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Who gets “saved?” : making sense of racially disparate disciplinary practices in urban school systems.

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By

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INTRODUCTION

When I was in high school, I knew of three black male students and one white male student who were all caught skipping class and smoking weed in a vehicle parked on school property in direct violation of Kentucky’s drug-free zone laws. They had all committed the same offense—skipped class, possessed and consumed an illegal substance, and had been caught inside a car on school grounds. Yet, the white student was the only one not formally charged in the juvenile justice system. Evidently, the vice principal was overheard saying that the white student could be “saved,” while the others could not be “saved” and would end up with a different future.

The vice principal from my previous high school never explicitly stated that the three black males couldn’t be saved because they were black. However, his language had significant racial undertones that cannot go unnoticed. The three black students—despite different family backgrounds, educational capabilities, personalities, and interests—were uniformly treated as though their futures were hopeless. Meanwhile, the one white student was granted the privilege of reintegration into a normal school life. As someone occupying a position of power within the public school system, the vice principal ensured that his language would have very real consequences. By involving the criminal justice system, he guaranteed that there would be no easy way for the black students to move on with their educational career, as endless court dates and ongoing legal interference would undoubtedly solidify these students’ absence from the classroom.

According to mounds of research, this is not an isolated instance. The “racial discipline gap,” as scholars have coined this phenomenon, has worsened over recent years. Skiba et al.
Who Gets “Saved?”

(2011) write that, “students of color have been found to be suspended at rates two to three times that of other students, and similarly overrepresented in office referrals, corporal punishment, and school expulsion” over the past two and a half decades (Skiba et al. 2011, p. 86). Furthermore, a study conducted by UCLA’s Civil Rights Project (2013) of over 26,000 middle and high schools nationwide found the following:

...The recent 24.3% suspension rates for Blacks represents an increase of 12.5 percentage points since the 1970s; in the same period, the rate increased only 1.1 points for White students, from 6% to 7.1%-- an increase more than 11 times as high for Blacks as for Whites. In short, the Black/White gap that once stood at 5.7 points has grown to a difference of more than 17 points at the secondary level (Losen & Martinez 2013, p. 1-2).

These statistics indicate that even as our society moves further and further away from a history of discrimination sanctioned by the law, there are still long-standing disparities in the school outcomes of minority youth that are perpetually manifesting and even intensifying.

Many researchers have also found that the disparate treatment in school punishment is due in large part to teachers’ and administrators’ subjective interpretation of minority students’ behaviors (Milner IV 2013; Skiba et al. 2002). Milner IV (2013) offers two examples as to how this can occur:

If an African American student “talks back” or “mouths off” to a teacher, the teacher may interpret this behavior as completely disrespectful and intolerable… [However] disrespect or malice may not be at the core of the student’s actions. Rather, the student may be trying to “survive” and not engender ridicule from his or her classmates. Another example… occurs when African American students joke with a teacher after the teacher has attempted to correct some behavior; the teacher may misinterpret that behavior as being defiant or rude. The student, on the other hand, may use a joke at home with his or her parents to show “there are no hard feelings” on this student’s part. Teachers may find such behavior unacceptable and inexcusable… (p. 484)

In other words, race influences the way school authorities perceive threat and disrespect, (especially in urban schools) even though the student may not intend to be threatening or disrespectful. Minority students’ attempts at diffusing a tense interaction with teachers may not
be perceived as such given the different cultural standards between teachers, especially middle-class teachers from the suburbs, and minority youth, especially those coming from urban centers. For minority youth, these interactions with teachers based on social and cultural differences have lasting ramifications. For example, Skiba et al. (2002) find that “White students were significantly more likely to be referred to the office for *smoking, leaving without permission, obscene language, and vandalism*...[and] black students were more likely to be referred to the office for *disrespect, excessive noise, threat, and loitering*” (p. 334, emphasis in original). While the white students in Skiba et al.’s study were punished for more obvious infractions, the black students faced discipline for behaviors that, in many ways, could be subjectively interpreted as problematic or non-problematic, depending on the situation and context. In essence, the teachers’ subjective interpretations of minority students’ behaviors can perpetuate and facilitate the growing “racial discipline gap.”

When examining the role of school disciplinary practices in minority students’ lives, we must move beyond a narrow focus on teacher’s and school official’s attitudes toward understanding minority students’ experiences with and responses to school discipline. This paper examines the ways in which minority youth perceive disciplinary practices in secondary schools by not only examining school official’s attitudes and practices, but by also taking a close look at the role of bureaucratic practices in perpetuating inequality and influencing minority student perceptions of disciplinary practices. In other words, what are the ways in which minority youth make sense of disparate disciplinary practices in urban schools? How is this phenomenon informed by bureaucratic structures? How does the process of discipline perpetuate social

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1 In this study, the term “minority” is used to refer to both African-American/black students, and Hispanic/Latino students. Although the two groups have very unique histories of racial development in this country, I focus on their shared experiences and outcomes in this study as many structural issues have been found to affect both groups simultaneously. I use “minority” interchangeably with “students of color” and “black and brown students.”
inequality within the bureaucratic system, and place these students at a systemic disadvantage?

METHODS

I analyzed qualitative studies and related literature using a series of steps. First, I received guidance from a professor in the field of qualitative research in education who directed me to important literature in the field. Second, I read key theoretical frameworks related to the subject of race and school discipline, and I spent time searching for works that expanded these theories. Next, I conducted searches for relevant literature using electronic databases (including JSTOR, LexisNexis, and Google Scholar). During these searches, I used a combination of search phrases such as “discipline,” “minority youth,” “urban schools,” “school discipline gap,” etc. These criteria returned a large number of results, at which point I reviewed the abstracts of seemingly relevant articles given my research questions. I ultimately examined 43 items in this research. These items included journal articles, books, and online newspaper articles. After sorting out the non-relevant articles, I examined the relevant articles and read the bibliographies of these articles to snowball other pieces of literature in the area. I also gathered raw data from the University of California Los Angeles’ (UCLA) Civil Rights Project to examine racial/ethnic disparities in suspension rates for Jefferson County Public Schools (JCPS). Using this data, I provide a descriptive local example of the racial discipline gap and a discussion of the school-to-prison pipeline.

