

THE OVERUSE OF SCHOOL DISCIPLINARY POLICIES IN THE PUBLIC SCHOOL EDUCATION SYSTEM AND THE DISPARATE IMPACT ON VULNERABLE YOUTH

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ABSTRACT

Purpose: This paper identifies the issue of the overuse of disciplinary policies in public schools and the negative outcomes, especially for minority students.

Methodology: The design was structured by the professor’s subheadings: student’s personal experience, research, valid resources, application to proposed solution, actual evidence-based solution, alternative solutions not chosen, assumptions, barriers, feasibility of solution, and change in social reaction over time.

Findings: The proposed solution is adaptation of the School Responder Model (SRM) to involve the youths’ school, community, family, and peers for enabling youth to be diverted from school suspension or police involvement.

Research limitations: Limitations include sufficient community volunteers as mentors, training of these mentors, and willingness of the youth to participate fully.

Practical implications: With the SRM model, the youth remain in school, family involvement is encouraged, mentors are provided as positive role models, and peers may be positively influenced.

Social implications: Social implications include fewer youth entering the juvenile justice system, likely incarceration, and, alternatively, youth developing a positive commitment to school toward graduation.

Originality: The solution is original and valuable for the diversion of delinquent youth to remedial, restorative programs rather than their experiencing the cycle of punishment and possible reoffending. Based on the SRM, the solution should prevent harsh school punishment and justice involvement and enable youth to gain needed services to help them receive the mental health services they need.

Keywords: juvenile justice, discipline, public schools, School Responder Model, vulnerable youth

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To cite this article:

Gubitz, C. (2022). The Overuse of School Disciplinary Policies in the Public School Education System and the Disparate Impact on Vulnerable Youth, *Youth Voice Journal: Solving Juvenile Justice: The Power of Undergraduate Cumulative Learning and Problem-Solving Techniques*, pp. 57-63. ISBN(ONLINE): 978-1-911634-40-9



INTRODUCTION: PRIOR KNOWLEDGE OF THE PROBLEM

The issue of public schools that overuse their disciplinary policies ultimately affects minority students more than their White counterparts (Riddle & Sinclair, 2019). The outcomes then lead to other negative outcomes for minority students. Before I took this class on juvenile justice, I did not have a lot of knowledge in this specific area, although I had some knowledge as well as personal experience. In general, I was familiar with the basic knowledge from last semester's criminology course. In that course, I learned about juvenile justice through the framework of gang activity. I also became more knowledgeable about why people may offend and the different theories that can explain an offender's behaviors or actions.

Less formally, as it relates to the specific problem, I gained knowledge and experience through the public school system that I attended. I went through the Merrillville Community School Corporation in northwest Indiana for first through 12th grade. As of 2017, according to the Department of Education's Civil Rights Data Collection (LEA Summary of Selected Facts, 2017), the school district's demographics consists of 60% Black and 21% Hispanic students., making this school corporation a majority-minority school district. Specifically, I witnessed the problem of excessive disciplinary problems for vulnerable youth during high school. For that reason, I will focus on grades nine to 12 with a potential subfocus on grades six to eight.

During my senior year of high school, I signed up for two class periods of study hall. The study hall was held in the same room as in-school-suspension (ISS). This meant that I directly saw the types of students who were in this room for their ISS punishment.

What I saw was a disproportionate number of Black students who were placed in ISS for a multitude of reasons. Black students would get sent to ISS for reasons I thought were nonissues or symptoms of an underlying problem, such as talking back to their teachers or, more seriously, fighting in school. The punishment was that the students were taken out of their classrooms and ordered to sit quietly in a room and complete their classwork on their own.

I knew this punishment was unfair. Why? Especially because I, as a White student, engaged in some of the same behaviors that my Black peers did. Yet, they were the ones who were looked at and labeled as disruptive and troublesome and bad students.

