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Vengeful Equity: Gendering the School-to-Prison Pipeline

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The 'school-to prison pipeline' problem has typically been framed as predominantly affecting boys since punitive school discipline practices became firmly entrenched in U.S. public schools beginning in the 1990's. Girls and gender non-conforming students represent an increasing number of students suspended from schools annually and the number of juvenile justice involved girls has increased. This policy brief presents context to the problem and suggests a gendered analysis of aggression and violence is warranted to identify differences in the ways girls' and gender non-conforming students' behaviors are perceived and punished in schools utilizing a gendered theory of school-based aggression as an analytic tool of critical praxis to provide researchers, policy-makers, and practitioners recommendations for future empirical study and practical approaches to correct policy and practice that perpetuate gender bias and social inequality. Improved policy and practice that address inequitable application of school discipline decision-making and juvenile justice decisions can have a direct effect on girls' and gender non-conforming students' academic success and decrease the number of women incarcerated across the United States.

'School-to-prison pipeline' has become an ubiquitous phrase used to describe the ways in which the application of punitive school discipline policies results in funneling students from schools, through the juvenile justice system, and into adult jails or prisons. Beginning in the early 1990's, zero tolerance policies implemented nationwide served as a catalyst for establishing this metaphorical pipeline, with administrators extending mandates embedded in the Gun-Free Schools Act of 1994 (20 U.S.C. §4141) requiring a one-year expulsion for possession of a firearm to include more minor offenses such as drugs, fighting, profane language, or threats (Skiba & Knesting, 2001). After nearly a quarter of a century of research, scholars have determined that the school-to-to prison pipeline is so disproportionately comprised of male students of color compared to their white peers that national school discipline and juvenile justice reform efforts have been implemented in an attempt to correct this trend. During this same period of time, the experiences of girls and gender non-conforming students has largely been overlooked.

Policy analyses and empirical studies have generated few promising policy recommendations for addressing the complex experiences of girls and gender non-conforming students who are funneled into the school-to-prison pipeline. The purpose of this policy brief is to suggest a gendered analysis of aggression and violence is necessary to identify nuanced and profound differences in the ways girls' behaviors are perceived and punished compared to boys' behaviors in schools and the juvenile justice system. Further, it will utilize a gendered

theory of school-based aggression as an analytic tool of critical praxis to provide researchers, policy-makers, and practitioners recommendations for future empirical study and practical approaches to correct policy and practice that perpetuate gender bias and social inequality. Improved policy and practice that address inequitable application of school discipline decision-making and juvenile justice decisions can have a direct effect on girls' and gender non-conforming students' academic success and decrease the number of women incarcerated across the United States.

Constructing the School-to-Prison Pipeline

Public education and the justice system are seldom viewed as working in tandem despite evidence indicating their direct effect on one another (Klehr, 2009). Future income, employment, health, civic engagement, and other life enhancing opportunities are improved through formal education, however education, among other factors influencing youth delinquency, also serves as a "critical factor in determining the risk of [youth] delinquency and recidivism" (Farn & Adams, 2016, p. 5). The school-to prison pipeline remains intact, in large part, because justice involved youth have been denied access to educational opportunities due to inequitable application of punitive school discipline policies. Once students become involved with the juvenile justice system, they are less likely to reenter school, experience academic success, engage with a healthy peer group, graduate from high school, or continue on to some form of post-secondary education (McCarthy, Schiraldi, & Shark, 2016).

The Juvenile Justice System and Schools: From Opportunity to Collateral Damage

The United States leads the world in incarceration (Still, Broderick, & Raphael, 2016). In 2013, juvenile courts handled an estimated 1.2 million cases nationwide with just over 54,148 youth offenders sentenced to residential facilities as reported through the U.S. Census Bureau's Census of Juveniles in Residential Placement (Hockenberry, 2016). Incarcerated boys and men continue to outnumber incarcerated girls and women, however the "rate of growth for female imprisonment has outpaced men by more than 50% between 1980 and 2014" (The Sentencing Project, 2015, p. 1). Application of exclusionary school discipline policies is directly linked to youth delinquency leading to residential placement for justice involved youth. Once youth have been involved with the juvenile justice system, particularly residential placement facilities, their likelihood for school success is low when they are released and once again eligible for public education. This increases the likelihood they will reoffend and eventually up in adult jails or prisons, thereby completing the school-to-prison pipeline.