GUIDING THEORETICAL PERSPECTIVES: LABELING THEORY AND CRITICAL RACE METHODOLOGY

In the 1960s and 1970s, labeling theory emerged in American sociology as a part of a broader focus on the sociology of deviance (Davis 1972). Labeling theory assumes “that societal
reaction in the form of labeling or official typing, and consequent stigmatization, leads to an altered identity in the actor, necessitating a reconstitution of self” (Davis 1972, p. 460, emphasis in original). Rooted in a symbolic interactionist framework, this theory asserts that formal and informal agents of social control have a strong influence on social outcomes through their responses to what is deemed as “deviant” behavior (or a “deviant” person).

Labeling theory is very closely associated with both stereotyping and the “self-fulfilling prophecy.” Stereotypes play a crucial role in facilitating the labeling process as they “create negative categories of undesirables” (Davis 1972, p. 455). In addition, studies like the one conducted by Chambliss (1973) show how labeling during childhood can largely influence social and academic outcomes (something I will be elaborating on later in this study). The self-fulfilling prophecy—a phrase coined by Robert K. Merton (1948) to describe how a prediction can directly or indirectly become true on the basis of expectation—is often a direct result from facing consequential treatment of labels. Richardson’s (2015) work exemplifies this phenomenon by describing the psychological and fundamental effects of the “prison label”—the constant presumption of criminality regardless of the behavior—and how this label entraps individuals in a lifestyle of crime (Richardson & St. Vil 2015, p. 93).

Another key theoretical framework involves critical race methodology, which is a way of both identifying and analyzing the direct and indirect effects of insidiously racist social institutions. Rooted in critical race theory, this framework explores the relationship between race, racism, and power. It looks at issues “in a broader perspective that includes economics, history, context, group- and self-interest, and even feelings and the unconscious… [and] questions the very foundations of the liberal order, including equality theory, legal reasoning, Enlightenment rationalism, and neutral principles of constitutional law” (Delgado & Stefancic
2012, p. 3). The central objective is to give voice to the marginalized experiences of people and communities of color by providing an in-depth depiction of related social phenomenon.

I identified several prominent themes in my exploration of minority youth disciplinary practices in urban schools. I first explore the role of social hierarchy in the formation of a nation obsessed with power and control. Then, I explain how the structure of bureaucracy implemented to maintain the larger state’s emphasis on control is also evident in the school system, and I outline how this structure harms already marginalized minority youth. Finally, I highlight statistics surrounding this phenomenon in a local example: Jefferson County Public Schools.

HIERARCHY IN THE PUNITIVE STATE

Prudence Carter and colleagues (2016) note that, “Racial discipline disparities are a consequence of U.S. history, of the biases and stereotypes created by that history, and of the still-strong divisions in lived experiences between groups that we call ‘races’” (Carter et al. 2016, p. 2). The racial climate that catalyzed biases and stereotypes did not develop in isolation from the broader societal shifts towards a punitive state. In fact, authors Omi and Winant (2015) argue that race, as a “master category” has played a unique, “consummately political” role in the formation and historical development of this country and its structures (Omi & Winant 2015, p. 106, 137). They note that racial ideology is used by the state to both connect and legitimize every day practices and institutions. Thus, when the modern criminal justice system emerged as a part of the state’s emphasis on power and control, race simultaneously developed as an “easy” indicator of who should have the power, and who should be controlled.

Foucault (1975) was one of the early theorists who explored the development of the modern criminal justice system. His work found that punishment was no longer directed at
physically afflicting the body, (although spotlight cases throughout recent history tell us this can permissibly and “inevitably” occur in the process.) He suggested that penal practices not only seek to systematize individual beings, but also aim to structure and “reform” the soul.

Incarceration, then, is not intended to simply confine, but rather it systematically spawns a lower social caste of actors so dangerous and pathogenic that they should not and cannot be integrated into normal society. The people and the communities that they come from deserve to be hyper-policied, labelled, socially restricted, and targeted for interactions with the criminal justice system—at least that is what conservative media and popular political rhetoric tell us.

Incarceration and punishment have been used to manage and control the “problem” of poor urban people of color while simultaneously easing public anxiety about the nature of these communities and the racially insidious policies/practices that created them.

EXPANDING NOTIONS OF CRIMINALITY AND DEVIANCE

Foucault (1975) argues that the shift in punishment from the body to the soul centered on the utility of having the power to control beyond confinement. The criminal had to be thoroughly examined and understood, and from this investigation emerged the broader concepts of “normal” and “aberrant” behavior. Foucault (1975) argues not only that the “delinquent” (born from the social construction of normalcy) replaces the prisoner, but he also implies that this notion had very significant associations to marginalized communities. The label of “deviance” expanded from the individual to the culture, lifestyle, living environment, and family dynamic that that person represented. In the public eye, instances of crime done by minorities were not merely indicative of the faults of that individual, but they represented deeper pathogenic flaws of the entire racial community. The community—as both a reflection and a perpetuation of the
individual—was labeled dangerous, criminal, and worthy of “normal” society’s fear.

