



# YALE NATIONAL INITIATIVE

*to strengthen teaching in public schools®*

Curriculum Units by Fellows of the National Initiative  
2018 Volume I: Race, Class and Punishment

---

## Juvenile Justice in California: A Rhetorical Approach

Curriculum Unit 18.01.10, published September 2018  
by Jennifer L. Vermillion

You can't hold a man down without staying down with him. - Booker T. Washington

### Introduction

---

#### Why This Unit Matters

On the first day of each school year I receive a piece of paper, folded in half and stapled for “privacy” in my mailbox. On this piece of paper are the list of all of the students enrolled in my classes who have committed an offense. I recognize that the school has obligations and Ed Code stipulates that I be provided with this information.<sup>1</sup> However, I hesitate to open it. I don't want to be prejudiced against any of my students- I want my first impression to be of their conduct and interaction in my class. So I delay looking at that list of acronyms I can barely interpret and go about the business of teaching with an open heart. I wonder how many of my colleague's first impression of their student is tainted by this introduction or if they are able to overlook the telltale bulge of an ankle monitor. I wonder if our juvenile justice system understands what Booker T. Washington understood, that we cannot rise as individuals or communities or as a country if we are stooped over holding others down. I wonder if there is any group more deserving of empathy and a second chance than juveniles. I wonder if these teenagers are receiving therapy, services, rehabilitation, and any other services necessary to help them make better choices in the future.

#### Juvenile Justice as a Lens

The United States is a world leader in incarceration rates with one in every 115 adults in prison or jail in 2015 and a disproportionate number of those are people of color.<sup>2</sup> Our citizens are not more predisposed towards criminal conduct than other countries, but after the War on Drugs and “tough on crime” eras, longer sentencing became de rigeur and the massive growth of 222% between 1980 and 2010 primarily due to increasing sentencing and reduced opportunities for parole.<sup>3</sup> As a result of the tough-on-crime era, the United States became the world leader in incarceration rates. How can we begin to address such systemic issues

rooted in a fractious history? Perhaps beginning with the next generation with the understanding fact that, “people tend to age out of crime. Research shows that crime starts to peak in mid-to-late-teenage years and begins to decline when individuals are in their mid-20s.”<sup>4</sup> The implications are clear to me. If recidivism rates decline with age, then would it not benefit our society more to provide job training, substance abuse treatment, and prevent the myriad causes known to contribute to youth choosing delinquency?

The truth is that an overwhelming number of teens in the juvenile justice system did not receive appropriate services to provide them with the resources they needed to succeed. Once in the system, more than ever, we owe it to them to offer them the special education services, emotional support, and job training they need to be successfully rehabilitated and avoid recidivism. It is not my assertion that anyone under a certain age get a “pass” on their choices, (because they were exactly that, choices) however I hope we can find the compassion in our hearts and the facts related to the topic to justify giving them a second chance. “A line has to be drawn somewhere to define a reasonable boundary that serves to protect children and youth due to their immaturity, yet holds them accountable for their actions and respects their integrity as human beings on the pathway to adulthood.”<sup>5</sup>

### **How this Unit Will Effect Change**

In my opinion, the best way to make progress as a country is to engage a majority of our population in the democratic process. Sadly, only 28% of registered voters in Santa Clara County voted in the June 2018 election. Hence, I hope that in having my students look at issues related to juvenile justice, they will become more educated future voters who are also possessed of stronger analytic ability to discern the rhetorical strategies employed by politicians and the media. Effective use of rhetoric will also be a tool for self-advocacy my students can employ while simultaneously inserting a civic component into my curriculum.<sup>6</sup> Furthermore, I hope that as a result of the curricular unit, my students will become compassionate stewards of our democracy. I hope to really educate my students about rhetorical appeals while encouraging them to become critical consumers of information and thereby fuller participants in our democracy.

I want these students to become engaged members of what could be a potentially powerful voting block because their voices need to be heard. I want my students to feel motivated to participate in their community and to engage in the beauty of being an American with the liberty to cast a vote. As Paul Butler stated in the forward to *Youth Justice In America*, “It’s up to you to make sure that the country lives up to its highest ideals.”<sup>7</sup> I want my students to take ownership of the content and feel empowered to consider how justice in the 21<sup>st</sup> century might evolve and be different from our present archaic system.<sup>8</sup>

If “90 percent of American prisoners are in state and local jails,” then it follows that it is profoundly important that we consider local and state measures, propositions, and elected officials in light of their impact upon our judicial system.<sup>9</sup> Hence, a focus on political engagement on a local level is necessary. Policy change is necessary, but a change in the hearts and minds of our citizens about how we approach justice in our country is a shift our youth are open-minded enough to embrace. Furthermore, I’m concerned that adolescents who have been part of the juvenile justice system or even just suspended while in school are less likely to become involved in their community by volunteering or being politically engaged by voting as adults.<sup>10</sup>

### **School Setting**

In the midst of the affluence of Silicon Valley, Oak Grove High School serves a population of students who are not the offspring of wealthy Google employees. These are the disenfranchised youth who worry loved ones

might be swept up in ICE raids. These are the socioeconomically disadvantaged youth whose families struggle to survive in one of the most expensive housing markets in the nation. These are the students who come from communities of color where opportunities are rare and the realities of their daily life involves prejudice, discrimination, and oppression. So many of my students feel disenfranchised, vulnerable, and have even become apathetic in regards to our democracy.

Our school serves approximately 1,800 students who come from working class families that are struggling to survive in an increasingly exclusive housing market.<sup>11</sup> The economic and social struggle of our students and their families is apparent when you consider that over 57% of our students are socioeconomically disadvantaged and 14% of our population qualifying for Special Education services. Our school is a thriving multi-cultural environment and racially diverse, comprised of over 55% Hispanic, 23% Asian, 9% Caucasian and 6% African American.

While I feel my particular campus has many caring adults who form connections with our students and strive to make our school a safe and nurturing environment, there are still harsh systemic realities. Fewer and fewer teachers (or police officers for that matter) can afford to live in the community in which we teach, so the race and class of the staff doesn't reflect that of our students. If they can't see themselves in us, it makes achieving buy-in more difficult. In addition, poverty is a harsh reality amongst my students and some students rely almost exclusively on school meals. In fact, Oak Grove High School is the first high school in Santa Clara County to have a Second Harvest Food Bank distribution center on our campus. We have an outstanding social worker on our campus who is dedicated to offering the personal and social support necessary to create an environment where our students can be academically successful, but our students are still vulnerable to systemic realities because of their race, poverty, and special education status.<sup>12</sup>

### **Classroom Setting**

I posit that education is the civil rights issue of our generation, and therefore believe that my students deserve the best content, strategies, engagement, and pedagogy I can offer.<sup>13</sup> The classroom content for my college prep seniors will focus on rhetoric as a lens through which we will explore many genres of texts. Students will read, analyze, and discuss each text with an eye to developing the critical thinking skills that will allow them to understand the art of persuasion. Why should we be especially compassionate when it comes to juveniles committing crimes? How can we create a system that focuses on rehabilitation as opposed to punishment?

