

# NCCD Study Confirms "School-to-Prison Pipeline": Nine in 10 Juvenile Justice-Involved Youth Have Been Disciplined in School

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## Information

This publication is part of a series of reports and practice guides regarding LGBTQ youth in the juvenile justice and child welfare systems, developed by the National Council on Crime and Delinquency. The complete series can be found here: <http://nccdglobal.org/what-we-do/major-projects/lgbt-youth-projects/lgbtq-reports-and-practice-guides>

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# Introduction



A new study by the National Council on Crime and Delinquency (NCCD) is the first to verify that the vast majority of youth in the juvenile justice system have been suspended or expelled from school.<sup>1</sup> This study, which looked at seven juvenile detention facilities across the United States, shows that nearly nine in 10 boys and youth of color—two populations that made up 97% of respondents—have been suspended or expelled. However, the largest disparities in expulsion and suspension rates were found for juvenile justice-involved lesbian, bisexual, and gender-nonconforming (LB/GNC) girls compared with juvenile justice-involved straight girls.<sup>2</sup> Study findings include the following disparities among youth involved in the juvenile justice system.

- A greater percentage of youth of color (87%) have been suspended or expelled compared with White youth (83%).
- A greater percentage of boys (88%)

have been suspended or expelled compared with girls (81%).

- Nearly all LB/GNC girls (92%) have been suspended or expelled compared with three quarters (75%) of straight girls.

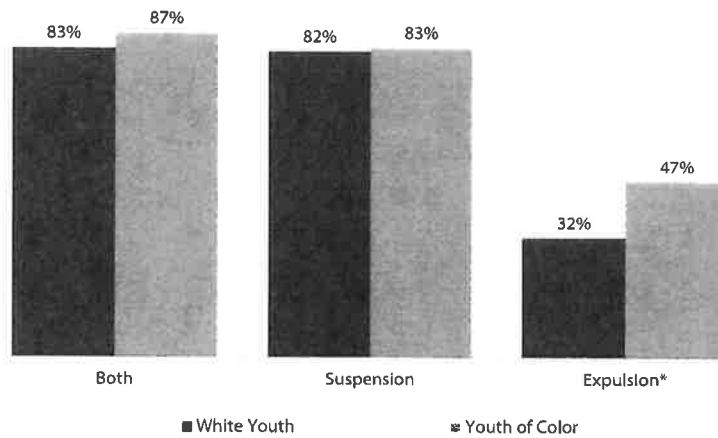
Suspension and expulsion rates for each subgroup of juvenile justice-involved youth are shown in Figures 1–3.<sup>3</sup> The first set of bars in each figure illustrates the percentage of youth who were either suspended or expelled; the second bars show the percentage of youth who were suspended; and the third bars show the percentage of youth who were expelled. The largest differences in expulsion rates can be seen by comparing White youth and youth of color as well as girls and boys. Large differences in both suspensions and expulsions are seen by comparing straight girls and lesbian, bisexual, and gender-nonconforming girls.

<sup>1</sup> Suspension is a form of school discipline that removes students from their assigned schools for one to five days. Typically, suspensions are completed by school administrators based on the educational legal code. Expulsion is a form of school discipline that removes students from their assigned schools for up to one year. Students are removed through expulsion hearings overseen by district employees. Suspension decisions and expulsion hearings are less formal than court proceedings and rarely provide access to defense attorneys.

<sup>2</sup> Gender non-conforming means that a youth dresses or acts in a way or uses a name that is not consistent with their birth sex.

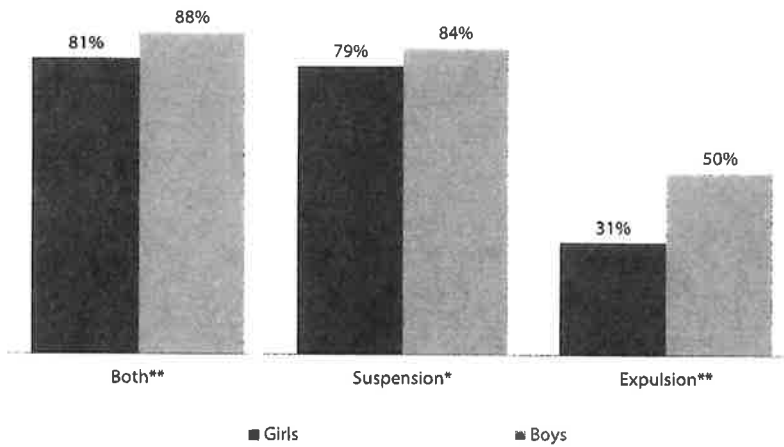
<sup>3</sup> NCCD used analysis of variance tests to compare differences across race, gender identity, gender expression, and sexual orientation for suspension and expulsion. All of the findings presented reflect statistically significant results. One asterisk “\*” indicates that a finding is significantly different to  $p < .05$ , and two asterisks “\*\*” indicate that a finding is significantly different to  $p < .01$ . These figures are much higher than the suspension and expulsion rates in the general population. The National Center for Education Statistics reports lifetime suspension and expulsion rates. They found that 49% of all Black high school students have been suspended compared with 18% of all White students. Additionally, 10% of Black high school students have been expelled compared with 1% of White students.

