline such as suspensions, expulsions, and arrests to address student misconduct, researchers have found little evidence to support the effectiveness of these practices (Carter, Fine, & Russell, 2014; Morgan et al., 2014). On the contrary, frequent use of exclusionary discipline is associated with negative student outcomes, including high levels of insecurity and fear of disciplinary actions, lower academic achievement, higher risk of school dropout, and higher risk of juvenile justice

involvement (Carter et al., 2014; Morgan et al., 2014; Fabelo et al., 2011). Once students are removed from schools, they have fewer opportunities to participate in school activities and develop positive, meaningful relationships with peers and school staff, and they are more likely to engage in subsequent delinquent behaviors. It is also important to note that a student's misconduct is often a symptom or manifestation of unmet needs, such as an untreated trauma, undiagnosed mental health issues, or family conflict (Skowyra & Cocozza, 2006). Exclusionary school discipline does not address the underlying reasons for students' acting-out behaviors and can even exacerbate the problem behaviors. Unfortunately, schools often lack the resources to respond to these youth's multisystemic needs, and school administrators increasingly depend on law enforcement officers and juvenile courts to handle students' behavioral incidents (Cocozza, Keator, Skowyra, & Greene, 2016). The traditional response from the juvenile justice system is usually to arrest the disruptive youth, and consequently, the youth could end up in a juvenile detention center and/or be charged with an offense, resulting in system involvement.

Juvenile justice researchers and practitioners have found overwhelming evidence indicating that the school-to-prison pipeline phenomenon tends to have a disproportionate impact on minority students, and schools often serve as a primary source of referrals to the justice system (American Institutes for Research, 2012; Morgan, Salomon, Plotkin, &

Cohen, 2014; National Center for Mental Health and Juvenile Justice, 2012; Tseng & Becker, 2016).

Indeed, an analysis of the 2013-2014 school discipline data collected from about 8,000 public schools showed an overrepresentation of minority youth in school-based referrals to law enforcement and school-related arrests. In particular, while black youth represent only 15.5 percent of the overall student enrollment in this dataset, they represent 25.8 percent of law enforcement referrals and 33.4 percent of arrests. In comparison, white students represent 50.3 percent of the overall enrollment, 38.2 percent of law enforcement referrals, and 33.7 percent of arrests (Education Week Research Center, 2017).

A disproportional percentage of black youth are being referred to law enforcement and arrested in public schools
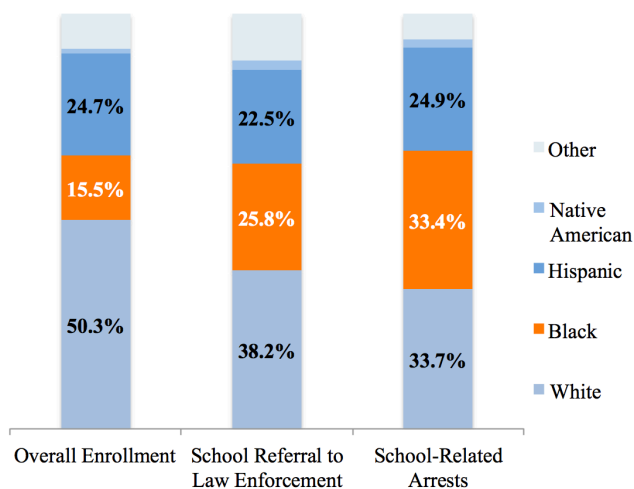
Source: Education Week Research Center. (2017). Policing America's schools, an Education Week analysis: Which students are arrested the most?

Changing Schools' Responses

There have been several key reform initiatives at the federal level that have helped to galvanize the push to examine and improve school disciplinary practices, including the Supportive School Discipline Initiative (SSDI) and the Every Student Succeeds Act (ESSA). Launched in 2011, the SSDI is a collaboration between the U.S. Department of Education and the U.S. Department of Justice that supports local school districts in providing effective alternatives to exclusionary discipline and fostering supportive school climate (U.S. Department of Education, n.d.). Signed in December 2015, the ESSA is a reauthorization of the 1965 Elementary and Secondary Education Act that includes provisions to help schools establish positive and supportive learning environments. In particular,

under ESSA, Congress requires states and districts to collect data on student disciplinary actions and school arrests (Office for Civil Rights, 2016). This is a vital step in promoting transparency and accountability to reduce the use of exclusionary discipline in schools.

