



**School Failure, Race, and Disability: Promoting Positive Outcomes,
Decreasing Vulnerability for Involvement with the Juvenile
Delinquency System**

**EDJJ: The National Center on Education, Disability,
and Juvenile Justice**

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Achieving Positive Outcomes for Court-Involved Youth

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School failure places children at-risk for a host of negative social outcomes. Despite public interest in improving the performance of all students, many children continue to falter. When these youth leave school early, are unable to obtain meaningful employment, and engage in delinquent activity, their failure places them at great risk for involvement in juvenile courts and corrections. Studies of the characteristics of incarcerated youth reveal prevalence rates of educational disabilities and mental health needs that far exceed those found in the general population of children and youth. The ultimate outcome of this pattern of neglect (which begins with failure to ensure academic and social success in school) is a lifetime of poverty and unemployment or under-employment, periodic incarceration, frequent substance abuse, and failure to establish or maintain supportive relationships with others. While public schools are not responsible for the host of social ills that threatens the healthy development of children, these institutions can ameliorate or exacerbate the vulnerability of children to these negative outcomes.

Some children in the public schools experience more negative events and outcomes than others. The evidence indicates that special education placement, school failure, and exclusion are often associated strongly and consistently with race and ethnicity. For example, African American and Latino students are disproportionately identified as eligible for special education services and underrepresented in programs for the gifted and talented (National Research Council, 2002). Dropout rates, low levels of academic skills, and school failure are on average, higher for minority youth than other students. African American students are two to three times as likely to be suspended or expelled as other students (Skiba, Michael, Nardo, & Peterson, 2000). The cumulative effect of these disadvantages make it more likely that students of color drop out of school (Gregory, 1997) and increases their vulnerability to initial or continued involvement with juvenile or adult courts and corrections.

The rise of zero tolerance in school settings serves as the paradigmatic example of the growth, and the peril, of punitive approaches to misconduct and control. Emanating from 1980's drug policies, zero tolerance with regard to school discipline intends, through severe punishment of both serious and non-serious offenses, to "send a message" to potentially disruptive students. Like zero tolerance drug policy, zero tolerance discipline arises out of fear, and assumes that a "tough" stance that reassures the community that schools are still in control (Noguera, 1995) and will somehow solve the underlying problems. Available evidence contradicts that assumption, however. In the almost 15 years since the initial application of zero tolerance in school settings, and the 7 years since zero tolerance was made national policy for firearms in schools, there are no credible data that the policy contributes to improved student behavior or increased school safety (Skiba & Knesting, 2002).

Students with disabilities display higher rates of problem behavior and disciplinary referrals than their schoolmates. Summarizing data across a number of states, Leone and his colleagues (Leone, Mayer, Malmgren, & Meisel, 2000) reported that special education students typically represent a disproportionate percentage of those

suspended from school. The extent to which those differences are due to higher rates of disruptive behavior on the part of students with disabilities, to differential reactions to their behavior, or increased surveillance of these students, is not clear. In a study completed by the General Accounting Office (2001) for Congress on student discipline under the Individuals with Disabilities Education Act, principals reported that students with disabilities engaged in a higher rate of serious misconduct. Yet in an analysis of disciplinary records, McFadden, Marsh, Price, and Wang (1992) reported that black, male students with disabilities were punished more severely than others for commission of the same offense.

It is tempting to lay the blame for this pattern of failure on factors that are “beyond our control”— bad heredity, dysfunctional families, crime-riddled neighborhoods, the presence of delinquent gangs. Ultimately, this blame comes to rest on the individual child, and we feel better (i.e., safer) knowing that he or she is off the streets (i.e., incarcerated). What our policy makers tend to overlook, however, is the enormous amount of money this form of “treatment” costs the taxpayer. The costs associated with incarcerating juveniles range from \$35,000 to \$70,000 per bed per year in juvenile facilities (Coordinating Council on Juvenile Justice and Delinquency Prevention, 1995; Maryland Department of Legislative Services, 2003; Zaehring, 1998). Moreover, data indicate that incarceration is a spectacularly unsuccessful treatment, especially for youth who are incarcerated in adult correctional facilities (a practice supported by current “get tough” policies on youth crime) (Bishop & Frazier, 2000; Lanza-Kaduce, Frazier, Lane, & Bishop, 2002).

In this paper, we present evidence to support our contention that an underclass of children and youth is being fostered by the failure of the educational system to give them the skills they need to succeed in life. Specifically, we will show that certain factors—notably school failure, disability, and ethnic minority status—put children and youth at risk for involvement with the juvenile or adult criminal justice system. Next, we examine what works and what doesn't work with respect to improving outcomes for these at-risk youth and those who are clients of the justice system. Finally, we suggest how policies for addressing misbehavior and juvenile delinquency might be reframed to focus on evidence-based practices that work. These suggestions provide the basis for a set of recommendations for changing public policies and professional practices.