It is easy to feel overwhelmed by systemic ills, but a classroom teacher has tremendous influence in altering potentially negative outcomes. to support what author Victor Rios calls a shift from a 'culture of control to a culture of care', in which educators and other adults seek to nurture our youth.<sup>14</sup> Teachers can easily become engaged in a process of telling "war stories" with colleagues that position us in opposition to our students.<sup>15</sup> My hope is that we teach resilience and grit instead of teaching to the test. My hope is that we use trauma informed teaching practices to avoid feeding the school to prison pipeline. My hope is that we create warm, welcoming culturally inclusive environments that nurture our most at-risk populations.

My six-week curricular unit uses the topic of juvenile justice to familiarize my students with the art of rhetorical analysis using a high interest topic. Students will focus on using strategies during prereading such as previewing the text in a formulaic manner and making predictions, annotating and creating a descriptive outline during reading, and thinking, reflecting and writing summaries as post-reading activities. Focusing on connotative and denotative meanings of words and how an author's style might influence a reader are key

elements for students to explicitly practice. Students will ultimately always be brought back to the question of how each author’s rhetorical choices in the form of logos, ethos, pathos, and kairos impact the reader. Carefully crafted questions, more than lectures, will help my students develop their voice and a framework in which they might view our juvenile justice system. In order to facilitate a safe space, sentence starters such as “I wonder” and, “I heard you say” and, “I value” will be written on the whiteboard for the duration of the unit. Establishing my classroom as a place where we talk about issues that matter in a sensitive and real manner will create connections with my students as well as between them. It is my hope that English will not be a class that they associate with merely grammar, paragraph structure, vocabulary, and reading, but rather that these skills inherently are developed as a byproduct of a strong curriculum unit that is relevant and connected to the real world.

## Content

---

### California and Juvenile Justice

While as a nation, the juvenile arrest rate peaked in 1996 and declined by 70% in 2016, California has the highest rate of incarceration/arrests for minors.<sup>16</sup> According to a report by Attorney General Kamala Harris, a total of 71,923 juveniles were arrested in 2015, of which 80.7% were turned over to probation and 29.7% were felony arrests.<sup>17</sup> Assuming the statistics did not significantly improve, approximately 30% of those arrested suffer from mental health issues.<sup>18</sup> This type of “big picture” view of California’s juvenile justice is however, changing. After support from advocates and visibility brought by Common’s visit to Sacramento, many of the “Equity and Justice” reforms to the juvenile justice system were signed into law by Governor Jerry Brown last year and efforts to alter criminal sentencing laws continue in 2018.<sup>19</sup> Beginning with Proposition 57’s passage which allowed all but the most serious crimes to be sent to juvenile court as opposed to the harsher get-tough policies in Proposition 21, California is poised to reform many aspects of juvenile justice making this unit a timely one.<sup>20</sup> My students are always highly engaged when we approach the topic of what it means to be a juvenile in the eyes of the law and the rights and responsibilities therein.

Punishment of criminal behavior in adults traditionally serves four functions: incapacitation, deterrence, retribution, and rehabilitation.<sup>21</sup> Colonial society did not have a separate juvenile justice system and resorted to corporal punishment in most cases. Initial efforts to begin a separate juvenile justice system were founded in the environmental theory that crime was a result of the social milieu and therefore rehabilitation required isolation.<sup>22</sup> Hence, the establishment of a separate juvenile justice court in 1899 was founded in the desire to rehabilitate, not punish in an environment where these youth wouldn’t be corrupted by hardened adult criminals. Creation of specialized courts, highly informal proceedings, and supervised probation were all aspects of the focus on providing developmentally appropriate responses to delinquency and rehabilitating children was one of the primary goals.<sup>23</sup>

Minority families and communities are plagued with disproportionate rates of involvement with youth in all stages of the juvenile justice system despite the evidence that punitive measures do not reduce crime. The need to combat the physically brutal environments in which we detain youth amid a palpable atmosphere of hopelessness needs to change to one reminiscent of the initial purpose of a juvenile court system-mercy and rehabilitation.<sup>24</sup> “Instead, our nation’s leaders must work with advocates and key stakeholders on the national,

state, and local level to incorporate the concept of rehabilitation and detention alternatives back into a juvenile justice system that has come to represent a system of hopelessness and despair for too many people.”<sup>25</sup>

## **Adolescent Brain Development**

If we know that the areas of the brain the control decision making processes and impulsivity are still developing, might we not view and respond to juvenile crime in a different fashion? Brain science can show us why youth behavior is so volatile as they experiment and these crucial understandings can help us to offer appropriate interventions that will reduce future recidivism as opposed to solely punitive measures. Recognizing the social, economic, and political factors that impact the physical and mental well-being of my students creates a compassionate perspective that then reminds me that adolescent brain development students have concluded that teens problem-solving and decision-making capacities are not fully developed. On the road to developing self-efficacy, self-agency, identity, autonomy, and significant intimate relationships adolescents brain development is dramatic and this process will take until they reach maturation around age 25.<sup>26</sup> The brain develops from the back to the front, with the cerebellum, an area that controls physical coordination, developing first. The amygdala, which controls emotion is followed by the nucleus accumbens, which is associated with motivation. The last area to develop is the prefrontal cortex, which controls judgment. Dopamine (a chemical affecting memory, concentration, problem solving and pleasure centers) levels shift, the limbic system (associated with processing emotion and managing motivation) is still developing, as is the prefrontal cortex (the area that governs executive functions of reasoning and impulse control).<sup>27</sup> So as teachers, we often see the results of this process in the erratic behaviors, rebellious acts or even outright defiance of our students. It is imperative that we understand that while it is important to teach responsibility and accountability for one’s actions, it is also imperative that we encourage the process of providing teens with opportunities to express their individuality and practice making adult decisions without high-stakes outcomes.

It may also prove beneficial for both teachers and youth themselves to understand adolescent brain development. Students are taught about the physical and hormonal changes that are occurring in their bodies, but not about how their mind develops. Understanding that teenagers are not merely in possession of less life experiences than adults, but that their brains are actually fundamentally different is an essential understanding that is a necessary precursor to looking at juvenile justice in a different light. If prevention is a priority, key developmental assets we could strengthen include: family communication, non-parental adult role models, peer role models, good health practices, time spent in group activities, community involvement, responsible choices, and aspirations for the future.<sup>28</sup> This highlights the importance of teachers as role models and how role playing might help students practice the ability to judge situations and evaluate potential consequences. As my students feel cannabis is a safe recreational drug, I intend to use an article to remind them that this substance is illegal for the reason that it affects a developing adolescent brain differently than an adult and may have detrimental effects of brain resting functional connectivity, intelligence, and cognitive function.<sup>29</sup>

## **ACEs**

Given many of the policies and procedures contributing to the school-to-prison pipeline are not within a classroom teachers’ purview, it behooves us to consider what we can control. Understanding our most vulnerable populations and the psychological resources they devote to merely surviving is an imperative for any educator. The Adverse Childhood Experiences Research Study (ACEs) study led by Nadine Burke Harris is

introduced in a really accessible manner to both teachers and students in the TED talk she gave in September of 2014. The ACEs included asking adults questions about history of exposure to ACEs such as physical/ emotional/ sexual abuse/ neglect, physical/ emotional neglect, parental mental illness, substance dependence, incarceration, parental separation/divorce, or domestic abuse violence. Each “yes” earns a point towards your score. ACEs are surprisingly common among Americans with 67% of the population scoring at least a one, and the health outcomes for those with a higher ACE score was more likely to have greater risk of negative health outcomes.<sup>30</sup> It was measurably provable that the physiology of students who endure severe childhood trauma has negative effects and in fact, affects the mind and bodies for a lifetime because their stress response systems have been repeatedly activated.

