The Coalescence of Education and Criminal Justice in the United States: The School-

Prison Nexus and the Prison-Industrial Complex in a Capitalist Society

by

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ABSTRACT

The education and criminal justice systems have developed in relation to one another, intersected through specific events, policies, practices, and discourses that have ultimately shaped the experiences and lives of children of color. Racism, white supremacy, and oppression are foundational to the United States and evident in all systems, structures, and institutions. Exploring the various contexts in which the education and criminal justice systems have developed illuminates their coalescence in contemporary United States society and more specifically, in public schools. Public schools now operate under discipline regimes that criminalize the behavior of Black and Brown children through exclusionary practices and zero-tolerance policies, surveillance and security measures, and school police. Children of color must navigate complex and interlocking systems of power in schools and the broader society that serve to criminalize, control, and incapacitate youth, effectively cementing a relationship between schools and prisons. Describing these complex and interlocking systems of power that exclude children from schools and force them into the criminal justice system as the "school-to-prison pipeline" is increasingly insufficient. The "school-prison nexus" more accurately and completely embodies the relationship between education, incarceration, and the political economy. In the United States, where capitalism reigns, the school-prison nexus serves as an economic imperative to further fuel the political economy, neoliberal globalization, and the prison-industrial complex. In both the education and criminal justice systems, Black and Brown children are commodified and exploited through the school-prison nexus as a mechanism to expand free-market capitalism.

ACKNOWLEDGMENTS

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Introduction

      This thesis examines the intersections of the education and criminal justice systems in the United States (U.S.) and explores the effects of these intersections on children of color through a critical historical analysis. This thesis explores the intersections of the education and criminal justice systems to highlight specific policies and practices that criminalize the behavior of youth and entrench them in the school-prison nexus, which serves to effectively maintain and expand free-market capitalism through the exclusion, oppression, and subjugation of children of color.

      Existing scholarship explores the relationship between schools and prisons in a linear fashion, and often fails to take into account the deep-rooted historical, social, political, and economic contexts that have shaped the development of the education and criminal justice systems in relation to one another. Extant literature also connects schools and prisons to neoliberalism and capitalism but does not explicitly assert that this connection is both intentional and necessary for the continued functioning and growth of these economic ideologies and systems. This thesis fills a unique gap in the literature by providing a critical historical account of the complex and interconnected relationship between the education and criminal justice systems in the U.S., beginning in pre-colonial times and into the 21st century, with particular attention to the experiences of children of color. It frames this critical historical account within a number of overlapping contexts and makes explicit the connection between historical events, administrative and political discourse, and policy design and implementation. This thesis critiques the use of the word "pipeline" to describe the relationship between schools and prisons and instead proposes the use of the term "nexus" to more completely and accurately encompass this complex

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relationship. Finally, this thesis makes a unique contribution to the literature by rejecting the notion of "crisis" in either the education or criminal justice systems and instead proposes that these systems are functioning as they intend to, in order to further expand free-market capitalism through the commodification and exploitation of children of color. Importantly, this thesis is argued through a critical resistance lens, asserting that only through the abolition of prisons and the complete transformation of the education and criminal justice systems can racial equity and justice be achieved for children of color.

Using an exploration of the historical development of the education and juvenile justice system, chapter one outlines critical events, policies, and practices that have shaped both systems and contributed to the contemporary state of public schools in the U.S. With an emphasis on the experiences of children of color, this chapter evidences the ways in which racism, disenfranchisement, and exclusion are deeply embedded into the foundation of both systems in the U.S. It also examines junctures of difference, discourse, and policy formation to understand how conceptualizations and constructed images of Black and Brown children were built across multiple disciplines, significantly influencing education and criminal justice policy[1]. By exploring the cultural, structural, political, and economic contexts that have shaped the historical development of both systems, this chapter illuminates how present-day policies have become increasingly punitive,

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[1] I have intentionally chosen to capitalize Black, Brown, Latino/a, and Native American throughout this paper. I am in agreeance with Neil Gotanda's (1991) statement that:

> To the extent that Black 'summarizes' relations of racial subordination, white 'summarizes' racial domination. As a term describing racial domination, 'white' is better left in the lower case, rather than privileged with a capital letter. 'Black' on the other hand, has deep political and social meaning as a liberating term and, therefore, deserves capitalization (p. 4).

controlling, and repressive. Chapter one clearly establishes the coalescence and enmeshment of the education and criminal justice systems in modern society.

Chapter two highlights the current state of U.S. public schools. It will explore policies and practices that define discipline and security regimes, including exclusionary practices and zero-tolerance policies, surveillance and security measures, and school police. In particular, it will evidence the ways in which these policies and practices are differentially enforced along the lines of race, ethnicity, and class. Finally, it will assert that these practices explicitly criminalize the behavior of children of color, resulting in devastating impacts both within and outside of schools.

