“ZERO TOLERANCE” AND THE SCHOOL TO PRISON PIPELINE

Jekeviah Muhammed, Evan Paulk, and Kiera Wilmot are top students in Florida from different high schools, cities and cultures, and each has a clear vision for the future. But they also share another, more troubling bond: Each has been arrested from school. Sixteen-year-old Jekeviah, who is Black from St. Petersburg, and 15-year-old Evan, who is White from Pensacola, were both handcuffed and removed by school resource officers after trying to stop fights between schoolmates. Evan was trying to protect a friend from a known bully. Sixteen-year-old Kiera, who is Black from Bartow – and whose case received national media coverage, sparking international protest – was charged with a felony after her science experience exploded. Although ultimately released, each of these children and their families suffered emotional scars and now fear the long-term stigma of their arrests. Their stories and others serve as powerful testimony that zero tolerance policies in our nation’s schools do more to feed a school to prison pipeline than protect children from harm.

WHAT IS THE SCHOOL TO PRISON PIPELINE?

- The school to prison pipeline encompasses the growing use of zero-tolerance discipline, school-based arrests, disciplinary alternative schools, and secured detention to marginalize our most at-risk youth and deny them access to education.

- Since the mid-1990s, close to 90 percent of all public schools have expanded the scope of zero tolerance policies even further to include various non-violent acts, such as insubordination. Schools, school districts and States set their own, often broad or vague definitions for, "threats," "violence," "weapons," and "drugs," with some more stringent than others.

- Zero-tolerance disciplinary policies are often the first step in a child’s journey through the pipeline. Zero-tolerance policies impose severe discipline on students without regard to individual circumstances. Under these policies, children have been expelled for giving Midol to a classmate, bringing household goods (including a kitchen knife) to school to donate to Goodwill, and bringing scissors to class for an art project.

- The National Association of Colored People (NAACP), American Civil Liberties Union (ACLU) and the Southern Poverty Law Center (SPLC), among others have called for reform. The American Bar Association has also condemned zero-tolerance policies as inherently unjust: “zero tolerance has become a one-size-fits-all solution to all the problems that schools confront. It has redefined students as criminals, with unfortunate consequences...Unfortunately, most current zero-tolerance policies eliminate the common sense that comes with discretion and, at great cost to society and to children and families, do little to improve school safety.”[1] There is no evidence that zero-tolerance policies make schools safer or improve student behavior. On the contrary, research suggests that the overuse of suspensions and expulsions may actually increase the likelihood of later criminal misconduct.

HOW FLORIDA IS FAILING ITS MOST VULNERABLE CHILDREN[2]

- Nearly half of all Florida’s Black and Hispanic or Latino children live in poverty.

- Eighty-three percent of Black children and 70 percent of Hispanic or Latino fourth-graders are not proficient in reading – a key indicator of the probability of high school graduation.

- Thirty-six percent of Black students and 28 percent of Hispanic or Latino children fail to graduate from high school on time.

- Florida’s juvenile arrest rate is 40 percent above the national average. In 2011-2012, Florida arrested 58,173 children. In 2012, school arrests in Florida numbered 13,870, compared to New York City’s 2,548. Fifty-three percent of child arrests were for misdemeanors. Forty-five percent were first-time offenders.

- On an average day, 77 kids are arrested in the state’s public schools.
• Although Blacks make up only 22 percent of the total population age 10-17, they account for **40 percent of all children referred to correction authorities**, 51 percent of all youth detained, and 52 percent of all youth committed to juvenile correctional facilities.

**But Florida is not alone.**

**THE NATIONAL PICTURE**

• **More children under the age of 18 are arrested than in the United States than any other nation in the world.** And the gap is significant—336.0 per 100,000 arrests of children in the United States, compared with the second highest arresting nation, South Africa, at 69.0 per 100,000.²

• Recent reports have found that tighter disciplinary policies and an increased number of police officers at school are landing a staggering number of children behind bars, instead of behind desks. **In California, for example, about a quarter of all expulsions are for “willful defiance,”** according to the office of the State Superintendent for Public Instruction. These punitive measures disproportionately target minority and special education students, putting them at a greater risk for dropping out, court involvement, and incarceration.

• **In some states, students who have been expelled or suspended have no right to education at all.** These children are left to fend for themselves, while the government and school districts are absolved of any responsibility for educating their most at-risk children.

