

Institutional Racism and the School-to-Prison Pipeline

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## Abstract

The school-to-prison pipeline is a major component of institutional racism in the United States that is maintained by means of specific school practices. These include a reliance on exclusionary discipline, the high-stakes testing that is required by the No Child Left Behind legislation, and the involvement of agents of law enforcement in response to adolescent misbehavior. All of these practices have been found to be characterized by racial disparities and to result in the removal of millions of African-American youth from the school system and the channeling of them into the prison system. Although there are specific programs for the schools that have the potential to counter this trend, efforts at amelioration will also need to include a challenging of the institutional racism that criminalizes young black males and defines them as “the problem” in our schools and in the larger society.

## Institutional Racism and the School-to-Prison Pipeline

At the present time in the United States there are 2.3 million people in prisons and jails. This number is larger than the prison population of any country in the world and larger than at any other time in history (Pew 2009). Mass incarceration is costing the American taxpayer more than 50 billion dollars per year (Prashad 2003). Yet there is no evidence that Americans are more criminal than they were in the past or than people in other countries (Waquant 2008). For African Americans the numbers are especially striking. In the general American population one out of every 100 adults is in prison, but for black men the rate is one in fifteen (Pew 2009).

Structural analyses of the mass incarceration of people of color explain it as a dimension of the contemporary form of racial inequality that has emerged in the context of economic globalization (Marable 2004; Prashad 2003) and as the most recent institutional means of maintaining control over low-income African-Americans (Waquant 2000). In addition, analysts of the prison industrial complex call attention to the large corporate profits being gained through the warehousing of the poor, especially poor black men (Davis 1998; Dyer 2000).

The mechanism that drives this high rate of incarceration of black males is not obvious to most people because it does not begin with the criminal justice system. By the time that African American men are in the track for prison they have already been defined as criminal. This criminalization begins much earlier, specifically in urban public schools. A growing body of research demonstrates the existence of a school-to-prison pipeline that criminalizes young black males and sets them up for incarceration, with discriminatory practices that begin as early as the elementary grades (Ferguson 2000; Orfield et al. 2004; Wald and Losen 2003; 2006). The American Civil Liberties Union has called the school-to-prison pipeline “one of the most important civil rights challenges facing our nation today” (ACLU 2008:1). Although youth of

color comprise one-third of the nation's adolescents, they are two-thirds of those held in jails, prisons, or juvenile detention centers (Wald and Losen 2006).

The school-to-prison pipeline is a major component of institutional racism in the United States insofar as it helps to maintain racial inequality without the majority of Americans being aware of this function. The pipeline itself is maintained by means of specific school practices. These include the reliance on exclusionary discipline, the high-stakes testing that is required by the No Child Left Behind legislation, and the referral of students to agents of law enforcement for adolescent misbehavior.

## EXCLUSIONARY DISCIPLINE

In comparison to public schools in relatively affluent suburbs, urban schools are under-resourced, and under-resourced schools are the ones most likely to be excessive in their use of suspension (NAACP 2006), which involves removing students from school for up to ten days at a time (Mendez 2003). During the past ten years, there have been about 3 million suspensions per year in our nation's public schools and more than 90 thousand expulsions (NAACP 2006). These practices, which are applied to large numbers of students as early as the sixth grade (Mendez 2003), are related to zero-tolerance policies.

### *Zero Tolerance*

The use of suspension as the main form of discipline is nearly double what it was thirty-five years ago (NAACP 2006). It is the result of the widespread adoption since 1989 of zero tolerance policies mandating predetermined punishments for specific transgressions (Skiba 2000). At first zero tolerance was applied to the most serious offenses, such as violence or the

possession of drugs, alcohol, or weapons (Skiba 2000). By 1993, however, many school districts had extended the policy to first offenses in more minor areas (Mendez 2003), such as tardiness, failure to do homework, swearing, throwing food, pushing another student, disobedience, disrespect, and disruptive behavior. The last two categories allow for a considerable amount of discretion or interpretation on the part of teachers and administrators (NAACP 2006; Skiba et al. 2002; Wald and Losen 2006). In one study in Texas, only 5 percent of all disciplinary actions were mandatory (such as for possession of a firearm or a smoking a cigarette). The remaining 95 percent were “discretionary” (Fuentes 2003).