**Figure 1: Suspension and Expulsion Rates for White Youth and Youth of Color**



\*This difference is statistically significant to  $p < .01$

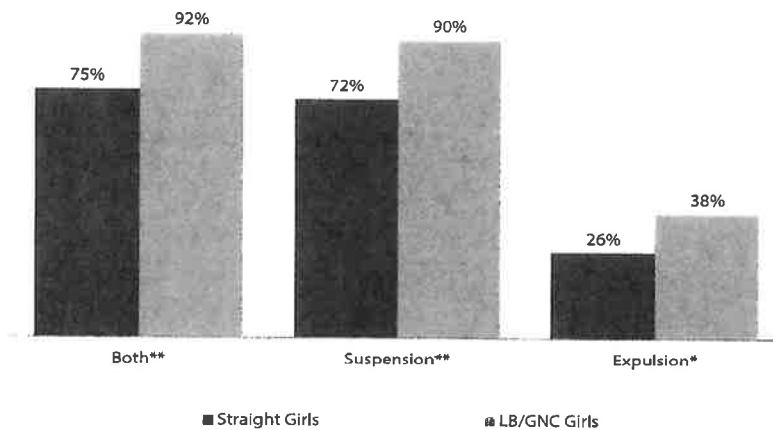
**Figure 2: Suspension and Expulsion Rates for Girls and Boys**



\*This difference is statistically significant to  $p < .05$

\*\*This difference is statistically significant to  $p < .01$

**Figure 3: Suspension and Expulsion Rates for Straight Girls and LB/GNC Girls**



\*This difference is statistically significant to  $p < .05$

\*\*This difference is statistically significant to  $p < .01$



### **Melanie: Expulsion Doubles Punishment for Youth on Probation**

NCCD staff recently completed a research project that involved traveling around the United States to speak to youth with juvenile justice system experience. When we were in New Orleans, we met Melanie, who lived across the river in Jefferson Parish.

Melanie is 16 years old and Black. When she opened the door, she was wearing a hoody and baggy sweats. She told us her long story, including how her mom always wanted her to be more “like a girl.” Then she told us her history of being suspended for “stupid little things” like playing with her cell phone or chewing gum. She eventually was expelled when her principal became frustrated with her history of suspensions.

After being expelled, Melanie was assigned to an alternative school for youth on probation.<sup>4</sup> The school was in session just half a day and only offered classes for students who needed to catch up academically.

Melanie may have been in trouble, but she was a student who always received good grades and had a chance to go to college. She was on probation for dealing drugs, but her biggest barrier to success was being stuck in a remedial alternative high school program while she waited for her old school to let her back in.

She said, “Being expelled is a dead end.” When Melanie got in trouble in school, she was rejected from the schools that could help her get through probation and succeed in the long run. Expulsion creates a double punishment for youth like Melanie. If educators begin collaborating with the juvenile justice system, students like Melanie can receive the educations they need and get back on track toward success.

<sup>4</sup> Once students are expelled, they are assigned to new schools, called alternative schools. Alternative schools were developed in the United States after the 1970s for students at risk of failing school, students best served by non-traditional programs, and students expelled from their neighborhood schools. Sometimes alternative schools serve a mix of students or specialize in particular populations such as expelled youth or youth on juvenile probation.

## Suspensions and Expulsions Through the Eyes of Teachers

NCCD staff recently conducted a focus group with middle school teachers in Oakland, California, who were asked: "What can YOU do to reduce suspensions and expulsions in your district?" They said, "Those decisions are out of our hands. Those decisions are made by assistant principals or principals."

Next question: "What do you do when a student doesn't take out their earbuds or chews gum or plays with their cell phone while in your classroom?"

Some teachers said that they keep moving and don't stop the flow of class. Others said they walk up to students while they continue teaching and hold out their hand until the student places the earbuds, gum, or cell phone in it. One teacher waits to speak privately with the student about what happened or marks a demerit on the board. But other teachers said they send students to the office.

Aha! "So what happens when you send students to the office?" The teachers agreed: "They almost always get suspended."

That "aha" moment sparked a detailed conversation among the Oakland teachers about what they could change in their classrooms. This led the teachers to discuss disciplinary alternatives to common behaviors in the classroom, such as partnering with other teachers for help; having informal conversations with students after class or school about small infractions; and asking students to step into the hall, rather than sending them to the office, when behavior becomes disruptive.

From the vantage point of teachers, only a small fraction of students are expelled; slightly more are suspended. But the picture within the juvenile justice system looks very different. Inside juvenile detention halls around the country, up to 92% of youth were suspended or expelled at some point before they were placed in juvenile hall. That means that almost every child who gets in trouble with the law has already been in front of a principal or assistant principal. Educators agreed that more collaboration between them and the juvenile justice system could help both groups prevent youth from getting in more serious trouble.