Negative Outcomes for Youth

The Contributions of Poverty and Disadvantage

The predictors of such failure can be identified well before children begin school (Scott, Nelson, & Liaupsin, 2001). In fact, studies of factors associated with school dropout suggest that students who are likely to leave school without graduating could be identified at the time of birth, based on the social class and family characteristics into which they are born (Patterson, Reid, & Dishion, 1992). For example, a connection has been established between poverty and school dropout for both regular (Rumberger, 1987) and special education students (Rylance, 1997). Students who drop out of school tend to have backgrounds that include poverty, parents who are less well educated, homes in which academic skills such as reading are neither valued nor modeled, and the presence of multiple family stressors (e.g., drugs and alcohol, divorce, abuse) (Patterson et al., 1992).

Compared with children of wealthy parents, who come to school with an average of 1000 hours of exposure to print material, children in poverty typically enter school with as little as 40 hours of exposure (Adams, 1988). Hart and Risley (1995) conducted a six-year longitudinal study of parent-child interactions and found that children in lower socioeconomic homes tended to have less verbal interaction with their parents than did children from middle or upper income homes, resulting in significantly lower vocabularies at the time they entered school. Once in school, teachers from middle or upper-income backgrounds who use vocabulary and assume a level of familiarity with

print materials that is far above that of many children from low income homes, typically serve these children. Thus, through no fault of their own, these students are academically behind their age peers at the time they first enter school (Scott et al., 2001). As we observed previously, while the link between poverty and school failure is clear, further analysis reveals that poverty per se is not a sufficient cause. Rather, variables that are associated with the construct of poverty (e.g., family stability and interactions, verbal modeling, failure of educators to understand the characteristics and needs of students from poverty) interact to affect school performance.

School Performance and Behavior

There is abundant evidence of a strong connection between academic and behavior problems (Walker, Colvin, & Ramsey, 1995). Understandably, students with significant academic skill deficits find academic work aversive. Research has demonstrated that students who are academically deficient in the classroom are more likely to be exposed to negative interaction and punishment (Gunter, Hummell, & Venn, 1998). In addition, they are likely to be presented with less demanding academic tasks and to have less instructional time with their teachers (Carr, Taylor, & Robinson, 1991; Wehby, Symons, Canale, & Go, 1998). The majority of office discipline referrals originate due to minor school disruptions such as noncompliance with teachers' expectations for academic activities (National Center on Educational Statistics, 1998).

A student's removal from the classroom situation constitutes negative reinforcement for both student and teacher, as the behavior of both parties (classroom disruption, removing the student from the classroom, respectively) lead to termination of an aversive situation. Students with academic deficits should be the least likely to be removed because excluding students from academic instruction further reduces the amount of academic instruction they receive which, in turn, makes academic tasks even more aversive, thus setting the occasion for additional behavioral challenges and further exclusion from classroom instruction, creating an escalating cycle (Scott et al., 2001).

The longer academic deficits and behavioral problems persist, the less likely it is that remediation will be successful. Students who do not read by the fourth grade have

only a .12 probability of ever learning to read (Adams, 1988). Likewise, Walker et al. (1995) observed “if antisocial behavior patterns are not changed by the end of grade 3, it should be treated as a chronic condition, much like diabetes” (p. 6). These youth are far more likely than their age peers (regardless of intelligence) to end up in jail, be unemployed, have children out of wedlock, and even be involved in accidents (U.S. Department of Education, 1998; Walker, et al, 1995). How youth with chronic patterns of antisocial behavior become clients of the juvenile justice system therefore is no mystery.

Understanding Risk and Resilience

An assessment of the vulnerability of youth to negative life outcomes often is framed by the concepts of risk and resilience. Risk factors are those internal and external characteristics that increase the likelihood that youth will experience negative events such as school failure, delinquency, and incarceration. In contrast, characteristics or factors associated with resilience are those that minimize the likelihood of negative outcomes particularly among youth considered to be at risk.

Risk

Risk factors are conditions or situations that are empirically related to particular outcomes. According to Welch and Sheridan (1995) , an "at-risk" child is "any child or youth who, due to disabling, cultural, economic, or medical conditions, is (a) denied or has minimum equal opportunities and resources in a variety of settings and (b) is in jeopardy of failing to become a successful and meaningful member of his or her community (i.e., home, school, and business)" (p. 31). Everyone experiences some degree of risk in his or her life and the number, types, duration, and severity of risks may adversely affect an individual's development. Multiple risk factors are associated with

antisocial behavior, and there is no simple way to gauge their impact (Christle, Nelson, & Jolivet, 2002). Risk factors often occur in combination, and the complex relationship of risks within certain developmental stages can increase the chances for deviant behavior (Furlong & Morrison, 2000; Garfinkel, 1997; Hawkins et al., 2000) .

Risk factors may be classified as internal (i.e., physical and psychological characteristics of the individual), and external (i.e., factors present in the environment, such as family functioning, school experiences, and peer associations). Psychological characteristics, including cognitive deficits, hyperactivity, concentration problems, restlessness, risk-taking, aggressiveness, early involvement in antisocial behavior, and beliefs and attitudes favoring deviancy have a strong, consistent correlation with violent behaviors in boys (Christle et al., 2002). Limited intelligence also has been associated with poor problem-solving skills, poor social skills, and risk for aggression and violence (Calhoun, Glaser, & Bartolomucci, 2001). Studies show the IQ scores of delinquent youth are approximately eight points lower than those of the general population, regardless of race, family size, or economic status (Flannery, 1997). Other cognitive deficits, such as low levels of abstract and moral reasoning and inappropriate interpretation of others' behaviors, have been found to correlate with violent behavior in youth (Kashani, Jones, Burnby, & Thomas, 1999).

