Challenges and Solutions in Education and Incarceration: A Focus on Marginalized Groups and African American Students

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Abstract

This paper delves into the link between educational disparities and the disproportionately high incarceration rates in marginalized communities, focusing especially on African American students. It highlights how the systemic inadequacies of the U.S. education system feed into the school-to-prison pipeline and particularly impact Black students. The study highlights the detrimental effects of zero-tolerance policies and ingrained racial biases in disciplinary practices, urging a need for comprehensive reform.

By examining the 'push' and 'pull' dynamics that lead to high school dropouts and their connection to subsequent incarceration, the paper champions restorative justice practices over the prevailing zero-tolerance approach. It further suggests enhancing diversity training for teachers alongside calling for legislative changes. This paper advocates for a united approach, emphasizing the importance of fostering a supportive and equitable educational landscape. This approach aims to tackle the unique hurdles encountered by marginalized students and casts a light on the wider challenge of achieving educational equity for all.

Introduction

The staggeringly high incarceration rates of Black Americans in the United States are a clear indicator of a major issue that goes beyond the criminal justice system and points towards a larger issue with American society. Despite representing approximately 13% of the total

U.S. population, Black Americans constitute nearly 40% of the incarcerated population. This disproportionate representation hints at underlying systemic factors that transcend mere coincidence, and one of the contributing arenas is the nation's education system.

Central to the discourse on educational disparities and criminal justice is the concept of the "school-to-prison pipeline." Recent studies disclose that nearly 80% of all male inmates in state and federal prisons in the US do not possess a high school diploma (Romero, 2014). This alarming figure highlights the mechanisms through which students, predominantly from marginalized communities, find their educational journeys interrupted and diverted toward the criminal justice system.

Historically, marginalized groups, particularly Black students, have faced systematic hurdles in the educational system, often redirecting them towards dropping out (United Negro College Fund, 2020). These range from inequitable access to essential educational resources to a heightened propensity to face suspensions, expulsions, and, consequently, a higher likelihood of becoming involved with the judicial system ("Who Is Most Affected by the School-to-Prison Pipeline," 2022).

 Recent analyses of comprehensive data have shed light upon the significant gap between the resources– "on every tangible measure," from the academic calibers of teachers to the scope of programs offered–allocated to schools serving greater numbers of students of color and that of schools that serve mostly white students (Smedley, 2001) However, the problem is not confined to resource allocation alone. One of the most pronounced issues in the American education system is the inequitable disciplinary actions imposed on Black students. These actions disadvantage these students and curtail their opportunities, frequently leading to early school departure. Consequently, these young adults become susceptible to a host of challenges, from unemployment to legal issues, affecting not only their lives but society as a whole.

This paper aims to thoroughly examine the intricate relationship between the education system and the overrepresentation of Black Americans in the criminal justice system. Our focus is to dissect the practices and policies that fuel the school-to-prison pipeline. Moreover, the paper will explore viable solutions to address and remedy this pressing issue. Our goal is to provide a comprehensive understanding of how educational disparities and systemic injustices contribute to a cycle of incarceration and to suggest actionable steps toward substantial reform.

Causes and Effects of Dropping Out

The road from the classroom to incarceration often begins with dropping out of high school. High school dropouts, those who have not completed the twelfth grade, face poorer adult outcomes in the labor market. According to

Bureau of Labor Statistics data from the 3rd quarter of 2008, there is a striking income disparity between those who have finished high school and those who have not: the average weekly earnings of working men with only a high school degree are more than 40% higher than those of men who dropped out of high school. Similarly, the labor force participation rate for individuals in the former group is over 50% higher than that for the latter group. Senior Victoria Melton of The Hamilton Project notes, "There is a higher chance for people who drop out of high school to go to prison because they lack a high school education to secure a higher-paying job, leading to deviant behavior" (Choudhry, 2018). This demonstrates that economic disparities can create a cycle where limited job opportunities and financial instability lead to crime as a means to make ends meet, in turn increasing their chances of being incarcerated.