Chapter three explores the ways in which the enmeshment of the education and criminal justice systems results in the hypercriminalization of Black and Brown youth and the creation of a youth control complex. It explores the ways in which these processes of criminalization occur across all settings and contexts that children of color navigate, subjecting youth to a form of systemic violence. It positions processes of criminalization directly in U.S. public schools by further defining exclusionary practices, surveillance and security measures, and school police as manifestations of the criminalization process. It will then explore the ways in which the intersections of the education and criminal justice systems solidify a relationship between schools and prisons.

In chapter four, this thesis challenges the use of the term "school-to-prison pipeline". By revealing shortcomings in existing literature on the topic, as well as limits to the metaphor itself, this thesis establishes that the relationship between education, incarceration, and the political economy is better conceptualized as the "school-prison

nexus". By recognizing the interconnected systems of power that exist in and across systems to criminalize, exclude, and subjugate children of color, it positions the school-prison nexus as an economic imperative of free-market capitalism. This thesis situates the intersections between the education and criminal justice systems as complex, profitable, intentional, and inextricably connected to the political economy, neoliberal globalization in education, and the prison-industrial complex.

Chapter five highlights the ways in which education policies and practices that criminalize the behavior of youth are fueled by capital investments, positioning public schools and prisons as mechanisms to realize goals of capital development. This chapter describes the economic interests of sorting and excluding children of color from the education system and involving them in the juvenile justice system. It demarcates these methods of sorting and excluding as necessary to further expand the free market and maintain economic equilibrium. Finally, it illuminates the systemic underfunding of public schools and overfunding of prisons to highlight the economic interests of the education reform-industrial and prison-industrial complexes. Doing so highlights the ways in which Black and Brown children are defined as commodities to the prison industry and exploited for profit. Thus, it recognizes the intentional and devastating role that processes of criminalization play, manifested through racialized policies and practices in schools that sacrifice children of color, in maintaining the school-prison nexus and fueling free-market capitalism.

Theoretical Framework

This thesis uses Critical Race Theory, Bell's theory on racial realism, Foucault's theories on surveillance and discipline, and Bowles and Gintis' correspondence theory to explore how, why, and in what ways racial injustice and inequality is maintained and perpetuated in society. These theories provide a lens through which to understand the structuring of all systems and institutions in the U.S., including the education and criminal justice systems. Specifically, they recognize racism and white supremacy as a fundamental and unchangeable part of these systems. In doing so, they illuminate the historical failure of policies aimed at advancing racial justice. By recognizing the systematic and permanent disenfranchisement of children of color, these theories allow for examination into racialized and criminalizing policies and practices. They establish the school and the prison as systems of social control, positioning these institutions within the broader political economy. Finally, these theories allow for an examination into the purpose and function of education in a capitalist society.

Critical Race Theory

Critical Race Theory (CRT) was first developed by legal scholars Richard Delgado, Derrick Bell, and Alan Freeman in response to the failure of Critical Legal Studies (CLS) to effectively analyze the effects of race and racism in U.S. society (Bell, 1992; Decuir & Dixson, 2004). CRT is a theoretical lens that enables a discourse about the intersections of race, class, law, and power in education, serving as a centerpiece for the analysis of the experiences of students of color in schools. With both academic and social activist goals, CRT enables the analysis of race and racism in education to directly challenge the dominant discourse (Solorzano & Delgado Bernal, 2001). It is defined by at

least the following five themes: the permanent and endemic nature of racism in U.S. society, the challenge to dominant ideology, the centrality of experiential knowledge, the intersectionality perspective, and the commitment to social justice.

1. The Permanent and Endemic Nature of Racism in U.S. Society

CRT recognizes that racism has played a central role in the structuring of all systems and institutions in the United States. Thus, according to Bell, CRT provides a "realist view" that identifies racism as a "permanent component of American life" (Bell, 1992, p. 13). CRT establishes that power structures are governed by hierarchical structures in which racism is fundamentally a part of and based on white privilege and white supremacy (Decuir & Dixson, 2004). Thus, racism is evident in all political, social, economic, and educational domains, subordinating racial and ethnic minorities and privileging white people. CRT rejects philosophies of liberalism, meritocracy, neutrality, and objectivity, recognizing that these notions have historically been used to oppress people of color and promote white privilege and power. CRT identifies four dimensions of racism: micro and macro mechanisms, conscious and unconscious components, institutional and individual elements, and the cumulative effects on individuals and groups (Solorzano & Delgado Bernal, 2001). CRT recognizes that the permanence of racism in U.S. society, evident in all institutions and structures, results in systemic inequalities. In the education and criminal justice systems, CRT posits race as central to these institutions and acknowledges the intersection of race with other axes of subordination and oppression (Reyes, 2012). By acknowledging the endemic and persistent existence of racism in U.S. society, CRT provides a historical foundation by which the school-prison nexus can be explored and examined.

2. The Challenge to Dominant Ideology

CRT acknowledges that racism has resulted in the creation of dominant social and cultural discourses of the majority. In response to this, CRT directly rejects the universality of white experience as the normative standard (Tate, 1997). CRT recognizes that claims of neutrality, objectivity, colorblindness, meritocracy, and equal opportunity are self-interest mechanisms that maintain the privilege and power of white people and perpetuate the subordination of people of color (Solorzano & Yosso, 2000).