Fear, in turn, acts as an impetus for the widespread punitive practices adopted by the State. The government response to (relatively recent) spotlight issues of terrorism, gun violence, drugs, and crime has allowed the nation to—within the past three and a half decades—reaffirm its position as a global master of social control. The “culture of fear”—post-Columbine, post-9/11 era—described by Jonathan Simon (2009) allows for the exaggeration of the national crime reality in both media and political discourse. The influence of rhetoric around mobilizing related litigation is demonstrated by the fact that societal reaction to crime has not occurred in conjunction with actual crime statistics. Reagan’s 1980s campaign achieved the most success racializing fear using nonracial discourse, as much of his campaign centered on welfare and crime. Although less than 2% of U.S. citizens believed drugs were a major problem, in 1982 the Reagan administration launched “the war on drugs” (Alexander 2010). By confining the problem to poor urban neighborhoods, the implication was that it was solely an issue for the inhabitants of these spaces (people of color). Consequently, race emerged in the public perception as a “steady” indicator of criminal likelihood. Race has had a long-standing presence as a factor impacting perceptions of criminality within the legal system since then. And, even more importantly, the impact of race raises questions about whether and how perceptions of criminality among people, particularly young people, spill over into other social institutions, as well.

Michelle Alexander (2010) outlines this phenomenon in the political and criminal justice systems over time. Milestones rooted in equality following the Civil Rights Era led to the eradication of Jim Crow laws and thus the political defaming of overtly discriminatory language. Black people gained increasingly more rights and political mobility to tackle other intersectional
issues of social justice. Multiracial coalitions formed to respond to economic oppression, and the status quo was increasingly excoriated. Because race could no longer be used as a legal basis for discrimination, politicians and the elite who benefitted from the legacy of racial subordination had to find a new way to structurally impose their agenda. A new way of discussing “otherness” in political discourse emerged by framing it as an interest in “law and order” (Alexander 2010, p. 40). Thus, problems of poverty became conflated with personal and familial deficiencies and (thanks in large part to the 1965 Moynihan Report’s assertion of the black family as pathogenic) the deficiencies were racialized.

Public interest in law and order rhetoric spawned the “carceral state,” featuring the United States with “the highest incarceration rate per 100,000 citizens than any other Western industrial country” (Bobo & Thompson 2012). This state carried on the historically accepted notion of black inferiority (Higginbotham Jr. 1996) by racializing both perceptions of crime and the system’s response to crime; as black men represent disproportionately higher levels of engagement with the system at every stage, from traffic stops to incarceration (Alexander 2010). Over-incarceration is not merely a problem in the adult system, either. Youth violent crime rate is the lowest it has been in the past few decades (Sickmund & Puzzanchera 2014); yet, the United States incarcerates more juveniles than any other industrialized nation. In addition, black youth are five times more likely to be incarcerated relative to their white peers (Annie E. Casey Foundation 2016). Therefore, it would seem that both adults and juveniles of color experience a different criminal justice system than their white counterparts.
BUREAUCRACY IN SCHOOLS

The criminal justice system is not the only social sphere fraught with inequality, as the presence of the “school discipline gap” very clearly indicates. Graeber (2015) expands on Foucauldian concepts, writing that the essence of control in this country relates to the “age of total bureaucratization” that we have long fostered. This process is described as “the gradual fusion of public and private power into a single entity, rifle with rules and regulations whose ultimate purpose is to extract wealth in the form of profits…” (Graeber 2015, p. 9). Graeber is, in other words, asserting that power (and thus the power to discipline in public schools) has been centralized and contained in the hands of select individuals/entities. These “actors of bureaucracy” always operate within the interests of the central power—whether knowingly or not—because that central entity endows them with their authority. This system appears at nearly all levels of our social world—from grocery store management to our nation’s government—and, as Graeber points out, it is nearly impossible to get rid of once implemented.

Structural Reproduction

More often than not, when bureaucratic structures develop a practice of marginalization, those with power institute policy that protects their positions (Quadagno 2009). Tilly (1998) highlights the way in which inequality, particularly systems of inequality, evolve in ways that allow for their reproduction. Tilly (1998) states that there are five ways systems of inequality reproduce themselves. The first is by setting individuals apart from one another through a process of categorization. The second way is through those in disadvantaged groups commanding and exploiting resources from others. In turn, advantaged groups benefit greatly from those resources. The third way in which inequality reproduces itself is through opportunity
hoarding in which advantage groups create closed circles that enable their members to access valuable resources within those circles. Tilly then argues that one organization will copy the practices or social relations of another organization by implementing its policies and practices. Finally, Tilly asserts that organizational structures then become embedded in daily routine and influence political relationships and decision making to the extent where alternative practices are devalued and difficult to implement.

The Increased Presence of Disciplinary Regimes

When it comes to the institution of public schooling, bureaucracy plays a harmful role, as it continues to reproduce itself via the process described by Tilly (1998), and often mimics the punitive stance of the criminal justice system. Kupchik’s (2010) four school comparative analysis offers a descriptive exploration as to how this can occur. His study argues that modern-day discipline within schools involve students frequently being “dealt with” by school officials—vice presidents, school resource officers, etc.—rather than teachers (or other adults who have established a relationship with the student(s). These actors make up what is known as the “disciplinary regime,” or the handful of school officials that dominate decisions over who gets punished and in what way. Because these officials are less likely to know and have a relationship with the students, they are granted the privilege of ignoring the underlying causes of misbehavior while instead familiarizing students with structural punitive practices that mimic the hyper-policing and surveillance practices of the wider society.

Furthermore, Kupchik notes that this phenomenon is widespread across schools in the U.S.; they are all ineffectively using the same punitive policies despite different security needs. One longitudinal study conducted by Fabelo et al. (2011) tracked every Texas middle school
student over the course of six years. The study found that institutional policies and practices, rather than student behavior, were the prevailing force behind the state’s suspension rates (Fabelo et al. 2011). Similarly, Lewis and Diamond’s (2015) study, in which data and interviews were all collected within a suburban high school and the surrounding community over the course of five years, also discovered that discipline was administered disproportionately based on race due to structural policies and practices (Lewis & Diamond 2015). These findings show, once again, that discipline practices are ultimately the result of bureaucratic entities implementing polices that those under their governance are expected (and trained) to abide by. The uniform nature of centralized disciplinary practices in schools exemplifies a deeper, more insidious motive of bureaucracy and these “actors of the state”: that their ultimate role is to perpetuate the status quo of U.S. society by participating in this system.

