Criminalization and Discrimination in Schools: The Effects of Zero Tolerance Policies on the School-to-Prison Pipeline for Black Girls

by Sarah Aldridge

"As non-White people, they are perceived as inherently violent; as nonwealthy youth, they are viewed as in need of discipline and control; and as girls of color, they are believed to be lacking morals and values. Thus, the body of a Black or Brown girl is seen as simultaneously an inherent threat to school officials and other students as well as a threat to her own safety and well-being" (Bae-Dimitriadis & Evans-Winters, 2017, p. 418).

Criminalization and Discrimination: The School-to-Prison Pipeline

On March 28, 2007, two police officers were brought to Avon Elementary School in Avon Park, Florida, to control a student who was reportedly "violently" disrupting class and posing a danger to those around her (Herbert, 2007). The student in question, a kindergartener named Desre'e Watson, was handcuffed, taken into custody, fingerprinted, and had her mugshot taken. The six-year-old was subsequently charged with a felony, battery on a school official, and two misdemeanors for the disruption of a school function and resisting a law enforcement officer—all the result of a young Black girl's tantrum (Herbert, 2007).

This story is not unique. As early as preschool and kindergarten, students of color and particularly Black girls across the United States are subjected to disproportionate punishment and discipline for their behavior in school settings, leading to their exclusion from the classroom and their incorporation into the school-to-prison pipeline. The school-to-prison pipeline is a phenomenon which criminalizes student misbehaviors and increases a student's likelihood of involvement in the criminal justice system. In 2015, approximately 48,000 youth were confined in residential placement facilities on any given day (Office of Juvenile Justice and Delinquency Prevention, 2017). Furthermore, African Americans, Hispanics, Asian Americans and Pacific Islanders, and Native Americans account for over two-thirds of the youth in juvenile correctional facilities, despite only making up a combined 33% of the nation's youth population (Armour & Hammond, 2009). The disproportionate incarceration of youth of color

has been expanded by the school-to-prison pipeline, primarily through the amplification of punitive discipline and zero tolerance policies in American classrooms and the growing influence of law enforcement in public schools. As a result of these combined practices, the school-to-prison pipeline effectively ushers poor students and students of color out of their classrooms and into the criminal justice system (Crenshaw, Ocen, & Nanda, 2015; Morris, 2012; McNeal, 2016; Rodriguez Ruiz, 2017). Social justice scholar Monique W. Morris (2012) elaborates that while school-related arrests are the most direct route into the school-to-prison pipeline, suspensions, expulsions, and referrals to alternative schools also "push students out of school and closer to a future in the juvenile and criminal justice systems" (p. 2).

Criticism of the school-to-prison pipeline has often focused primarily on the disproportionate punishment of young men of color. However, this paper focuses specifically on Black girls' experiences with criminalization and punitive discipline in schools. Nationally, Black girls face increasing levels of disciplinary actions at the hands of teachers, school administrators, and school-based law enforcement. While Black girls make up only 16% of the female population nation-wide, Black girls without a disability constitute over half of all girls in schools with more than one out-of-school suspension, and over 33% of all school-related arrests of girls across the nation. Lastly, Black girls have been shown to receive harsher sentences than girls of any other racial or ethnic group once they have entered the juvenile justice system and are the fastest growing demographic group in the juvenile justice system (Bae-Dimitriadis & Evans-Winters, 2017; Sherman, 2012).

Recent studies have shown that "while Black girls and boys share a common racialized risk of punishment in school, Black girls face a statistically greater chance of suspension and expulsion compared to other students of the same gender" (Crenshaw et al., 2015, p. 23). For example, during the 2011-2012 school year, Black males were suspended three times as often as their White classmates, while Black girls were suspended six times as frequently as White girls (Bae-Dimitriadis & Evans-Winters, 2017; Crenshaw et al., 2015). Furthermore, a case study of public schools in New York City during 2011-2012 found that Black girls made up 90% of the female student population that faced expulsion, while zero White girls were expelled from schools (Bae-Dimitriadis & Evans-Winters, 2017; Crenshaw et al., 2015). In order to further understand the magnitude of this disparity, Crenshaw et al. imagined that one White girl was expelled from school in NYC during the 2011-2012 school year and calculated that Black girls were expelled at a rate 53 times higher than their White female classmates. Meanwhile, Black male students were expelled at a rate ten times higher than White male classmates in New York City (Crenshaw et al., 2015). Therefore, it is probable that the intersecting gendered and racialized identities of Black girls place them at a higher risk of pushout and punitive discipline than young men of color, and certainly at a higher risk than White girls. For this reason, this paper analyzes the experiences of female students of color to center their experiences in the discussion regarding the school-to-prison pipeline and zero tolerance policies.