Caring adults and a safe educational setting that offers access to services is absolutely necessary when you consider the work on ACEs. Children with a higher score on ACEs struggle to calm themselves when provoked, find it harder to concentrate, and otherwise struggle to succeed in a traditional academic environment. Making sure these students are receiving health and mental services and providing the best possible environment will increase the chance that these students will enjoy improved health.<sup>31</sup> It helps to understand that our student isn't necessarily being deliberately defiant when he refuses to sit still or concentrate.

### **The School to Prison Pipeline**

In 2013 Senator Richard Durbin addressed a subcommittee about the issue he felt was pushing students out of the classroom and into the courtroom. “For many young people, our schools are increasingly a gateway to the criminal justice system. What is especially concerning about this phenomenon is that it deprives our kids of their fundamental right to an education.”<sup>32</sup> Approaching the topic of reforming the justice system in America appropriately begins with our youth as they are the most vulnerable and also an accessible means of stemming the tide given the science that suggests rehabilitation is highly achievable. The school to prison pipeline is an incendiary metaphor reminding us of the failure of our public institutions to meet the increasing social-emotional and educational needs of our at-risk youth. How a school chooses to prevent and respond to student behaviors may increase their risk of punitive involvement with the justice system.<sup>33</sup> The educational policies currently in place (especially in under-resourced public schools) increase the likelihood that certain segments of our population will ultimately be incarcerated by a punitive (as opposed to rehabilitative) justice system. Low income students are disproportionately affected as demonstrated by the 2013 statistic that in schools where more than 80% of the students qualify as low-income, the average arrest rate is seven times higher than in school where fewer than 20% of the students qualified as low-income.<sup>34</sup> The true tragedy is that this is not only a numbers game, but amongst those students are our most vulnerable populations of foster kids, homeless youth, low-income youth, English language learners, students of color, and students with disabilities.<sup>35</sup>

Think about it. If little Jimmy has trouble reading, he's going to act out in class to avoid being embarrassed to demonstrate that he reads on a fifth grade level in the ninth grade. So Jimmy misbehaves and is sent out of the class. After a few days of this pattern, Jimmy commits an act egregious enough to be punished with suspension. The pattern continues with Jimmy, a child already academically behind his peers, being removed from the structured educational setting and furthering the statistical likelihood that he will eventually drop out, commit a crime, and be incarcerated as an adult.<sup>36</sup> Teachers deserve to receive high quality instruction in classroom management so that they can find alternatives to manage his behaviors. If the student never leaves the classroom, the pipeline doesn't get fed. Individual teachers who fail to participate in programs like Positive Behavior Interventions and Support (PBIS) or focus on managing behavior in the classroom should



understand that subjectively assessed conduct like “insubordination”, “disruptive behavior”, “inappropriate language” and such are all common causes for students entering the pipeline.<sup>37</sup> A teacher advocate who wants to disrupt the pipeline could focus on finding non punitive means of handling discipline and furthermore be aware that children of color find themselves disproportionately punished for these types of subjective behaviors and are subject to more harsh and punitive measures.<sup>38</sup> Furthermore, the simple act of tutoring as a support for our vulnerable students could be profoundly impactful in reducing student misbehavior.<sup>39</sup>

In fact, as far back as 2007, the Southern Law Poverty Center discovered that nearly 85% of youth in juvenile detention facilities qualified for special education services, yet only 37% had been received them prior to their incarceration.<sup>40</sup> The implication of this to a classroom teacher is clear: there is a need for us to advocate on behalf of our students to be tested and provided adequate services. While keeping potentially disruptive at-risk students in the classroom poses unique discipline challenges in a room full of students who need to learn, we are uniquely positioned to effect change in the pipeline by stemming the flow through the use of behavior intervention and supports. Adopting a social emotional lens to evaluation the behavior and utilizing cultural competency is one means of resisting the lure of punitive measures.<sup>41</sup>

### **School Based Student Discipline**

Some of the factors that contribute to the likelihood that students will end up “in the pipeline” include overcrowded classrooms, insufficient support for special education students, racially or socioeconomically segregated populations, the use of zero-tolerance policies in school and the increased use of police on campuses (also called school resource officers or SROs), which also has the consequence of student misconduct increasingly resulting in an arrest.<sup>42</sup> The principle issue with SROs on campus is that while teachers and administrators primary focus is on social emotional learning and academics, SROs are focused on enforcing the law. At-risk students in under resourced schools will likely struggle to retain sufficient highly-qualified teachers to help these at-risk populations and even may push them out of the classroom as a result of the increasing test-driven accountability in our country. “These push-outs range from non-disciplinary measures, such as disenrolling truant youth from high school or counselors encouraging struggling students to enroll in GED programs, to harsher forms of exclusion, including frequent suspensions, expulsions, and school-based arrests.”<sup>43</sup>

Zero tolerance policies are perhaps one of the most damaging aspects of the pipeline as federal laws often do not allow for case-by-case exceptions. The concept is a result of a philosophy that the protection of the many outweighs the rights of the few in the sense that any perceived threat to student safety is to be punished swiftly and absolutely. They often are employed to react to violence or weapons on campus and require suspension for a specified period of time and do not allow administration or teachers to address the circumstances of the violation or the best interests of the student.<sup>44</sup> The zero-tolerance policies that are currently in place do nothing to address the underlying issues causing undesirable behaviors, and instead funnel them to the criminal justice system. “The point is not that we should have less security or discipline in public schools, but that we should impose security and discipline policies that are supported as sound practice by evidence, and we should do so thoughtfully rather than reactively.”<sup>45</sup>

Providing additional tutoring to students who misbehave might help actually resolve the behavior if they have the ability to engage in the classroom content. Referring students to counseling might be another simple step teachers can take to help them receive the supports they require. Nutrition and any other aspect of meeting the need to our most disadvantaged youth should be a priority for all teachers. This is also further reason to

support your administration in their efforts to implement any type of positive cultural change that empowers youth such as PBIS or Restorative Justice. Alternative punishments that don't exclude students from schools and even help to resolve the underlying issues is invaluable. Another minor intervention with proven benefit is for teachers to strive to build relationships and bridges with families so that you become "allies rather than adversaries or onlookers, and demonstrate to students that they care."<sup>46</sup>

