

RACE, RESEGREGATION AND THE SCHOOL TO PRISON PIPELINE IN
MECKLENBURG COUNTY

by

Joseph Graham

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Approved by:

Dr. Elizabeth Stearns

Dr. Susan McCarter

Dr. Kendra Jason

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ABSTRACT

JOSEPH GRAHAM. Race resegregation and the school to prison pipeline in Mecklenburg county. (Under the direction of DR. ELIZABETH STEARNS)

This thesis explores the relationship between out of school suspensions and court-involvement for youth in Mecklenburg County. Critical Race Theory (CRT) and the concept of implicit bias serve to inform this examination, interpretation, and analysis of the school to prison pipeline. The research study includes the Charlotte Mecklenburg Schools' suspension records from 2006-2013 for 21,690 youth and Mecklenburg County Sheriff's Office data from those same years and same youth plus for 7,349/21,690 youth, their delinquency records. This sample was thus, divided into two groups: Non-Court-Involved (14,341) and Court Involved (n=7,349). Descriptive statistics indicate that African-American students are 3-8 times more likely to be disciplined by the use of out of school suspensions than their fellow White students. The results show that African-Americans miss 11 days more of school because of OSS than their White counterpart. In addition, the results indicate that approximately every 25 days of out of school suspensions accumulates to 1 arrest. The African-Americans in the Court-Involved group average 22 days of suspension. One specific contribution of this study is the unique collaboration and data sharing between the schools and sheriff's office to examine and address this issue. The study results are consistent with similar research about school discipline and juvenile justice. Moreover, these findings can be used to increase awareness of the racial and ethnic disparities in educational disciplinary practices and policies in the Charlotte Mecklenburg School System and potentially, beyond.

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INTRODUCTION

School is traditionally portrayed as a pathway that leads to achieving the American Dream. Many view education as a medium that “levels the playing field” so that regardless of a child’s social or economic status, all have access to the same opportunities. Unfortunately, school has also become a pathway to what can be considered the opposite of the American Dream--prison. The United States of America has the world’s largest prison population (Raphael, Stoll, & Manza, 2011). From 1980 to 2000, the number of incarcerated people in the U.S. increased from 300,000 to 2 million, with 60% of the prison inmates being African Americans and Latinos (Glaze & Herberman, 2013). Two-thirds of youth who are incarcerated are African-Americans, Native Americans, Hispanics, Pacific Islanders and Asians but these same race/ethnicity groups represent only one third of the general population (Armour & Hammond, 2009). A contributing factor to this acceleration is that African-American and Latino youth have six times the rate of incarceration than White youth (Piquero, 2008). Discrimination in school discipline contributes to disparities in incarceration rates. For example, African Americans comprise only 12% of the US population but represents 44% of its incarcerated (Amnesty International, 2016). Current school educational and disciplinary policies in the U.S. have created an environment that funnels youth into the criminal justice system at an unprecedented rate. This phenomenon is known as the “school to prison pipeline” (STPP) (Fabelo, et al., 2011).

Since Congress reauthorized the Elementary and Secondary Education Act (ESEA) as the No Child Left Behind Act (NCLB) in 2001, minor infractions became punishable by suspension which led to the increase of children being expelled and the incarceration of students accelerated (Anti-Defamation League, 2016). Standardized testing and increased suspensions have the effect of pushing students, especially students of color and students with disabilities, out of schools and into the juvenile and criminal justice systems (Advancement Project, 2011). A person's introduction to the criminal justice system can potentially cause nearly irreversible effects, especially for youths that have not gained a certain level of education or enough career experience for the future. A young person who has yet to gain a quality high school education to be gainfully employed can potentially be more vulnerable to engaging in unlawful behavior (Rhodes, 2011). The policies and practices that contribute to this trend can be seen as a pipeline with many entry points, from under resourced K-12 public schools, to zero-tolerance suspensions and expulsions and to the explosion of policing and arrests in public schools, all of which increase a generation's risk of incarceration (Kim, Losen, & Hewitt, 2010).

NCLB was designed as accountability for schools' student performance, observing differentiations in outcomes by race, socioeconomic status, disability, and English language proficiency (Advancement Project, 2011). Unfortunately, attaching school funding to academic performance like graduation rates led schools to pushing low performing students out of school and onto the streets primarily by out of school suspensions to boost the school's average test scores, increasing the student's likelihood of partaking in delinquent behavior and placing them in the school to prison track (Shaw, 2014). Three ways that schools raise their test scores and contribute to classmates

becoming cellmates are the following: 1. holding back under achieving students from the grades in which tests will be administered; 2. increasing suspensions of low achieving students during testing periods; or 3. pressuring low-achieving students to leave school or expelling them, even if they have not violated any rule of school conduct (Cousineau, 2010) The introduction of the approach instituted by the NCLB has left more students behind, not fewer, and has fed the dropout crisis and the school to prison pipeline School to Prison Pipeline simultaneously.

Juvenile facilities and adult prisons are filled with children who have taken the journey through the school to prison pipeline. Approximately 68% of state prison inmates in 1997 had not completed high school and 70% of youth under age 18 who had been sentenced to adult prisons had not passed tenth grade. An estimated 70% of the juvenile justice population suffers from learning disabilities and 33% read below the fourth grade level. The greatest predictor of later arrest for adolescent girls is being suspended, expelled, or held back during the middle school years (Wald & Losen, 2003). These facts have drawn the attention of the federal government, which established a federal initiative confirming the linkage between suspensions and academic failures, drop outs and involvement in the criminal justice system (Fabelo, et al., 2011).

Being sent to the principal's office or serving after-school detention used to be the punishment for students who had committed minor infractions but in today's school systems students may be arrested and incarcerated for the same infractions (Bracy, 2010). Youths of color are overrepresented in suspensions and expulsions (educational system), out of home placements (social services) and juvenile/adult incarceration (justice system) (The Office of Juvenile Justice and Delinquency Prevention, 2016). These three systems

identified provide the scope of the school to prison pipeline and the institutional structures involved. The School to Prison Pipeline disproportionately impacts the poor, students with disabilities, and youth of color, especially African Americans, who are suspended and expelled at the highest rates, despite comparable rates of infraction (Witt, 2007). The STPP is a major component of institutional racism that helps maintain racial inequality by means of specific school practices, which include the reliance on exclusionary discipline and high stakes testing that is required by the No Child Left Behind legislation and the referral of students to law enforcement for adolescent misbehavior (Cousineau, 2010). Exclusionary discipline is the use of suspension and expulsion to remove children from the classroom and high stakes testing puts pressure on schools to produce improved test scores or suffer consequences (Skiba, Eckes, & Brown, 2009).