3. The Centrality of Experiential Knowledge

The lived experiences of people of color are marginalized and absent from the dominant discourse. CRT explicitly recognizes the existence of a seemingly race-neutral master narrative that is in reality a social construct meant to invoke 'norms' that reflect the values and interests of those in positions of power (Reyes, 2012). In the context of schools, this master narrative serves to characterize poor, urban children of color and make assumptions about their morality, culpability, character, educability, and trustworthiness (Reyes, 2012). CRT also recognizes the ways in which this master narrative is legitimated and reified through those in positions of power, including politicians, the media, and other public officials (Reyes, 2012). To challenge this, CRT recognizes that people of color possess experiential knowledge about racism and subordination that is legitimate and critical. Counterstories, biographies, narratives, and family histories are methods used to legitimize the experiences of people of color and recognize the centrality of these experiences in understanding racial subordination in society (Solorzano & Yosso, 2000). These counternarratives provide an important competing perspective on schools and prisons by exploring the "broader institutional

'common sense' that has developed around youth, discipline, safety, and delinquency in schools" (Reyes, 2012, p. 19).

4. The Intersectionality Perspective

CRT identifies that subordination and disempowerment result from a multidimensionality of oppressions. Race, gender, sex, class, disability, sexual orientation, national origin, and other factors are examined under CRT to understand their intersections. Thus, CRT rejects a one-dimensional approach to understanding subordination and instead examines the interrelationship of multiple forms of inequality. CRT challenges ahistoricism by acknowledging that the inter-relation of these multiple forms of identity differs across settings and over time (Gillborn, 2015). Therefore, CRT analyses are grounded in both historical and contemporary contexts. CRT uses interdisciplinary frameworks, including African American, Chicana/o, Asian American, Native American, LGBTQ, Disability, and Women's studies to understand and examine the experiences of people of color (Solorzano & Yosso, 2000). A number of intersectional theories have emerged from CRT that pay particular attention to the experiences of historically marginalized groups, including, LatCrit (Latina/o Critical Race Theory), BorderCrit (Borderland Critical Race Theory), and TribalCrit (Tribal Critical Race Theory) (Brayboy, 2006; Maldonado, 2013; Solorzano & Yosso, 2001).

5. The Commitment to Social Justice

CRT is fundamentally grounded in a commitment to social justice, specifically in the elimination of all forms of inequality and oppression. By centering the experiences of people of color, it provides a transformative and liberatory approach to empowering marginalized groups and eradicating racism.

Bell's Theory on Racial Realism

Legal scholar Derrick Bell first conceptualized the theory of Racial Realism to examine the ways in which abstract principles – such as equality – failed to produce any tangible change in the realm of racial justice. He theorized that these abstract legal principles not only impeded the advancement of racial justice but served to maintain and perpetuate discrimination. He asserted that these abstract principles "bring about the cessation of one form of discriminatory conduct that soon appeared in a more subtle but though no less discriminatory form" (Bell, 1992, p. 373). Racial Realism posits racism as a permanent fixture in society. Bell articulated this permeance by asserting that:

> Black people will never gain full equality in this country. Even those herculean efforts we hail as successful will produce no more than temporary "peaks of progress," short-lived victories that slide into irrelevance as racial patterns adapt in ways that maintain white dominance. This is a hard-to accept fact that all history verifies. We must acknowledge it and move on to adopt policies based on what I call: "Racial Realism." This mind-set or philosophy requires us to acknowledge the permanence of our subordinate status. That acknowledgement enables us to avoid despair, and frees us to imagine and implement racial strategies that can bring fulfillment and even triumph (p. 373-374).

Racial Realism posits that racism is an "ontological part of American society" rather than an anomaly, a moral glitch on the nation's landscape, or a lasting remnant of the institution of slavery (Otto, 2017, p. 247). It instead asserts that there exists a complex and inextricable relationship between racism and liberal democracy that is both symbiotic and mutually reinforcing (Otto, 2017). The notion that racism can never be divorced from American society is supported by other scholars, who affirm that "American society as we know it exists only because of its foundation in racially based slavery, and it thrives only because racial discrimination continues" (Hochschild, 1984, p. 201). The permanence of racism, and the symbiotic relationship between racism democracy,

guarantees that any advancements in civil rights and equal protections for Black people will be temporary. For Bell, this was evidenced through the Civil Rights Movement, which relied on the belief that equality for people of color could be realized through legislation and litigation (Otto, 2017). Bell argued that racial equality could not be achieved through a reliance on abstract legal principles such as equality, as these notions instead resulted in the evolution and transformation of various forms of discrimination.

