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## From schools to prisons

### Disciplinary policy brings incarceration

By Brian Wells, David Dutschke, Joseph Phelps  
and Walter Jones • Special to The Courier-  
Journal • March 14, 2010

One of the most alarming trends affecting our children today is what has become known as the “school to prison pipeline,” a term used to describe an all too common reality for poor-performing students. First they are academically unsuccessful, then their misbehavior results in school disciplinary action, then their misbehavior puts them into the juvenile justice system, then they leave school prematurely and eventually end up as incarcerated adults.

Some facts related to the problem are:

In Kentucky, an estimated 33 percent of juvenile court cases are initiated in schools.

In the Jefferson County Public Schools (JCPS), 25 percent of students who begin high school do not graduate.

Nationally, students who do not graduate are three times more likely to be incarcerated.

We are losing too many young people down this pipeline for the good of our souls and of our society. The problem calls for the creation of coordinated and creative approaches by our court systems and our school systems.

School disciplinary policies and practices can serve to push our children further away — away from school on brief suspensions, then permanently to alternative schools, then out of school altogether, then into juvenile detention, and eventually out of the community and into distant adult correctional facilities.

Rather than students choosing to “drop out,” the problem is more accurately a matter of school pushout, which the national “Dignity in Schools” campaign is targeting, with endorsements from national civic, educational and professional organizations, including the National Education Association.

JCPS is one of the few school districts in the nation that does not expel students. This is commendable, but it conceals the problems that can result from students with frequent discipline problems being removed from regular schools and reassigned to special alternative schools.

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While some alternative schools provide creative approaches that assist certain students with unique needs, many students end up being pushed out and into the school to prison pipeline.

Of additional concern is the fact that reassignment to alternative schools is disproportionately affecting African-American and other minority students. During the 2008-2009 school year, 77 percent of students transferred to Buechel Metropolitan High School and 69 percent of those transferred to Kennedy Metro Middle School were African-American, compared to 36 percent African-American students in all of JCPS.

Contributing to the flow of the pipeline are unhelpful policies in the Jefferson County juvenile justice system. For example, stealing an item in a store can result in a young person being referred to the court diversion program (thereby avoiding a record and entry into the criminal justice system). However, the same offense on school property goes straight to court without the option of diversion. This policy, inherited by County Attorney Mike O'Connell's office, should be eliminated.

So what is to be done?

One of the most hopeful approaches to plugging the school to prison pipeline, and one of those recommended by the Dignity in Schools campaign to address school pushout, is known as "restorative justice" (or sometimes "restorative discipline" in the school setting). Restorative justice involves

various strategies and programs that care for victims and address the harm done to them, hold offenders more truly responsible and accountable, provide for some sort of restitution by the offender to the victim, and make possible the healing and restoration of relationships.

The focus of restorative justice is not merely on the law or rule broken and what punishment the offender deserves, but on what harm has been done and how it can be addressed in a way that restores the loss to the victim, while also restoring the offender to the school or community.

Successful models exist throughout the U.S. and in other countries. New Zealand had the highest juvenile incarceration rate in the world, but after establishing restorative justice as the default juvenile justice system, they experienced a two-thirds reduction in juvenile crime, closed 18 juvenile detention centers and saved millions of dollars.

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West Philadelphia (Pa.) High School, on the "Persistently Dangerous Schools" list for six years running, experienced a 52 percent reduction in violent acts and serious incidents after the first year of its restorative discipline program, and another 40 percent reduction after the second year.

We commend JCPS Superintendent Sheldon Berman for his "Care for Kids" program, which does primary prevention by establishing a caring community in a number of schools. But even with this caring school culture in place, when a student breaks a serious rule, it goes straight to the code of conduct's zero tolerance policy for handling. A restorative discipline approach would complement the superintendent's program and take it to another level, with students being restored to their place within that caring community, rather than cast into the pipeline.

CLOUT (Citizens of Louisville Organized and United Together) calls upon the JCPS and the Kentucky Court of Justice, and all other relevant parties, to develop and implement a coordinated restorative justice approach for dealing with students beginning with the 2010-11 school year. A group related to the Louisville Bar Association has been examining these approaches for the past year and has recommended a similar approach in our local juvenile court.

On March 22, at the Kentucky International Convention Center, 2,000 persons of faith affiliated with CLOUT will come together with local and state officials to focus attention on the school to prison pipeline

and to call for solutions. If you are interested in supporting this campaign, contact us at (502) 583-1267 or [clout@bellsouth.net](mailto:clout@bellsouth.net).

Dr. Brian Wells and David Dutschke are co-presidents of CLOUT. The Rev. Joseph Phelps and Bishop Walter Jones are co-chairpersons of CLOUT's Crime and Violence Issue Committee.

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