The purpose of this research is to examine how race/ethnicity, sex, and disability status impact a person's number of suspensions and number of criminal bookings. This study has the potential to be used as a tool to reform school disciplinary policies and juvenile justice in order to combat mechanisms of the school to prison pipeline in Mecklenburg County. The theoretical framework for this thesis combines Critical Race Theory (CRT) and implicit bias. Fundamental to understanding how social structures function in American society is comprehending the role of race and racism (Dixson & Rousseau, 2006). Critical Race Theory provides the theoretical perspective that incorporates a historical, contextual lens to examine racially disparate (Evans, 2015). For this research, I am able to analyze some of the aforementioned factors such as exclusionary discipline using out of school suspension data, race/ethnicity, sex and

disability of students in a large urban school district. Having access to school records of prisoners provides a unique way to examine how a student transitions from a classmate to an inmate. This study explores the demographics of the students receiving suspensions in Mecklenburg County, as well as, the number of times a student is suspended and how the number of days a student is suspended impacts contact with the criminal justice system in Charlotte/Mecklenburg County.

THEORETICAL FRAMEWORK

Critical Race Theory (CRT) analyzes the impact that race and racism has on education with the assumption that the experiences people have are relevant, concepts of colorblindness and merit are tools of bias and racism is a permanent part of American society (Dixson & Rousseau, 2006). Other research theories such as educational theory and critical studies theory possess an intricate understanding of institutional and legal dynamics but lack the depth necessary to probe the implications of race, racial stereotypes and cultural perspectives that play key roles in the psyche of decision making. The CRT perspective views school disciplinary policies as a mechanism to maintain racial hierarchies (Simson, 2014) and because of it, race disproportionality in educational institutions continues to be the outcome. According to CRT, the policies and practices and theories of education marginalize non-whites (Solorzano, 1998). Focusing on how race intersects with other subordinated groups such as women and those with disabilities CRT (is used) to critique the systematic suppression of vulnerable groups of society (Delgado & Stefancic, 2001).

Each of the five major tenets of Critical Race Theory align with the motivation for this thesis. Using race as the center for examination, incorporating the stories of marginalized groups, countering dominant ideology and the illusions of colorblindness, offering a specialized tool of interdisciplinary analysis and having a commitment to fight against social injustice (Allen & White-Smith, 2014) are all components necessary for a comprehensive understanding of school suspensions and arrests.

Critical Race Theory explains that African-American boys are systematically shuffled into the school to prison pipeline by the racialized policies and practices of the school system (Allen & White-Smith, 2014). Boys are overrepresented in comparison to girls in school punishment and also have more referrals for disciplinary actions than girls (Skiba, Peterson, & William, 1997). The consistency of certain students being targeted for punishment while another group seemingly receives preferential treatment implies that there is an engrained thought pattern playing a pivotal role in the decision making process taking place in the school systems across America. Researchers at the Kirwan Institute summarizes that implicit bias- people operating with unconscious bias toward others explains why certain groups continue to be disenfranchised even amongst those who support efforts for equality (Staats, 2014).

Implicit bias identifies a series of decisions beginning with a student receiving a poor education, which usually lead to the inability to graduate, which leaves the options of suspension, expulsion or ultimately being a referral to the criminal justice system because of school discipline (Redfield & Nance, 2016). The Kirwan Institute report also sheds light on how racialized discipline functions by way of implicit bias when culturally mismatched employees in education use subjectivity in deciding which students receives punishment and how much punishment in grades K-12 (Staats, 2014). To understand how a student can be removed from an educational institution and placed into a correctional facility, the role of zero tolerance policies, high stakes testing, exclusionary discipline, race/ethnicity, sex and disability status must be considered.

BACKGROUND

Zero Tolerance Policies

Zero tolerance policies generally refers to the harsh, predefined, and mandatory consequences that are applied to violations of school rules without regard to the seriousness of the infraction, the mitigating circumstances, or the situational context (APA, 2006). Zero tolerance policies are rooted in a reactionary response to a number of social changes and dramatic events. They first appeared in 1989 with the intention of sending a message that violence and drug use of any extent would not be tolerated on school property. The policies originally required schools to expel students suspected of involvement with on-campus drug use, drug possession, violence, or gang related activity (Monahan, VanDerhei, Bechtold, Cau, & Cauffman, 2014). Administrators began to express additional fear for drugs, gang affiliation and violence at school following the 1999 Columbine High School shooting (Curtis, 2014). Administrators also developed predetermined consequences or punishments for specific offenses with the belief that removing students from schools when they behave disruptively will create peaceful learning environments and deter others from engaging in similar patterns of conduct (Curtis, 2014). The interpretation of zero tolerance policies has been used to punish students for profanity, bullying, alcohol and tobacco due to administrators' using their own judgment, which is beyond the scope of its original intentions (Krezmien, Leone, Zablocki, & Wells, 2010). Creating a safer educational environment and increasing academic performance has been the rationale of zero tolerance supporters but there

remains to be no evidence to support any of these claims (Krezmien, Leone, Zablocki, & Wells, 2010).

Still some have defended zero tolerance policies by stating that the “no nonsense” approach is a part of taking all threats seriously even if others considered them silly (CITE or combine sentence). Those who have justification for these stringent policies have claimed that even the silliest threats must be taken seriously because some of those threats disguised as jokes are real (Curtis, 2014). Yet, again, evidence questions whether those policies are effective. School violence was actually in decline but was being portrayed as if it was at an endemic level. Victimization away from school also declined at similar rates between 1992 and 2011, which discredits the belief that school policies caused the decline of school violence (et al, 2014). Zero tolerance policies have no measurable impact on school safety, but are associated with a number of negative effects on racial disproportionality, increased suspensions and expulsions, elevated drop-out rates, and multiple legal issues related to due process (Heitzeg, 2009).