Education within the Juvenile Justice System. The quality of academic instruction within residential facilities is generally low (Farn & Adams, 2016; Klehr, 2009), and

students lose valuable time, often earning credits that will not transfer into their home district upon release from the residential facility (Feierman, Levick, & Mody, 2009/2010). The Council of State Governments Justice Center (2015) reported only 26% of states having educational programs in residential facilities comparable in quality to those in public schools. Moreover, youth offenders are often transient, which causes delays in locating and transferring school records from public school districts to residential facilities. Many youth who qualify for special education services are not tested until mandated by judicial order upon entry into the juvenile justice system late into their school years, further compounding the disadvantages they face upon reentry into public schools (Rhudy & Sucherman, 2009).

Leadership, Decision-Making, and Reentry into Public Schools. School administrators are under social and political pressure to ensure the academic success of every student (Klehr, 2010; Mackey, 2015) while maintaining the safety and well-being of all students, faculty, staff, and visitors to the school community (Mackey, 2011). State and federal accountability policies disincentivize school leaders from allowing the reentry of adjudicated youth because their academic and standardized test data might result in lowering the overall school data. Studies have demonstrated that poor educational programs in residential facilities serving youth offenders who are already struggling academically result in nearly "75% of students in custody [advancing]

less than one full grade level per year" for each year they are in custody (Altschuler & Brash, 2004, p. 81). Moreover, there is a connection between academic performance and school discipline, therefore youth who struggle academically are more likely to be disruptive in the school setting, causing concern for school safety and climate (Klehr, 2009; Zingraff, Leiter, Johnsen, & Myers, 1994). School community-based interventions including targeted academic and prosocial education support for youth offenders reentering public schools are often viewed by the public as additional strain on an already taxed system intended to benefit students labeled as 'criminals'. These issues have left most school leaders unreceptive to readmit youth offenders back into the school community after release from detention facilities.

Schools: Inequitable Application of School Discipline Policies

There is consensus among scholars, practitioners, and policy-makers that inequitable application of school suspension practices has led to a disproportionate number of historically disadvantaged racial, ethnic, and gender subgroups, or *pipeline population* (Snapp & Licona, 2016), experiencing exclusion from schools at a rate higher than their peers. School discipline reform efforts implemented in recent years intended to correct inequitable application of exclusionary practices have yielded few positive results. School suspension rates have held steady since 2011, while "the gap in suspension rates between Blacks and whites and between Latinos and whites narrowed slightly….however, only because of the increase in the white suspension rate (Losen, Hodson, Keith, Morrison, & Belway, 2015, p. 5). Girls are represented at a lower rate than boys, yet Black girls are suspended at a higher rate than all other subgroups aside from Black boys (see, e.g., Losen, et al., 2015; Skiba, Chung, Trachok, Baker, Sheya, & Hughes, 2015; Wallace, Goodkind, Wallace, & Backman, 2008). Similar

Summary

In summary, the quality of academic instruction within residential facilities is generally low. School administrators are under social and political pressure to ensure the academic success of every student.

disproportional representation is found within the juvenile justice and adult justice systems (Hawkins, Lattimore, Dawes, & Visher, 2010; Hockenberry, 2016).

Representation of Girls

Girls represent an increasing number of students suspended from schools annually and the number of juvenile justice involved girls has increased since 1996, while the number of boys has declined (Brown, Chesney-Lind, & Stein, 2007; Hockenberry, 2016). Girls are perceived as having fewer behavior problems in school when compared to boys, therefore their discipline experiences and the potential consequences of their contact with the juvenile justice system are not well understood. Furthermore, girls are not perceived to engage in the most serious types of misbehavior such as those that pose a safety threat to others, involve some type of violence, or involve drugs or weapons; activities most associate with school suspension and expulsion. Nevertheless, "the majority of offenses for which students are suspended appear to be nonviolent, less disruptive offenses....most frequently for minor to moderate infractions such as disobedience and disrespect, defiance, attendance problems, failing to report for detention, and general classroom disruption" (Skiba, et al., 2014, pp. 643-644). Increased representation and disproportional racial demographics of girls in school suspension and juvenile justice coupled with a 700% increase in the number of incarcerated women since 1980 suggests greater attention towards this trend is warranted (Brown, Chesney-Lind, & Stein, 2007; The Sentencing Project, 2015).