One alternative to our current school culture focused so heavily on academics might be to make empathy, compassion, and taking responsibility for our community values we actively teach.<sup>47</sup> In fact, some core values that have been demonstrably proven to benefit students include a demonstrable attitude of care for others, honoring commitments, showing respect, demonstrating responsibility, accountability and professionalism and being willing to change.<sup>48</sup>

## **Implicit Bias**

Hidden bias may result in prejudicial behavior, discrimination, and perpetuating stereotypes. The fact that prejudice underlies so many of the statistics related to the juvenile justice system makes it evident that implicit bias against persons of color is a reality we must confront. For example, when white and minority youth are charged with the same crime, Latino youth are three times, and African American youth are six times more likely to be incarcerated than their Caucasian counterparts.<sup>49</sup> I further urge teachers to consider that "most school disciplinary incidents are low-level, subjectively defined behaviors--such as disorderly conduct, disrespect, or defiance, which are largely dependent on teacher' perceptions of youth--the importance of racialized perceptions of youth in shaping school discipline becomes even clearer."<sup>50</sup> Endemic racial prejudice is a reality we must acknowledge and openly discuss. By deliberately grouping students in cross-race groups, consciously choosing positive role models of various ethnicities, and talking explicitly about race and the effects of racism, teachers can begin to reduce racial bias.

Victor Rios is an especially valuable resource for the Bay Area teacher as he focused on Latino youth in Oakland through a series of studies and observation wherein he concludes that parents, teachers, authorities at school, and the police combine to create a community culture that criminalizes youth behaviors. In fact, he posits that some youth may find not only safety and economic opportunity in gangs but also solace as there is some level of cultural empowerment in rejecting the mainstream society that rejected them.<sup>51</sup> Aggressive police tactics such as those employed in Oakland actually serve to heighten the risk of youth entering the school to prison pipeline. Considering the history of racialization and colonization of Latinos in the U.S. Southwest might also have sociological implications when my students parents are employed by the elite of Silicon Valley.<sup>52</sup> He further suggests that low-income Latino youth face deeper scrutiny for their appearance and actions and are subject to harsher punitive measures for deviant behaviors.<sup>53</sup> If youth are faced with the choice of differing frames, it is incumbent upon us to provide affirmation, resources, and support that exceeds that of alternative lifestyle that leads to less positive outcomes for our students. If school culture represent authority figures who offer disapproval, are unaccepting of their cultural expressions, and don't make them feel a sense of belonging, it follows that they will turn to gangs or other frames that offer affirmation.<sup>54</sup> "Many youths defaulted to street life only after suffering rejection from multiple institutions--family, schools, police, and the labor market."<sup>55</sup> Informal mentoring, genuine and friendly welcome in both verbal and body language, referral to services, treating all students fairly, and creating a culture of respect, and allowing self-expression may be more significant than any of us realized.



## Conclusion

What is justice? Too often our society has an immediate knee-jerk reaction to think prison time is the only appropriate consequence for a criminal. I posit that if you approach it from a purely fiscal standpoint recidivism and the expense of imprisoning our population is obviously not sustainable.<sup>56</sup> Furthermore, if recidivism is rampant, surely we must consider that our prisons are solely punishing individuals as opposed to offering rehabilitation this might be what James Forman, Jr. calls the human rights crisis of our generation.<sup>57</sup> While this is clearly an issue that no schoolteacher can resolve, we can assign alternative discipline for misconduct within our classroom and advocate for our students when appropriate. I believe the expense, recidivism, and human cost of incarceration are precluding us from collectively achieving the American dream. Hence, I am led to wonder if the greater evil is the criminal act that led to incarceration or the lack of rehabilitation.<sup>58</sup> If prison is not the best outcome for the individual, the community, or the interests of justice, alternative programs that provide accountability but also reform and rehabilitate the individual are the obvious response.<sup>59</sup>

In his book *Locking Up Our Own*, James Forman Jr. asks, “What if we strove for compassion, for mercy, for forgiveness?<sup>60</sup> Our justice system.. needs comprehensive systemic change, and beginning by reforming the juvenile justice system seems a natural first step. This unit has been designed to both inform and develop alternative means for students to consider juvenile justice such that they can be informed voters, as well as to offer teachers an opportunity to find means by which to stem the flow of the school-to-prison pipeline at its source. “Research consistently shows that schools with positive, inclusive school climates have less crime and disorder than others...[which] means that misbehavior problems are lower in schools where students feel respected and listened to, and where students feel close bonds to teachers and other staff; when schools are a place of caring, respect, and inclusion.”<sup>61</sup> Turn off the faucet by endeavoring to keep as many students in your classroom as possible and have faith that, “In the wealthiest society in the world, we have the resources and the creativity to promote public safety without relying primarily on prisons.”<sup>62</sup> Funneling students towards diplomas as opposed to the juvenile justice system should be a goal of all teachers. Our young offenders are part of our future and they deserve the opportunity to be rehabilitated with the services and supports that may have been previously lacking so that they can successfully re engage in family, school, and community life.

## Teaching Strategies

---

### Annotation

Annotating and questioning the text enables readers to explore more deeply how a text works to inform or persuade its readers. Students read the text multiple time, with the first being “with the grain” or “playing the believing game” wherein they just define vocabulary and write marginal notations as a sort of outline that identifies the introduction, author’s main idea/stance, arguments, examples, and conclusion. A second reading is done “against the grain” or “playing the doubting game” wherein they use marginal notation to ask questions, note unsupported assertions, logical fallacies, etc.

## **Critical Thinking/Rhetorical Analysis**

Students learn the basic tools of rhetoric: logos, ethos, pathos, and kairos. They use critical thinking skills to conduct thorough analysis of texts by questioning and analyzing the rhetorical choices of the author. They must evaluate the major claims or assertions made by the author as well as the evidence used to support those claims and how they address counterarguments. Students also consider their own reaction to those claims and if obvious content has been omitted. An examination of the author's background and ability to speak to the topic with authority as well as their use of language and style is evaluated. The tone and trustworthiness of the author is also actively analyzed. The emotional impact of the piece is also explored with a focus on the exact word choices and use of strategies such as humor to determine how they are attempting to affect the reader's emotions. Lastly students engage in a consideration of the tone and structure of a text's relationship to the time and place in which the audience receives the message.

## **Rhetorical Précis**

A highly structured paragraph that requires very specific information to convey the author's thesis, evidence, purpose, and tone or voice. It is written in present tense verbs and requires identification of aspects of the text such as genre, audience, and method of supporting the stance. Both the content and the delivery are forcibly examined by the fill-in-the-blank format that requires careful selection of appropriate verbs and is designed to aid in reading comprehension.