Although discipline is intended as a uniform measure for all students, it is unfortunately not always applied equally amongst the students. One security guard quoted in Diamond and Lewis’s (2016) study, known as Mr. James, asserts that, “The [handbook] book … This is our guide. It tells us the discipline rules. It tells us the consequences … We don't care if you're white, black Hispanic, Russian, Asian, Hebrew, Chinese. We're going to follow that book…” (Diamond & Lewis 2016). In this statement, Mr. James is reflecting the official view on school rules and regulations—that they are created and agreed upon by administrators, and then equally allocated to the students. However, he later acknowledges that this is not always the case in practice: when discussing the disadvantaged students in relationship to their more privileged peers, he says that, “they're seen as rude, disrespectful, impolite…. And they don't generally get away with [anything]” (Diamond & Lewis 2016). This reality is also recognized by the students in the study like Tiffany, who, when describing the enforcement of the school dress code, acknowledged that
“you see a lot of white girls wearing spaghetti straps, halter-tops, tube tops stuff that we [black girls] would get sent home for” (Diamond & Lewis 2016). Thus, while school rules are supposed to apply to all students, it would seem that minority students are the ones who receive disproportionate enforcement, and this fact is perceived by both students and administrators.

Group Position in the Facilitation of Bureaucracy

When teachers are the driving force behind discipline decisions, they are most likely operating from the lens of group position. Herbert Blumer (2012 [1956]) describes this sociological phenomenon, stating that people do not so much come from a place of individual experience but rather “[focus] on the collective process by which a racial group comes to define and redefine another racial group” (Blumer 2012 [1956], p. 117). The sense of group position as it relates to race can be seen in many ways. Recent high profile cases in which police have killed unarmed black people (including youth) have further dichotomized race in the nation—and have especially worsened the relationship between communities of color and law enforcement/authority. Blumer’s work (2012[1956]) outlines how a “big event” in the media can play a role in “developing a conception of the subordinate racial group” (Blumer 2012 [1956], p. 121). He further writes that, “[The big event] touches deep sentiments, [raises] fundamental questions about relations, and… awakens strong feelings of identification with one’s racial group” (Blumer 2012 [1956], p. 121). Thus, when a student of color misbehaves inside the classroom, a white teacher or administrator is more likely to view that behavior as evidence of the pathology of the black community, rather than the individual circumstances of that student that are causing him/her to act out. This phenomenon occurs generally unbeknownst to the well-intended
teachers and administrators that interact with racially and ethnically diverse students. Most authoritative figures within the school system do not actively seek to perpetuate racial inequality, and they seldom harbor explicitly racial prejudices. It is, however, more likely that these individuals are reacting to minority students from a perspective of group position, and viewing that student as a product of his/her community.

Theoretical research suggests that it is easier to accept arguments about the innately criminal nature of minority students, rather than investigate the root causes of misbehavior. Massey (2009) points out that developing ways to categorize social experiences is a normal psychological process. Drawing on William Graham Sumner’s (2017 [1906]) work on in-group and out-group dynamics, Massey states that as individuals live out their daily lives, they develop schemas based on a mental organization of conceptual categories that allow us to make sense of our social world as efficiently as possible. However, these categories do not exist without some form of social cognition. In other words, it is not enough that individuals develop these categories but that they also create an evaluated component around them. Massey argues that those individuals that do not fall within our in-groups may still envoke warm feelings as an out-group, however there is little belief in their competence (i.e.: people who need help.) Other out-groups contain people toward whom there are no warm feelings but a belief in their competence (people who are perceived as a “threat”); or, people toward whom there is no warmth nor belief in their competence (people who are neither likable or capable).

In this regard, it is entirely feasible that well-meaning teachers might succumb to the belief that students belonging to the teacher’s “out-groups” either need more help than they actually do because they are less capable than those students belonging to the teacher’s in-group; or, that the students are more of a threat than they actually are. When it comes to discipline, this
can occur in many ways: giving a student of color a harsher punishment to “teach them a lesson,” interpreting behavior as violent and punishing the behavior as such when it may not be, or even refusing to create meaningful dialogue with that student regarding threatening behavior under the belief that that child “can’t be saved.” Again, this cycle does not necessarily rely on a teacher or school official’s personal bias against an individual, but rather their reaction to a particular group.

One male student from the McHugh et al. (2013) study noted that, “I have a brother. He’s the total opposite of me and . . . [teachers] judge me like to my brother’s standards, and I’m a whole different person (Male, PA3)” (McHugh et al. 2013, p. 25). In other words, this student feels as though he is forced to bear a label carried over to him from his brother. Similarly, a student named Ruben from Rios and Galicia’s (2013) study described how, “It’s like they never really liked me because they knew my family [his older brother and cousins had dropped out of school] and were just waiting for me to slip” (Rios & Galicia 2013, p. 62). Thus, administrators aren’t responding to the individual’s behavior, but rather their perceptions and assumptions based on the student’s social identities. The role of bureaucracy in perpetuating racial inequality is also important in these disparate experiences and outcomes.

*Teacher and Administrator Participation in Bureaucracy*

School officials (teachers, administrators, etc.) often do not deliberately or knowingly uphold a system of oppression and racial inequality. Rather, they are trained to operate within a system that covertly perpetuates these inequities through frames of logic and reason. In other words, teachers and administrators participate in the bureaucratic disciplinary regime because they are trained and encouraged to do so by their superiors. Suspensions and other disciplinary
actions are evidence of something being done about the problem of misbehaving youth. These responses coincide with political pressure to get “tough on crime,” and allow schools to maintain their mantra of zero tolerance while putting concerned parents at ease and keeping administrators in good standing with the public. School officials are instructed to use suspension and expulsion rather than investigate root causes or implement restorative disciplinary practices, and this disproportionately places minorities at a disadvantage because of subjective interpretations of misbehavior.