Zero tolerance policies have been condemned on racial grounds as well. The fact that African-Americans lead minorities in being overrepresented in punishment has brought concern to the administration of school discipline (Skiba R. J., Michael, Nardo, & Peterson, 2002). African-Americans’ having higher suspension rates is partially due to teachers determining which children are referred to the principal’s office even though research shows that there is not a significant difference between races in examining school incidents (Skiba, 2002). For over thirty years, in national, state, district, and building level data, the documentation of disciplinary overrepresentation for African American students has been consistent (Skiba R. J., Michael, Nardo, & Peterson, 2002).

The issue of zero tolerance policies and their effects on students cannot be properly understood without examining the existence of school resource officers or SROs. Prior to the 1990s, the presence of SROs was rare until in 1999, the U.S. Department of Justice established the COPS in Schools program (Teske & Huff, 2011). The status offenses in zero tolerance policies have been prominent in leading students from the supervision of schools into the juvenile justice system. These policies generally require out of school suspension or expulsion on the first offense for a variety of behaviors initially meant for possession of a weapon or illegal drugs, but now frequently also including smoking tobacco or fighting in school (Kang-Brown, Trone, Fratello, & Daftary-Kapur, 2013). Similarly, to zero tolerance, over time policymakers began using school testing punitively, against students and educators instigated and perpetuated by the NCLB and it ushered in a new wave of inflexible, test-based accountability (Advancement Project, 2010)

High Stakes Testing

Another factor that contributes to the school to prison pipeline is high stakes testing. NCLB had the effect of encouraging low-performing schools to meet benchmarks by narrowing curriculum and instruction and de-prioritizing the educational opportunities of many students (Advancement Project, 2011). The pressure put upon schools for students to perform well on standardized test performance is enormous. Using standardized testing as a metric for accountability and attaching high-stakes consequences to the results of these tests unfortunately creates a very narrow definition of educational success. This becomes a mandate to raise student scores and teachers, administrators and schools are put under extraordinary pressure to produce

(Advancement Project, 2011). This enormous pressure has moved schools to orchestrate the departure or removal of lower-performing students by assigning these poor performing students to alternative schools. This process pushes students to either drop out or enroll in General Educational Development (GED) programs, which removes these students from attendance rolls and becomes a substitute to improperly use exclusionary school discipline methods such as suspension, expulsion and arrests (Nichols & Berliner, 2007).

The overemphasis on standardized testing leads to school curricula becoming weak and narrow nationwide, the majority of class time being devoted to test preparation and a decline in having a well-rounded instruction (Advancement Project, 2011). This in turn increases students' being disengaged in classrooms, which contributes to disruptive behavior, which of course leads to the exclusionary discipline (Advancement Project, 2010). The intersection of zero tolerance policies with high stakes testing practices implemented by NCLB have been identified as the primary culprit to the push-out phenomenon occurring with students (Simson, 2014).

Exclusionary Discipline

Exclusionary discipline-provokes a multi-layered discussion. When a group is represented in a particular category at a rate 10% or higher than their representation in the overall population, they are overrepresented in that category (Fenning & Rose, 2007). There is an overrepresentation of minorities, especially African American students in the use of exclusionary and punitive consequences (Skiba R. J., Michael, Nardo, & Peterson 2002).

In the state of North Carolina, African-American students represent a little less than 32% of the student population but make up over 65% of school expulsions and 55% of suspensions (Civil Rights Project, 2011). Exclusionary procedures result in loss of instructional minutes often coupled with anti-social behavior (Ex. swearing, constantly playing, etc.) The strategy of suspension is repeatedly used on the same students, which suggests that this method is ineffective (Fenning & Rose, 2007).

There has been a consistent stream of qualitative research that has been reviewed nationally and internationally, along with content analyses of discipline codes of conduct which present evidence of the need to examine how school personnel execute discipline procedures for students identified as “troublemakers” or threats to classroom control (Fenning & Rose, 2007). The students labeled as “troublemakers” are most likely those with academic problems, poor, and students of color (Morrison & D’Incau, 1997). After a student is removed from the classroom, there are virtually no other options for the student who has been labeled and the perception that he or she is out of control closes the door on academic possibilities (Henley & Algozzine, 2010). As expressed earlier, disparity in disciplinary referrals, or the discipline gap, appears to originate in classrooms as systematic, racial bias (Skiba 2000).

Race and class privilege are intertwined with teachers’ perceptions and expectations of students--key factors in classroom decision making (Pane, Rocco, Miller, & Salmon, 2014). Teachers who misunderstand students’ cultural goals refer African American students to the office more often than Whites for subjective behaviors like excessive noise, disrespect, disobedience, disorderly conduct, and fighting (Pane, Rocco, Miller, & Salmon, 2014). The labeling of students of color as troublemakers has resulted

in excessive exclusionary discipline being administered to them (Fenning & Rose, 2007). For instance, the issuing of exclusionary discipline practices to African American boys in 53 counties in the Midwestern United States was linked to a relative increase in juvenile court referrals for these students. The strong associations evident between the disproportionate number of African American boys who experience exclusionary discipline practices and the related increase in juvenile court referrals provides evidence of a School to Prison Pipeline (Darensbourg, Perez, & Blake, 2010). The less time a student spends receiving academic instructions in a classroom, the more likely he or she are to be in trouble with the law (CITE). When students are removed from schools, they experience a decline in academic achievement which increases negative attitudes and leads to an increase in dropout rates (Gonzalez, 2012).

Race/Ethnicity

Race/ethnicity is a significant factor in the school to prison pipeline. African-American students are 2.6 times more likely to be suspended than White students; and in 2000, African-American students represented 17% of the student population but 34% of those suspended (Wald & Losen, 2003). As suspensions began to rise, racial disparities also increased between 1972 and 2000: the percentage of White students suspended annually for more than one day rose from 3.1% to 5.09% but for African-American students suspended annually for more than one day rose from 6.0% to 13.2% (Wald & Losen, 2003). A monumental shift in minority contact with the judiciary system can be attributed to a legislative decision that would have a historical effect on incarceration in the United States. From 1992 to 1997, laws were changed to charge juveniles as adults by implementing the following: transfer provisions created the passage for juvenile

offenders to be funneled from the juvenile justice system to the criminal justice system, juvenile and criminal justice courts were given the authority to expand their sentencing options and the tradition of confidentiality for juvenile court records was removed and proceedings became public (Bilchik, 1999).

