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Falling Through The Cracks:

Community Based Programs Fill In The Gaps that School Discipline Leaves Behind

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Report

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**Falling Through The Cracks:
Community Based Programs Fill In The Gaps that School Discipline Leaves Behind**

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The University of Texas at Austin, 2014

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The purpose of this report is to focus on the school-to-prison pipeline and the need to intervene with school discipline that pushes students out of the classroom and into the criminal justice system. It showcases services and programs in Austin, Texas, including Southwest Keys, Webb Youth Court, and Council on At-Risk Youth as examples for solutions. The report also incorporates research and expert advice on the safety and wellbeing of students while advocating a need to change the policies and culture surrounding schools.

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Kaelyn and Kathy Michals suffered from what seemed like an unending and unpleasant rollercoaster ride throughout 2012 and 2013. Today, at their suburban home in an affluent neighborhood in southwest Austin, the façade of their abode hints at lingering troubles – at first it looks similar to their neighbors, with a large bay window and ornate wooden front door, but upon closer inspection the paint has faded and fallen leaves remain on the front lawn.

In 2012, the mother and daughter had to cope with the suicide of Thomas Luke Michals – Kathy’s husband and Kaelyn’s father. At Bowie High School, Kaelyn, who suffers from bipolar disorder, began smoking cigarettes, taking Xanax illegally, and cutting class.

“In 9th grade I started skipping class because I wanted to be with my friends,” said Kaelyn. “In 10th grade, when my dad died, I started using drugs.”

Kaelyn says she was constantly bullied by her peers and punished by administrators for not fitting the mold in high school. She was removed from her 10th grade classroom and placed in a tutoring program in a portable building. Kaelyn says she was not receiving any academic or social support and was isolated from the rest of the school. She fell further behind in her studies – and was eventually expelled.

“No one ever took into account what was happening in her own personal life,” said her mother.

She was square in the middle of what has commonly been called “the school to prison pipeline” – an oft-studied phenomenon that, according to experts, has students

targeted with suspensions, expulsions, placement in alternative classrooms and an arching criminalization of student misbehavior:

To the degree that thousands of young Americans drop out of school and set themselves up for lingering troubles later in life. The kind of troubles that leads to jail, prison and a permanent criminal record.

But now, in Austin and other cities, new, innovative programs are emerging to break up the “pipeline” – and Kaeyln is involved in the latest, cutting-edge programs that experts are creating to end the vicious cycle of students being marginalized, criminalized and steered away from a good education.

During the 2012 to 2013 school year, the student population in Texas was 5,205,659, according to state agencies. And there were 2,066,249 discipline reports written up involving a total of 676,229 students. The Austin school district had 20,254 discipline reports involving 7,078 students - out of a total student population of 92,400.

“Some people think that a school ticket or misdemeanor is not serious, but any criminal record has a lifetime effect,” said Glenn Martin, Founder of JustLeadershipUSA, a nonprofit advocacy organization working to reduce crime and cut the United States prison population into half by 2030. “All the factors that can keep a student on a straight path are taken away with these school arrests.”

Texas Appleseed, a public interest law center, reported “the over-use of disciplinary practices that remove students from their regular classroom or the school has

been shown to have a negative impact on academic achievement, and has also been linked to poor school climate and increase probability of dropout.”

Adds Dr. Courtney Robinson, an adjunct professor at Huston-Tillotson University, “students fall through the cracks because school discipline is taking time away from the regular classroom. It can really impact how they function in the classroom and make them fall behind. They build a lack of trust in the school and become disengaged.”

In Austin, there are a number of community based programs, such as the Southwest Keys Program, Youth Court at Webb Middle School, and Council on At-Risk Youth, working to prevent children from falling into the cycle. These programs involve teaching students how to support their peers and hold each other accountable, helping teachers understand how personal bias can negatively effect their classrooms - and offering community resources to help children cope with mental health, substance abuse, and family struggles.

“There is an economic and social cost for our current discipline policies,” said Kathryn Freeman with the Institute for Urban Policy at the University of Texas Austin. “These kids are sent out of the classroom and later drop out of school, which results in a loss of funding for Texas public schools that have a low attendance rate. The social cost is the negative effect on the kids who are isolated.”

Kaelyn felt her school only focused on the punitive rather than the support she needed. When Kaelyn was spending time in the portable classrooms, she had more difficulty handling her anxiety attacks, and she claims the teachers thought she was

faking. At one point, Kaelyn says, she stepped out of the classroom to call a friend to help her calm down and a school officer confronted her for using her cell phone during school, and then proceeded to accuse her of delivering drugs because she was standing near a tree.

“Talk about wearing a scarlet letter. How do you move forward in that system?” asks her mother.