This reflects the alarmingly paradoxical nature of the public education system: schools are not viewed as being implicitly hegemonic and oppressive, but rather they are understood to be places in which individual character, hard work, and merit push students forward in their academic careers. While meritocracy is a key component of the school system, it is used to mask the more insidious nature of implicit racial bias. Kupchik’s (2010) study notes that African American students are more likely to be punished because they get worse grades than their white counterparts. Kupchik states explicitly that, “the fact that grades mediate the effect of race on getting into trouble illustrates how racial disproportionality in school punishment is veiled and made to seem fair” (Kupchik 2012, p. 172). Studies have shown, however, that students of color do not have equal chances of academic achievement to begin with, due to the lack of texts and activities that nurture their unique cultural, social, and emotional academic needs (Tatum 2005, p. 43). In addition, we would be inaccurate to assume that minority students at this age are not cognizant of this reality. One female student interviewed for the study conducted by McHugh et al. (2013) offered that, “the teachers that don’t really know me, they just judge me by my academics and stuff (Female, CA2)” (McHugh et al. 2013, p. 26). This quote indicates that students realize teachers read their academic performance as a measure of their identity and that
this reality places them at a disadvantage when it comes to teacher-student interactions. Thus, well-meaning teachers perpetuate a covertly racist system of educational disadvantage on behalf of the institution, overall.

Amanda Lewis and John Diamond’s (2015) in-depth qualitative and quantitative study found that many teachers viewed their white students as academically capable, while the black students were viewed as significantly less capable, even if they demonstrated similar academic skills. A teacher that operates under this belief is likely to find an alternative punishment rather than suspension, expulsion, or formal adjudication when a white student misbehaves if the teacher believes that a white student’s grades represent the student’s potential in the future. However, the same teacher may not avoid longstanding punishments for a student of color if the teacher perceives the student of color as underperforming in academics. Meritocracy is the belief that the presence of success, or lack thereof, is justified; so when students of color fail, the notion is that is exactly what he/she deserves.

YOUTH INTERNALIZATION OF SUBORDINATE TREATMENT

The dangers of the school discipline gap become real as minority students are socialized into accepting their marginalized position as normal. Bowles and Gintis (2011 [1976]) argued that the primary goal of education in the U.S. is to promote conformity in a capitalist society rather than to create critical thinkers. While their work was dealing specifically with class inequality, one could argue that their theory can also be applied the way in which race is considered in the criminal justice system. Schooling serves as a crucial medium for youth to learn their role within social hierarchy, and minority youth are conditioned to normalize disciplinary routines and over-surveillance in their communities. Thus, their relationship to the
bureaucracy (and their position within that hierarchy) is always intended to be one of subordination. White supremacy is reinforced as minority youth experience the ever-present threat of punishment and, in turn, accept this exposure as normal.

For this project, I systematically catalogued youth quotes from adolescents interviewed in various journal articles in which the author engaged in qualitative research. While reading through these quotes, I found two main themes that highlight how youth describe having a heightened awareness of a subordinate position: (1) that their lives were being constantly defined by their criminal/deviant status, and (2) that in the process of trying to resist negative labels and subsequent treatment, the youth were pushed to embody their criminality. One participant in Rios’ (2006) study, Ronny, describes how his every day interactions are governed by the assumption that he will continue to engage in particularly criminal behavior:

At school my teachers talk about calling the cop again to take me away . . . cop keeps checking up on me. He’s always at the park making sure I don’t get in trouble again . . . my P.O. [probation officer] is always knocking on my door trying to talk shit to me . . . even at BYA [the local youth development organization] the staff treat me like I’m a fuck up again . . . (Rios 2006, p. 48).

Although Ronny details various entities that contribute to his feelings of being constantly surveilled (teachers, cops, probation officers, and the staff at BYA,) it is the teachers at the school that provide the ongoing threat of criminal justice involvement via their own discretion. These teachers undoubtedly contribute to the persistent interactions with law enforcement. The teachers not only amplify the enduring risk of police interference, they also help foster an atmosphere in which students like Ronny feel as though they are being judged, degraded, and written off as nothing more than “bad kids.” When a student of color does misbehave, they find
that they are unable to get back on the right track as the label continues to follow them and guide their every-day interactions.

Rios (2006) also describes how, “The youth felt that on an every-day level, their lives were being defined and controlled through discourses and practices of crime and policies related to crime even when they were not committing crime” (Rios 2006, p. 43-44). Youth confirmed that this hyper-criminalization, as Rios calls it, occurs in multidimensional layers from family and community members to school administrators and probation officers. Another participant in Rios’ study, Jose, echoed the sentiments of his peer, Ronny:

Man, it’s like everyday teachers gotta’ sweat me, police gotta pocket check me, mom’s gotta’ trip on me, and my P.O.’s gotta stress me… It’s like having a zookeeper watching us at all times. We walk home and we see them [probation officers and police], we shoot some hoops and we see them, we take a shit at school, and we see them… (Rios 2006, p. 44-45).

Jose is describing how the constant surveillance of minority youth serves to reinforce the status quo in that there is an ever-present threat of discipline to befall youth who fall short of behavioral expectations. In Rios’ later study with Galicia (2013,) he writes that the young males surveyed, “felt as though their schools and communities were working towards pipelining them into incarceration, particularly when they were being arrested in their respective schools, and, later, fined by the courts for minor infractions” (Rios & Galicia 2013, p. 59). In essence, their every move is not only being observed, but the observation itself controls the behavior; as minority students will often avoid certain spaces (like school, itself) to bypass negative encounters with authority figures. Minority students, like those surveyed by Rios alone and through his partnership with Galicia, understand that they will not be granted the benefit of the doubt when it comes to misbehavior; rather, their actions will have severe consequences inside the school, and in the formal criminal justice system. Even when infractions are non-violent,
(and in most instances, they are,) youth of color are still criminalized and treated as though they pose a serious risk to our society (Rios 2006, p. 50).