The main reasons individuals drop out of high school can be categorized into two: push and pull factors. The concept of push and pull factors was first coined and applied by Everett S. Lee in analyzing 19th-century human migration and can be analogously categorized into 'push' and 'pull' factors (Lee, 1966). "Push" factors pertain to circumstances that force students to drop out, abruptly funneling them out of school and into an unforeseen situation. In contrast, "pull" factors result in students dropping out based on a rational decision made prior to leaving school, often with an active plan in place. Common instances of "pull" factors include students leaving school to work or take care of their families. Case studies reveal that students in these situations do not fare worse, as they earn about the same amount of money and do not commit more crime – they "do not appear to be substantially hurt by their decision to drop out." However, "push" factors, such as behavioral problems and other passive reasons like danger and financial difficulties, tend to have a detrimental impact. Students affected by push factors fare worse in terms of labor market outcomes and criminal activity during their early twenties compared to high school completers with similar pre-dropout characteristics (Bjerk, 2011). Therefore, when students drop out of school without a future plan, they face immediate negative consequences. This is a key component of the school-to-prison pipeline, where encounters with the criminal justice system often follow educational failures. Understanding these factors is crucial for addressing the root causes of the school-to-prison pipeline and developing effective interventions.

The Punitive System: Zero-Tolerance Policies

The harmful impact of the 'push' factors is vividly depicted in the punitive systems adopted by numerous schools across America. These policies are grounded in punitive justice, a system that emphasizes punishment and deterrence and often does not consider the context or the individual needs of the students. These systems found their roots in the 1980s

when zero-tolerance policies were introduced in response to growing safety concerns, with the primary goal of protecting students. (Chen, 2022) Central to the American education system, these policies are characterized by applying strict, pre-determined consequences for violations of school rules, often neglecting the severity of the behavior, any mitigating circumstances, or the context. The range of consequences under these policies is broad, extending from lengthy suspensions to legal ramifications such as arrests and referrals to juvenile or adult courts. A significant issue with zero-tolerance policies is their failure to differentiate between grave and minor offenses and between deliberate rule-breakers and students dealing with behavioral disorders. This lack of discernment has led to cases where students are disciplined for minor matters like possessing nail clippers, Advil, or mouthwash, which highlights the flaws within the system. For example, the suspension of a seven-year-old for shaping his tart into a gun-like form (Fox News, 2015) and the arrest of a student for merely drawing on her desk. (CNN, 2010) Furthermore, zero-tolerance policies have altered school environments dramatically, introducing heightened law enforcement and security measures such as metal detectors, surveillance cameras, and routine searches, which create an atmosphere of fear and intimidation. This raises concerns about the appropriateness of such measures in an educational context.

However, racial disparities exacerbate the challenges within the punitive system. Research indicates that biases against students of color, particularly Black students, manifest as early as preschool years. Black students, on average, endure longer and more intense scrutiny from teachers, resulting in higher rates of expulsion and suspension (Gilliam, 2016). Black students are subjected to suspension and expulsion nearly three times more frequently than their white counterparts, resulting in a significant loss of instructional time. (Heitzeg, 2009.) The consequences of these policies extend beyond the immediate punitive measures. Black students, facing harsher penalties like suspension, expulsion, and corporal punishment, miss almost five times as many days of instruction compared to their white peers. ("Who Is Most Affected by the School-to-Prison Pipeline," 2022) These policies don't just impact education; they can lead to increased involvement in criminal activities and subsequent incarceration. (Cuellar, 2015) The issue is highlighted by alarming statistics: approximately 3.3 million suspensions and over 100,000 expulsions occur annually. (One in 100: Behind Bars in America, 2008) This figure has almost doubled since 1974, coinciding with the widespread adoption of zero-tolerance policies in the mid-1990s. (Interrupting the School to Prison Pipeline, 2005) Even preschool children are not exempt from these policies, raising questions about their effectiveness and appropriateness, particularly

for very young students.

The punitive system within the American educational landscape, marked by zero-tolerance policies, perpetuates a cycle of severe disciplinary measures and racial inequalities. This leads to a significant loss of instructional time. Contrarily, schools that have adopted restorative justice practices have seen reductions in both disciplinary actions and racial disparities. (González, 2015) Addressing these challenges requires a reassessment of punitive approaches, taking into account the individual circumstances of students and striving for a more equitable and supportive educational environment. (Morgan, 2021) Reforming these policies is crucial to fostering a fairer educational environment and breaking the cycle that leads from school discipline to the criminal justice system.

