



# MICHIGAN JUVENILE JUSTICE COLLABORATIVE

A project of the Michigan Council on Crime and Delinquency  
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## Michigan's School-to-Prison Pipeline

Schools are often the first opportunity to intervene if children exhibit inappropriate and/or anti-social behaviors. Yet in Michigan, there is a growing trend to criminalize, rather than educate, our children. The school-to-prison pipeline encompasses the increased use of zero-tolerance discipline, school-based arrests, disciplinary alternative schools, and secured detention. These policies “push out” the most at-risk youth and deny them access to education.

**Youth are more likely to drop out if suspended repeatedly, have been expelled for any period of time, or have been retained in a grade below their age-level peers.<sup>1</sup>**

- Forty percent of Michigan residents who received cash welfare in 2003 were dropouts, costing the state approximately \$156 million.<sup>2</sup>
- Eighty-eight percent of all high school dropouts who do not receive at least their GED will be incarcerated by the time they are 25, according to the U.S. Department of Justice.
- About 68 percent of Michigan's prison population does not have a high school diploma.

Increasing male graduation rates by 10 percent would result in \$560 million annual crime savings and earnings in Michigan.

**African-American students are far more likely than their white peers to be suspended, expelled, or arrested for the same kind of conduct at school.<sup>3</sup>**

Children with learning or emotional needs are particularly likely to be pushed out of schools and into the juvenile justice system, despite the heightened protections afforded to them under law. Under Michigan and Federal law, school districts are prohibited from suspending students before a determination is made as to whether the behavior was a result of a disability.<sup>4</sup> Yet, school districts often decline to investigate suspected disabilities before suspending or expelling students.

African-American students with disabilities are three times more likely



<sup>1</sup> National Center for Educational Statistics

<sup>2</sup> “School or the Streets: Crime and Michigan's Dropout Crisis.” Fight Crime: Invest in Kids Michigan.

<sup>3</sup> “Reclaiming Michigan's Throwaway Kids: Trapped in the School-to-Prison Pipeline.” ACLU of Michigan (2009)

<sup>4</sup> MCL 380.1311; 20 U.S.C. 1415(k)(4), (5)

to receive short-term suspensions than their white counterparts, and are more than four times as likely to end up in correctional facilities.

## Zero Tolerance Policies

Michigan's "zero tolerance" law extends well beyond the federal Gun-Free Schools Act by mandating expulsion of students who possess a "dangerous weapon" and includes:

"Zero tolerance has become a one-size-fits-all solution to all the problems that schools confront. It has redefined students as criminals, with unfortunate consequences...

Unfortunately, most current [zero-tolerance] policies eliminate the common sense that comes with discretion and, at great cost to society and to children and families, do little to improve school safety."

– American Bar Association

- Permanent removal from public schools;
- No due process standards for ascertaining the validity of charges or the determination of the penalty;
- No recourse beyond the charging school district to appeal a decision (legal recourse is expensive and unavailable to all but a very few);
- A requirement to report 'criminal behavior' to law enforcement agencies;
- Responsibility of the family to petition for reinstatement with no obligation of any agency to assist in such preparation;
- Responsibility of the family to provide alternative education although there is no concomitant obligation for any state agency to provide such facilities; and
- No obligation on the part of the school district to reinstate a child, even after a full year of exclusion.

Although Michigan's Compulsory Education Law requires school attendance for children ages six through sixteen, school districts are not responsible for establishing alternative education programs if students are suspended or expelled. Among a group of 1,975 students who had been suspended or expelled during the 2006-2007 school year, 46% noted that they did not receive alternative education services during their absence from school.<sup>5</sup>

## School-based Arrests

Children are more likely to be arrested at school than they were a generation ago, especially for non-violent offenses such as "disruptive conduct" or "disturbance of the peace." This trend is in part due to the increased presence of law enforcement or "school resource officers" to handle minor school misconduct that was previously addressed by teachers and administrators.

The explosion of school-based arrests cannot be attributed to an increase in youth violence. Between 1992 and 2002, school violence dropped by about half. Despite the fear generated by a handful of highly publicized school shootings, schools remain the safest places for young people.

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<sup>5</sup> Michigan's Center for Educational Performance and Information, "Expulsions, School Building Detail Table, 2006-2007." Lansing: CEPI.