Since 1992, 45 states have passed laws making it easier to try juveniles as adults, and 31 have stiffened sanctions against youths for a variety of offenses (Snyder & Sickmund, 1999). In 1998, African-American youth with no prior criminal records were six times, and Latino youth three times, more likely to be incarcerated than Whites for the same offenses, with four out of five new juveniles detained between 1983 and 1997 youths of color (Wald & Losen, 2003). In 2004, African Americans made up 16% of the general population between the ages of 10-17 in 2004, but comprised 39.1% of the youth detained, 35.9% of those handled formally in the juvenile courts, 33% of the youth adjudicated delinquent, 38.3% of the juvenile cases resulting in out-of-home placements, and 44% of the youth transferred to adult courts in that year (Stahl, et al., 2007).

Previous studies have a consistent reporting of the disadvantages that African-American students face in comparison to their White classmates when being taught by White teachers. Ratings for both behavior and ability by White teachers have a significantly lower average rating for African-American students (McGrady & Reynolds, 2012). The difference in social norms between White teachers and African-American students due to race and socioeconomic status may be the reason why White teachers have a problematic interpretation of African-American student behaviors (Fenning & Rose, 2007). Some scholars have highlighted the sociological factors that can influence the teacher to have a student removed from a classroom based on patterns of classroom

interaction between teachers and students in moment by moment situations (Vavrus & Cole, 2002). Teachers used exclusionary discipline based on the student's perceived loss of control rather than violent behavior that is actually happening (Pane, Rocco, Miller, & Salmon, 2014).

Previous research demonstrates that African-American teachers rate classroom behavior for African-American students more favorably than White teachers (Downey & Pribesh, 2004). White teachers' rating African-American students more harshly than deserved because of behavior could be a result of African-American students' misbehaving when placed with White teachers versus African-American teachers (Downey & Pribesh, 2004). African-American and Latino students become more susceptible to racialized policing, and are more likely to be arrested than their White peers, even though they are accused of the same school code violations (Mora & Christianakis, 2012). African American students were not any more likely than students of other racial/ethnic groups to commit infractions that prompt removal from school and are actually less likely than White or Hispanic students to engage in behaviors that merit mandatory expulsions (Staats, 2014). The reforms that are designed to increase school academic competitiveness and accountability actually cause the formation of systematic exclusionary practices (Mora & Christianakis, 2012).

There is no evidence supporting the idea that African Americans have a higher level of disruption and to presume that disparate rates of discipline is based upon difference of behavior is incorrect (Skiba, Horner, Rausch, May, & Tobin, 2011). As a consequence, the students who need the most academic support are excluded from being able to participate, which in turn magnifies the probability of children returning to the

criminal justice system that they just left (Mora & Christianakis, 2012). There is research evidence that shows the connection between the punitive practices and restrictive culture of the public school system and the prison system stemming from a focus on criminalization rather than education and rehabilitation (Swain & Noblit, 2011).

Critical Race Theory implies that race should be the focus when researchers analyze school practices and policies that are both overtly and covertly racist (DeCuir & Dixson, 2004). The criminalization of schools usually due to zero tolerance policies is increasingly keeping students within the reach of disciplinary systems, the school system and the criminal justice system for misbehavior that was traditionally handled exclusively by school administrators (Simson, 2014). Research on implicit bias demonstrates that a teacher's or administrator's decision to discipline a student in a way that removes him or her from the classroom setting may cause that student to experience a range of negative implications that impact the school experience and larger life trajectory (Staats, 2014). There is a pattern of disproportionality that is higher in some situations and not in others which implies the effects of implicit bias, the unconscious and unintended use of stereotypes in decision making (Lai, Hoffman, Nosek, & Greenwald, 2013). Similar to racial disproportionality, almost every study presenting school disciplinary data by sex finds that boys are referred to the office and receive a range of disciplinary consequences at a significantly higher rate than girls (Skiba, Peterson, & William, 1997).

Sex

The relationship between exclusionary discipline and sex is consistent across studies, as boys of all racial and ethnic groups are substantially more likely than girls to be subjected to exclusionary discipline practices (Sullivan, Klingbeil, Van Norman, &

Van Norman, 2013). At least one of group of researchers found that boys were four times more likely to be suspended or expelled than girls, which could be due to sex differences in school misconduct base rates (Monahan, VanDerhei, Bechtold, Cau, & Cauffman, 2014). In addition, school discipline may be differentially applied to individuals with histories of early problem behavior (Monahan, VanDerhei, Bechtold, Cau, & Cauffman, 2014).

Recent examples abound of teachers and school administrators' projecting criminal futures onto their students; some research shows that many students in impoverished schools believe that educators perceive them as 'animals', 'inmates', or 'killers' and that African-American boys and girls are less than half as likely as their White counterparts to believe that their teachers support them and care about their success (Hirschfield, 2008). African American students in general, but African American boys specifically, are overrepresented in other punitive school consequences, such as corporal punishment, but not as a result of engaging in more severe behaviors (Fenning & Rose, 2007). Research also shows that the execution of school disciplinary policies and behavior has a relationship to socio-economic status as well.

Disability

There has been political attention brought to the issue of students with disabilities being victims of exclusionary discipline for over four decades (Disability, 2015). When a student is labeled as having a disability, they are two times more likely to receive suspension and expulsion than students with no disability (Hing, 2013). In addition to that, experiencing just one suspension in ninth grade makes a student twice as likely to eventually drop out of school (Hing, 2013) which further accentuates the disadvantage of

being identified with a disability. There is research to support the idea that social institutions dealing with the same population need to communicate to help combat the school to prison pipeline. In schools, 37% of students receive special education services but 85% of the youth in juvenile facilities are considered disabled and qualify for special education services (Disability, 2015).

Minority students are overrepresented in disciplinary punishment for two reasons: racial profiling and some exhibit behavior that requires the attention of a skilled professional instead of exclusionary discipline. (Mora & Christianakis, 2012). There is a greater risk for African-American boys for repeated suspensions in a single school year which brings attention to whether or not the necessary provision of adequate behavioral support is available (Wald & Losen, 2003). Schools are using a policy that excludes students from school based on “perceived potential” to be dangerous called “preventive detention” without an overt act being committed (Wald & Losen, 2003). With students of color being disproportionately punished for “perceived potential” to commit acts this means that racial profiling is a policy (Wald & Losen, 2003). The National Center on Education, Disability and Juvenile Justice (EDJJ) reports that more than one in three youths entering juvenile justice or correctional facilities have previously received special education services and students with disabilities are up to 4 times more likely to be committed to a juvenile justice facility than their nondisabled peers (Cavendish, 2014). This disproportionate representation of youth with learning and behavior disabilities in juvenile justice populations connects the School to Prison Pipeline to the larger mental health discussions taking place in the nation today.