Rates of suspension appear to be determined less by the actual behavior of students than by the attitudes and beliefs of teachers and administrators. One study found that there were higher rates of suspensions in schools where the principals viewed punishment as an effective deterrent to undesirable behavior and lower rates where the principals believed that discipline should have an educational function and that suspension should be used only as a last resort (Wald and Losen 2006). There are also high rates of suspension where there are cultural differences between teachers and students, such as in schools where the majority of students are black and the majority of teachers are white. This will be discussed below in the context of racial disparities in school discipline.

Zero tolerance policies are used as a way of removing from the schools those students who have been labeled as “problem children” (NAACP 2006). These policies are viewed by teachers, administrators and the general public as means of making schools safe (Mendez 2003). However, research has shown that suspension does not improve school safety and does not deter negative behavior (ACLU 2008; Mendez 2003; McFadden et al. 1992; Skiba 2000). Even when the supposedly “problem children” drop out or are expelled, the percentage of suspensions

remains constant (Mendez 2003). Also invariable are racial differences in the application of the punishments.

### *Racial Disparities in Suspensions*

In looking at the possibility of racial disparities in school discipline, there are two questions that need to be addressed: (1) Are students of color suspended at higher rates than white students? (2) If they are, is it because they misbehave more frequently than white students and/or in more serious ways?

Studies by a number of researchers demonstrate that the rates of suspension of black males in middle and high schools are consistently higher than those of students of other racial and ethnic backgrounds. For example, a study done by the U.S. Department of Education (2000) found that African Americans comprise 17 percent of public school enrollment nationwide but 34 percent of those suspended. Another study revealed that the total number of days of suspension for black boys was double that of white boys (Mendez 2003). In some middle schools suspension seems to be routine for black males. For example, in two middle schools in Atlanta, GA, more than 60 percent of black males were suspended in a single year (Wald and Losen 2006). Researchers who specialize in studies of racial disparities in school discipline all concur that black youth experience suspensions that are far out of proportion to their percentage in the population (Fenning and Rose 2007; Mendez 2003; Skiba 2002; Wald and Losen 2006). They also agree that this higher rate of suspension is not because of more frequent or more serious misbehavior.

There is no evidence that African American students misbehave more than white students do (Fenning and Rose 2007; McFadden et al. 1992). In fact, white students generally have to

commit more serious offenses than black students in order to be removed from school. For example, in a study of more than four thousand students who were suspended, the white students received this punishment most often for specific violations of school rules, including possession of a weapon, smoking, vandalism, and leaving the premises without permission, while black students were suspended for violations that involved subjective judgments on the part of teachers or administrators (Skiba 2002). Another study corroborated those findings, with white students frequently suspended for bringing in a weapon, fighting, or using drugs, and black students suspended for disrespect or disruption (Fenning and Rose 2007). A third study found that white students actually misbehaved more often than black students in almost all categories of offenses (McFadden et al. 1992). Yet when black students and white students committed the same offense, the blacks were more frequently suspended, expelled, or even arrested by the police, while the whites tended to receive lesser punishments (McFadden et al. 1992; NAACP 2006).

### *Cultural Competence*

A key problem related to racial disparities in discipline is bias in referrals, since referral precedes suspension. White teachers are frequently inclined to interpret the highly active and vocal behavior of African American adolescents as “dangerous” or “threatening” (Fenning and Rose 2007). Hence they are more likely to refer black students than white students to the school’s disciplinary authorities. Their misinterpretation of black adolescent behavior may be related to the absence of cultural competence training in the education of the majority of public school teachers. Cultural competence is the capacity to interact effectively and respectfully with people from different racial, ethnic, and economic backgrounds. It involves the understanding that there are different communication codes in each culture, and it requires ongoing openness to

learning from others, being willing to shift out of one's own cultural paradigm, and refraining from judging people's behavior before honestly exploring what that behavior is about. It is the failure of teachers and administrators to acquire cultural competence that leads to the labeling of black youths as out of control and violent. These views lead to punitive disciplinary practices that aim to control students' behavior through security measures in the school, as well as the use of agents of law enforcement and even incarceration (Goldstein and Noguera 2006).