## **SCARF**

Brain based strategies will be employed and David Rock's SCARF strategy about social domains will inform many of the activities in my learning environment. SCARF is an acronym to remind us that status, certainty, autonomy, relatedness, and fairness are all considerations before your learning environment can be considered emotionally safe and create a sense of connections between my students. Hence, I will strive to avoid unclear lessons which fail to link to learning goals. I will provide clear rubrics of my expectations, but allow for a degree of autonomy and self expression.

## **SOAPSTONE**

This is an acronym to help students conduct a rhetorical analysis of the text wherein they must identify the Subject (topic), Occasion (immediate and larger occasion), Audience (to whom is the text directed), Purpose (speaker's reason for writing the text), Speaker (assumptions about the character of the speaker as opposed to the author), Tone (attitude of speaker as demonstrated by syntax, language, literary devices, etc.), Organization (how the content is arranged), Narrative Style (how language, diction, etc. are used), and Evidence (source of the imagery). By explicitly identifying and answering questions about each of these categories, students are led to a deeper understanding of the text.

## **Classroom Activities**

---

### **Journal Prompts**

Daily journaling is an important part of self-expression and developing an opinion on a variety of issues.

Freewriting for three minutes at the beginning of each class allows students to express ideas and feelings about a topic and develops a comfort level with committing their thoughts to words on paper. Pairing the question to the content for the day may also serve to activate prior knowledge. Some potentially useful prompts include:

- What is the purpose of prison?
- What are some of the effects of poverty on our community?
- Brainstorm a list of influences that might cause a youth to become delinquent.
- What do you know about racism? The causes, the effects, the types?
- How do you feel about the PBIS process for students who misbehave?
- Does serving prison time serve as a deterrent to prevent criminal conduct?
- Try to write out the Miranda rights statement read to you when you are detained as a suspect by the police.
- Do you think wealth or race has an impact upon your sentence for a crime?
- Does having SROs on campus make you feel safer? How would you feel if we had metal detectors?
- What do you know about social class? To what social class do you belong? How difficult is it to improve your social class?
- How would your life differ if every group you tried to be a part of rejected you and made you feel like an outsider? What would you do?
- What is justice?
- Brainstorm a list of factors in our school and community that might deter a youth from becoming delinquent.
- Are zero tolerance policies necessary to protect us or are there times where they are enforced too rigidly?
- What are your thoughts about the death penalty?
- Why is there a separate juvenile justice system for individuals under the age of 18?
- Should incarcerated individuals be given the opportunity to get at education?
- Why is 18 the age of a juvenile in our legal system? Is this arbitrary? Why not 21, especially if you consider brain development?
- Should juveniles have different language in the reading of their Miranda rights to make sure they understand?
- Once a felon has served their sentence, should they be allowed to vote?

## **Week One**

Students will be encouraged to consider the big picture of incarceration in America and practice their skills at accurately interpreting graphs and charts. Links to a variety of visual representations will be provided for students along with a worksheet that will familiarize them with both statistics for the United States and specifically juveniles.<sup>63</sup>

Conversations about the nature of justice and why we incarcerate individuals will be conducted to allow students to consider the topic. In addition, students will read the reflection on incarceration by Peter M. included in Maryam Ahranjani's *Youth Justice in America* to develop empathy.

Students will simultaneously use Chrome books to take the Project Implicit survey on Social Attitudes towards race created by psychologists at Harvard. By having the class take it at the same time, we will be able to immediately debrief and have a class discussion about racial biases in our country. Students will be placed

into different groups and each will read a different article that offers strategies to help overcome implicit bias and create visual/verbal representations of the content. Ailsa Chang's, "A Lesson in How to Overcome Implicit Bias" offers kairos as it addresses the recent closure of Starbucks locations across the nation to address this issue, while Linda R. Tropp and Rachel D. Godsil's Psychology Today article, "Overcoming Implicit Bias and Racial Anxiety" offers more concrete strategies.

Students will read and complete a descriptive outline of either, "Many Kids Called Unfit for Adult Trial" or Gail Garinger's, "Juveniles Don't Deserve Life Sentences" and the following day they will write a rhetorical précis of that article.

## **Week Two**

I will model focusing on word choice and style to demonstrate bias in an article using Bob Redell's seemingly factual presentation of recent data in, "Youth Crime on the Rise in Santa Clara County: Report." Students will read a recent opinion piece in the San Jose Mercury News about juveniles that is clearly biased and after analyzing the ethos, pathos, logos, kairos, tone, and style, they will write a reaction to the arrest of a youth who committed armed robbery in the personae of the author of the article.

<https://www.mercurynews.com/2018/01/24/opinion-juvenile-justice-reform-is-working-despite-san-jose-crime-spike/>

Students will then randomly receive a peer's reaction and write a response to that in their own voice in the form of a letter to the judge recommending sentencing or begging for leniency. Once they have done a partner-pair-share to discuss the reasons for their choices I will reveal that the scenario they reacted to was the real-life circumstances of Frances "Frankie" Guzman's 1995 arrest at age 15 for armed robbery and vehicle theft and how he is now an attorney in California advocating for reform of the juvenile justice system. The article "From Prison to Juvenile Justice Lawyer" in the Feb 17, 2013 edition of the SF Chronicle is a powerful testament to the ability of a determined individual to turn his life around despite challenging circumstances.

## **Week Three**

Students will read two articles about adolescent brain development. The first being a more scholarly approach to brain development and the effects of marijuana on teen brains in Time Magazine "Why Teenage Brains are so Hard to Understand" and the second being "Startling Finds on Teenage Brains" by Paul Thompson which will undergo a thorough rhetorical analysis. Students will also watch a brief WPTV interview with Nathaniel Brazill who was charged as an adult at age 13 for murder and is now a 24 year-old serving a 28-year sentence. Reinforcing the information about adolescent brain development will occur when we read Malcolm Heid's "Here's What We Know About What Weed Does to Teens" 2017.

I will provide my students with the scenario Ahranjani poses wherein three brothers, aged 26, 16 and 6 are caught shoplifting to discuss the current justification for separate categories of the justice system. They will work in groups to devise appropriate punitive measures and rehabilitation for each of the brothers and explain their reasoning.

Lastly, we will spend a day conducting a poetic analysis of Common's "Letter to the Free" with a focus on the allusions in that text. This will serve to illustrate the role that art can play in shaping our social conscience and remind students that even lyrics from a contemporary artist can be deconstructed as one would a poem. Furthermore, Common's role in the California political landscape was notable during the 2017 "Imagine

Justice” campaign to reform the criminal justice system in Sacramento and highlights the importance of educated voters participating in our democracy.

#### **Week Four**

Students will spend three days completing detailed pre, during, and post reading activities as they read Marjie Lundrom’s 2001 article, “Kids are Kids—Until They Commit Crimes.” These activities include a complete annotation, summary, and SOAPSTONE.

Given our school mascot is an eagle, the scenario posed by Ahranjani “The Screaming Eagle” is too perfect to pass up. With a copy of the Bill of Rights in front of them, I will provide students with a copy of the scenario involving a plot to steal the school mascot’s costume and the subsequent investigation. They will choose to tell the truth, lie, or choose to remain silent intention is that they journal their reason for choosing or discounting each of the three options to respond to the police officer. They will then all indicate which option they chose and the class survey will be noted. Then, in small groups, individuals will use the art of persuasion to try to convince peers to alter their stance.