Racial Realism acknowledges that in many ways, Black people are more deeply entrenched in poverty and experience more pervasive discrimination now than during the era of 'separate but equal' (Fasching-Varner et al., 2014). Bell explicitly recognizes the role of the education and criminal justice systems, asserting that this reality is "confirmed now only through abysmal public schooling but also through the prison industrial complex" (Bell, 1992, p. 374). By understanding that commitments to racial equality serve to further exacerbate disempowerment, Bell argues that what is needed is a "mechanism to make life bearable in a society where blacks are a permanent, subordinate class" (Bell, 1992, p. 377). Designing these mechanisms requires one to shift the ways in which racism is addressed and challenged in society, instead developing actions that accept the permanence of racism and moving away from "approaches within the oppressors' playbook" (Fasching-Varner, 2014, p. 420).

Foucault's Theory on Surveillance and Discipline

Philosopher and social theorist Michel Foucault conceptualized the intersection of knowledge, power, and inequality in relation to surveillance. Surveillance can be defined in numerous ways, but generally refers to any activities that involve the "collection and storage of information (presumed to be useful) about people or objects" (Dandeker, 1994,

p. 37). It involves the monitoring of activities, data, and behavior, and is by definition used for some purpose, including to inform, manage, influence, or control individuals or groups (Purdy, 2015). In *Discipline and Punish*, Foucault explores three regimes of power: the sovereign, the disciplinary, and the biopolitical (Foucault, 1977). Foucault shifted his exploration away from sovereign regimes of power, which involved power structures that were hierarchical and exercised methods of domination, to more subtle forms of power exhibited through organized systems, including the prison and the school (Foucault, 1977).

In exploring disciplinary regimes of power, Foucault theorizes the relationship between surveillance and power through the concept of the panopticon (Foucault, 1977). The panopticon is an architectural design first developed by Jeremy Bentham as an architectural design to be used for prisons, which was then extended to influence the structural development of factories, hospitals, and schools (Purdy, 2015). In the panopticon, prison cells are organized around a central tower. Inmates are separated from one another and do not engage in any kind of interaction or communication, while guards observe inmates from within the central tower. Central to the idea of the panopticon is that guards remain unseen by inmates, suggesting that they can never know when they are being observed. Because inmates cannot know when they are or are not being observed, they act as though they are being observed at all times. Perceiving that they are being constantly observed, inmates begin to self-regulate their behavior. The panopticon design produces a consciousness of constant surveillance among inmates, which is then internalized (Mason, 2020). Thus, the idea of constant observation through the panopticon produces a control mechanism.

Foucault theorized that the panopticon serves as a metaphor to understand the relationship between power and knowledge, and systems of social control among people who are being controlled. Through observation and surveillance, the observer generalizes and combines their observations, producing knowledge. This knowledge then becomes a form of power that the observer maintains over the observee. In a circular fashion, the "formation of knowledge and the increase in power regularly reinforce one another" (Foucault, 1977, p. 171). Surveillance therefore serves as a force to produce knowledge and sustain power as a form of social control.

The third conceptualization of power, the biopolitical, functions to create a population "through mechanisms for categorizing and controlling people in aggregate" (Monahan & Torres, 2009, p. 7). While discipline exists as a "discrete and individualizing force" and biopower "regularizes on the level of population", both effectively contribute to the "non-neutral sorting of people – as bodies – according to supposedly rational categories of risk and value" (Monahan & Torres, 2009, p. 7). In public schools, Black and Brown children are singled out and criminalized by teachers, school police, and administrators, which results in their sorting both within the education system and into the criminal justice system. Foucault recognized the inherently racist nature of biopower, stating:

> It is indeed the emergence of this biopower that inscribes [racism] in the mechanisms of the State. It is at this moment that racism is inscribed as the basic mechanism of power, as it is exercised in modern States. As a result, the modern State can scarcely function without becoming involved with racism at some point.

Surveillance as an exertion of power becomes problematic when only select people in society are engaged in the surveillance of others. When surveillance is dominated by select groups of people, these people become the primary producers of

knowledge and thus, power. This then results in an inequitable distribution of knowledge

and power, leading to the subordination and oppression of the Other. Subordination and

oppression create inequalities in society.

Bowles and Gintis' Correspondence Theory

Radical Marxist sociologists Bowles and Gintis assert that in a capitalist society,

education exists in a complex relationship with the political economy. Education serves

the purpose of preserving and expanding the capitalist order by maintaining and

reproducing labor power and social relations of production (Bowles & Gintis, 1976).

Their theory of correspondence posits that through schools, youth are integrated into the

economic system through exposure to social relations that mimic those of production.

Specifically, they argue that the education system serves the Bourgeoises – the capitalist

class that requires a workforce that is docile, obedient, and can be exploited. Through the

education system, children are indoctrinated into the norms and values of work that

correspond to their future economic positions. Thus, the educational system effectively

reproduces the social divisions of labor necessary for the functioning of a capitalist

society through "a correspondence between its own internal social relationships and those

of the workplace" (Bowles & Gintis, 1976, p. 147). Exposing the contradictions of public

education in *Schooling in Capitalist America* (1976), Bowles and Gintis assert that:

> Since the mid-nineteenth century the dual objectives of educational reformers—
> equality of opportunity and social control—have been intermingled, the merger of
> these two threads so nearly complete that it becomes impossible to distinguish
> between the two. Schooling has been at once something done to the poor and for
> the poor.… The unequal contest between social control and social justice is
> evident in the total functioning of U.S. education (p. 147).