Moreover, many students reported that their attempts to resist negative labels and subsequent negative treatment often translated into embodying their perceived criminality. Labeling theory describes how in the process of trying to navigate their social environment and counter their criminal treatment, minority youth are often pushed to personify these adverse characterizations. Ronny, the student previously mentioned in Rios’ (2006) research, voiced this exact phenomenon:

Shit don’t change. It doesn’t matter where I go, I’m seen as a criminal. I just say, if you are gonna treat me as a criminal than I’m gonna treat you like I am one you, feel me? I’m gonna make you shake so that you can say that there is a reason for calling me a criminal . . . I grew up knowing that I had to show these fools [adults who criminalize youth] that I wasn’t going to take their shit [sic] I started to act like a thug even if I wasn’t one . . . part of it was me trying to be hard, the other part was them treating me like a criminal (Rios 2006, p. 48).

Ronny is describing how negative expectations not only depress his sense of self-worth and create barriers to positive social navigation, but they also lead to behavioral performances that align with his assigned negative label. Rios (2006) found that “both resistance and expectations of negative encounters with school and justice authorities become normalized as routine features,” and these repeated interactions led to developed expectations that became anchored into their identity. These juveniles did not want the label, “deviant or criminal,” but once that label was applied, they fell into a spiral of criminal behavior (Rios 2006).

Anderson (1994) describes how the circumstances in the ghetto—including lack of jobs that pay a living wage, stigma of the race, widespread drug use/trafficking, etc.—place youth at risk to fall victim to aggressive behavior, especially when they have been pushed out of the
classroom. In other words, youth who live in communities full of oppression, fear, and violence are likely to undesirably witness and be the victim to violations. Rendon notes how the “threat of violence punctuates and organizes the daily lives of male urban youth” because youth actions are done with and for their peers (Rendon 2014, p. 62). The “profound sense of alienation” that many people of color feel can push urban youth into obligations and expectations for peer relationships, as these friendships serve as “physical and symbolic protection” (Anderson 1994, p. 82; Rendon 2014, p. 76). Rios and Galicia (2013) describe how this can occur, writing that, “Negative encounters with police, schools, and community centers led the boys into the streets to seek out older boys, with whom they would feel that they were affirmed and protected” (Rios & Galicia 2013, p. 61). Thus, urban minority youth choices are guided by this desire for protection and acceptance. As they find themselves increasingly pushed out of “normal” spaces and marginalized both in the classroom and in the community, they find alternative ways to create space for acceptance, meaning, and protection in their lives that often, unfortunately, means succumbing to deviant lifestyle choices.

THE SCHOOL-TO-PRISON PIPELINE

Prudence Carter and colleagues (2016) write that, “The more students are removed from school through suspension and expulsion, the more they vanish from graduation stages and fill the pipeline to prison” (Carter et al. 2016, p. 2). Rios and Galicia (2013) define the “school-to-prison pipeline” as “the processes that continue to inequitably classify youth along racialized class lines through mass education, and then pipeline them into the growing prison-industrial complex” (Rios & Galicia 2013, p. 56). In essence, this phrase describes a mechanism in which
schools trigger the criminalization process that is then carried over into the formal criminal justice system. The school-to-prison pipeline occurs by way of the following processes:

- Youth who misbehave in schools and are consequently suspended are more likely to drop out of school altogether. A study by the UCLA Civil Rights Project found that, “…being suspended even once in ninth grade is associated with a twofold increase in the likelihood of dropping out, from 16% for those not suspended to 32% for those suspended just once” (Losen & Martinez 2013, p. 1).
- Once removed from the school building, juveniles seek an alternative social avenue for acceptance and meaning in their communities. Losen & Martinez (2013) note that when a student is frequently removed from the classroom by way of suspension, it is a huge concern and risk for the community “because it increases student disengagement and diminishes trust between students and adults” (Losen & Martinez 2013, p. 20). For many urban minority youth, who are often already considered at risk because of their communities, this means engaging in what Anderson (1994) coins as “the code of the streets,” or “a set of informal rules governing interpersonal public behavior, including violence” in which obligations and expectations to peer groups generate deviant/criminal behavior (Anderson 1994, p. 82). Youth choose to immerse themselves in this lifestyle for acceptance and protection after they fail to find these values in the school system, and subsequently invite a greater criminal justice system presence in their lives.
- Another way the pipeline can occur is through the school choosing to directly “hand over” a student to the juvenile justice system after an infraction occurs. This situation is most easily facilitated by the presence of school resource officers (SROs), and accurately describes what happened when the vice principal at my high school caught those three
black males smoking in the school parking lot. In this sense, officials and administers choose whether a school-related offense deserves the involvement of the formal justice system based on their own perceptions of the student, and the misbehavior.

Thus, despite much of the argument for the existence and perpetuation of the racial discipline gap being theoretical, statistical evidence points to the fact that the school-to-prison pipeline is facilitated in public schools throughout this country. Central to the facilitation of the pipeline is the reality that students are harshly disciplined in schools for nonviolent offenses, then later processed by the courts (Losen and Martinez 2013). As juveniles are subject to this differential treatment in schools, they can normalize negative interactions and internalize their criminal label. The result is a state in which the subordinate status of minority youth is framed, formed, and labeled.

Once youth of color are processed in the criminal justice system, it is much more likely that they will receive harsher treatment (Rios 2006). Rios (2006) writes that, “In California, youth of color are 2.5 times more likely than white kids to be tried as adults and 8.3 times more likely to be incarcerated by adult courts. Ninety-five percent of all juveniles sent to adult court are youth of color” (Rios 2006, p. 41). The already-existing stark racial disparities in mass incarceration are therefore maintained through this process, and (in many ways) are further solidified. Rios & Galicia (2013) also frame this reality statistically, noting that:

The United States has now reached a point where an average of 600 juveniles are arrested each day, and where every black boy born in 2001 has a one-in-three chance of going to prison, while a Latino boy, born in the same year, has a one-in-six chance of facing the same fate (Rios & Galicia 2013, p. 55; Campaign 2008).
There is little dispute that racial disparities exist within both the prison and the juvenile detention system. Although there are several factors that contribute to these disparities, schools play a role in facilitating the funneling of youth into juvenile detention centers and prisons.