# Study Provides a Missing Piece of Information

Previous studies have raised national concern regarding large racial disparities in school discipline and shown that suspensions and expulsions can drive juvenile justice involvement. However, until now, research had not been conducted to show just how many youth in the juvenile justice system have had previous expulsions or suspensions.

The missing research is in part due to lack of data and information access across systems, lack of system collaboration, and lack of knowledge regarding what information to collect. For example, probation departments do not document school disciplinary procedures, and education systems do not document or have access to student court proceedings. The NCCD study provides a link between these systems through its survey of all youth detained in the seven research sites about their school suspension and expulsion histories.

## Connecting New NCCD Data to the “School-to-Prison Pipeline”

The study builds on previous findings showing that huge racial disparities exist in school discipline and that suspensions and expulsions drive juvenile justice involvement. Some examples of these findings follow.

- The Council of State Governments, in their report *Breaking Schools' Rules*, found that African American students had a 31% higher likelihood of experiencing a school infraction compared with White students. They also found that students with learning disabilities are disproportionately suspended.
- The Department of Education identified racial disparities in school-based referrals to law enforcement. They found that Black students represent 19% of US students, 27% of students

referred to law enforcement by schools, and 31% of students subjected to a school-related arrest.

- Shollenberger (2013) reported that more than one third of males suspended for 10 or more days had been confined in a secure justice facility. Notably, this juvenile justice involvement occurred after the first suspension (Fabelo et al., 2011).

This previous research documents how youth of color, particularly Black students, are suspended and expelled at higher rates when compared with White students; that students of color are more likely to be engaged with school-based law enforcement efforts; and that students with long histories of suspensions are more likely to become incarcerated.

NCCD's new findings verify that students with histories of suspensions and expulsions end up in the juvenile justice system. In fact, these students end up in the juvenile justice system at a rate of nine in every 10—a dramatically higher rate than expected.

The reasons for such high concentrations of suspended and expelled youth within the juvenile justice system remain unclear. What we can see, in stories like Melanie's (see page 3), is how easily youth become structurally vulnerable to juvenile justice system involvement once they are suspended or expelled.

One contributing factor may be that suspension or expulsion can directly link a youth to court involvement. Often, when students are expelled or suspended, they are referred to the courts after an arrest on school grounds. This direct contact with law enforcement not only increases the severity of the infraction, but also drives students directly from the classroom to the courtroom.

# Study Methodology

Other contributing factors, such as undiagnosed learning disabilities, trauma, child welfare involvement, and adverse childhood experiences, may cause youth to act out in school and non-school settings. In such cases, suspensions and expulsions may not be the cause of juvenile justice involvement. Rather, the behavior stemming from disabilities, trauma, and other adverse childhood experiences may be the underlying cause of unrelated suspensions, expulsions, and juvenile justice system involvement.

In order to carry out this study, NCCD conducted a survey in seven juvenile detention centers across the country,<sup>5</sup> with the purpose of determining whether or not race, gender identity, gender expression, and sexual orientation are linked to juvenile justice involvement.

The one-page survey instrument was written at a fifth-grade reading level. Research liaisons at each site surveyed every youth within four to eight hours of intake into the facility.

Research sites were in Alameda and Santa Clara counties, California; Cook County, Illinois; Jefferson County, Alabama; Jefferson and New Orleans parishes, Louisiana; and Maricopa County, Arizona.

Survey respondents, numbering 1,400 youth, varied across gender, race/ethnicity, and sexual orientation.

- The majority (77%) of respondents identified as male, 22.4% of respondents identified as female, and 0.6% of respondents had a different gender identity.

- Most (85%) respondents were youth of color: 37.9%, African American or Black; 1.7%, Asian; 32.6%, Latino; 2.3%, Native American; 13.1%, White; 6% had a mixed race or ethnic identity; and 11.8% of respondents had another race or ethnic identity.
- One fifth (20%) of respondents were either lesbian, gay, or bisexual and/or gender-nonconforming: 7.5%, straight and gender-nonconforming; 4.8%, lesbian, gay, or bisexual and gender-nonconforming; and 7.7% of respondents were lesbian, gay, or bisexual and gender conforming.

## Conclusion

Research linking school, child welfare, and juvenile justice data is needed to promote understanding of the root causes of disproportionate suspension, expulsion, and detention. The lessons gleaned can help policy makers develop intervention strategies that place programmatic support in children's lives with the desired outcome of preventing a cycle of punishment. If the connections between these systems are understood, stories of vulnerable youth like Melanie will become less common. Systems will be better-prepared to provide resources and intervene at critical points to keep youth in school and on track toward a more successful future.

<sup>5</sup> Juvenile detention facilities hold youth charged with crime while they wait to go to court. Youth also may be held in juvenile detention facilities if their parents refuse to pick them up or if a jurisdiction is having a difficult time finding a post-court placement. Depending on the reason for detention, stays can vary from one to two hours to several years.



# References

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- Shollenberger, T. L. (2013, January). *Racial disparities in school suspension and subsequent outcomes: Evidence from the National Longitudinal Survey of Youth 1997*. Paper presented at the Closing the School Discipline Gap: Research to Practice conference, Washington, DC.