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School suspension and the school-to-prison pipeline

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ABSTRACT

Schools have many available strategies to address problem behavior among students. One option increasingly used by schools is to suspend problem youth and remove them for defined periods. The purpose of this paper is to investigate whether this type of disciplinary policy has unintended consequences by giving problem youth greater opportunity to commit crimes outside of school. Previous studies have looked at the "incapacitation" effect of school holidays and teacher strike days, but these studies do not directly address the relevant school policy decisions. The current study relies on administrative data from a school district and a juvenile justice system. The results indicate that out-of-school suspension may increase criminal offending behavior by problem youth, more than doubling the probability of arrest. The effect is particularly large among African American youth, relative to Whites.

1. Introduction

Over the past few decades, school districts all across the country have adopted "zero tolerance" disciplinary policies as a way to reduce violence on campus, protect students, and maintain environments conducive to learning. Zero tolerance policies automatically impose punishments on students and mandate suspension or expulsion from school for certain offenses, often without consideration of the circumstances. At their inception, these policies pertained to only the most serious offenses such as bringing a weapon to school, but over time, the polices have expanded to include lesser infractions such as alcohol or tobacco use, fighting, or swearing (Kang-Brown et al., 2013).

The trend toward adopting zero tolerance discipline began shortly after the enactment of the 1994 Gun Free Schools Act. The law requires that every school district receiving federal education funds implement a 1-year mandatory expulsion for students who possess a firearm on school grounds. Scholars cite the Gun Free Schools Act as the catalyst for the widespread adoption of broad based zero tolerance discipline policies covering a wide variety of infractions, with all 50 states adopting some variation of the policy within a few years of the enactment of the Gun Free Schools Act (Henault, 2001).

Despite their popularity, zero tolerance policies are not without controversy. Proponents argue they establish expectations around pro-social conduct by specifying rules prohibiting certain behavior. Consequently, they may deter undesirable and unsafe behavior by increasing its expected costs relative to its expected benefits. The deterrence literature in general, however, underscores that the certainty of punishment has greater deterrent effect than the severity of punishment (Cook, 1980; Nagin, 1998). Expulsion and suspension also may prevent a "contagion" effect on peers if delinquents are removed from the classroom. Teachers report that student behavior problems in class significantly impact their ability to instruct (U.S. Department of Education, 2000); thus, removal of disruptive youth may improve peer outcomes (Lazear, 2001). For example, a study of suspension in middle school found that disruptive behavior reduces academic achievement for the general student population, implying that suspension might improve overall academic performance (Kinsler, 2011).

Yet other research point to potential downsides: exclusionary discipline may lead to worse educational outcomes for the excluded student, including loss of educational opportunities, poor school performance, and dropping out, which further jeopardizes youth human capital accumulation (American Academy on Pediatrics, 2013). In addition, the heavy reliance on zero tolerance policies have been blamed for contributing to the so-called "school-to-prison pipeline." This pipeline, "refers to the policies and practices that push our nation's school children. . . out of the classrooms and into the juvenile and criminal justice systems" (ACLU, 2014). The most direct pathway is through zero tolerance policies that mandate the referral of students directly to law enforcement authorities

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for violation of school policies (Wald and Losen, 2007). Suspension may also lead to days spent in the community with reduced supervision and increased opportunities to commit crimes. Over a longer time period, indirect pathways are also pertinent. Being removed from school may adversely impact students' school connectedness, increase alienation, intensify conflict with adults, reduce supervision in the community, and increase youth's propensity to engage in delinquent behaviors (Skiba et al., 2006). Research has linked suspension with the likelihood of dropping out (Cook et al., 2010), and dropping out has been linked with engaging in criminal activities (Anderson, 2014).

A number of organizations have been critical of zero tolerance policies and the criminalization of in-school offenses. Groups such as the U.S. Department of Education, the American Bar Association, the American Academy of Pediatrics, and the American Psychological Association have issued policy statements urging reform of the zero tolerance policies to allow for much more flexibility in applying punishments. Yet there is surprisingly little academic research on the effects of zero tolerance policies specifically, and school suspension and expulsion more generally. Some researchers have observed a negative relationship between suspension and student academic achievement (Raffaele Mendez, 2003; Skiba et al., 2002; Kinsler, 2013; McFadden and Marsh, 1992). Others have found that suspension is a predictor of future suspensions, rather than acting as a deterrent (Raffaele Mendez, 2003; Tobin et al., 1996), although in a recent study, Kinsler (2013) shows evidence of reduced in-school infractions following suspensions.