One aim of this study is to specifically examine the school to prison pipeline in Jefferson County. My focus centers on JCPS because I have some experience with living in the city of Louisville, where Jefferson County is located. It is one of the only “urban” school districts in the state of Kentucky, and serves more than 100,000 students (about 1 in every 7 kids in Kentucky) (JCPS 2017). Furthermore, the school district has a very rich history, as the district was formed after The Kentucky Civil Liberties Union, Legal Aid Society, and National Association for the Advancement of Colored People filed federal lawsuits soliciting desegregation by way of merging Louisville, Jefferson County and Anchorage school districts in the early 1970s (Ross 2015). In 1974, a U.S. District Judge ordered the school systems to desegregate and a merging plan (that was heavily reliant on busing) was put into place. In the decades to follow, the district experimented with various plans—busing, zoning, quota systems, and new boundaries—in an effort to remove the vestiges of segregation and maintain racially diverse schools. Currently, and as of 2012, JCPS assigns students to schools based on a combination of factors, (including parental or family preference). Specifically, the school district “classifies the district’s census areas into three categories based on income, education and minority population and requires each school to fall within a diversity index based on those categories” (Ross 2015).

Judi Vanderhaar and colleagues (2013) provide a longitudinal analysis of the effect that school suspensions have on alternative schooling placements and subsequent juvenile detention. These authors examined students enrolled in 3rd grade in 1997-1998 in Jefferson County for ten
years in order to, “learn more about the relationships between out of school suspension, the use of disciplinary alternative school placement and to explore any relationship they might have to the racially disparate juvenile justice system involvement” (Vanderhaar et al. 2013, p. 7). Their study not only reaffirmed decades of research on the racial discipline gap by showing that minority and poor children are subject to disproportionate suspensions, but they also found a connection between suspensions and alternative school placement in which suspension was, “demonstrated to be the strongest predictor even when controlling for the effects of poverty, mobility, and grade retention” (Vanderhaar et al. 2013, p. 17). According to the authors, disproportionately allocated suspensions and placement in alternative schools both represent exclusionary discipline practices that have been proven ineffective at deterring future misbehavior. Once students are placed in alternative schools, there is a strong likelihood that they will be further involved in the juvenile justice system in an obvious perpetuation of the school-to-prison pipeline.

More recent data suggests that the phenomenon described by Vanderhaar et al. (2013) has continued to occur in JCPS. According to data collected by UCLA’s Civil Rights Project on the 2011-2012 school year, 15.76% of the total number of students enrolled in secondary schools faced suspension during that school year. About one in four (25.5%) black students were suspended, while only around one in ten (10.26%) white students were suspended. The insidious nature of racial disparities is further established when you consider that white students make up around 53% of total enrollment, while black students comprise only around 37%. The difference can also be considered stark for Latino students: around one in ten (10.53%) Latino students were suspended despite only accounting for around 5% of the total enrollment (The University of California 2018).
It is clear that across racial/ethnic status, students are affected to some degree by the overuse of suspension in JCPS; however, minority students are affected at disproportionately higher rates. Prior research on the manifestations of the school-to-prison-pipeline suggests that these minority students, who are affected differentially by school discipline practices, will likely be processed in the formal criminal justice system as a result of spiraling consequences from being suspended. These statistics are even more alarming when one considers the fact that the state of Kentucky is ranked number two in the nation for detaining youth charged with nonviolent, status offenses (Blueprint for Kentucky’s Children 2010). As the largest school district in the state, JCPS undoubtedly contributes heavily to this ranking, highlighting the change in disciplinary practices that must occur within the district to create a more equitable public school system.

CONCLUSION

The school discipline gap has continued to expand throughout recent years despite the declining trends in youth violence (Sickmund & Puzzanchera 2014). Minority youth are disproportionately disciplined in schools and processed through the courts for mostly non-violent offenses (Losen & Martinez 2013). One factor contributing to this expansion is the subjective interpretation of minority youth behavior on the part of school teachers (Milner IV 2013; Skiba et al. 2002). Group position, the implicit biases that come with said position, and the continuance of historical racial subordination ideology all influence the way that school authorities perceive and respond to threat and disrespect (Blumer 2012[1956]; Carter et al. 2016; Massey 2009). Minority youth are often not granted the benefit of the doubt and are instead recognized as simply a product/perpetuation of a pathogenic family, community, or peer group. Teachers may
be well-meaning in their intentions, but they still can have a major hand in the facilitation of a racist education system by readily accepting the notion of innately criminal minority students, even if it occurs at the subconscious level and they do not hold explicitly racist biases.

Another component to the widening discipline gap is the presence of “disciplinary regimes” (Kupchik 2012). This can be described as the handful of school authorities—the vice principal, dean of students, school resource officers, etc.—that are endowed with the authority to handle issues of classroom misconduct in whatever way they see fit. Because these actors seldom interact with the student regularly, they are granted the privilege of ignoring underlying causes of delinquent behavior, and often implement structural punitive practices supported by “zero-tolerance” rhetoric. These two factors work to facilitate the school discipline gap, and act as evidence of bureaucracy (centralization of power and perpetuation of the status quo) in schools.

The negative effects of the school discipline gap are so profound because they are insidiously rooted in structure and framed under the guise of logic and reason. On the surface, uniform discipline practices in schools remove distracting/seemingly uninvolved students from the classroom so that their “more deserving” counterparts have access to a smoother learning environment (Losen & Martinez 2013). The “disciplinary regimes” that handle student misbehavior allow a teacher to regain control of his/her classroom swiftly, and offer tangible evidence of the school maintaining law and order so administrators are kept in good standing on the local political stage. However, when you consider this reality through the lens of critical race methodology, it becomes clear that these processes do not leave space for minority youth to correct misbehavior that is, oftentimes, indicative of other issues (Kupchik 2012).