Bowles and Gintis examine four ways in which children are indoctrinated into the

capitalist workforce through schools. Firstly, they evidenced that children were rewarded

in school for traits that reflect those of a subservient, passive, and uncritical workforce. One of the ways in which this is accomplished in schools is through the use of a hidden curriculum, in which schools impart particular behavioral norms and skills upon students that nearly guarantees future integration into specific rungs of the social ladder (Apple, 1980). Secondly, they explored hierarchical relations in school, including between administrators and teachers, teachers and students, students and their peers, and students and their work corresponded to the hierarchical divisions of labor in the workforce. In addition to this, students in school are motivated by external rewards, such as grades, similarly to how they will be rewarded through paychecks in later life. They assert that these external rewards cause students to become alienated from the real value of work, resulting in a "lack of democracy and intellectual control over the content of our studies that is similar to workers' lack of control over what they produce" (Knopp, 2012, para. 5). In a capitalist society in which motivation is gained externally through wages, work becomes increasingly exploitative and alienating. Finally, the fragmentation of subjects in school mimics the fragmentation of the workforce. This fragmentation serves the function of further controlling and exploiting workers by making it more challenging for laborers to unite. The education system thus helps to create and maintain the social caste system that is necessary for the functioning of capitalism. Importantly, Bowles and Gintis reject the notion of equal opportunity, instead arguing that education serves to reproduce and exacerbate inequalities.

Methodology

RQ 1. How have the education and criminal justice systems developed historically to coalesce in the United States?

RQ 2. How does this coalescence criminalize the behavior of children of color to solidify a relationship between schools and prisons?

RQ 3. What is the function and purpose of the school-prison nexus in a capitalist society?

      This thesis examines the historical development of the education and criminal justice systems to highlight specific policies and practices that represent intersections of these systems. Moreover, it explores the ways in which these policies criminalize the behavior of children of color and embed them in the school-prison nexus. Lastly, it positions these processes of criminalization and the school-prison nexus as an economic imperative of free-market capitalism. To do that, I conducted a comprehensive and thorough review of the most current evidence. First, I extensively searched a number of research databases, including Education Full Text, ERIC, SpringerLink, JSTOR, and SAGE. These databases were selected for their rigor and contributions to the field of education and criminal justice. In addition to this, these databases were selected for their relevancy on the topics of education and juvenile justice.

      These databases were searched using a wide range of key terms that addressed aspects of the research question, including: *education*, *criminal justice*, *juvenile justice*, *race and ethnicity*, and *criminalization.* Inclusion criteria included articles published in English and dates ranging from 1970 to present. To further narrow the search, a second

search was performed utilizing a more specific choice of words, including:

criminalization in schools, *school-to-prison*, *mass incarceration*, *economy*, *capitalism*.

After reviewing the titles and abstracts of the yield, the highest quality citations were retained for this thesis. Following this, I independently searched a number of key journals from around the world on the topics of education, juvenile justice, criminal justice, youth, and race and ethnicity. This search process uncovered additional peer-reviewed articles. Then, grey literature including government publications, organizational reports, and dissertations/theses was searched. Lastly, archival materials from media sources, including newspapers and video news reports were used to analyze the historical development of the education and criminal justice systems and public conceptualizations of children of color.

Applying these theoretical frameworks to the sources revealed by the methodologic search of databases, journals, and grey literature further refined the selection of sources. The sources were selected due to their nature of being critical and/or historical. An in-depth analysis of these sources was then completed, and the findings of this analysis are below.

Chapter One

The Historical Development of the Education and Criminal Justice Systems

The education and criminal justice systems have coalesced in modern society – they are now inextricably connected to one another, intersected through policies, practices, ideologies, and discourse. Examining the intersections of education and criminal justice in the present day requires an understanding of the ways in which these systems have developed historically. A number of critical events, policies, and practices have shaped the development of these systems both independently and in relation to one another, fueled by racialized narratives and conceptualizations of youth. This chapter explores key developments in both systems and the political, cultural, structural, and economic contexts that have contributed to the contemporary state of schools and prisons in the U.S.

It is impossible to discuss the historical development of the education and criminal justice systems without acknowledging the pervasiveness of white supremacy, racism, and inequity in all systems and structures in the U.S. Children of color have historically, and continue to have, an incredibly different experience when navigating these systems. Race neutrality has never existed in either system, but rather the opposite; racism is deeply embedded into their foundations and racialized policies at all levels have been fundamental to the formation of both the education and criminal justice systems. This chapter critically outlines the development of both systems, burgeoning intersections, and eventual coalescence. Doing so will effectively set the stage for understanding present-day processes of criminalization that manifest in everyday policies and practices at the school-level. Moreover, understanding this interconnected nature of

education and criminal justice will highlight the devastating effects of this coalescence in the lives and experiences of children of color.