Kaelyn was eventually referred by a social worker to The Southwest Key Program, a national nonprofit organization, founded in Austin, providing education, safe shelters, and alternatives to incarceration for over 6,000 youth around the country. It has programs in Texas, California, New York, Georgia, Arizona, and Wisconsin with over 1,600 staff members. It is funded through grants and contracts from federal, state, and local funding - as well as money from, foundations, corporations and private contributions.

It serves any child between the age of 11 and 15 that is having either truancy or behavior issues at school. It provides case management services for 12 weeks in a row – where counselors try to streamline social services the young people need.

“A lot of times we get these families and kids that are marginalized from opportunity and we expect them to still be tied in to our expectations,” said Courtney Seals, a director with the program. “We’re just trying to help them realize that we’re all connected.

The first thing we do with almost all of our families is set up counseling sessions for grief, anger management, trauma, or other cognitive delays.”

Therin Geeslin, a caseworker at the Family Keys Program, then had the challenging task of connecting Kaelyn and Kathy Michals to a variety of opportunities and resources.

“I think we tried five different counselors and none of them worked,” said Geeslin. “The family was in very dire straits whenever I met them, so they were not able to reach and deal with tons of people coming in and asking them questions. It was too much for them.”

Geeslin suggested a first step: Finding a different school for Kaelyn. The caseworker and family started with American YouthWorks, a charter school, and Kaelyn loved it.

“It’s amazing,” said Kaelyn. “You work at your own pace and the teachers rotate around and come in and help you one on one.”

American YouthWorks offers self-paced classes as well as job skills training.

“It’s for the group of kids that don’t think the same as other people,” explained Kathy. “[These students] are creative, they can’t sit in one classroom and go from class to class because they wonder.”

“I feel like a lot of people talk down to [children] and tell them what to do,” said Geeslin. “But my success has been in going in and asking questions and listening. I try to get on their level and figure out where they are before I can tell them anything to do or

how to do it because it's not my job to go in and tell them what's wrong with their family. They need to see that you're on their side and that you're not going to betray them. They're quick to open up if they realize you are working for them.”

The issues that Southwest Keys helped Kaelyn and Kathy with are not rare. For most students, it includes a variety of factors that link schools to the criminal justice system.

“When you ticket a student, you send them into the court system and the student and parent do not know how to navigate that system,” said Robinson. “Once they turn 18, there is a warrant for their arrest for not paying a certain fine. It's this sort of web of complex factors that push students out.”

The Class C misdemeanor tickets that students receive hold serious implications, beyond those, involving traffic-related tickets. Class C misdemeanors are handled by municipal or Justice of the Peace (JP) courts. A parent is required to accompany their child and there is often a fine of up to \$500.

According to Texas Appleseed, the most common misdemeanor tickets issued to students are for the disruption of classes, interrupting bus transportation, disorderly conduct, and curfew violations. In Texas, a smaller percentage of tickets are also issued for alcohol offenses, drug possession, criminal mischief, theft, or gang membership.

“School is a place to learn and the safety issue is important,” said Freeman, who adds that “the harsh punitive tactics” can be “costly.”

Every afternoon at 3:30 p.m. in a science classroom at Austin's Webb Middle

School, 20 students set up the desks and chairs to create a mini-courtroom. With the sound of chairs being dragged and repositioned, the students divide themselves into smaller groups to check their notes as they prepare for their Youth Court trial with the help of University of Texas at Austin students.

They are all participating in a program that mentors and trains middle school students in citizenship and leadership - and alternatives to receiving a misdemeanor ticket or suspension.

In one case, a 7th grade student had been referred to Youth Court by her teacher for poor grades, disrespecting an educator, and cursing in class. The middle school students that heard her case included a judge, a student advocate, a school advocate, a jury, and a bailiff played by a UT law student. Prior to the hearing, the student advocate and school advocate had interviewed the 7th grader as well as her teachers to obtain details of the incidents and suggestions for consequences.

Sitting next to the judge and facing the jury, the 7th grader said her disrespectful behavior was in response to a teacher yelling at her. The judge asked the jury to step out of the classroom to make a decision. The jury decided to assign the 7th grader a student mentor, a member of Youth Court, to help keep her grades on track and to pay attention to her language and behavior.

“Usually the hearings have to do with bad attitude,” said Yesica, a 6th grader and member of Webb Youth Court. “I have been a mentor to some respondents and it helps because sometimes they do not understand the process or what they have to do after.”

Experts call the process at Webb “restorative justice” – and they say it is another weapon in the fight against the school-to-prison pipeline. “We bring people together as a community in ‘restorative circles’ to have a structured dialogue that facilitates positive and healing interaction,” said Marilyn Armour, director for the Institute for Restorative Justice, which is a program that provides support to restorative justice initiatives in Texas and is based in the University of Texas at Austin.