The School-to-Prison Pipeline Project at Harvard University sponsored a program in which a fourteen-year-old student from Cambridge told his story. This boy was short and non-threatening in his appearance, and he had never been in any kind of trouble. One evening during a school dance he noticed a white teacher berating a girl who was a friend of his. He walked over and asked what the problem was. The next day teacher took action to have him suspended. She later claimed that he had shouted at her and used threatening and obscene language. The boy's mother, who happened to be employed as a youth advocate in a neighboring school district, fought the suspension and eventually won. But the teacher never withdrew her accusation nor made any apology to the boy and his family. A member of the school staff told the mother that her son was fortunate to have a mother like her, leaving her to wonder what happened to all the black youths whose mothers were not so knowledgeable about the system.

## MANY A CHILD LEFT BEHIND

In addition to intercultural misunderstandings there is a structural problem in the schools that derives from the No Child Left Behind Act that President Bush signed into law in January of 2002. Title I of this act states explicitly that it is to improve the academic achievement of the disadvantaged. Sadly, this legislation has had the exact opposite effect. This is because funding



to improve the schools is tied to specific criteria of performance, including the testing of students in specific grades in reading and math. Sanctions for poor performance include the withdrawal of federal funds and even the closing of public schools and the substitution of private school vouchers. These measures have placed tremendous pressure on school administrators who cannot meet the criteria quickly to utilize various means of manipulating the data. This manipulation is especially evident in test scores and graduation rates.

There are three ways to create the appearance of improved test scores: (1) to hold back students from the grades in which tests will be administered, (2) to increase suspensions of low-achieving students during testing periods, (3) to pressure low-achieving students to leave school or to actually expel them, even if these students have not violated any rules of school conduct.

### *Grade Retention*

The first tactic has produced what some researchers have called the “ninth grade bulge.” Dr. Walter Haney and his colleagues in the Education Pipeline Project at Boston College have demonstrated that the rate at which students are held back in the ninth grade has tripled in recent years (Haney et al. 2004). The worst offenders in their study were Florida, South Carolina, Georgia, and Texas—all states that use high-stakes standardized tests to demonstrate their improvement to the Federal Government. Furthermore, there is a racial aspect to grade retention. Black students are more likely than whites to be held back in the grade prior to the one in which the test will be administered. For example, in Florida 24 percent of students are African American, but they comprise 36 percent of the students held back (NAACP 2006).

Researchers have found similar distortions of data in Massachusetts. In July 2005 this state’s Department of Education announced that 94 percent of the senior class had passed the

MCAS (Massachusetts Comprehensive Assessment System—the standardized test developed in conformity to No Child Left Behind), and the *Boston Globe* reported that officials stated that this success was the result of improved instruction and academic support (Vaishnav 2005). However, Anne Wheelock, another researcher from Boston College, studied the data and came up with a different conclusion. She found that this rate was calculated only on the basis of students who at the time were enrolled in the twelfth grade and did not take into account all those who had dropped out, been expelled, or been held back. When she calculated the passing rate on the basis of the number of students who had entered the class in the ninth grade, only 75 percent had passed the test. Among African Americans the rate was 61 percent (Wald and Losen 2006). One city in Massachusetts, Brockton, won the 2002 Compass Award for the most improvement on tenth grade scores on MCAS. However, it was discovered by David Losen, a researcher at the Harvard Civil Rights Project, that the previous year Brockton had held back more than a third of the ninth graders, with the result that these students could not lower the tenth grade test scores (Wald and Losen 2006).

While the practice of holding students back in the ninth grade may help school districts to boost their standardized test scores and qualify for federal funding, it has a devastating impact on students. Grade retention has been found to increase emotional distress, substance abuse, early sexual activity, suicidal ideation, violence, and dropping out (NASP 2003). In fact, being held back in the ninth grade “has been identified as one of the largest predictors of dropping out” (Wald and Losen 2006:28), and this practice has a measurable effect on students of color. In every state there is a gap between graduation rates of white students and at least one minority. New York, for example, has the lowest graduation rates for both African Americans (35 percent) and Latinos (32 percent) (Orfield et al. 2004).

### *Suspensions during Testing Periods*

Suspension is another predictor of dropping out that is affected by No Child Left Behind. This form of exclusionary discipline tends to increase for low-achieving students specifically at testing times. The result of this practice is that these students are not present in the schools to lower the scores (Figlio 2006; NAACP 2006; Wald and Losen 2006). David Figlio of the National Bureau of Economic Research examined 41,803 incidents in Florida that involved two students who were suspended, and focused on the 60 percent of the cases in which students received different lengths of suspension for the same incident. He controlled for recidivism, so as not to compare repeat offenders with first-timers. He also verified that the patterns of misbehaviors in his sample did not increase during test-taking periods. Figlio found that the mean suspension duration was higher for low-achieving students (2.35 days) than for those who were high-achieving (1.91), and higher for black students (2.33) than for white students (1.68). He also found that, during testing periods, schools reduced the number of days of suspension for high-achieving students and increased them for low-achieving students, with the result that students expected to perform poorly on the test were 12.3 percent less likely to take the exam than those expected to perform well. However, during a prior year (1996–1997) in which the test results were not publicly reported, he found no relationship between testing periods and the duration of suspensions (Figlio 2006).