**IMPACT ON AMERICA’S CHILDREN OF COLOR**

• Forty percent of all students expelled from schools are black. ⁴, ⁵

• Seventy percent of all children involved in “in-school arrests” or referred to law enforcement are Black or Latino.

• Black students are three-and-a-half times more likely to be suspended than Whites.

• Black and Latino students are twice as likely not to graduate from high school as Whites. And 68 percent of all males in federal prison do not have high school diplomas.

• One in nine Black, and one in 28 Hispanic have an incarcerated parent, compared with 1 in 57 White children with incarcerated parents.

**WHAT “ZERO TOLERANCE” DOES NOT DO**

• **There is no evidence that zero-tolerance policies make schools safer or improve student behavior.** On the contrary, research suggests that the overuse of suspensions and expulsions may actually increase the likelihood of later criminal misconduct.

• **Schools today rely on law enforcement, rather than teachers and administrators, to handle minor school misconduct.** Growing numbers of school districts employ full-time police officers, or “school resource officers,” to patrol middle and high school hallways. With little or no training in working with youth, these officers approach youth as they would adult “perps” on the street, rather than children at school.

• **Children as young as five years old are being led out of classrooms in handcuffs for acting out or throwing temper tantrums.**
• **Students confined in juvenile detention facilities have access to few, if any, educational services.** Moreover, students who enter the juvenile justice system face many barriers blocking their re-entry into traditional schools, and can be haunted by their criminal records later in life.

• **The vast majority of juvenile justice-involved students never graduate from high school, and may be denied student loans, public housing or occupational licenses** because of their prior criminal records.

**Some Progress, Continuing Concern**

• **Reforms in several states have facilitated a 39 percent drop in the rate of locking up kids,** according to a report from the National Juvenile Justice Network and Texas Public Policy Foundation.(6) The drop reflects a recognition that widespread detention of children was not only costing the states money in detention centers, that it also leads to lower rates of educational attainment and employment and higher rates of criminal activity later in life. The report highlights nine states that have seen dramatic turnarounds in detention rates, several of which were the most notorious for soaring prison populations, tough-on-crime policies, and the criminalization of minor school discipline violations.

• Mississippi, for example, saw one the most dramatic decreases in juvenile lock-ups between 2001 and late 2010 – 48 percent – **following prominent reports on abuse of the system.** But recent reports and a lawsuit filed by the Department of Justice show that particular counties are still plagued by harsh punishment for minor disciplinary violations. Texas also saw a drop, but one of the largest school districts in the country continues to use an electronic computer system to charge students with crimes, according to a recent lawsuit. This continuing skew toward criminalizing student discipline is reflected in other statistics in the report:

• **Almost 60 percent of confined youth in the U.S. (41,877) were still detained and imprisoned for offenses that do not pose substantial threats to public safety as of 2010.** “These include misdemeanors, drug use, non-criminal or status offenses (e.g., curfew violations, truancy, running away), failure to show up for parole meetings, and breaking school rules. Arguably, those 42,000 or low-risk youth, who pose minimal public safety risks, face a fairly high risk of recidivating and losing their futures as productive citizens due to their incarceration experiences,” according to the report.

**Action Needed Now**

• **States should focus on employing rational approaches to juvenile crime, such as incentivizing performance funding for state treatment programs,** among other reforms, a report from the Annie E. Casey Foundation recommends.(7) **Neither punitive measures nor over-incarceration of juveniles lowers rates of juvenile crime,** says the report, which points out that during the time that the number of juveniles in confinement in the United States has dropped from its peak of 107,637 in 1995 to 70,792 in 2010, the rate of juvenile crime also dropped significantly.

• **States must eliminate counterproductive financial incentives that encourage unnecessary reliance on juvenile incarceration.** The Casey report also highlights successful performance incentive funding programs in which states award counties resources for local treatment and supervision programs based on whether the county lowers the number of youth sent to correctional facilities.

• The Southern Poverty Law Center and other advocates have called for states to **redirect resources used for security toward improving under-resourced schools,**(8) and develop policies that ensure that **students not be arrested for misdemeanors and school districts should be held accountable** for ensuring that school resource officers do not arrest students for minor incidents and misdemeanors.
CITATIONS


FOR MORE INFORMATION