On the local level, a growing number of schools are beginning to revise policies and practices in order to move away from a zero-tolerance approach. In this regard, school leaders in many jurisdictions have worked to develop alternative approaches to justice referrals and incorporate these options into disciplinary protocols, allowing behavioral incidents to be handled within the school system. In order to identify youth with the most intense needs and to provide them with preventive services, many schools are adopting early warning systems that identify at-risk students by looking at attendance, behavioral incidents, and grades (Morgan et al., 2014). Further, many schools have begun to take a behavioral-health-focused, individualized approach when working with disruptive students. These school staff address the underlying factors for students' misconduct through school-based supportive services, including screening and assessment, counseling, crisis intervention, mentoring, and other cognitive skill-building programs (Tseng & Becker, 2016). The Positive Behavioral Interventions and Supports (PBIS) approach is an example of a framework developed to help schools shift away from exclusionary practices through the implementation of evidence-based behavioral interventions (Curtis, 2014).

Focusing on facilitating a positive school climate, the PBIS is a multi-tiered prevention model (Horner & Sugai, 2015). At Tier 1, the interventions are designed to support all students and reduce problem behaviors in general. At Tier 2, the intervention intensity increases and focuses on a subset of at-risk students to address underlying issues and prevent worsening of problem behaviors. At Tier 3, high-intensity interventions are individualized to assess and support a small percentage of high-risk students. The PBIS approach emphasizes on operationalizing positive behavior interventions and measuring implementation fidelity as well as youth outcomes (Horner & Sugai, 2015). It has shown evidence in reducing staff's use of exclusionary discipline in schools and improving students' social, academic, and behavioral outcomes (Horner & Sugai, 2015).

The Center for Juvenile Justice Reform (CJJR) at Georgetown University's McCourt School of Public Policy hosts intensive Certificate Programs designed to address specific issues in juvenile justice through a multi-disciplinary approach. As part of the training, participants from state and local agencies within a jurisdiction work together to design and implement a local Capstone Project focused on multi-system reform. The following sections of this bulletin highlight some exemplary Capstone Projects.

Learn more about these local reform efforts:
http://cjjr.georgetown.edu/certificate-programs/capstone-projects/local-reform-efforts/

In addition to reforming school policies and practices, many local school districts are also partnering with juvenile justice agencies to develop school-based diversion programs, usually targeting status offenders, students with behavioral health disorders, and students involved in non-violent behavioral incidents. Diversion programs with a restorative justice component, in particular, have become increasingly popular and have demonstrated promising results in reducing a youth's likelihood of reoffending. Restorative justice practices focus on remedying the harm caused by a youth's delinquent behavior through offender accountability, competency development, and making amends to the victim, thereby allowing schools to hold students accountable for their actions while providing supportive services to meet their needs (Carter et al., 2014; Wong, Bouchard, Gravel, Bouchard, & Morselli, 2016).

Strategies and Reforms

When revising school policies and implementing school-based diversion programs, there are four important strategies that policy makers, educators, and juvenile justice leaders should consider: training staff, addressing disproportionality and disparities, developing school-justice partnerships, and collecting and evaluating data.

Staff Training

School personnel should receive cultural competence and adolescent development trainings in order to better understand youth's needs and the implications of justice system involvement. Staff must be able to recognize potential behavioral health symptoms and locate resources for students in need. In addition, they must be well versed in any new disciplinary policies and practices that are introduced, as well as the available diversion opportunities, criteria, and

protocols. Leaders in the field should also provide joint trainings for school staff and law enforcement officers, which can improve collaboration and communication among parties, and lead to reduced school-based arrests and justice system referrals.

Staff Training:
Local Capstone Example

Providing Cross-Systems Training to Eliminate the School-to-Prison Pipeline: Colorado

Janelle Krueger, Program Manager of Colorado's Department of Education's *Expelled and At-Risk Student Services* grant program, participated in CJJR's 2015 School-Justice Partnerships Certificate Program. Ms. Krueger recognized that law enforcement officers and school administrators were the gatekeepers influencing a student's entry into the juvenile justice system for school-based discipline incidents. As a result, she worked with her partners to establish a multi-disciplinary work group and to develop an interactive training workshop for school-based teams, including School Resource Officers.