Youth with disabilities are also overrepresented in the juvenile justice system with a racial overrepresentation of students of color in the Emotional Disabled (ED) and Learning Disabled (LD) in public schools (Annamma, Conner, & Ferri, 2013). African American youth with disabilities are arrested at a rate of 40% with a contrast of 27% for White youth with disabilities (Oswald, Coutinho, & Best, 2002). Youth with disabilities are at a higher risk for involvement in the juvenile justice system (Pacer, 2013). A study on disability found that 20% of the youth with emotional and behavioral disorders were arrested while in secondary school, approximately 13% of juvenile offenders had developmental disabilities, and 36% had learning disabilities (Wagner, 1991) and are usually referred to the correctional facilities directly from school (Pacer, 2013). These are some statistics regarding children classified with the educational disability Emotional Disturbance (ED): 70% of children in the juvenile justice system are classified as ED; ED students fail more courses; they earn lower grade point averages miss more days in school and are retained from grade matriculation; children labeled as ED have the lowest graduation rates of children with disabilities with only 35% whom graduate from high school compared to 76% for all students 73% of those who drop out of school are arrested within five years (Wrightslaw, 2016).

RACE, RESEGREGATION, AND EDUCATION IN MECKLENBURG COUNTY

The purpose of this study is to investigate how the school to prison pipeline factors have operated in the school system and criminal justice system in Mecklenburg County, an urban county in North Carolina that includes the city of Charlotte. One must understand the history of schooling in Charlotte helps to appreciate the timeliness and importance of this study. Following the *Brown v. Board of Education* decision in 1954 that declared segregation unconstitutional, and President Johnson's signing the 1964 Civil Rights Act into law that turned the most segregated area in the country the South into the most desegregated area, the 1971 *Swann v. Charlotte-Mecklenburg Board of Education* decision made Charlotte an example of desegregation by requiring districts to maximize desegregation using busing as a tool to do so (Ayscue, Siegel-Hawley, Kucsera, & Woodward, 2016).

In 2000, the U.S. Supreme Court ruled in favor of the Charlotte Mecklenburg School system to be unitary, and legal efforts toward giving all children the opportunity for quality education was diffused (Mickelson, 2002). The neighborhood school-based assignment pupil plan named the "Family Choice Plan" giving parents limited options on school selection was a product of the unitary decision restricting choices to the neighborhood school and one of the four pre-designated districts (Mickelson, 2002). By prioritizing proximity over diversity, this plan not only led to increased racial segregation but also failed to distribute the potential community benefits of neighborhood schools

equally to all students, as minority students' schools were in low-resource communities creating more segregated schools (Ayscue, Siegel-Hawley, Kucsera, & Woodward, 2016). The progress that African-Americans have made is threatened by resegregation and was set in motion due to the end of court-ordered desegregation (Mickelson, R., 2003).

The combination of zero tolerance, high stakes testing, and exclusionary disciplinary policies with Mecklenburg County's historic political resistance to educational equality (i.e. resegregation) creates multiple contributing factors to the school to prison pipeline. Resegregation incorporates curricular differentiation (ability grouping and identification for gifted or special education in elementary school and tracking in secondary school) that begins early in students' educational career (Entwistle, Alexander, & Olsen, 1999). Mindy Kornhaber's research on the identification process for gifted and talented (AG) education in CMS speaks to the issue of AG certification as the beginning of racially correlated tracking in CMS (Mickelson R., 2003). National issues regarding the impact of race, gender and disability are aforementioned but we turn now to these same statistics in Charlotte Mecklenburg Schools: African Americans make up 41% of CMS's enrollment but accounted for 77% of suspensions during the 2013-14 academic year with African-American students making up 19,000 of CMS's 24,121 short term suspensions compared to 2,000 for their White counterparts (DPI, 2015). African-American students had the highest rates of long term suspensions with 152 per 100,000 students (DPI, 2015).

The number of short term suspensions for boys is African-Americans at 12,461 comparable to Whites who have 1159 for the number of short term suspensions.

(DPI, 2015). In North Carolina, students classified with the special education category termed Specific Learning Disability accounts for over 22,000 of the 63,642 the total short term suspensions (DPI, 2015). These disproportionate numbers qualify Charlotte Mecklenburg Schools for school to prison pipeline research because...

For this study, I will analyze the impact that individual characteristics such as race, gender and disability have on out of school suspensions (OSS); and the impact that race, gender, disability and OSS have on arrests. The data for this thesis comes from the Mecklenburg County Sheriff's Office (MCSO), which provides the booking information, and the Charlotte Mecklenburg Schools (CMS), which provides the suspension records of each participant. This thesis will provide a closer analysis of how school disciplinary policies have impacted the Charlotte community. It will examine the disproportionality of race/ethnicity, gender and disability in suspensions. This research will analyze the role of suspensions as a potential predictor of a person's number of arrests. The study will contribute data to ongoing discussions relating to school zoning for resegregation, exclusionary discipline, and disproportionate minority contact with the juvenile justice system by adding a perspective that illuminates the community consequences of policy decisions that may be rooted in implicit bias. Based on previous research, critical race theory, and implicit bias, this study was guided by two research questions and will test the following hypotheses:

Research Question 1: Do sex, race/ethnicity, and ability have an impact on out-of-school suspensions in Mecklenburg County?

Research Question 2: Do sex, race/ethnicity, ability, and out of school suspension increase the likelihood of a student's involvement in the juvenile and/or criminal justice system in Mecklenburg County?

Hypotheses:

Out-of-School Suspensions

H1: African American students experience more out-of-school suspension than Whites.

H2: Boys experience more out-of-school suspension than girls.

H3: Students classified as Behaviorally/Emotionally Disabled experience more out-of-school suspensions than all other ability categories.

Arrests

H4: African Americans have more arrests than all other race/ethnicity groups.

H5: Boys have more arrests than girls.

H6: The Behaviorally/Emotionally Disabled have more arrests than all other ability categories and the non-disabled.

H7: Days of out of school suspensions will increase the number of arrests.