In addition, early involvement in antisocial or violent activity is a stable and strong predictor of later violent behavior (Hawkins et al., 2000; Laub & Lauritsen, 1998). In effect, early exposure to patterns of antisocial behavior acts like a virus, lowering the

immune system and making the person vulnerable to a host of other negative behavior patterns (Sprague & Walker, 2000).

External risk factors have been studied extensively. Conditions in the home, such as parental criminality, harsh and ineffective parental discipline, lack of parental involvement, family conflict, child abuse and/or neglect, and rejection by parents have been found to predict early onset and chronic patterns of antisocial behavior in children and youth. (McEvoy & Welker, 2000; Patterson, Forgatch, & Stoolmiller, 1998). Other risk factors associated with the family include parental attitudes favorable to violence, poor family management practices, and high family residential mobility (Hawkins et al., 2000). Overall, the family's influence on a child's behavior is powerful and stable, as well as generational in scope.

Children whose family demographics and dynamics place them at risk may enter classrooms less ready to meet the academic demands placed on them. The aggressive and noncompliant behavior patterns acquired at home are likely to occasion interactions between the school and home that parents find aversive. For example, school personnel are likely to call parents when their child's behavior is intolerable in school. Parents of high-risk children may be less involved in their child's education, have lower expectations for achievement outcomes, and have poor relationships with teachers (Wehby, Harnish, Valente, Dodge, & Conduct Problems Research Group, 2002). Because parents of children with behavior problems are likely to have histories of aversive interactions with the school, they may avoid involvement with school personnel on behalf of their children.

The educational system would seem to be an antidote for poor or unstable home environments. Unfortunately, researchers have identified a number of factors in the school that may contribute to antisocial behavior. Flannery (1997) identified several school-related risk factors, including high student/teacher ratios, insufficient curricular and course relevance, and weak, inconsistent adult leadership. Additionally, inappropriate social behaviors may be learned or reinforced at school by peers while adults may ignore appropriate behavior. This promotes a cycle in which lack of adult intervention allows the students to retaliate against aggressive peers with more aggression and violence (Furlong & Morrison, 2000).

The physical features of some schools also may contribute to antisocial behavior. Overcrowding, poor building design, and portable buildings increase isolation and hamper communication (Flannery, 1997). An over-reliance on physical security measures (metal detectors, locker searches, surveillance cameras) appears to increase the risk of school disorder (Johnson, Boyden, & Pittz, 2001), and a school that appears unkempt adds to the general perception of a lack of order and safety.

Community factors that put youth at risk for antisocial behavior include poverty and high levels of neighborhood disorganization (crime, drug-selling, gangs, and poor housing) (Calhoun et al., 2001). Communities with high resident turnover, a large proportion of disrupted or single-parent families, and few adults to supervise or monitor children's behavior also pose risks for the development of youth antisocial (Flannery, 1997; Hawkins et al., 2000). Limited opportunities for youth recreation or employment, the availability of firearms, and violence in the neighborhood are other risk factors that

have been identified in communities (Dobbin & Gatowski, 1996; Loeber & Farrington, 2000).

Involvement with peers who exhibit high-risk and deviant behavior has proven to be one of the best predictors of delinquency (Farmer & Cadwallader, 2000). Adolescents who are unpopular with conventional peers, and thus rejected by them, may find acceptance only in antisocial or delinquent peer groups. Farmer and Cadwallader (2000) found that preschool children who exhibit antisocial behavior begin to interact with their peers in ways that maintain and support the continuation of this pattern of behavior. It appears that children who associate with deviant peer groups go through a process of deviancy training, in which their peers teach them deviant norms and values. Over time, these relationships become stronger and more reinforcing and the antisocial patterns and beliefs become more resistant to change.

Situational factors also “influence the initiation or outcome of a violent event” (Sampson & Lauritsen, 1994, p. 2). Many situational factors are associated with poverty-stricken neighborhoods and communities. Over four decades ago, Wolfgang (1958) noted that victims and perpetrators of violence may be overlapping populations, and several studies have suggested there is a positive association between violent victimization and violent offending (Lauritsen, Sampson, & Laub, 1991, Sampson & Lauritsen, 1994).

Risk factors associated with antisocial behavior are multifaceted, inter-related, and change over time. There is a constant and progressive interplay between internal and external risks (Hanson & Carta, 1995). The larger the number of risk factors to which a child is exposed, the greater is the likelihood that he or she will engage in antisocial or violent behavior (Hawkins et al., 2000). However, the impact of risk factors changes depending on when they occur in a youth’s development, in what context, and under what circumstances.

Research suggests that approximately two-thirds of youth who are exposed to multiple risk factors across life domains do not engage in antisocial behavior (Bernard, 1997). The variable that appears to account for this phenomenon is the existence of certain "protective factors." Protective factors buffer or modify the effects of risk factors in a positive direction, contributing to the development of personal resiliency (Luthar & Cicchetti, 2000).