Causes of the School-to-Prison Pipeline: The Gun Free Schools Act of 1994, Zero Tolerance Policies, and the Influence of Law Enforcement in Public Schools

One of the primary causes of the school-to-prison pipeline is the expansion of zero tolerance policies in K-12 public schools across the nation. Howard (2016) argues that "zero-tolerance criminal policies have increasingly ensnared young people as the 'lock 'em up' mentality…of the adult criminal justice system has also been applied to the juvenile justice system" (p. 104). Zero tolerance policies in schools have created minimum requirements for disciplinary actions to student misbehaviors,

often without any consideration of the unique circumstances of the incident or whether the punishment matches the behavior (Rodriguez Ruiz, 2017). The first comprehensive zero tolerance policy implemented in public schools across the United States was the Gun Free Schools Act of 1994, which required that K-12 schools funded under Title I of the Elementary and Secondary Education Act must immediately expel any students found in possession of a gun within 1,000 feet of the school campus (McNeal, 2016; Rodriguez Ruiz, 2017; Wun, 2016). The Gun Free Schools Act was introduced as a part of the Improving America's Schools Act in 1994 and was signed into law by former President Bill Clinton on March 31, 1994. Soon after passage, states and local districts expanded the zero tolerance ideology of the Gun Free Schools Act to further enhance the goal of deterring school crime and creating a more efficient disciplinary process. By 1998, 90% of schools used zero tolerance policies for possession of firearms and weapons, 87% for possession of drugs or alcohol, and 79% for violence on school campuses (Rodriguez Ruiz, 2017, p. 809). While there is a significant dearth of research documenting suspension and expulsion rates of African American girls over time, numerous studies have demonstrated the effect of zero tolerance policies on increasing the suspension and expulsion rates of Black students and further widening the discipline gap between Black and White students (Curran, 2016; González, 2012; Hoffman, 2014; Howard, 2016; Losen & Skiba, 2010; Raffaele Mendez & Knoff, 2003; U.S. Department of Education Office for Civil Rights, 2014; Wallace, Goodkind, Wallace, & Bachman, 2008).

At the same time, zero tolerance policies have expanded to include punishment for more non-violent and subjective transgressions, particularly for students of color (Rodriguez Ruiz, 2017). In 2013, the Children's Defense Fund reported that a public school student is suspended every second and a half; furthermore, Rodriguez Ruiz (2017) found that 95% of these suspensions are punishment for minor, non-violent behaviors, such as violating dress codes, tardiness, yelling at teachers, or leaving class without permission. Over 48% of all suspensions during the 2011-2012 school year were for "willful defiance," frequently referring to disobeying a school authority figure (McNeal, 2016, p. 293). Hoffman (2014)

found that the discipline gap widened significantly as various states and districts expanded their zero tolerance policies.

Expanding the punitive effects of zero tolerance policies to include subjective, non-violent transgressions has been particularly significant for young African American women when considered in conjunction with the racialized and gendered stereotypes of Black girls that teachers and school administrators bring to their jobs. White, middle-class conceptions of femininity have aimed to create a gender of "good girls" who are socialized to be easily controlled, deferential, and "presenting an appearance that does not significantly deviate from the standards of [White] mainstream culture" (George, 2015, p. 108). However, historic stereotypes of Black women have worked to contrast Black femininity with White middle-class femininity and have resulted in the increased criminalization of African American girls. These stereotypes and assumptions of Black girls' "attitude," anger, sexuality, or aggressive nature are used to criminalize Black girls for not conforming to the ideals of White middle-class femininity (George, 2015; Haight, Kayama, & Gibson, 2016; Morris, 2012; Morris, 2016). As a result of these stereotypes and harmful narratives, teachers and school administrators are more likely to identify their Black female students as "loud, defiant, and precocious," frequently leading to harsher punishments including suspension, expulsion, and school-based arrests (George, 2015; Morris, 2016, p. 11; Wun, 2016). Haight et al. (2016) explain the ways that biases and racialized stereotypes of Black girls' behavior lead to harsher punishments and criminalization, stating:

> The most common behaviors Black girls are disciplined for, for example, defiance, inappropriate dress, using profane language, and physical aggression, not only vary from behaviors white girls tend to be disciplined for, they parallel stereotypic images of Black women as hypersexual, angry, and hostile. (p. 236)

In this way, the use of zero tolerance policies has strayed far from the original intention of decreasing gun violence on school campuses and has instead exacerbated institutional discrimination towards African American girls by allowing for harsh, subjective punishments based on biases and stereotypes.