All of this struck me forcibly in high school and stayed with me once I graduated. So, I ask myself now, what can I do to solve this issue and to create more pos-

itive outcomes for Black students and students of color, not only in my school district but across the country?

FILLING THE GAPS IN SKILLS AND KNOWLEDGE FOR VIABLE SOLUTION

In order to produce a viable solution to this problem I needed to know more about juvenile behavior, juvenile offending, and the criminology theories within the juvenile framework. My prior knowledge only extended so far and most of it was from my personal perspective and experience, which I do consider to be trustworthy. But research is crucial to support what I saw in high school and the evidence needed to suggest a holistic solution to this complex problem. In addition, I have been unfamiliar with the research on this problem so that I have been unaware of solutions that might have been created and implemented in different places, especially schools.

VALID RESOURCES

The Juvenile Justice course provided me the information I needed to fill my knowledge gaps. The course materials, presentations, and even the guest speakers filled those gaps and answered many questions that I had. For example, although I had a grasp of the criminology theories as they apply to adults, I did not know how they transferred in the juvenile framework.

Of course, these theories helped me to explore the question "Why?" as it relates to juvenile offending. Undoubtedly, there is not always a clear answer, but the answers provided clarity and overall understanding. In addition, the class lectures were very helpful, not only with the information but especially the visual aids that were provided. Specifically, the "Juvenile delinquency: The Process" flowchart displayed the entry point for juveniles and where they may end up from their entry point.

Lastly, the guest speaker, Rebecca Steele, Chief Juvenile Public Defender, Franklin County, Ohio, was incredibly helpful in providing a current look at the juvenile justice system through her work. Additionally, it was empowering to hear her speak on the system and what needs to be reformed and abolished. Overall, these different aspects of the class provided me an overview and base knowledge of the Juvenile Justice System. However, I still needed additional sources to bolster my knowledge about the problem in order to provide an evidence-based solution.

Therefore, I searched for different resources, whether specific papers, existing evidence-based pro-

grams, or just statistics from different organizations. Riddle and Sinclair's (2019) journal article "Racial Disparities in School-Based Disciplinary Actions Are Associated with County-Level Rates of Racial Bias" asserts that racial biases are in fact a contributing factor to disciplinary outcomes. So, racial biases and racial disparities in education are connected.

In addition, data from the Department of Education and the National Center for Education Statistics provide further support. In these works, I examined the Civil Rights Data Collection for up-to-date data on school disciplinary actions. In addition, I referred to the Digest of Education Statistics (2019) and visual data tables, such as "Percentage of public-school students in grades six through 12 who had ever been suspended or expelled, by sex and race/ethnicity: Selected years, 1993 through 2012."

Additionally, I used multiple papers from the U.S. Department of Justice, Office of Justice Programs. For example, I used the paper on "Group Randomized Trial of Restorative Justice Programming to Address the School to Prison Pipeline, Reduce Aggression and Violence, and Enhance School Safety in Middle and High School Students" (Smokowski & Baccalao, 2020). Lastly, I used different resources from the National Center for Youth Opportunity and Justice (NCYOJ). I plan to use NCYOJ's existing prevention model in my proposed solution.

All the resources used in this paper are valid for several reasons. Some appear in peer-reviewed scholarly journals. Others appear in websites of reputable organizations of the federal, nonprofit, and nonsector areas. Additionally, in my research, when I crosschecked information between two resources, they agreed. Finally, all the resources cover a range of topics within the overall topic.

APPLICATION OF INFORMATION FOR VIABLE SOLUTION

Obviously, the overuse and disproportionate use of disciplinary policies against vulnerable students is a large problem and one that is very real. To create an evidence-based solution to this complex problem, I needed to use a combination of the knowledge I gained during the course and the data from the additional resources. My solution intersects at four different points, which include school, community, peers, and family. This framework originates from class lectures, but it is also supported by the nature of wraparound services. Also, the additional resources that I located all point toward preventative solutions that would help to reduce or eliminate this problem.