Ultimately, youth of color are well-aware of their disparate treatment. Recurring negative
experiences with teachers and other authoritative figures within schools cause these students to both internalize their subordinate treatment and normalize undesirable interactions with authority and surveillance. In the process of trying to push back on negative labels, youth are often prompted—by prospects of acceptance, protection, and/or rebellion—to engage in behavior that embodies their criminal label (Rios 2006). Thus, the cycle of being labeled as criminal/deviant and targeted for negative interactions is perpetuated and maintained, and minority students continue to drop out of school seek a defiantly alternative route (Losen & Martinez 2013). The largely bureaucratic structure of the school system and its close ties with the criminal justice system uphold this status quo by actively participating in its facilitation.

Studies also show that as minority youth are both push out of and pulled from the classroom, they are increasingly funneled into the court system. The school-prison-pipeline describes this phenomenon: youth are either pushed into deviant/criminal behavior after being suspended from school as they seek acceptance and protection, or, they are directly pulled into the system by discretion-based choices for infractions on the part of school officials and administrators (Losen & Martinez 2013). Regardless of the means, the end result is the same: this process continues to contribute to already significant racial disparities in the criminal justice system.

Although black and brown individuals are harmed most directly and saliently, ALL members of society are harmed to some degree via this system. As Lewis and Diamond (2015) point out, black students are not the only ones perceptive of disparate discipline practices in schools; white students also recognized that the black and brown students were treated worse. This reality continues to perpetuate racial inequality in our society as hierarchical positions are internalized and acted out. Disparate discipline practices such as suspension offer no “gains in
achievement”; they instead guarantee consequences that are both social and economic in nature (Losen & Martinez 2013).

LIMITATIONS

This paper is largely theoretical and does not supply any original empirical data. However, it has illuminated another area in which black youth are both exploited and discriminated against. As I outlined in this paper, the threat of violence for people of color typically accompanies the presence of institutionally sanctioned agents of control. I highly recommend that empirical analysis be conducted on the effects that the racial discipline gap has on brown and black students being filtered into the criminal justice system, especially in the local setting of the JCPS system. At present, there is very little longitudinal data available to the public from JCPS and other school districts on the direct effects of suspensions/expulsions on incarceration rates. In addition, this paper provides a general overview of youth in schools and how labeling impacts their development and interactions. It does not account for the nuances of gender, social class, and disability status, nor does it incorporate comparative data from suburban and rural neighborhood schools. Future research should include a discussion of intersectionality and its role in this phenomenon; specifically, it should examine the way in which school discipline may be disproportionately allocated to Latinx students, LGBTQ students, Native American students, disabled students, and students with mental illnesses. Future research should also look at more specific ways in which the school-to-prison pipeline is likely facilitated (i.e., the presence of SROs, the use of metal detectors, the structure of class schedules, etc.). Findings from the current study add to conversations regarding the impacts of labeling and the use of punitive practices for non-violent infractions.
POLICY AND PRACTICAL CHANGES

Although scholars acknowledge that structural systems of inequality embedded in institutions are incredibly difficult to negate, there is a growing amount of research that suggests we can impede the process of the school-to-prison pipeline. While issues of racism are manifested in all spheres of our society and require institutional change on many fronts, I focus specifically on encouraging youth empowerment and belonging, rather than large-scale changes. The following suggestions should be considered as a part of an effort to reduce the school discipline gap and hinder the facilitation of the school to prison pipeline:

- Implement and promote restorative justice policies for discipline rather than punitive ones. “Talking circles” or other dialogue-based measures, for example, promote healthy discussion amongst peers and adults. They have been proven to be a more effective problem-solving approach to conflict, and familiarize students with de-escalation techniques and communication skills that will ease the situation and future ones (Gonzalez 2015; Wadhwa 2016).

- Create student leadership/empowerment workshops in which students can engage in dialogue around self-identity and development. These workshops should be centered around community amongst students and across faculty-student lines.

- Teachers and other school authority figures should be knowledgeable about the racial discipline gap and the way that they are likely facilitating it. This will also promote individualize treatment for instances of misbehavior, as adults will be made conscious of the insidious nature of this phenomenon and will be therefore better equipped to create
meaningful change in their school communities. This could occur as a part of the state initiative mandating diversity training for all faculty and staff.

- Grant disciplinary power back in the hands of teachers or other school figures who are closely familiar with a student’s character and background (Kupchik 2012). This would better ensure that instances of student misconduct are contextualized and treated on an individual basis. Teachers should also be encouraged to work more closely with parents to help develop long-term solutions to instances of student misbehavior.

- Teachers should be directed and trained on how to create a socially and culturally benevolent classroom that will structurally assist in empowering minority students. According to Cummins (1986), this includes, “the incorporation of minority students’ culture and language, inclusion of minority communities in the education of their children, pedagogical assumptions and practices operating in the classroom, and the assessment of minority students” (Cummins 1986, p. 24).

- Schools should identify “at-risk” youth early on and dedicate resources focused on counseling, mentorship, and tutoring to invest in their secondary education completion (Rios & Galicia 2013; McHugh et al. 2013). This should include leadership and support groups to create a sense of belonging amongst marginalized youth. Schools should also assign fewer resources towards measures that have been proven ineffective, like the use of school resource officers\(^2\), and redirect those resources towards mental health/counseling programs, and social welfare initiatives for low-income or “at risk” students.

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\(^2\) A 2013 report published by authors James & McCallion found that “while the results of the survey show that SROs are undertaking actions that might contribute to safer schools, they do not indicate whether these actions reduce school violence… there are few available studies that have reliably evaluated their effectiveness” (pg. 9).
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