On the final day we will explore some poems such as Jimmy Santiago Bacca’s “Who Understands Me, But Me” and Daniel Beaty’s “Knock Knock.” Both of these are designed to develop empathy in my students and to allow them to experience a genre they may have thought was not representative of their experiences or point of view.

#### **Week Five**

Students will take on roles for a Restorative Justice exercise so that they develop a familiarity with an alternative means of repairing the harm caused by criminal behavior. As all of my students are concurrently enrolled in a government course with a community service component, we will also spend time considering which options might provide delinquent youth with alternatives and explore some less frequently considered options for community service. This civic engagement will serve to both connect the students to the community as well as to hopefully bolster programs that serve at risk youth in San Jose.

A final text, Alan Blinder’s “After a Massacre, a Question of One More Death: The Gunman’s,” will be annotated and analyzed using a SOAPSTONE strategy. Students will engage in the writing process to draft, write, revise, and submit an argumentative essay that addresses the topic of juvenile justice. The essay prompt will be to make a recommendation for how juvenile justice should be approached using evidence from multiple texts as well as life experience. Students will also be required to anticipate and address a counterargument.

#### **Week Six**

In the final week, students will work in groups to create and present programs designed to keep students in school and construct programs that would deliberately reduce the number of youth who enter the system. The Fresh Lifelines for Youth will be utilized as a model although thinking outside of the box will be encouraged. Students will design a program at the school/community level to benefit at-risk youth with specific components to address specific needs in the community.

Given that the potential power of the youth vote (over 50 million potential voters aged 18-29) largely goes unfulfilled, especially among Latinos, I would like to focus on creating voting behaviors in my students. Hence I plan to encourage my students to have informal conversations and policy debates as discussion has been

proven to be a factor in making youth more likely to vote. In addition, as my students are about to turn 18, we will develop a charter for a club on campus that encourages voting by promoting registration (even 16 and 17 year olds can pre-register in California) and focuses on policy debates to develop familiarity with the electoral process, issues on the ballot, and engaging in political discourse.<sup>64</sup>

## Resources

---

### Bibliography

"The 2012-13 Budget: Completing Juvenile Justice Realignment [Publication Details]." <http://www.lao.ca.gov/Publications/Detail/2562>.

Ayers, William, et al. *Zero Tolerance: Resisting the Drive for Punishment in Our Schools: A Handbook for Parents, Students, Educators, and Citizens*. New Press, 2002.

"Brain Development, Teen Behavior and Preventing Drug Use." Partnership for Drug-Free Kids - Where Families Find Answers. <https://drugfree.org/article/brain-development-teen-behavior/>.

"Criminal Justice Facts." The Sentencing Project. <https://www.sentencingproject.org/criminal-justice-facts/>.

Burton, Susan, and Cari Lynn. *Becoming Ms. Burton: From Prison to Recovery to Leading the Fight for Incarcerated Women*. New York: New Press, 2017.

Cass, Julia, et al. *America's Cradle to Prison Pipeline: A Children's Defense Fund Report*. Children's Defense Fund, 2007.

Dowd, Nancy E. *Justice for Kids: Keeping Kids out of the Juvenile Justice System*. New York University Press, 2016.

Emdin, Christopher. *For White Folks Who Teach in the Hood... and the Rest of Y'all Too: Reality Pedagogy and Urban Education*. Beacon Press, 2017.

Hewitt, Damon, Catherine Y. Kim, and Daniel J. Losen. *School-to-prison Pipeline: Structuring Legal Reform*. New York University Press, 2010.

"Juvenile Arrest Rate Trends." Office of Juvenile Justice and Delinquency Prevention (OJJDP). [https://www.ojjdp.gov/ojstatbb/crime/JAR\\_Display.asp?ID=qa05200](https://www.ojjdp.gov/ojstatbb/crime/JAR_Display.asp?ID=qa05200).

"Out of Jail and Into Jobs." Education Next. April 11, 2011. <https://www.educationnext.org/out-of-jail-and-into-jobs/>.

Rosenhaim, Margaret Keeney., and Adele Simmons. *A Century of Juvenile Justice*. University of Chicago Press, 2002.

Scott, Elizabeth S., and Laurence D. Steinberg. *Rethinking Juvenile Justice*. Harvard University Press, 2010.

Tanenhaus, David S., and Franklin E. Zimring. *Choosing the Future for American Juvenile Justice*. New York University Press, 2014.

"A Teacher's Guide to Rerouting the Pipeline." Teaching Tolerance. <https://www.tolerance.org/magazine/spring-2013/a-teachers-guide-to-rerouting-the-pipeline>.

Tough, Paul. *How Children Succeed: Grit, Curiosity, and the Hidden Power of Character*. Houghton Mifflin Harcourt, 2013.



"United States Courts." United States Courts. <http://www.uscourts.gov/>.

Walker, Samuel. *Popular Justice: A History of American Criminal Justice*. Oxford University Press, 1998.

"What Are the Implications of Adolescent Brain Development for Juvenile Justice?" Coalition for Juvenile Justice, 2006.

## Recommended Teacher Resources

Ahranjani, Maryam, Andrew G. Ferguson, and Jamin B. Raskin. *Youth Justice in America*. SAGE, 2015. (Superb resource created to teach students in detention about the criminal justice process.)

Forman, James. *Locking up Our Own: Crime and Punishment in Black America*. New York: Farrar, Straus and Giroux, 2018. (A valuable text for teachers looking to understand the history of the justice system in America and how persecution of people of color has been perpetuated.)

Rios, Victor M. *Human Targets: Schools, Police, and the Criminalization of Latino Youth*. The University of Chicago Press, 2017. (Rios' book is especially valuable for Bay Area teachers who teach Latinos and whose student population might be gang affiliated.)

## Student Resources

Anderson, Scott. "Greg Ousley Is Sorry for Killing His Parents. Is That Enough?" New York Times. July 19, 2012.

Beaty, Daniel. "Knock Knock (Def Jam Poetry)." YouTube. January 24, 2010. Accessed June 3, 2018.

<https://www.youtube.com/watch?v=RTZrPVqR0D8> (Powerful spoken word performance that personalizes the impact of mass incarceration on families and youth.)

Blinder, Alan. "After a Massacre, a Question of One More Death: The Gunman's." The New York Times, 24 February 2018, <https://www.nytimes.com/2018/02/24/us/nikolas-cruz-parkland-florida.html>. Accessed 26 July 2018.