Education and Discipline in Pre-Colonial America

It is important to note that education and discipline existed in the U.S. long before conquest, colonization, and settler colonialism of the American continent. No single group can be credited with bringing knowledge, religion, or culture to the new world (Urban & Wagoner, 2013). Similarly, the indigenous groups that had originally inhabited the U.S. and the colonists that assembled in the "new world" had differing methods of child-rearing related to the discipline and punishment of youth. This historical account of the education and justice system recognizes that complex societies and cultural legacies were well-established by indigenous civilizations in pre-Columbian America. Thus, the history of U.S. education and justice is inextricably rooted in indigenous foundations.

Indigenous societies of the original Americas were incredibly diverse, ranging from relatively simple communities that survived off hunting and gathering to expansive and complex agricultural settlements. The hundreds of tribes that inhabited the North American continent each had a distinct language, tradition, spiritual outlook, and identity. Although each tribe had a unique culture, they shared similar elements related to the education of their youth. The mastery of certain skills and abilities was essential to survival. The types of skills necessary depended largely upon the tribe's geographic location, but encompassed hunting, collecting edibles, agriculture, fishing, preserving and preparing food, constructing shelter, and weaving clothes. In addition to these physical and manual skills, teaching youth about spiritual practices and beliefs was a critical component of education in tribal societies. From birth, Native youth were engrossed in

the spirituality of their tribe, learning of the ways in which spirits, divinities, humans, animals, and plants existed in the world. Balance and harmony with all living things were emphasized. Native American children were taught about sacred places, daily prayers, and rituals. They engaged in festivals and rites of passage, which were often connected to significant events in life or death or agricultural seasons (Urban & Wagoner, 2013).

The education of children in indigenous tribes was the responsibility of everyone, and throughout generations, children were "surrounded by concentric circles of people who served as teachers" (Urban & Wagoner, 2013, p. 3) Storytelling was the most common means of instruction and knowledge transmission of spiritual and cultural practices. Children were immersed in the heritage and traditions of their elders, and both the immediate and extended family, as well as the entire tribe, were crucial in bestowing wisdom upon Native youth. The adaptation of these physical and manual skills, coupled with the understanding of spiritual and cultural principles, was integral to survival in tribal societies. Thus, education among Native Americans was not understood as a process distinct from life; it was indispensable to one's existence (Urban & Wagoner, 2013).

In addition to this, those of African descent have a long history of educational and scholarly excellence that spans thousands of years before their capture and enslavement in the 1600's (Davidson, 2001; Diop, 1974; Swartz, 2007). They had established traditional forms of education as well as centers, systems, and universities of higher education spanning across the continent (Swartz, 2007). African peoples traveled to the Americas prior to the arrival of Columbus as scholars, traders, and explorers, and were knowledgeable in all areas of discipline, including mathematics, architecture, agriculture,

business and trade, astronomy, artistry, government, navigation, and spirituality (Swartz, 2007; Van Sertima, 1976). Thus, African peoples were educated when they were captured and forced into a system of slavery.

Although it is challenging to generalize methods of discipline and punishment among indigenous cultures, it is generally recognized that both Native American and Aboriginal African tribes utilized Indigenous justice, some form of what we now call restorative justice practices (Hand, Hankes, & House, 2012). The behavior of children was governed by a strong set of unwritten rules and values passed down through generations by elders. Indigenous tribes emphasized treating all living beings with respect in order to maintain harmony and balance (Hand, Hankes, & House, 2012). When disputes, offenses, or violence arose, tribes would seek to restore this harmony and balance and promote healing and reintegrating the offender into the community (Hand, Hankes, & House, 2012). This was accomplished through healing ceremonies and counseling by elders, which often included suggestions on how the offender could offer appropriate restitution to the victim (Hand, Hankes, & House, 2012). Historians have found no evidence that ritualistic, physical forms of corporal punishment or discipline existed among pre-colonial indigenous Native American and Aboriginal African tribes prior to the Atlantic slave trade (Urban & Wagoner, 2013). In some African societies specifically, such as tribes in West Africa, children were believed to have been "gods or reincarnated ancestors who led profoundly spiritual lives and held extraordinary mystical powers that could be harnessed through ritual practice for the good of the community" (Patton, 2017). Physically disciplining a child was avoided among these ingenious tribes as it was feared it could scare off a child's soul (Patton, 2017). Thus, though specific

customs and traditions varied from tribe to tribe, indigenous people utilized holistic, restorative practices to teach children necessary skills, understandings, and behaviors (Urban & Wagoner, 2013). Importantly, education and discipline of children, in addition to all other forms of child-rearing, was the concern of everyone in the tribe, for "they understood that the life of the tribe – the life of "the people" – could be preserved and extended only for as long as the rising generations followed the ways of the old" (Urban & Wagoner, 2013, p. 4).