The school-to-prison pipeline was similarly expanded as a result of the increased influence of law enforcement and School Resource Officers (SROs) in public schools across the nation, particularly in low-income schools with significant populations of students of color (Howard, 2016). After the Columbine shooting in 1999, the federal government provided additional resources for schools to strengthen security measures, such as metal detectors at school entrances, random searches of students' belongings, and the placement of armed police offers on school property. Nearly 43% of U.S. public schools had police officers on their grounds in 2013, resulting in over 40,000 police officers spending all or some of their time stationed at schools (Howard, 2016). Furthermore, Nance (2017) found that the use of school surveillance measures, including the placement of School Resource Officers and law enforcement personnel on school campuses, is significantly higher at schools with high concentrations of students of color. Morris (2016) argues that the "presence of law enforcement in schools has… blurred the lines between education and criminal justice" through the increase of violent policing and higher arrest rates in schools, particularly for African American girls (p. 77). SROs are assigned to schools despite a severe lack of training in working with children, which leads SROs to employ adult policing practices on youth, including the excessive use of physical force (McNeal, 2016; Nance, 2016). Nance (2016) also found that schools which have regular contact with School Resource Officers are more likely to refer students to law enforcement for non-violent offenses, as the presence of SROs appears to "facilitate a criminal justice orientation to how school officials respond to offenses that they once handled internally" (p. 979).

Academic and Social Consequences of Zero Tolerance Policies and the School-to-Prison Pipeline

As a result of the recent transformations and expansions of zero tolerance policies in U.S. schools, students of color, particularly African American girls, have suffered from disproportionate punishment

and school pushout. Howard (2016) argues that these policies have led to the criminalization of Black students in educational settings, and "Black children became 'public enemy number one' in many schools across the nation" (p. 103). Moreover, Black girls have experienced disproportionate surveillance, punishment, and criminalization in schools, and have largely been excluded from their educational experiences, in addition to being ushered towards the school-to-prison pipeline (Morris, 2016). 12% of school-aged Black girls across the United States have experienced out-of-school suspensions, 31% of Black girls have been referred to law enforcement, and 43% have had experience with school-related arrests (Wun, 2016). In 2006, 18% of African American middle school girls faced out-of-school suspension, higher than the out-of-school suspension rates of Hispanic, Native American, and White male students, and female students of all other racial groupings (Losen & Skiba, 2014). Furthermore, experiencing school discipline (suspension or expulsion) in middle school is the strongest predictor of being arrested later in adolescence for young women (Wallace, Goodkind, Wallace, & Bachman, 2008). While disproportionate disciplining of African American girls has expanded through zero tolerance policies and the use of law enforcement personnel on school campuses, African American girls have become the fastest growing demographic in the juvenile justice system (George, 2015; Sherman, 2012). In 1992, Black girls made up 35% of girls detained in juvenile facilities, with 15,237 Black girls detained. By 2002, that number had nearly doubled to 30,009, and despite a decline in the rates of girls detained, the proportion of Black girls in juvenile detention in 2008 was still 75% higher than the 1992 level (Sherman, 2012).

In addition to increasing students' likelihood of participation in the criminal justice system, zero tolerance policies significantly harm the educational opportunities of the students who are being inequitably targeted and punished, particularly Black girls. Throughout American history, Black women and girls have been denied equal access to educational opportunities, yet Black women have never lost sight of the "liberative power of education" (Morris, 2016, p. 5). Education is viewed as an equalizing force within American society and a tool for social mobility, yet the school-to-prison

pipeline disrupts the equal access to these benefits. The primary disciplinary technique of zero tolerance policies is to remove the child at question from their classroom, whether through in-school suspension, out-of-school suspension, expulsion, or arrest. By excluding students from the classroom, students miss necessary material and feel disconnected from the social networks in their classes, and face exacerbated academic underperformance (George, 2015; Morris, 2016; Rodriguez Ruiz, 2017). Furthermore, the constant surveillance and criminalization of the behaviors, dress, manners of walking and talking, and every action of Black girls in schools has led to strained student-teacher relationships and detachment from the classroom (Crenshaw et al., 2015; Morris, 2016). Morris argues that Black students' performance and motivation to attend school is particularly influenced by their social relationships with their teachers, and that when teachers harbor biases and prejudices that lead to differential treatment and punitive discipline, it decreases the motivation of girls to attend school.