In order to provide a clearer picture of the problem and as background, some facts are necessary. According to Table 233.20 of the Digest of Education Statistics, in 2012 38.8% of Black students in grades six through 12 were suspended, compared to 15.6% of White students. That is, Black students were suspended at twice the rate of their White counterparts.

Additionally, more broadly and in the framework of mental health, the numbers become even more grave. According to a report from the NCYOJ, 73% of students classified as emotionally disturbed were subject to suspension or expulsion. Also, students with disabilities (students with Individualized Education Plans) were twice as likely to experience suspension as students without disabilities. Overall, students who experience suspension or expulsion are three times as likely to encounter the juvenile justice system within the next year (Green & Allen, 2017). Whether based on race, mental health status, or disability, students are punished unfairly due to circumstances that are out of their control (Green & Allen, 2017).

In addition to these statistics, NCYOJ produced a diversion model that focuses on mental health concerns for juveniles. This program is called "The School Responder Model" (SRM)," which is an alternate pathway in the event of school infractions (Cocozza et al., 2016). Usually, students who commit a school infraction either deal with out-of-school suspension or have direct contact with police through a school referral. If the first option is taken, then most likely that student will come into contact with the police later.

However, in the SRM, students are diverted into different stages that address any behavior health needs. Students go through a screening, which may lead to a clinical assessment that then leads to a treatment plan. On the other hand, punishment is part of this model, but it is implemented within the restorative justice framework (Vanderploeg, 2020). This model is well thought out because it addresses the root of the problem for many students, which is mental health or behavioral disorders (Cocozza et al., 2016).

So, now with what I have learned throughout the course and in my research, I must ask myself, "What now?" What is the solution that will help to solve this incredibly complex problem?

VIABLE AND EVIDENCE-BASED RECOMMENDED SOLUTION

In the previous section, I briefly mentioned that my solution includes four different areas: school, community, peers, and family. I chose these four categories because they all relate to the different criminology theories discussed over the course of the semester. Although I could try to create an original solution for this section, I do not believe that it would be as well thought out as the one described. Each category will next be discussed with a thorough explanation as to why it is viable and evidence-based.

School

This section of the solution is taken directly from the School Responder Model of the NCYOJ (Vanderploeg, 2020). The creators of SRM based their model on the WrapAround Milwaukee Mobile Urgent Treatment Team Model (MUTT; Coccozza et al., 2016). The MUTT Model focuses on youth at risk of referral to juvenile court who have mental disorders. SRM has five core components: Collaboration, Cross-systems training, Availability of “responder,” Cooperative agreements, and Establishment of revised school policies (Coccozza et al., 2016). This system created a new way for responding to students’ infractions (Greene & Allen, 2017).

The only aspect of the SRM that is of concern is the law enforcement element. Whether a police officers or school resource officers, these are the people who would be the “responder.” Although this core element is important, it is of concern because these responders are not equipped with the proper training to correctly approach a youth in crisis. The SRM does stipulate “Cross-systems training,” which includes mental health and trauma-informed training for all collaborators—schools, law enforcement, and behavioral health providers (Coccozza et al., 2016; Irons, 2020). If proper training is sufficient, then the law enforcement element could work and be productive to the model. However, that is dependent on the trust between the law enforcement personnel and the students. Overall, this model does a great deal to address mental health needs of youth in school. Subsequently, it has produced positive results that range from reduced school-based arrests to professionals who now feel more comfortable to address their students using their training (Coccozza et al., 2016). Therefore, this program is effective in diverting students from the juvenile justice system.

COMMUNITY

The SRM specifically focuses on providing resources in school to create a positive space for students to thrive in. However, building a community that supports these students is just as important. Beyond school, how can we help these students to build strong relationships with their community members and organizations? According to the lecture on Criminology theories (Miner-Romanoff, 2021), relationships are crucially important in youth’s lives. They are often accomplished through mentoring. For positive outcomes, vulnerable youth need positive attachments, involvement, beliefs, and commitments. When these positive forces exist, there are greater chances that vulnerable youth will not become justice-involved.