Unlike Native American and Aboriginal African tribes, Europeans largely engaged in brutal corporal punishment practices in an attempt to instill moral and social values onto children. Early European settlers in the New World largely followed similar Puritan beliefs of child-rearing. These Puritan values established the legal, social, and cultural norms in the New World. They believed that children were inherently born with sin and needed strict and in some cases, extreme forms of discipline and punishment, such as violent beatings and whippings, to appeal to God and avoid eternal damnation (Bell, 2015). Child behavior that is generally regarded as normal today was considered "antisocial or in violations of God's will", including pointing or fidgeting (Bell, 2015, p. 2). The infamous axiom "spare the rod and spoil the child" followed the Puritan's belief that frequent and intense corporal punishment was necessary to control the behavior of children (Bell, 2015, p. 2).

Early Attempts to "Civilize," Control, and Criminalize Children

The profound impact of European exploration into the new world on the lives of indigenous tribes cannot be overstated. Following the arrival of Christopher Columbus in 1492, there were a number of temporary settlements established by the English, French,

Dutch, and Spanish nations throughout the 16th century. In the territory that would

eventually become the United States, Spain remained the only country with established

colonies in the new nation. Sent by the Catholic empire of Spain, these orthodox

emissaries established Catholic mission schools – the first formal educational institutions

of the colonies in the new world (Urban & Wagoner, 2013).

In the newly forming colonies, legislation was already being implemented that

aimed to control and criminalize the behavior of children. The "Stubborn Child Law,"

enacted by the General Court of Massachusetts Bay in 1646, designated child

disobedience against a parent as a capital offense – punishable by death (Bell, 2015). As

European settlers increasingly made contact with Native American tribes, differences

between these groups among notions of family and children could not have been more

striking. Whereas Native Americans viewed the entire tribal community as a dynamic

"family" who could pass on valuable traditions, cultural pride, spirituality, and a sense of

identity to youth, the Puritan notion of a "good family" resembled that of the immediate,

nuclear family (Bell, 2015). Conflict over these notions and the child-rearing practices

associated with these family structures were notable and, amongst other significant

conflicts, eventually led to cultural tensions, forced displacement, and war.

European invasion resulted in disaster, disease, and death for Native Americans.

European colonists required native children to abandon their education, spiritual

practices, and cultural customs to become "civilized and Christianized". Resistance by

Native Americans was met with forced migration and death at the hands of the European

explorers, who insisted on imposing a foreign culture, religion, and way of life "on

everyone who came into their sphere of influence and survived" (Urban & Wagoner,

2013, p. 5). Cultural, biological, and material exchanges and loss defined the era, with disastrous consequences for indigenous people.

The Disastrous Effects of Colonizing the "New World" (1600-1776)

The first two centuries of colonization gave way to the horrific kidnapping, transport, and enslavement of millions of African people. It is estimated that nearly 12.5 million African people were captured and enslaved in the colonies by the middle of the 19th century (Patton, 2017). It is important to note that the majority of captives were young, between 15 to 20 years of age, with this number dropping to between 9 and 12 years of age in the decades leading up to the abolition of slavery (Diptee, 2006). The fact that the majority of slaves were young adults or children, coupled with the severe violence that white slaveowners subjected any African to that was caught engaging in indigenous cultural practices resulted in the significant suppression of African languages, religions, and child-rearing practices (Diptee, 2006). The development and institutionalization of a system of slavery signified "one of the key transitions to a state of Otherness in American society" (Farmbry, 2009, p. 25). Political theorists and philosophers of the Enlightenment played a pivotal role in conceptualizing differences, especially among those of African descent, as inherently inferior to Whites. These notions of difference would have a devastating impact on subsequent generations of African peoples for centuries to come.

Massive migrations occurred during the 1600's, as more than 240,000 people from Wales, Scotland, France, and England sailed west toward the North American continent. In 1607, the first permanent English colony was established in Jamestown, Virginia. By 1660, more than 70,000 English people had arrived from England in what

would become the United States. Into the 18th century, colonies had been established in New England, the Middle Atlantic, and the South. European powers were engaged in a global competition to exploit the land and its people (Urban & Wagoner, 2013).

There were differing patterns of development in the colonies. In New England, traditions – including educational ones – existed as a series of "reactionary efforts aimed at fostering and preserving a rigidly homogenous or 'tribal' way of life" (Urban & Wagoner, 2013, p. 12). Middle Atlantic colonies and those in the Chesapeake area instead experienced significant "dissent, diversity, individualism, and economic competition" (Urban & Wagoner, 2013, p. 12). New England opened the first educational institutions in the thirteen original colonies. The Boston Latin School, founded in 1635 in Massachusetts, is currently regarded as the first public school in the United States (Webb, Metha, & Jordan, 2013). Shortly after in 1639, Mather School was opened, representing the first free public school supported by taxpayer dollars (Webb, Metha, & Jordan, 2013). In the New England colonies, education was governed by traditional English customs and attitudes regarding family, religion, and the community. Eventually, the role of the school grew until it was generally regarded as the primary source of socialization. By the late 1600's, compulsory education statues had been instituted in many of the New England settlements (Mondale, Patton, & Tyack, 2006). Whereas elementary education was universal, secondary education was provided only for those of the elite class who intended to enter into religious or governmental positions. In the South, social class largely determined educational opportunity. Secondary education was available exclusively to children of the affluent class through these same private schools and tutors, and some upper-class children were sent to England or Scotland for schooling. Children

who did not belong to the upper-class were educated through endowed free schools, denomination schools, local parishes, and apprenticeship systems (Webb, Metha, & Jordan, 2013).