Solutions to address the Issue: Restorative Justice

Addressing the issues within the punitive system demands a comprehensive strategy encompassing teacher preparation, restorative justice practices, legislative clarity, and community involvement. To confront teacher bias, developing robust teacher preparation programs that specifically cover topics related to educating students from diverse backgrounds is a foundational step. These programs could include modules on cultural competency and inclusive teaching methods, ensuring educators are well-equipped. Equally crucial is the provision of professional development sessions aimed at reducing expulsion and suspension rates, given the current lack of adequate training in this area for educators.

Additionally, restorative justice practices emerge as a promising alternative to exclusionary discipline methods. Restorative justice, in this context, refers to a system that focuses on rehabilitating students through understanding and repairing harm caused by their actions. Rather than resorting to punitive measures, the implementation of restorative practices in schools can significantly alleviate the disproportionately high rates at which Black students face disciplinary actions. For instance, introducing conflict resolution and peer mediation programs in schools as part of restorative practices has shown success. Evidence from pilot programs in Texas schools revealed an impressive 70% reduction in in-school suspensions and a 77% reduction in out-of-school suspensions (Long, 2016). This not only addresses immediate disciplinary concerns but also has lasting positive impacts on the behavior of students at risk of dropping out.

Clear legislative guidelines are crucial to prevent the school-to-prison pipeline. State legislatures play a pivotal role in clarifying statutes related to the referral of students to law enforcement agencies. Ambiguous or vague statutes can contribute to discriminatory practices, making it imperative to establish clear legal guidelines regarding when and why students can be referred to law enforcement. Protecting the civil

rights of all students, especially those from minority groups, is of utmost importance. State legislatures should take measures to safeguard against discriminatory practices leading to the disproportionate expulsion of minority students. This includes mandates for alternative educational services to prevent students from being funneled into the criminal justice system, offering rehabilitation and support rather than punitive measures.

Transparency in the disciplinary process is vital. Schools should inform students and parents under what circumstances referrals to law enforcement agencies are required or standard practice and for what conduct. Additionally, students should routinely be advised of their Miranda rights when facing potential criminal charges, ensuring awareness of their legal rights in such situations. Mental health experts within schools, such as psychologists, counselors, and social workers, should actively contribute to the research and development of discipline policies and positive behavior training strategies. This approach acknowledges the importance of addressing underlying behavioral issues rather than resorting to punitive measures. In developing alternatives to zero tolerance, schools should engage families and community resources, incorporating violence prevention, social skills training, and early intervention strategies.

A collaborative approach ensures a more comprehensive and community-supported system. To halt the criminalization of students for trivial behaviors, schools must adopt educationally focused disciplinary measures rather than treating minor infractions as criminal offenses. Specifying graduated categories of inappropriate behaviors and aligning them with categories of consequences instead of predefined punishments for each behavior provides a more flexible and context-aware disciplinary approach. A diverse array of disciplinary consequences should be outlined in student codes of conduct, emphasizing the need to tailor these consequences to the specific circumstances of the student and the violation. Moreover, minimizing the use of exclusionary disciplinary punishments and incorporating an amnesty clause for non-violent students who inadvertently violate rules can promote a more understanding and supportive disciplinary environment. This comprehensive approach aims to reshape the punitive system, fostering a more equitable, transparent, and supportive educational landscape (Heitzeg, 2009)

Conclusion

The education system's contribution to the incarceration of marginalized groups presents a multifaceted challenge deeply embedded in systemic issues. The significant obstacles stem from the harsh impacts of zero-tolerance policies and the evident racial disparities in disciplinary practices. Yet, there is a path forward through potential solutions such as restorative justice practices, legislative reforms, and a shift toward more empathetic and educational disciplinary measures. It is crucial

for educators, legislators, and community members to unite to transform the punitive system. By nurturing an educational environment that is equitable, transparent, and caring, we can interrupt the cycle of incarceration and unlock a future where every student has the chance to flourish. This strategy, centering on prevention, rehabilitation, and a strong commitment to civil rights, will result in a transformative change in the educational experiences of marginalized students. As a result, they can reshape their life paths for the better.