Students who are subjected to zero tolerance policies, excessive discipline, and discriminatory treatment in their school are not only more likely to be excluded from the classroom, but are also more likely to drop out of school as a result of their disconnect with their teachers, the material, and the idea of education overall (Christle, Jolivette, & Nelson, 2005; Curran, 2016; González, 2012; Haight et al., 2016; Morris, 2016; Rodriguez Ruiz, 2017). There are several societal difficulties that face individuals who have dropped out of school, including difficulty in finding employment, reduced political participation, poorer levels of health, increased reliance on social services, and the reduced ability for intergenerational social mobility (Rodriguez Ruiz, 2017). Furthermore, dropouts often display increased criminal activity and increased participation in the criminal justice system, serving as another long arm of the school-to-prison pipeline (Curran, 2016). After being excluded and pushed out from their classrooms, dropouts are 3.5 times more likely to be arrested, and approximately 82% of prison inmates are high school dropouts (Rodriguez Ruiz, 2017). In this way, the school-to-prison pipeline and zero tolerance policies reach beyond the scope of a girls' K-12 education and uphold systems of

discrimination and criminalization that impact the communities surrounding Black girls.

Recommendations and Conclusion

In order to end the disproportionate criminalization, punishment, and pushout of African American girls in K-12 school settings, Morris (2016) argues that future reforms must "revisit 'education as usual' and the relationships that are facilitated, nurtured, and/or damaged in educational institutions" (p. 176). This includes four main reforms that must be implemented to create an educational institution which not only counters the incessant criminalization of Black girls in society, but creates an environment which allows Black girls to learn, grow and thrive: (1) responsive and de-biased learning in the classroom, (2) healing-informed responses to "problematic" student behavior, (3) healing-informed classrooms and schools, and (4) college and career pathways (Morris, 2016, p. 193). These broad categories include smaller, easily implementable school reforms, such as providing emotional counseling and mental health services for students, recess and breaks from the classroom, school-wide trainings on reducing implicit bias, and allowing students to participate in the administration of the school, such as the construction of disciplinary and dress code policies (George, 2015; Morris, 2016). Simply expanding opportunities for the inclusion of Black girls in policymaking decisions and advocacy not only increases their own agency in their education, but helps to build a system that doesn't inherently discriminate against Black girls on the basis of stereotypes and internalized prejudices (Crenshaw et al., 2015; Morris, 2016).

Lastly, schools must work to abolish the disciplinary policies which allow for discrimination towards students of color, particularly African American girls, and those which funnel students into the criminal justice system (Crenshaw et al., 2015; George, 2015; Morris, 2016, Rodriguez Ruiz, 2017). In order to end racialized and gendered discrimination against Black girls, schools and disciplinary policies must undergo an extensive reorganization to ensure that students are still protected from violence, and truly have a safe, caring, and loving educational setting to learn in. One method which has gained significant traction over the past decade in the U.S. is the implementation of restorative justice programs. Simson (2014) notes that such programs focus on "accountability, reintegration and inclusion (instead of exclusion and exiling), community building, and… the development of a safe, collaborative, and positive environment in which students are more likely to succeed" (p. 554). Furthermore, restorative justice policies seek to create a safe school environment by building a school community, as opposed to the use of punitive responses. Restorative justice programs can look different depending on the school context and policies, but can include practices such as peer meditation, discussion circles, whole-school involvement, or conferences between victims and offenders (George, 2015; González, 2012; Simson, 2014). Simson emphasizes the use of restorative justice policies to reduce racial disproportionality in school punishment, as a focus on dialogue and building community works to counter implicit bias, provides students of color with the opportunity to share their experiences, and negates the stigmas and long-lasting effects of disproportionate criminalization and school punishment. This is particularly meaningful in aiding African American girls to voice their viewpoints and address the stereotypes and narratives that have been assigned to their actions and behaviors (George, 2015). Through the reformation of school discipline policies, such as the implementation of Restorative Justice practices in the classroom, Morris (2016) argues that

> As a locus of learning, our schools can serve a greater purpose than just indoctrinating our girls with the politics of surviving racial, class, and gender bias. These institutions can be bastions of community building, where healing is at the center of their pedagogy and where our girls learn more than just how to behave in the presence of adults to be considered 'acceptable' in the school environment. (p. 194)

All students deserve the opportunity to learn and grow in a safe, nurturing, and loving educational environment. However, many of the policies that have sought to increase the safety of schools, particularly zero tolerance policies and the placement of law enforcement personnel on school campuses, have instead contributed to the pushout

and criminalization of students of color. African American girls have been particularly impacted by the expansion of zero tolerance policies and the school-to-prison pipeline, and in recent years have become the fastest growing demographic in the juvenile justice system (Sherman, 2012). Furthermore, by disrupting Black girls' access to education and instead pushing them towards the school-to-prison pipeline, zero tolerance policies work to further exclude African American girls from schools and to increase social inequality and discrimination facing Black girls. In order to create a school environment where all students have equitable opportunities to learn in a safe and nurturing community, school districts and states across the nation need to take tangible action to move away from discriminatory, punitive disciplinary practices and to embrace the experiences and needs of marginalized students, including African American girls.

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