Specifically, I envision creating a mentoring system in which vulnerable students are paired with members of their community. As said in the lecture, it is crucial to engage with communities to determine actual need instead of forcing resources on communities. Rather than putting a hyper-focus on underserved communities, we must engage with the communities to assess their needs. No one knows their needs better than the people of their own community. For this reason, it is beneficial to have community members mentor the youth who live in those same communities.

Therefore, this mentoring system would rely on the social bond theory and the four components mentioned above. The mentoring would be voluntary—that is, until proper funding could be secured as incentives for the mentors. This program, then, consists of volunteers who will foster their relationships with at-risk students to facilitate positive outcomes.

The goal is for these vulnerable youth to have better school attendance, greater chance of continuing to higher education, reduction in negative behavior and substance abuse, and improvement in child-parent relationships (Miner-Romanoff, 2021). A more encompassing goal is that students will create a positive commitment to and belief in the effectiveness of school. In addition, if the mentoring were successful, then these youth would have positive beliefs about the validity of the SRM.

FAMILY

An offshoot of positive mentor relationships is improved relationships with the parent(s) of vulnerable youth. This may mean that a child is more trusting and communicative with their parent (Miner-Romanoff, 2021). In addition, a positive attachment between adolescents and their parent can reduce the child's risk of offending; according to learning theory, criminal behavior is learned through interactions with others. But if a youth has a positive relationship and attachment with their family then this potential criminogenic behavior is reduced (Miner-Romanoff, 2021). In this regard, Mwangangi (2019) observed, "Child development has emotional, intellectual, social and physical aspects, with the family being the foundation upon which this development occurs. The family structure plays an important role in shaping a child by providing security and developing their, values and skills" (p. 55). Therefore, having a positive relationship with one's family can have long-lasting positive effects.

Unfortunately, the scope of my solution does not start at young ages. I do not have a point of intervention within the learning theory as it concerns young children and their families. But, in conjunction with the SRM and positive mentoring relationships, the youths' commitment to their family should come more naturally and produce positive outcomes.

The SRM provides an opportunity for parents to be more involved in their adolescents' lives through the strong emphasis on family engagement. SRM engages families through the use of an informational guide and frequent meetings that ask for families' satisfaction and active input (Greene & Allen, 2017). Different kinds of family structures can affect a child's behavior. For example, a child who comes from a divorced household may be more likely to offend. Of course, there is no certainty of this likelihood to offend based on quantity (such as multiple divorces) because it is the quality of the family relationships rather than the quantity that affects the child's behavior. Individual choices matter, but for those youth who do not have sufficient or high-quality family ties may be able, through the program, to develop some or rehabilitate their existing family ties.

PEERS

This aspect of the solution is the most difficult to account for. We know that youth have limited decision-making capabilities, which are further exacerbated by peer pressure (Minor-Romanoff, YEAR). Deviant peer behavior is an important influence and factor in the development of delinquent behavior (Gifford-Smith et al., 2005). However, I strongly believe that if positive connections can be made in the context of family, then positive connections can be made in the context of peers.

For this reason, I propose the creation of cohorts in schools in which the members engage in different programming which addresses their needs and wants. These programs may be study groups or tutoring after school in a group setting that consists of friends and with varying activities that allow for self-reflection and vulnerability. This portion of my solution is the least structured because it is dependent on the youth's willingness to participate and their interest. However, the goal is that all of the different aspects explained here will intersect to create co-occurring positive outcomes.

These aspects together create one well-rounded solution that focuses on the adolescent and diversion away from harsh school punishments. This solution focuses solely on prevention in order to keep a youth from becoming justice-involved. The solution is modeled after and relies heavily on the existing School Responder Model with support from other elements.