In a review of the literature, the American Psychological Association Zero Tolerance Task force concludes that zero tolerance policies have not been effective in generating safer school environments, however this conclusion is primarily based on correlational studies (Skiba et al., 2006). This same report further concludes, "...the school-to-prison pipeline has not yet been conclusively documented. While retrospective and some correlational data suggest a relationship between suspension and expulsion and juvenile justice outcomes, it is important to note that available research on relationships between school expulsion and juvenile justice outcomes are at this point primarily descriptive" (Skiba et al., 2006, pp 80). Our paper seeks to fill this gap in the literature. Using data from students in middle and high school we examine the effect of out of school suspension on youth referrals to the juvenile justice system. Using a difference-in-difference technique we find that students who are suspended are more likely to commit crimes on the actual suspension days than on non-suspension days, including weekends and holidays.

Previous studies from the economics literature provides some insight into the question, while not directly estimating the effects of suspension on criminal activities. Luallen (2006) uses teacher strike days for identification and finds that total juvenile crime increases by an average of 21.4% on strike days, but violent crime declines. Using teacher in-service days, Jacob and Lefgren (2003) find that being out of school is associated with greater property crime, but lower violent crime. Both of these incapacitation studies examine very short term outcomes pertinent to large student populations, but do not address the direct policy question around problem students who face potential disciplinary action. Our study directly examines the population at-risk for the school-to-prison pipeline.

2. Analytical framework and data

Applying Becker's economic model of crime (1968), youth weigh the expected payoffs from criminal activity against the expected costs from the probability of being caught and the severity of punishment. There are many possible channels through which out-of-school suspensions may influence decisions of youth, including directly through time constraints, deterrence, sanctions, and available peers, and indirectly through changes in peer behavior. Suspension as a punishment is quite different from incarceration in that suspension removes students from structured school supervision, a form of incapacitation, and places them under potentially less structured parental supervision. Depending on the degree of supervision at home, youth may have more opportunity to engage in crimes in the community. In addition to changing youth's time constraints, suspension also changes the peer group that is available for a youth to associate with on school days relative to weekends and holidays. The current analysis takes a reduced form approach in that it captures the total net effect of suspension policies on youth crime in the community.

The challenge in comparing outcomes of youth who are suspended to outcomes of youth who are not, is that suspension is not likely to be randomly applied. Those who are suspended are more likely to engage in risky problem behavior than those who are not. To help avoid the selection problem, our analysis is limited to youth who are suspended at any point during the study period. Outcomes are compared between periods when students are suspended and periods when they are not. The assumption is that on a regular school day, youth who have been suspended have more opportunity to engage in crime than youth who have not been suspended. Further, the opportunity to engage in crime is equal for suspended and non-suspended youth on non-school days, such as weekends and holidays. On school days the difference between in-school and out-of-school suspended youth reflects the increased opportunity that out-of-school suspension provides to youth to engage in crime. The effects, estimated at the individual level, are the impact of being suspended out of school on the probability of offending on that day.

In order to perform detailed analyses of how school suspension interacts with juvenile justice, data were received from two sources, an urban school district and a county juvenile justice system. The school district is geographically fully contained within the county although the county contains more than one school district. This allows us to measure crimes committed outside the school district, but not outside the county. Person-level administrative data from both sources are linked using name and date of birth in a procedure described below.

The school data capture all enrolled youth in the urban school district for the 2002 through 2009 academic years, including enrollment dates and exit dates (for example, for youth who graduate, drop out, or leave the district). The study is limited to students who are age 13–17 at the beginning of each academic year. Youth are excluded after they turn age 18 because they are no longer handled in the local juvenile court and their offenses would not be recorded in the data. The study includes youth only on days when they are enrolled in school and excludes all days during summer breaks.

Importantly for this study, the school data includes whether a youth received a disciplinary action and if so, the start and end dates and whether the suspension was in-school or out-of school. The analysis takes each day and observes whether a given student was suspended out of school or not. Because the goal is to examine the impact of suspension among similar students, the study is narrowed to the group of students who were ever suspended, either in-school or out-of-school, during the study period. Consequently, the study takes all suspended students and compares their outcomes on days when they are suspended out of school to days when they are not suspended out of school. Among 4665 total students in the study, all were suspended, but the probability of being suspended on any given day during the school year is small, 0.14%.

In addition to suspension status, the school data also indicate a student's gender, their race or ethnicity, the date they enrolled in school, their primary language, and whether they were identified for English as a Second Language (ESL) instruction or special