Resiliency

Resiliency is a characteristic that allows a person to make appropriate behavioral choices in the presence of multiple risk factors. Resiliency may explain why persons are able to resist substance abuse, mental health problems, and criminal behavior even though he or she may be exposed to significant stress and adversity (Spekman, 1993) . Resiliency is developed through the influence of protective factors, which serve to counteract the influence of risk factors. As with risk factors, protective factors can be classified as internal (individual) or external (family, school, community, and peer relations).

Internal protective factors are personal attributes that help individuals overcome risks, and consist of physical and psychological characteristics. Physical characteristics comprise good health and personal hygiene. Psychological protective factors include a range of skills and abilities, such as accommodating to changes in school or work schedule, having effective and efficient communication skills, the ability to use humor to deescalate negative situations, and a wide range of social skills (Dobbin & Gatowski, 1996). Understanding and accepting one's capabilities and limitations and maintaining a positive outlook also have been found to promote resiliency (Spekman, 1993). Engaging in activities to reduce stress (e.g., writing, music, painting, and dance) foster resiliency by

allowing an individual to creatively express inner turmoil and find some order among confusion (Wolin & Wolin, 1994).

Cognitive skills, particularly those involving written and oral language expression and comprehension, are powerful protective factors in a society that relies heavily on the transmission and processing of information (Davis, 1999). Maguin and Loeber (1996) conducted a meta-analysis of studies and found that increases in academic performance were associated with decreases in rates of delinquency. Other cognitive factors that appear to be strong protective factors against antisocial behavior involve emotional and moral development. Emotional skills that foster resiliency include being in control of one's actions and reactions, delaying gratification, being proactive, setting goals, making decisions about what to do rather than just letting things happen, taking responsibility for one's decisions, and engaging others when needed (Davis, 1999; Speckman, 1993). When children were taught such moral concepts as empathy, impulse control, and anger management, concomitant reductions were observed in aggressive behaviors (McMahon, Washburn, Felix, Yakin, & Childrey, 2000). In addition, children who were involved in service learning projects and activities that contributed to the well being of others displayed fewer problematic behaviors than those who were not involved in such activities (Davis, 1999).

External protective factors may be found in home, school, and community. Researchers have identified three themes involving external protective factors that are common to each of these domains: (1) caring relationships, (2) positive and high expectations, and (3) opportunities for meaningful participation (Davis, 1999).

In the home, many protective factors can promote resiliency. An attachment to at least one family member who engages in proactive, healthy interactions with the child constitutes an important caring relationship. Fonagy (2001) found that children who were insecurely attached demonstrated anxious and fearful behaviors and they viewed the world and people as threatening, in contrast to children with secure attachments to an early caregiver. Caregivers also contribute to the development of a child's resilience by setting rules in the home, showing respect for the child's individuality, and by being responsive and accepting of the child's behavior (Hanson & Carta, 1995).

In the schools, educators can help students develop resiliency by providing positive and safe learning environments, setting high, yet achievable, academic and social expectations, and facilitating academic and social success (Furlong & Morrison, 2000). Involving students in the development of school policies is one way to show them respect. Youth who belong to a positive school social group (e.g., academic club or social organization) also are less likely to demonstrate antisocial behavior (Catalano, Loeber, & McKinney, 1999). Teachers are the most frequently encountered positive role models outside the family and a caring relationship between student and teacher may be a strong protective factor. Teachers who offer trustworthiness, sincere interest, individual attention, and who use rituals and traditions in the classroom often are the determining factor in opening a child's mind to learning (Bernard, 1997; Davis, 1999; Garmezy, 1993).

A review of research by the Center on Crime, Communities, and Culture (1997) indicated that quality educational interventions may constitute the most effective and economical protective factors against delinquency. A similar review of the relationship between education and the costs of criminal activity found significant savings to communities associated with high school graduation (Lochner & Moretti, 2002). Alternative educational programs that include individualized instruction, rewards for positive behavior, goal-oriented work, and small class sizes have also been effective in reducing dropout rates and potentially deterring delinquent behavior (Tobin & Sprague, 2000). Although research identifying protective factors in neighborhoods and communities is sparse, Wandersman and Nation (1998) noted that neighborhoods can provide a context where youth are exposed to positive influences.

Communities offer a network of social structures and organizations that potentially can deter youth from engaging in antisocial behavior. For example, mentors can teach youth strategies for avoiding trouble and interacting positively with others (Van Acker & Wehby, 2000). Because youth who are employed are less likely to be arrested, career counseling and job training can promote resiliency (Calhoun et al., 2001). Recreational opportunities, volunteer activities, and well-organized after-school programs are other initiatives that foster and support resiliency. Youth are more likely to commit crimes during after-school hours than at any other time of day; thus, after-school programs are an effective crime prevention strategy. Evaluations of after-school programs have demonstrated that these programs reduce juvenile crime and drug use (Terzian, 1994). Peer relationships are important sources of support for children and youth and prosocial peers may provide protection from the other risks that youth face. Peer interactions are

frequent, intense, diverse, and allow opportunities for experimentation; therefore, the power of positive peer relationships should not be ignored (Davis, 1999). Farmer and Cadwallader (2000) recommend developing assessment-based interventions that take into account peer social contexts.