Although suspensions are used for purposes in addition to boosting test scores, there is no clear evidence that this practice creates a positive learning environment or serves as a deterrent to undesirable behavior (Mendez 2003; Skiba 2000). On the other hand, there are reports of negative consequences of the practice. Students who lose one to ten days of school fall behind

their classmates and often have trouble catching up. There are also psychological consequences, both for the students who have been disciplined and for those who have not. Those who have been disciplined experience increased alienation, anxiety, and rejection, as well as the breaking of bonds with teachers and administrators. For the students who have not been suspended, the presence of zero tolerance policies in their schools correlates with lower school-wide academic achievement and lower ratings of school climate (Skiba et al. 2008).

The academic difficulties of students who have been suspended are of concern because multiple suspensions tend to lead to expulsion or dropping out. Nationally only about 50 percent of African American ninth graders graduate from high school with their class, and in many large cities the rate is 30-to-40 percent (NAACP 2006; Wald and Losen 2006).

Although NCLB requires states to demonstrate progress toward a goal of a specific high school graduation rate, most states have no meaningful or consistent methods for measuring this. They may also get around the requirement by adding the phrase “or show improvement” (Orfield et al. 2004). In addition, school districts have ways of concealing low rates, such as not counting special education students, those who leave before twelfth grade, those who drop out and enter a GED program, and those who simply disappear from the system (Orfield et al. 2004; Wald and Losen 2006). Researchers have found great inconsistencies between reported graduation rates and those that can be determined by counting the students who entered ninth grade four years earlier. For example, one study found that Texas, Florida, and Missouri, states that were graduating black students at a rate of 50 percent or lower, reported drop-out rates for blacks of 2.6 percent, 3.9 percent, and 5.4 percent, respectively (Orfield et al. 2004). Another study reported distortions of data in both California and Illinois. In 2005 California reported a graduation rate of 87 percent, but was not counting missing students or those who had dropped

out before the twelfth grade. Researchers with the Civil Rights Project calculated California's overall graduation rate at 78 percent and for African Americans 57 percent (Wald and Losen 2006). Similarly, in 2002 Chicago did not count all the at-risk students who had been placed in alternative schools, thereby helping to conceal a dropout rate of more than 50 percent. In that year 15,653 students graduated from high school in Chicago, but this number was lower than the 17,404 students who had dropped out since ninth grade (Wald and Losen 2006).

### *The "Push-Out" Phenomenon*

High dropout rates are frequently viewed as a failure on the part of students, as though large numbers of young people were making a free and conscious choice of a course of action that would severely limit their life chances. This view leads to proposed strategies that include informing middle and high school students of the dire consequences of leaving school before graduation (See, for example, Sum et al. 2007), and disregards structural factors that are actually pushing students out. It has been known for some time that under-resourced schools fail to provide the education that would enable young people to be successful in employment and higher education (Kozol 1991; 2006; NAACP 2006), thus leading to a sense of discouragement among high school students to which dropping out may be an understandable response. What is far less known, however, is that many students experience being actually pushed out by school administrators, and that this pushing out is frequently a direct result of their low scores on standardized tests. In other words, the students are forced out of high school so that their schools will be able to meet the test score requirements of No Child Left Behind. This perverse incentive from NCLB was documented by a team of researchers who conducted a nationwide study of public schools (Orfield et al. 2004). They found evidence of this practice in several different

states and included in their report narratives about students in New York, Alabama, and Illinois who were the actual victims of it. These students did not want to leave school, and many petitioned to be readmitted, but their requests were denied. They were not dismissed for disciplinary infractions. Rather their only “crime” was scoring low on previous standardized tests. Although the majority of the students were African American, this fact is not evident in the official reports because the U.S. Department of Education does not require school districts to disaggregate graduation data by race or ethnicity (Orfield et al. 2004).