Following a successful "trial run" in June 2017 with Jefferson County School District, the second largest school district in Colorado, two Denver-metro area workshops were conducted in early 2018. A total of 81 participants attended the training, representing 65 school administrators from 18 schools in six school districts, and 16 School Resource Officers from eight law enforcement jurisdictions. Three additional workshops will be held for the 2019-2020 school year. To measure training outcomes, Ms. Krueger will monitor trend lines of participating schools' referrals to law enforcement and law enforcement agencies' school-based arrest data.

Disproportionality and Disparities

Disparate treatment of minority youth and their overrepresentation in school discipline is well documented in the research literature. Policy makers and practitioners should be attentive to potential biases and inequities when creating policies and developing programs to support youth development. More specifically, services and interventions should be individualized and responsive to students' race/ethnicity, gender, sexual orientation, immigration status, and disability.

Disproportionality and Disparities: Local Capstone Example

Reducing Racial and Ethnic Disparities in School Arrests:

Johnson County, Iowa

Leaders from Johnson County district court, schools, police department, and community programs participated in CJJR's 2013 Reducing Racial and Ethnic Disparities Certificate Program. As part of their Capstone Project, team members created protocols designed to reduce the practice of school staff contacting law enforcement in response to students' problem behaviors. They also implemented a uniform set of graduated sanctions for in-school behaviors to limit law enforcement intervention, and created a community-based diversion program, the Learning Alternative Daily Decisions to Ensure Reasonable Safety (LADDERS), to address disorderly behavior in schools.

First implemented in the 2013-2014 school year, the project has led to promising results. In 2012, there were 40 arrests in schools for disorderly conduct, of which 30 (75%) were African American youth. In 2017, there were 15 arrests for disorderly conduct, of which 10 (67%) were African American youth. Since the inception of the LADDERS, school arrests for disorderly conduct have reduced by almost 63 percent, and arrests of African American youth have reduced from 75 percent to 67 percent.

School-Justice Partnerships

The relationship between school and juvenile justice agencies varies greatly from one jurisdiction to another. However, many researchers, school leaders, and police officers across the country agree that having a strong, collaborative partnership between the school district and local law enforcement agency is associated with more effective responses to students' misconduct and fewer arrests for minor offenses (Carter et al., 2014; Morgan et al., 2014). Several jurisdictions have developed memoranda of understanding (MOU) to delineate roles and responsibilities of school staff and law enforcement officers, which helps to prevent confusion and decrease conflict between staff from different agencies.

School-Justice Partnerships: Local Capstone Example

Improving Youth Outcomes Through School-Justice Partnerships:

Spokane County, Washington

Leaders from the Spokane County juvenile court, police department, school district, and the Washington State Department of Social and Health Services participated in CJJR's 2016 School-Justice Partnerships Certificate Program. The team's Capstone Project focuses on improving disciplinary outcomes for youth in Spokane Public School (SPS), piloting the effort in an elementary school, middle school, and high school. In these schools, staff revised decision-making processes so that the policies reflect culturally-sensitive approaches and support community collaboration. In addition, the Capstone team is in the process of developing an MOU with partnering youth-serving agencies to share school discipline data.

As of September 2017, the team has organized training in restorative justice practices, de-escalation techniques, and cultural competence for SPS Campus Resource Officers, developed initiatives to build relationships between police officers and youth on probation, and supported SPS in adopting new safety policy and procedures to reduce campus arrests. Within one year of these policy and practice changes, school arrests have dropped by more than 85 percent. The team is working closely with the school district to continue data collection and analysis, and to utilize findings to further refine policies and practices.

Data Collection and Evaluation

Collecting and evaluating consistent and reliable data is an essential element of monitoring schools' use of exclusionary and diversionary practices. In particular, disaggregating data by race, gender, sexual orientation, and other subgroups can help schools to identify disparate treatment and overrepresentation of minority youth, and further inform policy reform efforts.

Data Collection and Evaluation: Local Capstone Example

Tracking Over-Representation of Minority Youth in School Diversion Programs to Inform Policy Change:

Prince George's County, Maryland

In 2014, staff from Maryland Department of Juvenile Services and the Prince George's (PG) County's Disproportionate Minority Contact (DMC) Coordinator attended CJJR's Juvenile Diversion Certificate Program. Through their Capstone Project, the team piloted a pre-arrest school-based diversion program. In 2015, the PG County DMC Coordinator joined with staff from the county public schools and the State's Attorney office for PG County, as well as the Maryland State DMC Coordinator to attend CJJR's Reducing Racial and Ethnic Disparities Certificate Program. Their goal in attending the program was to bolster the data collection and analysis of all school-based diversion referral and outcomes.