Representation of Gender Non-Conforming Students

Snapp et al. (2015) provide evidence that gender non-conforming students are twice as likely to face discipline in school than their peers due to unequal enforcement of school policies resulting in "surveillance, "shame based" responses, and punitive punishment [that] facilitate[s] push out and entry into the pipeline" (p. 76). Further, lesbian, gay, bisexual, transgender, questioning, and queer (LGBTQ) girls and students of color are more likely to face expulsion than their heterosexual peers (Himmelstein & Bruckner, 2011) while LGBTQ and gender non-conforming youth who openly express their sexuality and identity are more likely to be punished than their heterosexual peers for similar behaviors (Snapp, Hoenig, Fields, & Russell, 2015). For example, students are often disciplined for behaviors that manifest from continued harassment and bullying by other students, faculty, and school administrators (Snapp et al., 2015), yet little is done to correct regularly occurring gender bias, racism, sexism, or and homophobic behaviors directed towards these students.

Gendered Analysis of School Discipline

School discipline practices such as zero tolerance policies, suspension, and other forms of exclusion exacerbate the academic and social challenges students' encounter in schools, often contributing to delinquent behavior (Christle, Jolivette, & Nelson, 2005). Education policy research tends to frame youth delinquency and violence as individual student's acts or factors that contribute towards students' potential for committing individual acts such as peer, family, or community elements. All too often, policy research notes institutional structures of privilege and disadvantage (e.g., gender, race, and class) without in-depth analysis of how these "inextricably connect with and shape each other to create a system of interlocking oppressions" (Roberts & Jesudason, 2013, p. 314). Scholars, policy-makers, and practitioners must resist the urge to view all students as an homogenous group when analyzing school discipline data and identify the ways in which race, class, gender, disability, sexuality, and other mediating variables affect school discipline decision-making in order to address policy reform implementation intended to decrease the number of girls and gender non-conforming students suspended from school.

Decades of research conducted by scholars in sociology, criminology, and gender studies have established the utility of examining patterns of crime and violence from a gendered theoretical lens (Steffensmeier & Allan, 1996). Despite this, education scholars continue to address school discipline and students' behaviors in schools from gender neutral theoretical and conceptual frames (Zaplin, 1998) that homogenize the experiences of girls and boys through constructs of poverty, inequality, social control, access and opportunity, and racial differences (Brown, Chesney-Lind, & Stein, 2007). Gender neutral approaches provide context for similarities across broad student categories, particularly those related to structural and social processes, however "many of the subtle and profound differences between female and male offending patterns may be better understood by a gendered approach" (Zaplin, 1998, p. 15) that examines factors influencing differences between girls' and boys' involvement in school-based aggression or violence.

Gender neutral approaches are more effective at explaining why such a large gap exists between male and female offenders than parsing out explanations for gender specific types of offenses. A gendered theory of school-based aggression provides opportunities to develop new knowledge that takes "into account the ways in which the continued profound differences between the lives of [girls] and

[boys] shape the different patterns" (Zaplin, 1998, p. 17) of both school discipline infractions and gendered victimization of girls and non-gender conforming students. These differences include organization of gender (e.g., norms, identities, arrangements, and institutions); context of offending (e.g., types and frequency of offenses, differences in access and reasons for offending, sexism undergirding perceptions of offenses); routes to offending (e.g., blurred boundaries between offending and victimization, exclusion from high-stakes offenses, relational concerns such friendship, romantic relationships, or parenthood, and the dichotomy between exploitation for sex and being exploited for sex); and finally, sociocultural and biological factors (e.g., historical trauma, reproductive differences, and cultural norms)(Steffensmeier & Allan, 1996; Zaplin, 1998).

> **Core Question: How Do School Policies and Gender Bias affect Gender Equity in Schools?**

There is evidence to suggest gender bias may influence school discipline decisions resulting in increased suspensions when girls violate stereotypes about traditional standards of femininity or gender norms (Blake, Butler, Lewis, & Darensbourg, 2011; Skiba, et al., 2014), which typically manifest in the types of minor or moderate behavior described and account for the bulk of girls' school suspensions. Further, girls' aggression and violence is typically displayed after repeated victimization has gone unresolved over periods of time. Gender non-conforming students face

similar gender bias despite their behaviors often being a manifestation of ongoing sexual harassment, discrimination, exclusion, and other triggering events within the school setting (Snapp et al., 2015). School bullying and harassment policies have been largely ineffective at deterring the behavior of students who engage is harassment and violence towards girls and gender non-conforming students (Brown, et al., 2007; Skiba, et al., 2014).