DATA AND METHOD

Data for this analysis were gathered from the Mecklenburg County Sheriff's Office (MCSO) Court-Involved sample. The MCSO is a current data depositor for the ISC Community Database. The database consists of a list of names and birth dates of individuals who are Court-Involved. The ISC Community Database also has Charlotte Mecklenburg School (CMS) data, which provides behavioral student records. All of the aforementioned data was de-identified for research ethical compliance and purposes. The data includes demographic information, K-12 schools attended, school level risk indicators (attendance, suspension data), and involvement in agencies represented in ISC Database (Department of Social Services, Area Mental Health, and Communities in Schools).

The Court-Involved sample includes any non-federal inmate booked into custody with Mecklenburg County Sheriff's Office from January 1, 2011 to December 31st, 2012. The full sample included 99,000 de-identified archival cases. From this sample, ISC selected cases that fit the following criteria: age 18-24 when arrested and had CMS school records from 2006-2007 to 2012-2013. The final Court-Involved group sample is 7349.

Non-Court Involved Data

To describe any disparate outcomes for youth, it is necessary to explain the likelihood of their outcomes relative to a similarly-situated population; it also provides the opportunity

to examine if the outcomes are occurring by chance. The Non Court-Involved group have the same time period range of CMS data enrollment, but are not court involved which means they are not present in the MCSO data set. The key difference is that the first group has had contact with the criminal justice system. The final size of the Non Court-Involved group sample is 14341.

Measures

This is a longitudinal study that looks at two groups with similar variables using a multivariate analysis to examine the difference in outcomes; in other words, to investigate why one group evades the juvenile/criminal justice system and another has contact with the juvenile criminal justice system. The time frame of the longitudinal study is 2006-2007 school year to 2012-2013 school year.

Predictor/Independent Variables

Variables were selected from the Charlotte Mecklenburg School data enrollment and Mecklenburg County Sheriff Office data set that impact student contact with the criminal justice system. The variables fall into 2 categories: individual characteristics (sex, race/ethnicity and ability) and behavioral characteristics (out of school suspensions and arrests).

Individual Characteristics. Individual characteristics include sex, race/ethnicity and ability. Sex was coded as (1) for male and (0) for female. The 6 race/ethnicity categories are numerically coded: African American, American Indian, Asian, Hispanic, Multi-Racial and White. Also, for the Non-Court Involved sample there was a very small amount that were Unidentified. The African American race/ethnicity will serve as the

reference category. The six ability categories are: No Disability, Gifted, Developmentally Delayed, Physically Disabled, Behaviorally/Emotionally Disabled and Multi-Handicapped. The Behaviorally/Emotionally Disabled will be the reference category. The individual characteristics have been applied to both the Court-Involved group sample and the Non Court-Involved group sample.

Behavioral Characteristics. The behavioral characteristic for the study is Out of School Suspensions. The Out of School Suspensions (OSS) variable is based on the number of days suspended. For this study OSS is being used as a dependent variable analyzing the impact of race/ethnicity, sex, and ability on out of school suspensions. But OSS is also being used as an independent variable to examine its impact on number of arrests. The OSS variable for each of the six race/ethnicity categories is identified for both the Court-Involved group sample and the Non Court-Involved sample but the Non Court-Involved sample has a small unidentified group.

Dependent Variable

The number of days of out of school suspensions is a dependent variable for this research study.

The number of arrests is the primary dependent variable for this research study. The arrests include both felony and non-felony bookings.

Data Analyses

The method of analysis for this study is linear regression. This method will help to evaluate the impact of race/ethnicity, sex and ability on out of school suspensions. African American is the reference category for race/ethnicity, male is the dummy

variable for sex and Behaviorally/Emotionally Disabled is the reference category for ability to look at each their continuous outcome on number of days suspended. The method of linear regression is also being used to analyze the number of arrests. Similar to the analysis on OSS, race/ethnicity, sex and ability are using the same dummy variables. Days of OSS is being used as an independent variable to show the continuous outcome on the number of arrests.

Table 1: Summary statistics used in analysis of prison pipeline data

Variables	Court-Involved Percentage	Non Court-Involved Mean Percentage
Sex		
Male	74.29***	49.07***
Female	25.70***	50.93***
Race/ethnicity		
African American	72.06***	55.20***
American Indian	0.65***	0.53***
Asian	0.98***	4.71***
Hispanic	7.89***	15.06***
Multi-Racial	1.78***	2.54***
White	16.62***	21.94***
Ability		
No Disability	75.05***	78.71***
Gifted	3.11***	8.22***
Developmentally Delayed	12.07***	8.41***
Physically Disabled	3.49***	2.92***
Behav/Emo Disabled	6.19***	1.64***
Multi-Handicapped	0.06*	0.08**
Out of School Suspensions		
Total Sample	76.3***	41.9***

Note: $N = 21,690$ for Total sample; 7,349 for Court-Involved Group; 14,341 for Non Court-Involved Group * $p < .05$ ** $p < .01$ *** $p < .001$

Description of Table 1 Summary Statistics Used in Analysis of Prison Pipeline Data

The two groups for this study are the Court-Involved group and the Non Court-Involved group. The Court-Involved sample is 7349 and the Non Court-Involved sample is 14341. The Men are overrepresented in the Court-Involved sample (slightly less than 75%), while the Non Court-Involved sample is approximately evenly split. There is a significantly higher number of men who are court involved than the number of who are Non-court involved. The Court Involved female sample is double the number of Non-Court involved females. African-Americans are also overrepresented in the Court-Involved sample, where they make up more than 70% of the sample. There is a significantly higher number of Court Involved African-Americans than those in the Non-

Court involved sample. There is less than one percent for American Indians and Asians in that sample. Hispanics are close to 8%, the Multi-Racial portion of the sample are slightly less than 2% and Whites are close to 17% of the sample. The number of Hispanics in the Court Involved sample is almost double the number of Non-court Involved Hispanics. In the Non Court-Involved sample, African Americans are more than 50% of the sample, with the American Indians being far less than one percent. Asians are less than 5%, Hispanics represent 15%, Multi-Racials are less than 3% and the remaining 21% are White. Regarding ability with the Court-Involved sample, 75% of them have no disability. The Gifted and Physically Disabled are both at 3%, 12% of the sample is Developmentally Delayed, 6% of it is Behaviorally/Emotionally Disabled and the Multi-Handicapped are less than one percent. The Court Involved Behaviorally/Emotionally Disabled group is five times more than the Behaviorally/Emotionally Disabled in the Non-court Involved group. Within the Non Court-Involved sample those with No Disability are at 78% with the Gifted and Developmentally Delayed both being at 8%. The Physically Disabled represent 2%, those with the Behaviorally/Emotionally Disabled are at 1% and the Multi-Handicapped are less than one percent. The Out of School Suspensions for the Court-Involved sample is slightly more than 76% and for the Non Court-Involved sample is a little more than 40%.