Chang, Ailsa. "A Lesson in How to Overcome Implicit Bias." NPR. April 19, 2018. Accessed July 28, 2018. <https://www.npr.org/sections/codeswitch/2018/04/19/604070231/a-lesson-in-how-to-overcome-implicit-bias>

"Criminal Justice Facts." The Sentencing Project. Accessed July 14, 2018. <https://www.sentencingproject.org/criminal-justice-facts/> (The graphics on this website are very accessible and engaging for students)

"From Juvie to Juvenile Law: Frankie Guzman's Unlikely Journey." The Chronicle of Social Change. April 20 2017. Accessed May 13, 2018. <https://chronicleofsocialchange.org/news-2/from-juvie-to-juvenile-law-frankie-guzmans-unlikely-journey>

Garinger, Gail. "Juvies Don't Deserve Life Sentences." The New York Times, 14 March 2012, [http://www.nytimes.com/2012/03/15/opinion/juveniles-dont-deserve-life-sentences.html?\\_r=0](http://www.nytimes.com/2012/03/15/opinion/juveniles-dont-deserve-life-sentences.html?_r=0). Accessed 28 Feb. 2018.

Jones, Sabrina, and Marc Mauer. *Race to Incarcerate: A Graphic Retelling*. New Press, 2013. (A highly engaging graphic representation of the history of race and incarceration in America that students will find accessible and interesting.)

Krikorian, Greg. "Many Kids Called Unfit for Adult Trial." The Sacramento Bee, 3 March 2003, <http://dvdesignrntoll.weebly.com/erwc-juvenile-justice.html>. Accessed 28 July 2018.

Lundstrom, Marjile. "Kids Are Kids—Until They Commit Crimes." Sacramento Bee. March 1, 2001.

Redell, Bob. "Youth Crime on the Rise in Santa Clara County: Report." NBC Bay Area. May 28, 2018. Accessed July 29, 2018.

<https://www.nbcbayarea.com/news/local/Juvenile-Crime-Santa-Clara-County-2017-Report-483854531.html>

Santiago Baca, Jimmy. "Who Understands Me, But Me" from *Immigrants in Our Own Land and Selected Early Poems*. New Directions Publishing Co., 1990.

Sifferlin, Alexandria. "Why Teenage Brains are so Hard to Understand." *Time Magazine*, September 8, 2017.  
<http://time.com/4929170/inside-teen-teenage-brain/>.

Thompson, Paul. "Startling Finds on Teenage Brains". *Sacramento Bee*. May 25, 2001.

Tropp, "Overcoming Implicit Bias and Racial Anxiety." *Psychology Today*. Accessed July 28, 2018.  
<https://www.psychologytoday.com/us/blog/sound-science-sound-policy/201501/overcoming-implicit-bias-and-racial-anxiety>. (A necessary resource for students who become aware of the prevalence of implicit bias in behavioral interventions that effectively help overcome implicit bias.)

WPTVnews. YouTube. September 12, 2011. Accessed July 29, 2018. <https://www.youtube.com/watch?v=WE-dDokWko0>

## Appendix

---

### Common Core State Standards

CCSS.ELA-Literacy. Writing. 11-12.1 Write arguments to support claims in an analysis of substantive topics or texts, using valid reasoning and relevant and sufficient evidence. The final writing assignment requires students to use evidence from multiple sources to support their stance as well as to address a potential counterargument.

CCSS.ELA-Literacy. Reading for Information. 11-12.1 Cite strong and thorough textual evidence to support analysis of what the text says explicitly as well as inferences drawn from the text, including determining where the text leaves matters uncertain. Exercises in this unit are intended to force students to cite evidence from the text to support their inferences. Habitual use of the phrase "evidence from the text" will accustom students to using quotes and paraphrases to support their inferences.

CCSS.ELA-Literacy. Reading for Information. 11-12.6 Determine an author's point of view or purpose in a text in which the rhetoric is particularly effective, analyzing how style and content contribute to the power, persuasiveness or beauty of the text. The focus on logos, ethos, pathos, kairos, and the structure of a text (as explored through annotation and descriptive outlining) will provide students with ample opportunities to hone their understanding of rhetoric.

CCSS.ELA-Literacy. Reading for Information. 11-12.7 Integrate and evaluate multiple sources of information presented in different media or formats (e.g., visually, quantitatively) as well as in words in order to address a question or solve a problem. Poetry, graphics, articles, court cases, video content and a multitude of formats addressing juvenile justice will require students to synthesize information.

## Notes

---

1. California Education Code 49079 stipulates that teachers be warned of students with “violent propensities”.
2. With 670 per 100,000 US citizen imprisoned, Rwanda is the next most incarceratory society with 434 per 100,000 in 2015. <https://www.sentencingproject.org/criminal-justice-facts/>.
3. Ibid.
4. Ibid.
5. Coalition for Juvenile Justice, 14. As early as 2005, U.S. Supreme Court Justice Anthony Kennedy recognized that “juveniles are more vulnerable or susceptible [than adults] to negative influences and outside pressures, including peer pressure,” which seem like common sense, but when it comes from a member of the Supreme Court it behooves us to use what we know about adolescent brain development when we evaluate culpability in youth. <https://deathpenaltyinfo.org/files/pdf/RoperVSimmons.pdf>. Roper v. Simmons in 2005, Graham v. Florida in 2010, and Miller v. Alabama in 2012 demonstrate an acknowledgment that the adolescent brain is not fully formed and therefore possesses greater possibility for reform and therefore a right to rehabilitation.
6. “By teaching civic engagement, community service, and personal empowerment, the outreach worker might help young people feel empowered to make a chance and to improve their communities. Rios, *Human Targets*, 163.
7. Ahranjani, *Youth Justice in America*, xi.
8. If we approached the topic with an open and compassionate mind, we might discover that “three-quarters of the people in prison have a history of substance abuse, and about one in six has a history of mental illness. There are below average levels of educational attainment and work histories among people behind bars and significant levels of physical and sexual abuse.” Perhaps interventions would reduce the massive numbers of incarcerated Americans? Jones, *Race to Incarcerate*, xi.
9. Forman, *Locking Up Our Own*, 237.
10. Kupchik, “The School-to-Prison Pipeline”, 99.
11. As of June 2018, a family earning \$117,000 in the Bay Area is considered “low income” by the Department of Housing and Urban Development.
12. The East Side Union High School District is focusing on creating Relationship-Centered Schools as a means of combating continuing cuts in funding and maintaining support systems such that we can close the opportunity gap. The ESSC and the Relationship-Centered Schools initiative both suggest that there is an increasing need for our students to feel emotionally connected to and safe within the academic environment.
13. Forman, Jr. James, “Education Behind Bars” in *Choosing the Future for the American Justice System*, 121.
14. Rios, *Human Targets*, 14.
15. The tales of dysfunction serve to diminish the “unbridled passion that brought us into the field of education, transforming us into agents of a traditional school culture that worked against young people.” Emdin, *For White Folks Who Teach in the Hood*, 33.
16. [https://www.ojjdp.gov/ojstatbb/crime/JAR\\_Display.asp?ID=qa05200](https://www.ojjdp.gov/ojstatbb/crime/JAR_Display.asp?ID=qa05200). Accessed 7/15/2018.
17. Ibid., 10.
18. Legislative Analyst's Office. (2012). The 2012-2013 budget: Completing juvenile justice realignment. <http://www.lao.ca.gov/Publications/Detail/2562>. Accessed 6/23/2018.
19. <http://www.latimes.com/politics/la-pol-ca-juvenile-justice-and-equity-legislation-20180405-story.html#>.
20. One such example of an area of inquiry is the recent UC Berkeley study of the use of electronic monitoring devices on California youth that revealed the requirements and reality of the program disproportionately impacts youth of color and often leads to jail-time for technical rule violations. 6/20 [https://www.law.berkeley.edu/wp-content/uploads/2017/04/Report\\_Final\\_Electronic\\_Monitoring.pdf](https://www.law.berkeley.edu/wp-content/uploads/2017/04/Report_Final_Electronic_Monitoring.pdf).
21. Ahranjani, *Youth Justice in America*, 281.
22. Walker, *Popular Justice*, 105.