In 2017, the team piloted the school-based diversion program at a local PG County high school for students who committed non-restitution misdemeanor offenses. School staff work with SROs to identify and refer eligible youth to the County Department of Family Services for assessment and services. In addition to collecting data on race and ethnicity, the PG County team has distinguished itself by gathering information on students' social and economic status, sexual orientation, and language spoken at home to identify disparities and disproportionality in other subgroups. The PG County Capstone Teams are continuing their data tracking efforts, monitoring youth outcomes, and making policy recommendations based on the data collected.

The Role of School Resource Officers (SROs)

The presence of SROs, or law enforcement officers assigned to work in collaboration with one or more schools, has become increasingly common. The 2013-2014 Civil Rights Data Collection showed that approximately 30 percent of public schools nationally have sworn police officers (Education Week Research Center, 2017). The National Association of School Resource Officers recommended that SROs fulfill three primary roles in schools: educator, informal counselor, and law enforcer (Canady, James, & Nease, 2012). Through their educator and counselor roles, SROs resolve conflicts, educate staff, students, and parents about justice issues and crisis prevention, and develop rapport with at-risk students to help them avoid justice involvement. In their law enforcer roles, SROs patrol school grounds to ensure campus safety and take part in school disciplinary responses such as diverting students, issuing citations, and making arrests when necessary.

For those schools with SROs or law enforcement officers assigned to their campuses, it is imperative that school administrators work with the officers to make them an integral part of the diversion process. A research study investigating SROs' arrest decision-making behavior found that laws, rules, and regulations are some of the most important factors that officers consider when making an arrest, along with the availability of diversion options (Wolf, 2013). Therefore, school policies should encourage the use of evidence-based behavioral interventions and keep exclusionary discipline and arrest as a last resort.

SROs should also be trained in school disciplinary policies, diversion protocols, as well as all available school-and community-based diversion resources. Thomas, Towvim, Rosiak, & Anderson (2013) have identified three main components of an effective SRO program:

1. Carefully selected and trained officers;
2. Well-defined roles and responsibilities; and
3. Clear and comprehensive agreement between the school and the law enforcement agency.

Assessing School Discipline

The U.S. Department of Education released a suite of free school climate surveys, the ED School Climate Surveys (EDSCLS)[1], to measure school engagement, safety, and environment, which also include the assessment of disciplinary practices. The surveys are available on a web-based platform and for download free of charge.

The National Center on Safe Supportive Learning Environments has also created resources[2] to help school administrators interpret the EDSCLS data and utilize the survey results to create actionable next steps in improving school climate.

SROs, and law enforcement officers more broadly, can be an invaluable resource to address students' needs while also keeping schools safe. The effectiveness of SROs is contingent upon policies related to supportive school disciplinary practices and diversion, as well as strong school-justice partnerships.

Conclusion

Zero-tolerance policies, originally created to deter serious, violent crimes in schools, have unintentionally resulted in greater numbers of students, particularly youth of color, receiving punishment that drive them into the juvenile justice system. Tackling the school-to-prison pipeline is often complicated and requires strong collaboration between multiple youth-serving systems, including, but not limited to, education and law enforcement. It is critical that leaders from these systems seize opportunities to train staff in fostering a safe and positive school climate, identify and address disproportionality and disparate treatment of minority students, establish collaborative partnerships with key stakeholders, and commit to driving reform efforts based on data.

It is impractical to suggest that schools eliminate exclusionary discipline completely; however, assessing and responding to students' needs by fostering a safe, diverse, and supportive learning environment should take priority. Changing school discipline policies and developing alternatives to

arrests are critical steps in cultivating a positive school environment. School-based diversion programs, especially those with a restorative justice focus, have the potential to reorient traditionally punitive approaches toward prevention and rehabilitation, while also allowing students to take responsibility for their misconduct. With clear and carefully designed diversion policies and protocols, school staff and law enforcement officers can collaborate to effectively address youth's needs and prevent their further involvement with the justice system.

Questions? Contact Us!

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[1] The ED School Climate Surveys can be found at https://safesupportivelearning.ed.gov/edscls
[2] The resources can be found at https://safesupportivelearning.ed.gov/edscls/data-interpretation

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