ALTERNATIVE SOLUTIONS NOT CHOSEN

Two other solutions could have been used to address this problem. The first was to focus on an existing solution—that is, School-Based Teen Courts (SBTCs) or Peer Court (Smokowski et al., 2020). These are diversion-based programs and focus on restorative justice. I appreciate these kinds of programs; however, I did not feel they were a good fit for my problem because they do not take into account the underlying conditions of adolescents' behavior. SBTCs focus heavily on repairing harm that has been caused and reintegrating the youth back into the school environment (Smokowski et al., 2020). This is admirable. However, the SRM promotes the crucial mental health processes that are so important in addressing the root cause of behaviors.

The other alternate solution was to focus solely on teachers and administrators. This was my original solu-

tion before I conducted extensive research. Once I did the research, I learned that this was not a viable solution because it did not center on the students. It is very important to train educators and administrators properly to be aware of adolescents' problems and trauma-informed (Cocozza et al., 2016). But this training is not enough because important areas are neglected in this solution. It is more important to center the entire process on the students. Therefore, I chose the SRM, recognizing I could create a solution that would provide teachers and administrators with a best-practice guides on discipline and prevention.

ASSUMPTIONS NEEDED FOR SOLUTION TO WORK

The biggest assumption in the proposed solution was this: that all parties involved are willing and empathetic enough to devote the necessary effort to change. The implementation of the SRM takes the effort of students, teachers, other staff, and families. It is crucial that all groups care enough to make it work for the youth. The same goes for the mentoring program. I assume that community members care about one another and care enough to volunteer their time to help the vulnerable adolescents. This is the same for the family and peers.

Moreover, one condition must be in place for the proposed solution to work. That is that the community must want these kinds of programs. The members must believe in the solution and feel that it necessary for the success of the children. It cannot be emphasized enough that community members are the only ones who know what they need and what is best for them.

FEASIBILITY OF SOLUTION AND BARRIERS TO BE OVERCOME

I strongly believe that the solution provided is feasible. According to the Justice Policy Institute, it costs on average \$214,620 per year to confine a youth (Yoder, 2020). This sum is taxpayer dollars used to incarcerate youth in the United States. In comparison, in-state college tuition does not approach that cost. For this reason, prevention is feasible and less costly.

There are also different sources to fund programs like SRM. For instance, the existing SRMs use funding from Medicaid, Mobile Crisis Teams, and broader initiatives like the mental health initiative from Every Student Succeeds Act (Greene & Allen, 2017). This support creates a more stable and long-lasting program that does not cause harm to the youth or to the taxpayer. The greatest barrier to success, I believe, is the openness of all community participants, their care about this issue, belief in solutions and the youth, and their willingness to participate.

CHANGE OF DEFINITION OR SOCIAL REACTION TO ISSUE OVER TIME

The reaction of adults to unruly behavior in schools has gotten harsher over time. Zero-tolerance policies have continually been implemented in schools. These policies serve only to target vulnerable youth and lead them toward adjudication. Society apparently sees punishment as justice, and this model is seen throughout the country in our public school system. The reasoning is that rather than helping students, the easiest thing to do is punish them. The punishment generally consists of excluding them from their classes and their peers and placed in confinement so they presumably reflect seriously on their actions. But this so-called solution does not work and leads only to greater negative consequences for the youth.

However, from the research that I conducted for this paper, it seems that this negative model is just beginning to shift, although we are only at the very beginning of the shift. Programs like SRM or even Teen Courts need to be more widely implemented, although these programs are dependent on society's approval or disapproval of prevention, rehabilitation, and restorative justice. Progress cannot be made without cohesiveness and agreement. Today, detrimental disparities exist in school disciplinary actions but, hopefully, with the changing perceptions of punishment and more beneficial interventions in school, the disparities will lessen and vulnerable youth will truly be helped.

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