Gender bias carries over to the juvenile justice system as well. While the number of youth committed to residential facilities has declined, the female population in residential facilities has remained steady at 14% since 1996, while girls' arrests have generally increased substantially (Brown, et al., 2007; Hockenberry, 2016; Leve, Chamberlain, & Reid, 2005). LGBTQ youth are detained at a higher rate than their heterosexual peers and are overrepresented in residential facilities (Snapp & Licona, 2016; Snapp et al., 2015). The majority of girls and gender nonconforming youth have not been committed for criminal behavior. Approximately 90% of youth offenders are committed to residential placement facilities for either *delinquency offenses* or *status offenses* while the remaining 10% have been referred for abuse or neglect, suffer from emotional or cognitive disabilities, or have been referred by their parents or guardians (Hockenberry, 2016). Delinquency offenses include behaviors that violate criminal law and violations of probation, parole, or court orders associated with violating criminal law. Status (non-criminal) offenses, such as truancy, uncontrollable behavior, or running

away from home, comprise merely 4% of the youth offender population in residential facilities (Hockenberry, 2016), yet the majority of girls and gender non-conforming youth committed to residential facilities fall under this category.

Vengeful Equity

Social Constructions of Girls Increasing Dangerousness. The media characterizes girls as having become more violent over the past two decades, which is supported by public perception that gender equity initiatives encourage them to act more like boys. However Brown, et al. (2007, p. 1251) asserted that "steep increases in girls' arrests are not the product of girls becoming more like boys. Instead, it is the case that forms of girls' minor violence that were once ignored are not being criminalized with serious consequences." The authors contend that it is not girls' behavior that has changed, rather, it is the behavior of "those who police and monitor girls' behavior (e.g., police, teachers, and parents) who are acting differently" coupled with "desire to punish girls' violence as if it is the same as boys' violence" (p. 1253) that is driving girls' increasing arrest statistics. Similarly, girls' increasing suspensions and expulsions from school are largely driven by teachers' and administrators' perceptions that school discipline policies are functionally gender-neutral, therefore universally applicable for defining and punishing students' behaviors. The mediating conditions affecting girls' experiences in schools (Kosciw, Palmer, Kull, & Greytak, 2013) are not taken into consideration in gender-neutral school discipline decision-making.

Proponents of juvenile justice reform and those studying the long-term effects of incarceration for youth offenders have long held that incarceration should be limited to "those who cannot be safely supervised in the community" (Still, et al., 2016, p. 13), yet the majority of girls in residential facilities have been placed there in response to relatively minor, non-criminal offenses. Brown, et al. (2007) contend,

> In short, criminalizing girls' violence…has an enormous impact on girls….although the earlier policing of girls was justified by gender difference, todays pattern is masked as gender equity. The results of what might be called "vengeful equity", though, are clearly as disadvantageous to girls as the earlier pattern of inequality. In both systems [schools and juvenile justice], girls are the clear losers, and neither affords them the justice promised by a system that purports to seek the "best interest of the child. (p. 1256)

Social Constructions of Gender Non-Conforming Youth and Otherness. Gender non-conforming youth often face additional surveillance and scrutiny when they express their identity, sexuality, or openly display affection in public (Snapp et al., 2015) while their gender conforming and/or heterosexual peers do not. There are few studies to date regarding the experiences of gender non-conforming students through the school-to-prison pipeline, however there is evidence to suggest these students face open discrimination and inequitable application of school discipline policies at a far higher rate than their peers (Himmelstein & Bruckner, 2011), are targets of shame-based discipline for behaviors that target their identity and sexuality rather than violations of school policy (Snapp & Licona, 2016; Snapp et al., 2015), and endure stigmatizing school climates that exacerbate school-based aggress-

when students feel compelled to defend themselves against open shaming and threats (Kosciw et al., 2013). Similar to other pipeline population youth, gender non-conforming students are treated as outsiders within their own school community due to the mainstream school community viewing their nonconformity as otherness.

Thus, for girls and gender non-conforming students, the school-to-prison pipeline is a continuous process of responses to their mild or moderate behaviors beginning with teacher or administrator bias demonstrated through inequitable application of school suspensions, followed by bias on the part of the juvenile justice system, which can result in placement in residential facilities, often as a means of 'protecting' girls or shaming gender non-conforming students, where upon release they face the same social stigma and barriers to success when re-entering public school as those who have violated criminal law. Given this cycle, it is not difficult to understand the dramatic increases in incarcerated women and LGBTQ population across the nation over the past 20 years.