Negative Outcomes for Minority Youth

The Contribution of the Schools and the Court

One needs only to examine the demographic characteristics of individuals who are incarcerated in juvenile or adult correctional institutions to appreciate the extent to which the lack of success in school, membership in a racial minority group (especially African-American or Hispanic), and educational disability increase the likelihood that individuals will be involved with the juvenile or adult criminal justice system. The most common characteristics among incarcerated individuals are school failure and illiteracy. School failure includes retention in grade, dropping out, failure to graduate, and disciplinary exclusion. Foley's extensive review (2001) of the research on the academic characteristics of incarcerated youth found that in general: (a) their intellectual functioning has been assessed at the low-average to average range; (b) their academic achievement levels range from fifth to ninth grade; (c) they have significant deficits in reading, math, written language, and oral language compared with non-incarcerated students; (d) those who recidivate have significantly lower levels of intellectual and academic functioning than those who do not; and (e) school failure is a common experience.

Gallagher (1999) reported that 58.5% of the approximately 105,000 youth in private juvenile detention, correctional, and shelter facilities in 1997 were from ethnic minority backgrounds (40% African-American and 18.5% Hispanic). Skiba and his

colleagues (2003) in an examination of data from 37 states, found a strong relationship between rates of out-of-school suspension and juvenile incarceration, as well as a correlation between racial disparities in school discipline and juvenile incarceration.

A recent survey of state departments of juvenile justice found that on average 32% of youth in juvenile corrections were served in special education programs (Quinn, Rutherford, & Leone, 2001). The existence of high rates of mental and emotional disorders among incarcerated youth has been known for some time (Moffitt, 1990). In fact, based on the prevalence of such disorders among the juvenile justice population (Otto, Greenstein, Johnson, & Friedman, 1993), the juvenile justice system may be characterized as a “default system,” because it is where many youth who can’t read, write, or relate tend to wind up when they drop out or are forced out of school (Nelson, 2000).

In adult corrections, a history of poor school performance, academic deficiency, and learning problems also is common. Bell and his colleagues (Bell, et al., 1983) studied a sample of inmates from prisons in three states. Their findings indicated that on average, inmates left school after the 10th grade and were performing at the 7th grade level academically. Using academic performance at or below the fifth-grade level as a measure of learning deficiency, they found 42% of inmates met this criterion.

Impact on Ethnic and Racial Minorities

Disproportionate minority representation in school discipline data has been documented consistently for over 25 years. The Children’s Defense Fund (1975), examining national school discipline figures from the U.S. Department of Education Office for Civil Rights (OCR), found suspension rates for black students two and three times higher than suspension rates for white students at the elementary, middle, and high school levels. More recent investigations have found consistent evidence of significant minority overrepresentation in office referrals (Lietz & Gregory, 1978; 1997), suspension (Costenbader & Markson, 1998; Skiba et al, 2003), expulsion (Skiba, Michael, Nardo, & Peterson, 2000) and corporal punishment (Gregory, 1996; Shaw & Braden, 1990). Rabinovic and Levin (2003) found that in Massachusetts during the 2000-2001 school year, while Hispanic and African American students comprised only 19.4% of the public school student population, they represented 56.7% of school exclusions.

In the juvenile and criminal justice systems, similar racial disparities exist. For example, most recent data indicate that while minority youth comprise approximately 1/3 of the population under age 18, they represent approximately 2/3 of all incarcerated youth (Office of Juvenile Justice and Delinquency Prevention, 1999). Evidence also suggests that minority youth – particularly African American and Latino youth – are transferred to adult courts for prosecution at disproportionately high rates that cannot be explained by differences in the severity of offenses or prior involvement in the juvenile courts (Males & Macallair, 2000). Recent data from 40 of the largest urban counties in the United States indicate that nearly two thirds of all juveniles charged with felonies in adult courts are black (Rainville & Smith, 2003).

The Building Blocks for Youth initiative examined juvenile cases transferred to adult courts in 18 large urban counties in 1998 and found large differences in the treatment of minority and white youth. Researchers found that African American youth disproportionately were charged as adults (i.e., had their cases transferred to adult courts) in most jurisdictions as a percentage of all African American youth charged with felony offenses. For all major offense categories, African American youth were transferred more often than Latino or white youth (Juszkiewicz, 2000). The Building Blocks for Youth report found large differences among groups with regard to the rates of transfer; however, the results of prosecution differed along racial and ethnic lines. For example, 43% of African American youth prosecuted in adult courts were not convicted; in contrast, 28% of Latino youth and 24% of white youth were not convicted. African American youth also were much more likely to have their cases transferred back to juvenile courts than white youth (Juszkiewicz, 2000).

Such disparities can be dismissed if one assumes that students of color act out at a disproportionate rate, thereby justifying differential rates of punishment. Yet far from supporting this hypothesis, the available evidence shows that, in school, African American students are punished for less severe rule violations than white students

(Shaw & Braden, 1990), and are punished more severely than others committing the same offense (McFadden et al., 1992). The discipline of African American students may also be less objective in nature. Skiba et al. (2000) found that office referrals of African American middle school students tended to be based more on behaviors requiring a high degree of subjective judgment (e.g., loitering, disrespect).