### *Consequences of Dropping Out*

Regardless of whether students leave school because of discouragement after multiple suspensions, are expelled for disciplinary reasons, or are pushed out because of low test scores, the fact remains that leaving high school without a diploma generally has a devastating effect on a person’s life. Dropouts face a tremendous disadvantage in securing stable employment, and they are three-and-a-half times as likely as other people to end up in prison (Wald and Losen 2006). 68 percent of people who are incarcerated have not received a high school diploma—in contrast to 18 percent of the general population—and black prisoners are one-and-a-half times as likely as whites not to have completed high school (Harlow 2003).

As mentioned above, exclusionary discipline and grade retention increase the likelihood that low-achieving students will drop out, and push-out practices actually force them out. These practices may be considered indirect channels into the school-to-prison pipeline insofar as leaving school without a diploma increases the likelihood that one will end up in prison. A more direct channel into the pipeline is the collaboration between the educational and criminal justice systems that results in the presence of police in the schools and in school-based arrests.

## SCHOOL-BASED ARRESTS

Contrary to presentations by the media, school violence is relatively rare and schools are still generally the safest places for children (Advancement Project 2005). Nevertheless, school districts are spending tens of millions of dollars each year on police officers and security equipment. This is occurring mainly in urban schools, the very ones that are in serious need of those funds for educational resources and support services (ACLU 2008; Skiba et al. 2008). 10 percent of schools in the United States have police officers patrolling middle and high school hallways, and 1 percent use metal detectors on a daily basis (Skiba 2000).

This arming of the schools appears to be a response to media coverage of shootings that have occurred in schools since the mid-1990s. However, the majority of those shootings were not done by inner-city black youths, but rather by white youths in small cities and towns. Of the thirty-four high school students reported by the media to be involved in thirty-two shootings in the past fourteen years, four were African-American.<sup>1</sup> This number is 12 percent of the total, which is lower than the 17 percent of African-Americans in the adolescent population (Fuentes 2003). Of these thirty-two incidents, only eight occurred in cities with populations larger than 100,000. Twenty occurred in cities and towns with populations smaller than 50,000, and ten of these were in very small towns (with populations ranging from 326 to 8,876). However, most of the schools with police and security equipment are large urban schools with predominantly black student bodies. Some cities even have their own specialized school police forces.

Although it would appear that these security measures are being taken because school administrators believe that they improve school safety, this is not the perception of many

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<sup>1</sup>This information is based on an Internet search of news reports with pictures of the students who did the shooting. The list on which the search was based was obtained from [www.infoplease.com/ipa/A0777958.html](http://www.infoplease.com/ipa/A0777958.html).

students, parents, and advocates, who accuse administrations of creating a lockdown environment in the schools. They decry the fact that children are more likely to be arrested at school than they were thirty years ago. Data from a variety of school districts demonstrate a growing trend toward using arrest for adolescent misbehaviors that previously would have been handled by school administrators (Advancement Project 2005; Belfanz et al 2003). For example, in Philadelphia County, the number of school arrests rose 34 percent from 1,632 for the 1999-2000 school year to 2,194 only three years later. During a single year in Houston, school police arrested 4,002 youths. Nearly half of these arrests were for minor offenses, such as “disruptive activities” (Advancement Project 2005).

Police officers are trained to deal with criminals, not middle and high school students, and rarely have any background in child or adolescent psychology. Their responses to youthful misbehavior frequently involve handcuffing, arrests, detention in a police station, and referrals to juvenile court and detention centers—responses that tend to leave young people traumatized. Furthermore, these responses have even been made to innocent actions, such as bringing scissors to school to work on a project, posting rap lyrics on the door of a locker, and playing cops and robbers, or to relatively minor misbehaviors, such as shoving another student, throwing an eraser, or having a temper tantrum (ACLU 2007; Advancement Project 2005).

In addition to the psychological trauma experienced by students who are handcuffed and arrested for minor infractions, the infusion of criminal justice procedures into middle and high schools results in the criminalization of large numbers of adolescents. With arrest young people experience confinement to juvenile detention centers, which are often dehumanizing places populated by many children who already have an established pattern of delinquent behavior. Thus first time “offenders” with very minor infractions come under the influence of these more



experienced delinquents. In addition, the experience of harsh treatment by law enforcement officials creates an adversarial attitude in minors who were previously law-abiding. Since the rate of recidivism among juvenile detainees is high, the present system is in effect turning increasing numbers of children and adolescents into delinquents and ultimately into adult offenders.

