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2013

## The School-to-Prison Pipeline: A Civil Rights and a Civil Liberty Issue

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### Recommended Citation

Kasprisin, Lorraine (2013) "The School-to-Prison Pipeline: A Civil Rights and a Civil Liberty Issue," *Journal of Educational Controversy*. Vol. 7 : No. 1 , Article 1.

Available at: <https://cedar.wwu.edu/jec/vol7/iss1/1>

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## EDITORIAL

### The School-to-Prison Pipeline: A Civil Rights and a Civil Liberty Issue

Lorraine Kasprisin, editor

The School-to-Prison Pipeline stands as a direct contradiction to the vision of the public school as an institution for promoting and sustaining a democratic republic. Each year thousands of students are funneled through the public schools into the juvenile justice system as a result of school policies and practices that increasingly criminalize students rather than educate them. Most are students of color, students with disabilities, and students from impoverished neighborhoods. How and why this is happening is the focus of this issue of the *Journal of Educational Controversy*.

Research indicates that both the number of school suspensions and expulsions have increased dramatically as well as the kind of behaviors and infractions that result in suspensions and expulsions. Data from the United States Department of Education's Office for Civil Rights indicate that over three million students are suspended and over 100,000 students are expelled each year.<sup>1</sup> This rate has almost doubled in the past thirty years. Research also shows a relationship among expulsions, suspensions and school dropouts and subsequent involvement in the juvenile justice system. According to national figures, "high school dropouts are three and one-half times more likely than high school graduates to be arrested, and more than eight times as likely to be incarcerated."<sup>2</sup>

Zero-tolerance policies, the overuse of school discipline and juvenile court referrals, exclusionary discipline policies, excessive policing in schools, the criminalization of disability-related behaviors, and pressures and abuse from the high-stakes testing environment are often cited as contributing factors. Together these policies and practices have resulted in the violation of three of our most basic democratic principles:

1. Right to an Education
2. Right to Non-Discrimination
3. Right to Due Process

The disruptions and denial of education as a result of suspensions, expulsions and exclusionary disciplinary policies have threatened the right to an education, especially when students are given indefinite expulsions without recourse to an alternative education route. The disproportionate impact on different student populations, especially on students of color and students with disabilities and emotional problems, has resulted in discriminatory treatment. And the process that often funnels students from the public school into the juvenile justice system often violates fundamental due process procedures. Most important, if the philosopher and educator, John Dewey, was correct in his theory that children learn what they experience, what are these school policies and practices teaching our children about the fundamental principles of our democracy?

A reconstructed example illustrates all three violations. A young student of color in an urban school in an impoverished neighborhood is confronted by a police resource officer in the hallway. Suddenly the young student finds himself in handcuffs and arrested for speaking back and for defiant and disrespectful behavior. Infractions that would have been treated as a school disciplinary incident have now become a criminal act. This often results when the concepts of school discipline and criminal acts are not clearly defined in a school policy, and the role of school administrators and police resource officers are not clearly distinguished. The role of police is to ensure safety and stop criminal acts, not to discipline students for breaking school rules. Are these misunderstandings that result in criminal arrest due to a lack in the training of school resource officers in cultural differences and a failure to understand the special needs of adolescent development? How aware is the student of his or her rights to due process at this point. How will this experience lead to school alienation and future dropout? What has this incident taught the student about our democratic principles? The complexity of any specific incident has led many authors in our issue to talk about a "persistent nexus or a web of intertwined, punitive threads" rather than a simple pipeline that our young people get caught up in.<sup>3</sup>

The purpose of this issue of the journal is to bring awareness and understanding to this complex nexus of events. The issue is going online at a very opportune moment. The United States Senate Judiciary Subcommittee on the Constitution, Civil Rights and Human Rights held its first ever hearing on the school-to-prison pipeline on December 12, 2012, an event that brought national attention to the problem. In this issue, our authors complement the testimony that was given at the

hearing with a deeper, multidimensional analysis.

The following controversy was posed for authors to address:

*The School to Prison Pipeline refers to a national trend in which school policies and practices are increasingly resulting in criminalizing students rather than educating them. Statistics indicate that the number of suspensions, expulsions, dropouts or “pushouts,” and juvenile justice confinements is growing. Moreover, there is a disproportionate impact on students of color and students with disabilities and emotional problems. In this issue, we invite authors to examine the policy implications, the political ramifications, and the causes and possible solutions to this problem. Moreover, what are these policies teaching our children?*

There are five different sections.

**Section 1** includes authors’ responses to the controversy itself and covers multiple perspectives and dimensions of the problem.

**Section 2** looks at other related pipelines like the “School to Deportation” Pipeline.

**Section 3**, entitled, “From Theory To Activism: Perspectives from Youth Advocacy Groups In Washington State,” brings together a description of the activism and recommendations by groups in the trenches who have been trying to dismantle the school-to-prison pipeline. The groups include the Center for Children and Youth Justice, Team Child, the League of Education Voters and the Washington State Education Ombudsman, an office that may be the first of its kind in the nation.

**Section 4** provides the reader with a video of an interview with one of our authors. Justice Bobbe Bridge, former justice of the Washington State Supreme Court, who started the Center for Children and Youth Justice, discusses a more proactive approach that the courts can use to reach young people who are truant and disengaged from the school before they enter the school-to-prison pipeline. We have also inserted a video from an earlier forum that the journal sponsored in which Rose Spidell, an attorney for the American Civil Liberties Union of Washington, talks about the cases that have come to the ACLU and the actions that were taken. In the near future, we will put online other video interviews with our authors. The videos can be accessed by clicking on the “Authors Talk” link on the journal’s menu.

We finally conclude in **Section 5** with three book reviews on the subject.

I want to thank my guest co-editor, Daniel Lerner, for all his work in helping to conceptualize this issue and select the included papers from our many submissions. Dan is a professor at the Fairhaven College of Interdisciplinary Studies at Western Washington University and has been a longtime member of the ACLU Board of Directors in Washington State. In addition to his courses in theatre arts, Dan also teaches courses in civil liberties at the college. His editorial reflects his own unique perspective on this topic from a lifetime devoted to promoting civil liberties and teaching young people to understand the meanings and significance of these cornerstones of our democracy. Readers can read an earlier article by Dan that was published in the Winter 2010 (vol. 5, iss. 1) issue of the journal, entitled, "Educating Politicians as Playwrights: Toward a Sustainable World in Creative Conflict".

## Notes

<sup>1</sup>Department of Education, Office for Civil Rights, Civil Rights Data Collection, available at <http://ocrdata.ed.gov/>.

<sup>2</sup>Bridge, B.J., Curtis, L.E., Oakley, N., “No Single Source, No Simple Solution: Why We Should Broaden Our Perspective of the School-to-Prison-Pipeline and Look to the Court in Redirecting Youth from It,” *Journal of Educational Controversy*, Fall 2012/Winter 2013.

<sup>3</sup>Gebhard, A., “Schools, Prisons and Aboriginal Youth: Making Connections,” *Journal of Educational Controversy*, Fall 2012/Winter 2013.