Table 2: Summary statistics for out of school suspensions by group

Variables	Mean	SD
Court-Involved	19.32	26.89
African American	22.41***	28.83
American Indian	16.41	25.00
Asian	13.08**	17.56
Hispanic	16.32**	22.51
Multi-Racial	18.34	23.02
White	7.92***	15.23
Non Court-Involved	6.78	16.27
Unidentified	1.00	2.00
African American	9.98***	19.74
American Indian	6.91	12.16
Asian	1.07***	4.47
Hispanic	4.23***	10.75
Multi-Racial	6.85	16.82
White	1.69***	6.61

Note: $N = 7,349$ for Court-Involved Group; $14,341$ for Non Court-Involved Group

* $p < .05$ ** $p < .01$ *** $p < .001$

Description for Table 2. Summary Statistics for Out of School Suspensions by

Overall, the Court-Involved sample experiences more days of out of school suspension than the non-Court Involved group. The Out of School Suspensions (OSS) for the Court-Involved sample for race/ethnicity shows that the average for African Americans is disproportionately high at 22 days followed by Multi-Racials having 18 days. American Indians and Hispanics are averaging 16 days, Asians are at 13 days and Whites' average is 8 days in the Court-Involved sample. The OSS for race/ethnicity in the Non Court-Involved group has African Americans still leading with the average being 10 days with American Indians and Multi-Racials following at 6 or 7 days. The average for number of OSS for Hispanics is 4 days, Whites slightly less than 2 days and Asians at one day. These statistics show that whether African-Americans have been Court-Involved or not, they experience a significantly larger number of suspension days than all other groups,

but especially 3-8 times more suspension days than Whites. With the school year calendar for enrollment being 180 days, African-Americans are missing out on approximately 12% of the academic school year because they have an average of 22 days of suspensions in Mecklenburg County. Previous research (Shaw, 2014) mentioned earlier implies the relationship of out of school suspensions with a student's contact with the criminal justice system. Given these statistics OSS statistics, African-Americans are experiencing exclusionary discipline that is reserving an unfortunate position in the school to prison pipeline.

Table 3: Summary statistics for arrests by race/ethnicity court-involved group

Variables	Mean	SD
African American	6.66***	10.85
American Indian	5.00	7.60
Asian	3.60*	5.90
Hispanic	5.28*	9.32
Multi-Racial	5.88	8.14
White	4.51***	8.43

Note: $N = 7349$ * $p < .05$ ** $p < .01$ *** $p < .001$

Descriptions for Table 3. Summary Statistics for Booking Type by Ethnicity in Court-Involved

The Court-Involved group sample is a combination of Felony and Non-Felony Bookings.

The total number of arrests is 45,107. African Americans average over 6 arrests.

American Indians and Hispanics have 5 or more average for arrests. Multi-Racials have slightly less than an average of 6 arrests and Whites average slightly more than 4 arrests.

African-Americans are disproportionately arrested 2 times more than Whites. African-Americans averaging 6 arrests is contributing to the 67% African-American jail

population (Services, 2015) despite being only 30% of the Mecklenburg County population.

RESULTS FROM LINEAR REGRESSION

Table 4. The Number of Suspensions (N=21,690)

	Model 1			Model 2			Model 3		
	b	SE		b	SE		b	SE	
Race									
American Indian	-4.38	1.8	***	-3.82	1.84	***	-3.63	1.81	**
Asian	-12.73	0.78	**	-12.25	0.76	**	-10.84	0.75	***
Hispanic	-8.18	0.43	***	-8.15	0.42	***	-7.19	0.42	***
Multi-racial	-5.08	0.94	***	-4.49	0.93	***	-3.96	0.92	***
White	-11.53	0.36	***	-11.43	0.35	***	-10.37	0.36	***
Sex									
Female				-7.37	0.28	***	-6.32	0.28	***
Ability									
No Disability							-18.8	0.78	***
Gifted							-21.17	0.95	***
Developmentally Disabled							-14.92	0.88	***
Physically Disabled							-11.51	1.08	***
Multi-handicapped							-24.86	4.93	***
R²									
	0.057			0.086			0.115		
* p<.05 **p<.01 ***p<.001									

Table 5. The Number of Arrests (N=21,690)

		Arrests											
		Model 1		Model 2		Model 3		Model 4					
		b	SE	b	SE	b	SE	b	SE				
Race													
	American Indian	-1.9	1.3	-1.38	1.25	-1.2	1.2	-1	1.23				
	Asian	-2.8	0.9	**	-2.85	0.92	**	-2.5	0.9	***	-2.2	0.91	**
	Hispanic	-1.3	0.4	***	-1.62	0.37	***	-1.4	0.4	***	-1.2	0.36	***
	Multi-racial	-1.1	0.8		-	0.934	0.75	-0.9	0.7		-0.8	0.75	
	White	-2	0.3	***	-2.1	0.27	***	-1.8	0.3	***	-1.3	0.27	***
Sex													
	Female			-3.66	0.22	***	-3.5	0.2	***	-3.2	0.23	***	
Ability													
	No Disability							-4.7	0.4	***	-4.2	0.42	***
	Gifted							-5.5	0.7	***	-4.9	0.68	***
	Developmentally Disabled							-4.1	0.5	***	-3.7	0.49	***
	Physically Disabled							-4.8	0.7	***	-4.7	0.66	***
	Multi-handicapped							-3.4	3.5		-2.5	3.47	
Out of School Suspensions										0.04	0	***	
R ²		0.096		0.208		0.245		0.27					

* p<.05 **p<.01 ***p<.001

Table 4 displays the outcome of race/ethnicity, sex, and ability status on OSS. Hypothesis 1 predicted that African-American students experience more out-of-school suspensions than Whites. Model 1 shows that African-Americans miss 11 days more of school because of OSS than their White counterparts. As expected, African-Americans are removed from the classroom more than Whites. African-Americans also have a significantly higher number of days of OSS than all other race/ethnicity groups. Asians share similar statistics to Whites in comparison to African-Americans receiving 11 less days of OSS. American Indians and Multi-racial groups rank second and third but receiving almost four less days of suspensions than African-Americans. Usually, Hispanics nationally rank second in OSS, but are fourth within this study. After controlling for sex in Model 2, the findings support H1 and H2. Male students receive more than 7 days more days of suspension than female students.