A recent study in California found a similar pattern in the court system of differential response to delinquent behavior. Males and Macallair (2000) found that, when violent felony arrests in Los Angeles were examined, the rate of transfer to adult court for minority youth was double that of white youth. In terms of the most prevalent offenses, minority youth were more often involved in robbery while white arrestees were more often charged with aggravated assault, crimes involving the use of a weapon and/or serious injury to the victim thus suggesting that whites are arrested for more serious offenses. Yet the 1996 Los Angeles County data indicate that a minority youth arrested for a violent crime was seven times more likely to be sent to an adult prison than a white youth. That report also contained an analysis of statewide arrests and sentencing practices from 1996 to 1999 in California. Comparing youth charged with similar offenses, African American, Hispanic, Asian, and other minority youth were three times as likely to be sentenced to the California Youth Authority by the adult courts than white youth. The unequal treatment of students of color in the education and justice systems appears to be part of a complex bias that pervades our public school system and is replicated in the courts.

As these sources of educational disadvantage for minority students in poor urban communities mount, they form a web of inequity that dooms a certain percentage of the population to academic failure, behavioral conflict, school dropout, and risk of delinquency and incarceration. Even prior to school entry, the devastating consequences of poverty leave some children ill-prepared to meet the educational and behavioral demands of school settings (National Research Council, 2002; Entwisle & Alexander, 1993). Yet these same students often attend neighborhood schools that, far from having the capacity to remediate such disadvantage, are hampered by shortfalls in personnel and material resources that probably exacerbate pre-existing deficits. School failure is more likely to occur in overcrowded and physically inadequate buildings not conducive to effective instruction (Kozol, 1991). A less well-trained and less committed cadre of teachers in poor urban schools decreases both the amount and quality of instruction. As a result, a disproportionate number of students of color from poor communities will be at risk for placement in lower academic groups or tracks, which in turn provide a lower quality of instruction and lowered expectations (Oakes, Ormseth, Bell, & Camp, 1990).

The well-documented relationship between academic failure and disruptive behavior (Hinshaw, 1992) suggests an inevitable outcome: some percentage of these students will attempt to escape academic frustration through disruptive behavior. Inadequate training of classroom teachers in appropriate behavior management makes it more likely that these misbehaviors will escalate into confrontation and disruption, while a lack of cultural competence among teachers (Townsend, 2000) means that this cycle of misbehavior and disciplinary removal from the classrooms will occur more frequently for students of color. Finally, the more frequent use of suspension and expulsion, resulting

from zero tolerance policies in urban schools (Wu, Pink, Crain, & Moles, 1982; National Center on Educational Statistics, 1998) increases the likelihood that students of color who are referred out of the classroom will be met, not with effective behavioral interventions designed to keep them in school, but rather with punishment and exclusion that increase their risk of school dropout (Felice, 1981).

Once students of color trapped in this track are removed from or drop out of school, their risks for poor outcomes continue to increase disproportionately. Clearly, early school exit leaves an adolescent with a greatly reduced set of coping skills for career success. But again, this disadvantage is dramatically multiplied at each step by racial inequities in arrest and incarceration in the prison system (Juszkiewicz, 2000; Males & Macallair, 2000).

Summary: Individual and societal contributions to risk

The development of antisocial behavior can be prevented by fostering resilience in individuals who are exposed to multiple risk factors. The goal is to identify risk and protective factors, determine when they typically occur in the individual's life course and how they operate, and provide targeted intervention at just the right time to be most effective (Satcher, 2001). By capitalizing upon multiple internal and external protective factors, prevention efforts can reduce the influence of risks on youths' propensity for antisocial behavior (Bernard, 1997). Yet neither the impact of poverty, nor individual reactions that reflect the complex process of risk and resilience, can fully explain the increased risk for school consequences, dropout, and delinquency among students of color. Together these data suggest that, rather than reliably remediating the effects of disadvantage, inequities in public education and juvenile justice magnify and exacerbate socioeconomic and racial disparities. In the following sections, we first review ineffective responses to troublesome behavior and then discuss those that provide some evidence of effectiveness children and youth who exhibit, or are at high risk for, antisocial behavior. Research evidence of the impact of these approaches on youth will be emphasized.

What Hasn't Worked for Troubled Youth

Historically, punishment, rather than intervention has been the response to for children with serious behavior problems. In ancient Greek and Roman societies, troubled children were perceived as an economic burden and were typically abandoned or killed (Mash & Dozois, 1996). The alternative to death in some societies was to house “insane children” in cages or cellars (Donohue, Hersen, & Ammerman, 1995). The first institutional setting for children in the United States was the House of Refuge, a placement exclusively for youth involved in criminal behavior (Rosen, 1968). Most considered these youth “morally disordered.” Other public institutions exclusively for children such as asylums, workhouses, almshouses, prisons, and special schools also were developed (Richardson, 1989).