In 2009, UT law students studying school reform and the school-to-prison pipeline formed an organization and launched the Youth Court program at Webb Middle School. The program has grown from holding two hearings per school year to 30 hearings per school year with additional field trips to the Texas statehouse, Texas Supreme Court, and UT Law School.

One of the earliest known programs of its kind, still in operation today, is the Naperville Youth Jury in Naperville, Illinois. Begun in 1972, advocates of the program say it helps in reducing juvenile justice court backlogs without increasing recidivism. They say it also creates an environment for offenders to pay for their actions without a juvenile court record. They add that it is also an opportunity for all students involved to learn about responsible citizenship and develop public speaking and leadership skills.

Advocates hope that kind of program, like the one at Webb, will spread in Texas:

“Webb Youth Court is unique because students go there without a formal court process and criminal record,” said Freeman. “They are using a restorative justice approach to make the students understand they are still important, supported, and part of the community.”

Sentences given by Youth Courts vary from essays, verbal or written apologies, or community service to curfews, tutoring, counseling, or mentoring. It all focuses on youth accountability, education, and positive youth development.

The National Youth Court Center developed the National Youth Court Guidelines with four general models – adult judge, youth judge, youth tribunal, and peer jury. Youth Court at Webb uses the peer jury model. A student serves in the role of the judge, a group of students serve as jurors and question the defendant directly, and two students serve as youth advocates for and against the defendant. Law students serve the role as the bailiff and mentor the students to prepare for each hearing.

As Youth Court continues at Webb Middle School, more students are learning how to lead by example and take initiative for their wellbeing. Youth Court primarily handles students after an incident has occurred.

Another approach taking dead aim at the school-to-prison pipeline involves community-based programs that preach “early intervention.”

In Austin, Adrian Moore founded the Council on At-Risk Youth, or CARY, to create an opportunity to intervene with kids early and help to turn them around. In the program, students receive “aggression replacement training” to help them articulate what they need, to understand human values, to control their anger.

“We work with 750 kids a year,” said Moore. “These kids are angry because they are poor or have family issues. We help them determine their hot spots and recognize why they get angry.”

Experts say that positive “intervention” can lead to behavior change. It provides a shift in managing problematic behavior from reactive, punitive responses to proactive emphasis on prevention.

The whole idea is to keep young people from being branded, at an early age, as “problem” students.

“There are relationships in schools that lead some kids to get characterized as problem kids,” explained Keffrelyn Brown, an associate professor of education at the University of Texas at Austin. “This is determined by how a teacher views the student and it is very difficult to get out of that.”

According to the Texas Education Agency, during the 2012 – 2013 school year, Texas suspended 955,201 Hispanics, 519,152 African Americans, and 364,519 white students. The leading misdemeanor that year was violation of the local code of conduct, followed by fighting, truancy, and substance or drugs.

“Schools work fine for those it was designed for, which are white students,” said Robinson. “Schools have yet to meet the needs of students of color, which is why we need to intervene on the system and not just the children.”

Experts say that no matter the race or ethnicity, more needs to be done for more students:

“All of these kids want to do well and be successful,” said Seals. “None of them wake up in the morning thinking ‘I hope I get in trouble today’ or ‘I hope my mom is disappointed in me today,’ but they’re up against a lot. They’re scared. They’re just

trying to make it.”

Added Robinson: “We need to find a common space where everyone sees these kids as their kids. We need to pay attention to the bigger systems in this issue – schools, criminal justice, police – to impact the whole process that pushes kids out.”

It is, the experts believe, an issue that every citizen should think about – the ramifications of a school-to-prison pipeline will have an impact on all Americans. It could lead to higher crime rates, higher taxes to pay for law enforcement and the criminal justice system, and a degraded educational system. It could lead to the United States falling further behind other nations in educational excellence – and that would put a huge drain on the national economy.

“We need to ask more questions and not make presumptions about our community and kids,” said Brown. “We need to broaden how we understand success in our society. It’s not just about our own family. If anyone is suffering, then we are failing to do our part as a society. If we don’t have that, we likely won’t make many changes.”

Added Freeman: “What does it say about the quality of schools that are more like a police state than a nurturing environment? It is a social cost to everyone.”

For the students and young people who are in danger of falling into that pipeline, they simply want others to know that they are like everyone else – they want to succeed and find the American Dream.

Kaelyn will be completing her second semester at American YouthWorks in May. She is planning to attend Premier High School, another charter school in Austin, to complete her high school education.

She says she has a simple goal: “To be happy one day.”

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