Gendering the School-to-Prison Pipeline

Decreasing school violence is an important component to address within school discipline policies, yet administrators have not committed the same vigor towards addressing sexual and gender harassment within schools. The Gun-Free Schools Act of 1994, and isolated incidents of school violence increased pressure on school administrators to implement zero tolerance and bullying policies that punish dangerousness as a strategy for deterring students' misbehavior (Mackey, 2011), however these policies serve to delimit the context of students' behaviors

and remove important protections for ensuring students do not face gender-based harassment and violence in schools. Increased criminalization of girls' behaviors coupled with reducing the definition of incidents of gender-based harassment and violence to "bullying" serve to feed girls and gender non-conforming students into the school-to-prison pipeline while ignoring the victimization they often experience prior to acting out (Brown, et al., 2007). Educational leaders and policy-makers must address gender bias in school discipline policies and decision-making to reduce inequitably gendering the school-to-prison pipeline.

Competing Political Postures on School Discipline and Juvenile Justice

Public perception influences policy development is both subtle and over ways. Longitudinal studies have consistently demonstrated that the public strongly supports rehabilitation for most juvenile offenses, however that does not mean that the public does not support punishment as well (see Cullen, 2000; Schwartz, 1992). In Bishop's (2006) analysis of public opinion regarding justice involved youth, she asserted that because the public is more concerned with "stopping crime" or 'reducing delinquency" rather than "the kids of philosophic and pragmatic issues related to sentencing…such as how to reconcile the interests of justice in fait and proportionate outcomes with the rehabilitative requirement of individualized and flexible responses" (p. 657), policymakers and researchers should not view punishment and rehabilitation as an unbridgeable dichotomy. Public perception places punishment and rehabilitation working in tandem to reduce youth delinquency.

Public perception that schools are becoming increasingly more violent has created more anxiety from members of the school commu-

nity, however Welch and Payne (2010) contend "aside from actual amounts of student delinquency and school disorder…some measures of crime salience (such as prior victimization and fear, perceived risk and safety, and concern about crime and delinquency) may predict harsh social control in schools" (p. 27). School discipline remains largely in the hands of teachers and principals who have the discretion to handle escalating student behavior in a variety of ways. Considering school discipline decision-making originates with teachers and principals making decisions within the parameters of policies that appear gender-neutral, it only makes sense that addressing gender bias in this area should start with an examination of existing policies and practices coupled with targeted professional development for all school staff. Recommendations focused on reducing gender bias and social inequality for policymakers, practitioners, and researchers are as follows:

Recommendations for Policymakers

- Conduct state level analysis of school discipline and juvenile justice data to identify longitudinal trends related to girls and gender non-conforming students;

- Conduct state level analysis of school discipline and juvenile justice data to identify and gaps in available data and develop goals for improved data collection;

Recommendations for Practitioners

- Provide all school faculty and staff research-based professional development focused on school discipline decision-making that includes Title IX, sexual harassment and violence, gender bias, and racial bias;
- Include a gendered theory of students' behavior when determining disciplinary outcomes for girls and gender non-conforming students;
- Implement research-based Title IX and sexual harassment and violence awareness workshops and/or seminars for students that includes policies and procedures for reporting;
- Examine school policies and procedures (formal and informal) that perpetuate gender inequity in school discipline decision-making;

Recommendations for Researchers

- Examine factors influencing gender-based differences between students' involvement in school-based aggression and violence;
- Analyze school discipline and juvenile justice data through intersectional approaches that address race, class, gender, ability, and other components affecting school-based aggression and violence;
- Interrogate juvenile justice and education policies points of intersection and identify areas for improvement in aligning these two spheres;
- Include the experiences and perspectives of girls and gender non-conforming students into inquiry intended to correct inequity in schools;
- Ensure practitioners and policy-makers have access to scholarly products addressing causes and outcomes for gender inequity in school discipline.

Conclusion

While school personnel, policies, and procedures cannot possibly alleviate all social and emotional factors contributing to girls' and gender non-conforming students' behaviors, teachers and school leaders have the ability to interrogate their own relationship with oppressive, systemic and institutional structures that perpetuate gender bias, gender-based harassment and violence, and inequitable educational outcomes. Applying a gendered theory of school-based aggression to school discipline decision-making provides greater context, thereby allowing for a wider range of discipline options. Student behavior and school discipline data ought to be analyzed and addressed in ways that take into account the subtle and profound differences in the experiences of girls and gender non-conforming students in order to develop initiatives and targeted support to meet their unique circumstances. Addressing gender bias on the part of teachers and principals along with rethinking the applicability of gender-neutral bullying and harassment policies can reverse gendering the school-to-prison pipeline and provide girls and gender non-conforming students, particularly those from divergent ethnic backgrounds, greater access to educational opportunities thus reducing their disproportionate representation in the justice system.

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