As with other disciplinary measures, school arrests are characterized by racial disparities. Although youth of color comprise one-third of the nation's adolescents, they are two-thirds of those held in jails, prisons, or juvenile detention centers (Poe-Yamagata and Jones 2000). Again, this is not because of a greater number of offenses on the part of black youth (Ferguson 2000; Osher et al. 2003). When adolescents of different races commit the same offenses, blacks are six times more likely than whites to be incarcerated (Poe-Yamagata and Jones 2000).

## ALTERNATIVES

The criminalization of children and adolescents, particularly black males, does not need to continue, especially considering that these measures do not create safe schools or positive learning environments. There are viable alternatives, and although these do require funding, the cost would likely be less than the tens of millions of dollars being spent on school police and security equipment and much less than the tens of billions spent on prisons.

The first line of defense is adequate funding for schools. The main defect of No Child Left Behind is not simply the incentive to teach to the test and to falsify data or suspend thousands of students when teaching to the test fails to improve scores. The legislation is fundamentally flawed because it is miserly and punitive with regard to the funding of the education of our nation's children. The process of providing resources to schools is backward:

The schools must first demonstrate improvement (as measured by test scores, a dubious measure in itself) in order to obtain federal funds. However, because the schools are severely under-resourced to begin with, it is difficult to improve them without financial help. Their failure then becomes a justification for depriving them of funding. Furthermore, it has been suggested that the threat of shutting down the public schools and replacing them with private school vouchers reveals a not-so-hidden agenda behind the design of the law, which is “a steady and purposeful divestment in the public education system” (Fuentes 2003:20). As stated by Judith Browne-Dianis, a civil rights lawyer with The Advancement Project, “If we’re right about what No Child Left Behind means, it’s really a call for vouchers. It means, ‘Let’s set our schools up to fail so we can go to vouchers’” (quoted in Fuentes 2003:20). The alternative is to increase federal and state aid to school districts whose property tax base is insufficient to provide adequate support for public education, and to do so without the requirements that create incentives to push out the students who are most in need of help for completing their schooling.

In addition, there is a need for order in the schools, but the presence of police and security equipment does not create a positive environment of order. Research has shown that adolescents are likely to respond positively to a school environment that engages them, that is respectful of their culture, and where expectations of behavior and consequences are clear, consistent, and supported by the majority of people in the school community (Fenning and Rose 2007; Goldstein and Noguera 2006; NASP 2003; Wald and Losen 2006). There are specific programs that create this kind of environment: cultural competence training for teachers and administrators, restorative justice circles, and Positive Behavioral Intervention and Support (PBIS).

### *Cultural Competence Training*

School personnel need to be trained in cultural competence, which involves not only learning about the customs, values, and communication codes of various racial and ethnic groups, but also cultivating an attitude of respect for people with different cultural styles and an openness to continued learning. This training would help them to become aware of the possibility that they might misinterpret the behavior of students as dangerous and threatening when it is simply high-energy. Teachers and administrators also need to learn what constitutes respectful behavior within the various subcultures of the students in their schools, so that they will be neither offended by their students nor offensive to the students and their families. Finally, teachers need to learn how to develop pedagogical approaches that enable them to provide culturally sensitive instruction (Goldstein and Noguera 2006; NASP 2003). The provision of cultural competence training to teachers in all urban schools would require an initial outlay of funds. However, if this training is integrated into the college programs that prepare future teachers, there will be little need for further expenditures in this area.

### *Restorative Justice Circles*

Punitive discipline is generally not very effective in changing behavior and creating a safe and orderly school environment because it tends to increase the likelihood of further infractions as an oppositional response from students (Karp and Breslin 2001). In contrast, the experiences of school systems that have utilized restorative justice practices suggest that they may be more effective than punitive measures both in creating a positive school environment and in helping individual students to remain in school (Chmelynski 2005; McClain 2008; Wachtel 2005; Wall 2004). Restorative justice involves both offenders and victims in the process of determining what

to do about offending behavior, such as classroom disruptions, truancy, or bullying. It is not an easy way out for the offenders. The process begins with a circle that includes everyone who has been in any way affected by the incident—such as offender, victim, teachers, school administrators, and sometimes parents. The offender is made aware of the impact of his or her behavior on other individuals and on the community, and the group as a whole determines the consequences that the offender will face. The process is particularly powerful in encouraging children and adolescents to acknowledge responsibility for their actions. In a variety of contexts, including urban public schools, the restorative justice approach has begun to be implemented as an alternative form of discipline and in violence prevention programs. Unfortunately, the zero tolerance environment of most of our school systems and the need for funds to provide training for school personnel in this approach have impeded its implementation on a national scale.