Bibliography

1. Bjerk, D. (2011). Re-examining the impact of dropping out on criminal and labor outcomes in early adulthood. Economics of Education Review.
https://www.sciencedirect.com/science/article/abs/pii/S0272775711001506

2. Choudhry, I. (2018, March 19). High school dropouts more likely to go to prison. The Spotlight.
https://slspotlight.com/opinion/2018/03/19/high-school-dropouts-more-likely-to-go-to-prison/

3. Cuellar, A. E., & Markowitz, S. (2015). School suspension and the school-to-prison pipeline. International Review of Law and Economics, 43, 98–106.
https://doi.org/10.1016/j.irle.2015.06.002

4. Gilliam, W. S., Maupin, A. N., Reyes, C. R., Accavitti, M., & Shic, F. (2016). Do early educators' implicit biases regarding sex and race relate to behavior expectations and recommendations of preschool expulsions and suspensions? Yale University Child Study Center.
https://medicine.yale.edu/childstudy/zigler/publications/Preschool%20Implicit%20Bias%20Policy%20Brief_final_9_26_276766_5379_v1.pdf

5. Heitzeg, N. A. (2009). Education or incarceration: Zero tolerance policies and the school-to-prison pipeline. ResearchGate.
https://www.researchgate.net/publication/238723944_-_Education_Or_Incarceration_Zero_Tolerance_Policies_And_The_School_To_Prison_Pipeline

6. United Negro College Fund. (2020, March 20). K-12 disparity facts and statistics.
https://uncf.org/pages/k-12-disparity-facts-and-stats

7. Long, C. (2016). Restorative discipline makes a huge impact in Texas elementary and middle schools. National Education Association.
https://www.nea.org/advocating-for-change/new-from-nea/restorative-discipline-makes-huge-impact-texas-elementary-and

8. Morgan, H. (2021). Restorative justice and the school-to-prison pipeline: A review of existing literature. Education Sciences, 11(4), 159.
https://doi.org/10.3390/educsci11040159

9. NAACP. (2005). Interrupting the school-to-prison pipeline. https://www.naacpldf.org/wp-content/uploads/Dismantling_the_School_to_Prison_Pipeline__Criminal-Justice_.pdf

10. National Association of School Psychologists. (2006). Zero tolerance and alternative strategies: A fact sheet for educators and policymakers. https://www.nasp.org/

11. PEW Center on the States. (2008). One in 100: Behind bars in America 2008. https://www.pewtrusts.org/-/media/legacy/uploadedfiles/pcs_assets/2008/one20in20100pdf.pdf

12. Peffley, M., Shields, T., & William, B. (1996). The intersection of race and crime in television news stories: An experimental study. Political Communication, 13(3), 309–327. https://doi.org/10.1080/10584609.1996.9963120

13. Lee, E. S. (1966). A theory of migration. Demography, 3(1), 47–57. https://doi.org/10.2307/2060063

14. Romero, J. (2014). The dropout dilemma. Federal Reserve Bank of Richmond. https://www.richmondfed.org/publications/research/econ_focus/2014/q3/feature1

15. Smedley, B. D. (2001). The right thing to do, the smart thing to do: Enhancing diversity in the health professions. https://www.ncbi.nlm.nih.gov/books/NBK223623/

16. Who is Most Affected by the School-to-Prison Pipeline? (2022, November 8). School of Education Online. https://soeonline.american.edu/blog/school-to-prison-pipeline/

17. CNN. (2010). Girl's arrest for doodling raises concerns about zero tolerance. https://edition.cnn.com/2010/CRIME/02/18/new.york.doodle.arrest/index.html

18. Fox News. (2015, January 13). Fort Myers honor student arrested under zero-tolerance policy. https://www.foxnews.com/story/fort-myers-honor-student-arrested-under-zero-tolerance-policy

19. Chen, G. (2022, March 7). Zero tolerance policies: A path to safer schools or a recipe for disaster? Public School Review. https://www.publicschoolreview.com/blog/zero-tolerance-policies-a-path-to-safer-schools-or-recipe-for-disaster

20. González, T. (2015). Socializing schools: Addressing racial disparities in discipline through restorative justice. ResearchGate. https://www.researchgate.net/publication/313429714_Socializing_schools_Addressing_racial_disparities_in_discipline_through_restorative_justice