Several initiatives in the late nineteenth and early twentieth centuries endeavored to dislodge the notion that deviant children should be punished. The mental hygiene and the child guidance movements attempted to alter service delivery from punitive to preventative, and therapeutic residential treatment centers managed many delinquent boys in the 1950s (Redl & Wineman, 1957). Public sentiment concerning the etiology and treatment of troublesome behavior has fluctuated, resulting in an odd and ineffective dual emphasis on punishing and treating in the educational, child welfare, and juvenile justice systems. Current policies such as zero tolerance that lead to practices in which troubling behavior is met with harsh and punitive consequences are not only costly and ineffective, but they also exacerbate the problems they are designed to ameliorate.

Ineffectiveness of Zero Tolerance

In spite of the focus on accountability for student academic performance in recent years, zero tolerance policies have not been subject to the same level of scrutiny as instructional practices and student achievement. In fact, zero tolerance policies continue to be supported and implemented in the face of an almost complete lack of documentation that those policies have in any way positively effected student behavior or school climate. There is strong evidence that suspension is ineffective for those students for whom it is used most often. Studies have found that up to 40% of school suspensions are meted out to repeat offenders (Costenbader & Markson, 1994), suggesting that this segment of the school population is decidedly not “getting the message” that disciplinary removal intends to teach.

Suspension, Expulsion, and School Safety

One argument for suspending students who exhibit challenging behavior is that their presence disrupts the school environment, thereby reducing school safety. However, some data suggests that, rather than making a contribution to school safety, the increased use of suspension and expulsion is associated with student and teacher perceptions of a less effective and inviting school climate. African American students in schools with a higher rate of suspension and expulsion rated their school as being more racially biased than did black students in schools with lower rates of exclusion (Felice, 1981). Schools with higher rates of suspension have been reported to have higher student-teacher ratios and a lower level of academic quality (Hellman & Beaton, 1986), spend more time on discipline-related matters (Davis & Jordan, 1994) and pay significantly less attention to issues of school climate (Bickel & Qualls, 1980). Wu et al. (1982) found that less satisfactory school governance was significantly associated with

the probability of a student being suspended at least once in his or her school career. Such data might be interpreted in one of two ways; either a) increased use of school exclusion has a detrimental effect on perceptions of school climate, or b) schools with poorer school climate and governance need to use suspension and expulsion more in order to maintain order and discipline. Neither interpretation, however, constitutes a particularly strong recommendation for the use of school suspension and expulsion.

Exclusionary practices and punitive reactions have been ineffective and counterproductive. In the long-term, the use of exclusionary and punitive discipline appears to be associated with increased rates of dropout and delinquency. The national High School and Beyond survey revealed that school dropouts were three times as likely to have been suspended as their peers who had stayed in school (Ekstrom, Goertz, Pollack, & Rock, 1986). Over time, suspension and expulsion may be associated with an increased likelihood of delinquency. Criminal justice researchers have described gang involvement as a gradual process, starting with school alienation and requiring the availability of time to associate with youth already in gangs (Patterson, 1992). Students who are not in school have this time. Suspension and expulsion may thus accelerate the course of delinquency, by providing at-risk and alienated youth extra time to associate with deviant peers.

As mentioned earlier, one consequence of zero tolerance policies and associated practices has been the criminalization of school misbehavior. Although there have been no systematic studies of this phenomenon, anecdotal reports and newspaper accounts document the increased frequency with which school administrators refer students to the police for disciplinary infractions. These practices have led to the suspension and expulsion of students for violations of school code and juvenile charges for behavior-related incidents. Concerned about the increased use of this practice particularly for

students with disabilities, the Education Law Center has developed legal materials and strategies to assist parents and others concerned with this practice (Ordover, 2001).

The overemphasis on internal explanations of behavior is apparent in discipline policies such as zero tolerance, as well as mental health interventions (e.g., psychotherapy and counseling) focused exclusively on children. Discipline is ineffective if it does nothing to change behavior, but simply removes the student from the school and makes him or her a community problem. Since interventions and policies grounded in the punishment paradigm have proven counter productive, one must wonder why we still rely on them so heavily. Mental health interventions tend to be ineffective (Skiba & Casey, 1985) because, although there is a statistical correlation between some of the risk factors they address and delinquency, these factors are more likely to be the outcome rather than the causes of the antisocial behavior.

What Does Work for Troubled Youth

One of the myths underlying reliance on punitive discipline is that it is used primarily because nothing else works. Many schools that overuse punishment and exclusion *believe* they have no alternative but to suspend or expel troublemakers, but it is definitely not positive, and effective alternatives to zero tolerance have not been discovered and tested. Numerous reviews and scientific panels using highly rigorous scientific standards have documented a range of interventions that have proven effective in reducing the probability of disruption and violence in schools (e.g., Elliott, Hatot, Sirovatka, & Potter, 2001; Gottfredson, 2001; Leone, Mayer, Malmgren, & Meisel, 2000; Thornton, Craft, Dahlberg, Lynch, & Baer, 2000; Tolan & Guerra, 1998). None of these reviews has found punishment- or exclusion-based disciplinary methods to be among those interventions that meet the criteria as model or promising practices for reducing school disruption and violence. Rather, the reviewers' recommendations have been remarkably consistent in identifying a range of practices that tend to emphasize social instruction, early identification and intervention, and intensive collaborative problem-solving.