Hypothesis 3 states that students with Behaviorally/Emotionally Disabled (BED) experience more out of school suspensions than students with No Disability. Results in Model 3 indicate that BED students receive almost 20 more days of OSS than those with no disability. As aforementioned students classified as gifted have a very different school experience than other ability categories nationwide. This study shows BED students missing almost nineteen more days because of suspensions than gifted students and students classified as multi-handicapped. The remaining categories receive 10 less days of suspensions than BED students highlighting the academic hours a student is likely to miss when facing school discipline under this Ability status. The findings support H3.

Turning to the results for the number of arrests shown in Table 5, Hypotheses 4 and 5 predict that being an African-American or male increases the number of arrests

experienced. African-Americans not only experience more arrests than Whites but also Asians and Hispanics by 1 or more. African-Americans receive 2 more arrests than Whites and Asians. There was no significance in number of arrests when comparing African Americans to American Indians or those considered Multi-racial. When controlling for sex, male students are arrested almost four more times than female students. Hypotheses 4 and 5 are thus supported by the findings.

Hypotheses 6 predicted that the number of out of school suspensions will increase the number of arrests. Consistent with this hypothesis, a positive relationship is found between the number of OSS and the number of arrests. Numerically, the statistic is small but significance is found when analyzing that as the number of days of out-of-school suspensions increase, the relationship to the number of arrests steadily increases. The results say that 1 day of out of school suspension accumulates 0.04% of 1 arrest. Approximately, 25 days of out of school suspensions accumulates 1 arrest. In the Charlotte Mecklenburg Schools, short term suspensions are 1-10 days and long term suspensions are more than 10 days (CMS, 2016). Because a student can receive 10 or more days of suspension for one offense, having 25 days of out of school suspension is highly probable. The average number of OSS for the African-Americans is the Court-Involved sample is 22 days. The findings are not statistically large but yet still support H6.

DISCUSSION AND CONCLUSION

African-Americans in general, and African American males in particular, are removed from classrooms disproportionately more than all other race/ethnicity groups in Charlotte Mecklenburg Schools. Consequently, African Americans regardless of sex and ability status are missing more academic learning hours and days more than any other group in Mecklenburg County. Using the Critical Race Theoretical lens, these findings imply that racialized school disciplinary policies producing disproportionate punishment is occurring in Mecklenburg County. Special education tracking, just like one's race/ethnicity has a significant relationship on the number of days a student will miss in school. A child with the Behaviorally/Emotionally Disabled status has a very strong association with out-of-school suspensions, missing twenty times the number of days than any other ability status controlling for race and sex. African-American males are at a high risk of being victims of exclusionary discipline.

When it comes to arrest, African-Americans are leading all race/ethnicity groups in number of arrests. Males, especially African American males, are experiencing disproportionate arrests following the disproportionately amongst OSS statistics when compared to the counterparts. The various check points made along the school to prison pipeline has a person in a decision making position with a perspective that influences the choices made which have long term impacts on the students. The concept of Implicit Bias provides the critique to examine the driving force behind why students in Mecklenburg County who are African-American, male or classified as

Behaviorally/Emotionally Disabled are being disproportionately punished by the school system and overrepresented in the criminal justice system.

Directions for future research should include why the multi-racial category follows closely to suspension and arrests statistics for African-Americans. Given the history of race classification in U.S. history, the racial composition within the multi-racial group may reveal even more information regarding disproportionate minority contact. With issues of resegregation, school zoning, disproportionate racial composition within schools, suspensions, expulsions and school drop-out along with the overrepresentation of African-Americans and those with learning disabilities in the criminal justice system, this study can add to institutional collaborations and restorative justice conversation and policy discussions happening regarding the school to prison pipeline in Mecklenburg County. If a person's educational background is the common tool used to build the social and economic capital to access opportunities for success, then it is fair to state that the disproportionate dispensing of out of school suspensions is leaving generations of African-Americans socially and economically bankrupt.

The Obama Administration has acknowledged that the school to prison pipeline phenomenon is a federal civil rights problem. N.C. Representative Garland Pierce amongst others has stated that North Carolina is in a "state of emergency" regarding the issue and various local organizations have protested and addressed the matter at Mecklenburg County town hall meetings (CITE). This research offers a theoretical lens and data for more than just an evaluation of school discipline policies but also encourages public institutions like Charlotte Mecklenburg Schools and the Mecklenburg County Sheriff's Office to establish a consistent collaboration to address the school to prison

pipeline crisis. Educational institutions and juvenile justice facilities deal with the same population but it is rare that these social entities, who each have their own rigid set of policies and procedures, to commit to a mutual cooperation without a public outcry. And public outcry need data, evidence or credible research to be heard. Research says that diversity in the classroom creates better outcomes (Mickelson R., 2003). Educational policy being dictated by housing policy, a lack of corporate and civic leadership, and changes in political mobilization (Nelson, Mickelson, & Smith, 2015) are some of the reasons why the city of Charlotte ranks last in the U.S. for places that provide upward mobility and since racial segregation and school quality are two contributing factors to this crisis, Charlotte Mecklenburg Schools is playing a major role in maintaining social inequality (Chetty, Henderson, Lin, Majerovitz, & Scuderi, 2016) Some of the key factors to school quality includes strong academic resources (teachers, technology, students to teacher ratio) and school disciplinary practices. The schools with the poorest quality are the low income poverty schools and African-Americans are the majority population at these impoverished schools ranking last in school letter grades and academic achievement in Charlotte Mecklenburg Schools (Helms, 2015).

African Americans in general and African-American boys in particular are overrepresented as children of poverty and children of poverty are more likely to have academic problems and are more likely to be pushed out of school through exclusionary discipline consequences (Fenning & Rose, 2007). And as expressed earlier, exclusionary discipline a feeding process to the school to prison pipeline (Skiba, Arredondo, & Williams, 2014). These findings show that the number out of school suspensions over time increases the number of arrests in Mecklenburg County. Given this information, all

the factors that impact a child's ability to gain an education that will hopefully lead to substantial employment, must consider and build on research like this.

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