



## Breaking the School-to-Prison Pipeline

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Darius was only nine when he was locked up. For two months, he languished in a juvenile facility -- alone, frightened. He missed his 10th birthday party. He missed Thanksgiving. He missed his stepfather's funeral.

His offense: He had threatened a teacher with a plastic utensil.

Unfortunately, Darius's early introduction to the juvenile justice system is not that uncommon.

Across America, countless school children -- particularly impoverished children of color -- are being pushed out of schools and into juvenile lockups for minor misconduct that in an earlier era would have warranted counseling or a trip to the principal's office rather than a court appearance.

The problem is particularly acute in the Deep South, where one in four African-Americans lives in poverty.

The children and teens most at risk of entering this "school-to-prison pipeline" are those who, like Darius, have emotional troubles, educational disabilities or other mental health needs.

But rather than receiving the help they need in school, these vulnerable youths are being swept into a cold, uncaring maze of lawyers, courts, judges and detention facilities, where they are groomed for a brutal life in adult prisons.

"Our juvenile prisons and jails are overflowing with children who simply don't belong there," said Southern Poverty Law Center President Richard Cohen. "These are the children who desperately need a helping hand. Instead, we're traumatizing and brutalizing them -- increasing the risk that they'll end up in adult prisons. It's tragic for the children and bad for the rest of us, because it tears apart communities, wastes millions in taxpayer dollars and does nothing to reduce crime."

To attack this problem, the Southern Poverty Law Center has launched a multifaceted new initiative, called the School-to-Prison Reform Project. Based in New Orleans, the project is seeking systemic reforms through legal action, community activism and lobbying to ensure these students get the services -- both in school and in the juvenile justice system -- that can make the difference between incarceration and graduation.

Nationwide, almost 100,000 children and teens are in custody. Black youths are

vastly overrepresented in this population; they are held in custody at four times the rate of white youths, according to the National Council on Crime and Delinquency. Students with disabilities that would qualify them for special education services are also grossly overrepresented. Some studies suggest that as many 70 percent of children in juvenile correctional facilities have significant mental health or learning disabilities.

"These are the children left behind," said Ron Lospennato, an SPLC lawyer who heads the new project. "They are paying a heavy price because of short-sighted policies based mainly on fear and myths. Someone must be there to catch them before they fall through the cracks."

The pipeline begins in the classroom, where black students are disproportionately affected. Nationally, black students in public schools are suspended or expelled at nearly three times the rate of white students, according to a *Chicago Tribune* analysis of U.S. Department of Education data.

The state with the worst disparity is New Jersey, where black students are almost 60 times as likely as white students to be expelled for serious infractions. Many other states also had striking gaps in discipline rates. In Alabama, a state where more than a third of all public school students are African-American, black students are expelled five times as often as whites.

Once a black student is pushed into the juvenile justice system, the pipeline takes another tragic turn. The proportion of black youths within the system grows at each stage -- from arrest through sentencing -- until this group, which represents only 16 percent of the nation's youth population, accounts for 58 percent of the youths admitted to state adult prisons.

"The vast majority of children caught up in the juvenile justice system have not committed violent crimes and do not deserve to be sent to prison," Lospennato said. "And what most people don't know is that thousands of nonviolent kids get locked up for months even before their cases are heard."

Students in special education are especially at risk of being pushed into the pipeline.

"Often these students are simply acting out of frustration, because they can't keep up with the others, and they're not getting the help they need in class," said Jim Comstock-Galagan, founder and executive director of the Southern Disability Law Center, which has partnered with the SPLC on the School-to-Prison Reform Project.

Poverty makes the situation worse, because a family may not have the resources needed to successfully demand the special school services that can prevent an outburst of misbehavior. It also means a detained child might find her fate in the hands of an overworked and underpaid public defender who has little or no training in the field of juvenile law.

Cohen noted the importance of basing the project in New Orleans, where Hurricane Katrina exposed the country's racial and economic disparities.

"In opening the New Orleans office, we are sending a message, loud and clear, that the key to addressing these inequities is ensuring all children receive the education they deserve and are guaranteed under federal law," Cohen said.

The project grew out of the SPLC's legal work representing children with disabilities in Louisiana, Mississippi and Alabama, and has already won key victories for many school children in Mississippi and Louisiana. Settlements reached with school systems in Louisiana's Jefferson, East Baton Rouge and Calcasieu parishes, for example, will ensure that quality special education services are provided to thousands of students. The settlements also have provisions that will enhance school experiences for all children, not just those with emotional or learning disabilities.

As for Darius, the SPLC won his release from juvenile detention and helped him receive mental health treatment near his home and special education services at school. A program to help strengthen family relationships was part of the treatment.

"There are thousands of children like Darius whose lives can be saved if we reform this broken system," Cohen said. "That's what this project is all about."

*Editor's note: Darius' name has been changed to protect his identity.*

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