The American Psychological Association (1993) organized these effective practices into a three-tiered prevention model that has been widely adopted as an organizational framework for social-behavioral interventions that work (Dwyer & Osher, 2000; Gagnon & Leone, 2002; Peterson, Larson, & Skiba, 2001). First, targeting all students, effective schools implement school-wide or *universal* programs to encourage a positive connection between students and their school, and to teach alternatives to maladaptive behavior. Specific examples include proactive classroom management (Gottfredson, 2001), programs that provide instruction in social-cognitive problem solving such as the Resolving Conflict Creatively Program (Lantieri & Patti, 1996) or Second Steps (Grossman, et al., 1997), schoolwide bullying prevention interventions (Olweus & Limber, 1999), and comprehensive programs such as Project ACHIEVE (Knoff & Batsche, 1995). Second, selected or *targeted* strategies attempt to identify and intervene with children who may be at-risk for disruptive or antisocial behavior. Early screening programs (Walker & Severson, 1992) hold promise as methods for the early identification of at-risk students. Once students with social-emotional or behavioral needs are identified, however, effective schools also have at their disposal targeted programs, such as mentoring (McGill, Mihalic, & Grotzinger, 1998) or anger management (Lochman, Dunn, & Klimes-Dougan, 1993) that can help re-integrate those students into the school community. Finally, *intensive* and individualized programs are directed at a relatively small number of students demonstrating significant behavioral or emotional problems. For these students, alternative interventions include behavior intervention plans based on functional assessment (Scott & Nelson, 1999), restorative justice (Karp &

Breslin, 2001), First Step to Success (Walker et al. 1998) and system of care/wraparound approaches (Eber, Sugai, Smith, & Scott, 2002).

A comprehensive and preventive approach to maintaining school discipline that could replace punitive and exclusionary disciplinary practices in the schools is still evolving. While many of the components of a preventive approach have been supported in isolation, there have been relatively few tests of comprehensive models that could demonstrate the capacity of these components in concert (see Knoff & Batsche, 1995; Hawkins et al, 1992). In addition, some approaches that are popular in schools and certainly are well-intended, such as peer mediation or character education, do not yet have a sufficient data-base to recommend them as effective practice in school discipline or violence prevention (see e.g., Gottfredson, 2001).

However, these less-well-supported preventive approaches also have not demonstrated the widely-documented negative side-effects that appear to accrue with the overuse of school suspension and expulsion. Duchnowski, Kutash, and Friedman (2002) explain one of the major changes in service delivery for children with behavior problems is “the change in location of intensive treatment from office and institution to home and community settings” (p. 16). While some argue the juvenile justice, mental health, child welfare, and general medical sectors, rather than education, are responsible for services, many children and families do not have contact with those systems. Others have contact after it is too late to make a difference.

Although services provided through the juvenile justice, general medical, and child welfare sectors is vital, the results of outcome research conducted by these systems lead

Burns et al. (1997) to conclude that education is the major player in the system of care for youth, particularly for elementary school children. As Burns and Hoagwood (2002) observe, “the evidence base as it stands in the present suggests very early intervention during infancy (Olds et al., 1997); diagnostic-specific interventions during early elementary school; and then, as necessary, more intensive home- and community-based interventions for adolescents ... with multiple co-occurring disorders” (p. 4).

The field of children’s mental health has emphasized the need for comprehensive, interagency, community-based systems of care to serve children with emotional problems and their families since the early 1980s. However, the education sector has been perceived as slow to change. While schools have a crucial role in the service of care, Burns & Hoagwood (2002) suggest the lack of collaboration between the education and mental health systems has had a negative impact on the overall reform process. Despite the importance of the educational sector as a system that serves troubled youth, education has not yet fully reached it’s potential, nor has it been receptive to reform based on best practices from other service systems.

Conclusion

Schools are well positioned to play a key role in the identification, prevention and treatment of children and youth at-risk for negative social outcomes (Catalano et al., 1999; Garmezy, 1993; Loeber & Farrington, 2000; Gottfredson, 2001). Antisocial behavior early in a child's school career is a strong predictor of delinquency in adolescence; children who are at-risk for antisocial behavior can be identified in the earliest grades of school. Many at-risk students perform academically below their peers, suggesting that remediation of academic deficits should play an important role in prevention (Johns, 2000). Academic engagement generally is incompatible with inappropriate social behavior; therefore, effective delinquency prevention programs should strive to increase academic engagement and build competence in tool subjects (Scott et al., 2001).

The data we have presented challenge the prevailing attitude that troublesome behavior is simply a matter of individual differences in risk produced by temperamental characteristics or family and community disadvantage. Socioeconomic disadvantage is among the strongest predictors of school failure, educational disengagement, and eventual involvement in the juvenile justice system. Yet the path from disadvantage to incarceration is by no means inevitable. Those who enter schools with poverty-linked deficits are also likely to encounter an educational system that, far from remediating those deficits, provides fewer opportunities for those most in need, and may well add racial and socioeconomic disparities of its own. As those children become increasingly disengaged from school and increasingly engaged with antisocial peers, we need to examine our current policies and practices. Maintaining the status quo and failing to implement more effective responses to troublesome behavior, will perpetuate a system in which children of color and those with disabling condition continue to be most vulnerable to involvement in the juvenile delinquency system?

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