### *Positive Behavioral Intervention and Support (PBIS)*

Positive Behavior Support (PBS), or Positive Behavioral Intervention and Support (PBIS), is more comprehensive than restorative justice, although the latter can be integrated into it. This approach, which is research based and derived from behavioral psychology, is being used in approximately 8,000 schools in the United States. Most of these schools have seen a measurable reduction in disciplinary problems and an increase in school safety (Cohn 2001). There is also evidence of improved academic performance and the creation of a positive school environment in which students receive praise for good behavior. In order for PBIS to be effective, there needs to be fidelity to the whole program, which includes the following three levels:

1. The primary level applies to all the students in a particular school. This is the level of

prevention of disruptive or violent behavior. Students learn what is expected of them, rules and consequences are consistent for everyone, and teachers receive training in the reinforcement of positive behavior. About 80 to 90 percent of students respond well to this approach.

2. The secondary level is for students who exhibit habitual problem behaviors. These students receive more intensive interventions in groups with other students who engage in similar behaviors. About 10 to 15 percent need this extra intervention.
3. The tertiary level is for the 1 to 5 percent of students who need more intensive interventions. The school may work with mental health or child and family service agencies to arrange for individual help for these students. In urban schools there may be a higher percentage of students needing help at the secondary and tertiary levels because of difficulties related to neighborhood violence and poverty (Dee and Boyle 2006).

Because PBIS is effective only when fully applied, there needs to be ongoing commitment from everyone from teachers to district administrators. For this approach to be implemented on a national level there will need to be support from the federal government. In September 2007 then-Senator Barack Obama introduced Senate Bill 2111, called the Positive Behavior for Effective Schools Act. Its purpose was to establish within the Department of Education an Office of Specialized Instructional Support Services and to enable and encourage states to use some of their federal education funds to implement PBIS in all schools.

Unfortunately, this bill died in committee. It was reintroduced in the House of Representatives in May 2009, and is now being reviewed by the House Committee on Education and Labor.

## CONCLUSION

The school-to-prison pipeline is wasting tremendous resources that are being funded by American taxpayers, from the tens of millions of dollars that school systems spend on police forces and security equipment, to the tens of billions spent on juvenile justice and the prison system. To shift even part of these funds to academic resources for urban schools and programs in cultural competence, restorative justice, and PBIS would be far more cost effective than the present state of our prison system and our punitive school systems. However, for this to happen we need a paradigm shift, as reflected in the four measures proposed below. These measures may not be politically popular insofar as they do not harmonize with tough on crime or zero tolerance ideologies. However, they are supported by research and by the experience of school districts that have rejected the prevailing paradigm.

First, we need to challenge the institutional racism that defines young black males as the problem in our schools and in the larger society. Although this racism is rooted in our social structure and in our history, its manifestation in the system of education may be countered by publicizing the facts and by working to enact legislation that will stop discrimination against school children.

Second, we need to insist on cultural competence training for all present and future public school teachers and administrators. This training would increase their understanding of students' behavior and would help decrease the impact of racial stereotyping on children and adolescents.

Third, we need to expose the flawed thinking and negative consequences that characterize the so-called No Child Left Behind Act. The title of the legislation is evidence of a brilliant propaganda device that conceals a cynical agenda. Those who really care about our nation's children must demand that this legislation be amended to remove the incentives that push

students out of the system.

Finally, we need to spread the word about alternatives to exclusionary discipline, such as restorative justice and PBIS. The experience of school systems that have applied these alternatives demonstrates their positive consequences. If these approaches are applied on a national level, they are likely to achieve much more than No Child Left Behind in creating school environments where children can be safe and can acquire the academic and social skills that will enable them to develop into productive adults.

The school-to-prison pipeline is just one component of institutional racism in the United States, and to cap the pipes by means of the strategies suggested above will not automatically dismantle the prison industrial complex. That is a whole other effort. Nevertheless, these strategies have the potential to stem the flow of young black men into prisons and to put an end to the institutionalized abuse of the most vulnerable members of our population.

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