23. The need for a separate juvenile justice system is evident when you consider the 1870 sentencing of 8 children between the ages of 12-15 to the harsh conditions in San Quentin or Folsom prisons by judges in Alameda County. Ibid., 107.
24. Victor Rios recalls some of the reasons that he chose to sell drugs included a sense that he could “gain self-worth, belonging, dignity, pride, and cash--the very resources that social institutions made unattainable for youth like use.” Rios, 2.
25. “Punitive Juvenile Justice Policies and the Impact on Minority Youth” By Michael Finley and Marc Schindler.  
<http://www.uscourts.gov/sites/default/files/1999decfp.pdf>.
26. <https://drugfree.org/article/brain-development-teen-behavior/>
27. Coalition for Juvenile Justice, *What Are the Implications*, 5.
28. Ibid., 19.
29. I will also include an article about teens and marijuana because CAs recent decision to legalize medical marijuana use has resulted in a massive uptick in recreational use by my students. I feel it incumbent upon me to try to inform them of the dangers to which they are unwittingly exposing themselves given the negative impact upon attention span, learning, and decision-making.
30. Life expectancy based upon childhood trauma can be predicted and the higher the ACE score, the more likely the individual would suffer from chronic disease.
31. “The prefrontal cortex is more responsive to intervention than other parts of the brain, and it stays flexible well into adolescence and early adulthood. So if we can improve a child’s environment in the specific ways that lead to better executive functioning, we can increase his prospects for success in a particularly effective way.” Tough, *How Children Succeed*, 21. For example, Tough cites a study that seeks to reduce the effects to allostatic stress load by providing at-risk parents with therapy to improve attachment relationships which will protect the child from the effects of trauma. Ibid., 38.
32. Dick Durbin opened the dialogue in a meeting with the U.S. Senate, Subcommittee on the Constitution, Civil Rights, and Human Rights, Committee on the Judiciary in Washington, DC. 7/15 accessed  
<https://www.gpo.gov/fdsys/pkg/CHRG-112shrg86166/html/CHRG-112shrg86166.htm>.
33. Russell J. Skiba, Mariella I. Arredondo & Natasha T. Williams (2014) *More Than a Metaphor: The Contribution of Exclusionary Discipline to a School-to-Prison Pipeline, Equity & Excellence in Education*, 47:4, 546-564, DOI: 10.1080/10665684.2014.958965.
34. The study further concludes that California students face discrimination on the basis of race, gender, sexual orientation and even disability. <https://www.aclunc.org/publications/right-remain-student-how-ca-school-policies-fail-protect-and-serve>.
35. “Studies show that children of color consistently are overrepresented at every point in the School-to-Prison Pipeline, from enrollment in underresourced public schools to suspension and expulsion rates to referrals to disciplinary alternative schools to referrals to law enforcement and the juvenile justice system.” Hewitt, *School-to-Prison Pipeline*, 34.
36. Ibid., 3.
37. Ibid., 86.
38. Find source: *Sherpell v. Humnoke Sch. Dist. No. 5 of Lonoke County*, 619 F. Supp ... “concluding that the subjective elements of a school’s discipline code were pretextual, designed to mask racial bias, and resulted in punishment of Black students for conduct for which similarly situation white students were not punished.” Hewitt, 87.
39. Kupchik, “The School-to-Prison Pipeline,” in *Choosing the Future for American Juvenile Justice*, 107.
40. SPLC Launches “School to Prison Reform Project” to Help At-Risk Children Get Special Education Services, Avoid Incarceration Set 11, 2007.
41. Great example of a “disruptive” student and how to approach his conduct without pushing out  
<https://www.tolerance.org/magazine/spring-2013/a-teachers-guide-to-rerouting-the-pipeline>. Accessed 6/22/2018.
42. “Studies show that being arrested has detrimental psychological effects on the child: it nearly doubles the odds of dropping out of school and, if coupled with a court appearance, nearly quadruples the odds of dropout; lowers standardized-test scores; reduced future employment prospects; and increases the likelihood of future incarceration with the criminal justice system.” Hewitt, 113.
43. Ibid., 9.

44. Ahranjani, 62.
45. Kupchik, 115.
46. Ibid., 112.
47. Forman, "Out of Jail and Into Jobs," 48.
48. <https://flyprogram.org/about/what-we-do/mission-history/>. Accessed 6/14/2018.
49. Ahranjani, 294.
50. Kupchik, 101.
51. Rios, 77.
52. Ibid., 53.
53. While the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution protects undocumented students, the reality is that these protections are notoriously difficult to enforce. In fact, English language learners, foster youth, homeless youth, and undocumented students are often the most at risk of entering the school to prison pipeline. Hewitt, 41.
54. Rios, 78.
55. Ibid., 85.
56. A recent comparison that sheds light on the issue is the comparison that incarceration is actually more expensive than the tuition for a year at Harvard. Accessed 6/12/2018.  
<https://www.scholarships.com/news/prison-incarceration-costs-more-than-harvard-university-tuition>.
57. Drug treatment, job skills training, or alternative programs are rarely considered viable alternatives for prison because second chances aren't often proffered to prisoners, which is ironic given that "our system never treated the failure of prison as a reason not to try more prison." Forman, *Locking Up Our Own*, 123 & 231.
58. Ibid., 219.
59. Ibid., 224.
60. Ibid., 236.
61. Kupchik, 98.
62. Jones, 108
63. Mass incarceration <https://www.prisonpolicy.org/reports/pie2018.html> and Juvenile Confinement <https://www.prisonpolicy.org/reports/youth2018.html> and <https://sentencingproject.org/wp-content/uploads/2016/01/Trends-in-US-Corrections.pdf>.
64. It is important to recognize and acknowledge in a sensitive manner that students who are undocumented are therefore unable to participate in the democratic process.

---

<https://teachers.yale.edu>

©2023 by the Yale-New Haven Teachers Institute, Yale University, All Rights Reserved. Yale National Initiative®, Yale-New Haven Teachers Institute®, On Common Ground®, and League of Teachers Institutes® are registered trademarks of Yale University.

For terms of use visit [https://teachers.yale.edu/terms\\_of\\_use](https://teachers.yale.edu/terms_of_use)