The Impact of the Enlightenment on Education

The expansion of the Enlightenment in Europe eventually reached the colonies in the 18th century, bringing "greater concern for independent rationality, an examination of all beliefs, repudiation of supernatural explanations of phenomena, and a greater questioning of traditional religious dogma" (Web, 2006, p. 87). With an emphasis on observation, scientific inquiry, and natural laws that determined the operation of the universe, the authoritarian and absolute nature of the church and monarch were increasingly rejected. The educational movement born out of the Age of Reason transformed education into an instrument for creating a moral, practical, and civic individual that could contribute to social reform and exert their natural rights to life, liberty, and the pursuit of happiness (Webb, 2006).

Although the Enlightenment offered a new approach to education in colonial America, existing educational arrangements and institutions remained powerful. European settlements rarely strayed from their established customs and traditions, fostering educational institutions that were "essentially hierarchical, class bound, and markedly uneven in terms of opportunity… education remained authority oriented in pedagogy and purpose; it was intended to reinforce the religious, ethnic, and political traditions and institutions of those in control" (Urban & Wagoner, 2013, p. 49). Schools were subsidiary to the more powerful and pervasive agencies of education, including the community, church, and family (Urban & Wagoner, 2013).

The Enlightenment, with its concern for scientific inquiry and natural laws, emphasized the building of classification systems, including those of plants and animals (Farmbry, 2009). The work of Carl Linnaeus in mid-1700's attempted to classify humans into four distinct categories (Farmbry, 2009). Edward Long, a slave trader and Jamaican plantation owner, built upon Long's work to argue that African peoples were an entirely different species than white people, effectively shifting from a "theological to pseudoscientific justification for differences between races" (Farmbry, 2009, p. 29). It is important to note that the Founding Fathers studied these Enlightened scholars, developing their own conceptualizations of the Other in the context of the colonies and framing the nation's founding documents and its burgeoning institutions on these notions of Otherness. For example, as Thomas Jefferson himself described African peoples as "in reason much inferior… scarcely be found capable of tracing and comprehending the investigations of Euclid; and… in imagination they are dull, tasteless, and anomalous" (Farmbry, 2009, p. 29). The framing and classification of African peoples as a different species enabled policymakers in the colonies to rationalize and justify racial superiority and the institution of slavery. This constructed process enabled the evolution of the system of slavery and effectively facilitated the process of transforming person to a "codified status as property" (Farmbry, 2009, p. 25). The dehumanization, subjugation, and classification of Africans peoples established during this era set a precedent for inequitable treatment and denial of human rights that extended into educational institutions and unto notions of justice.

Similarly, for Native Americans, colonization resulted in "typification that framed a more unified notion of a singular group in the minds of the newer arrivals and many of

their descendants," which ultimately simplified their diverse culture, behaviors, and customs (Farmbry, 2009, p. 37). It was through this typification that European settlers began conceptualizing differences between Native Americans and colonizers and thus spurring the process of Otherization. Native Americans were subjected to horrific atrocities by colonizers who framed captivity narratives and differences in religion and customs to justify the "removal, marginalization, and deaths of hundreds of men, women, and children – all at the hands of administrator and political leaders working in what was perceived and promoted as being within the scope of the national and regional interest on how to deal with matters pertaining to this group of constructed Others" (Farmbry, 2009, p. 49). With a complete disregard for tribal education, schools engaged in the "deculturation and enculturation of an absolute kind… sought the utter extirpation of the tribal culture and the inculturation of English ideas of religion and "civility" down to the smallest details of appearance and behavior" (Webb, 2006, p. 96). Education became a weapon used by colonizers to simultaneously destroy the culture of Native Americans and African peoples and assimilate them into Anglo-American culture (Webb, 2006).

While Native Americans were assimilated and deculturated through educational institutions, African populations concentrated in the South were subordinated and oppressed through the system of slavery. Black people, including children, were not viewed as human – instead, they were the property of their slaveowners. Thus, they were offered no protections as humans under criminal law. European settlers, many of whom became slaveowners in the New World, used the same forms of discipline and punishment of children that they had been using for thousands of years on plantations. The experiences of enslaved African peoples were nothing short of horrific – extreme

forms of physical torture, whippings, sexual abuse, and death were constant features in the life of a slave. The same forms of disciplining and punishing children used by European settlers were enacted in their most extreme and violent forms by slaveholders, who used corporal punishment to break the souls and spirits of African people (Patton, 2017).

Slavery and the atrocities associated with it remained significant in early formations of the criminal justice system. Slave Codes, first implemented in Virginia in 1705, were a series of legislations that aimed to manage activities and interactions between slaves and white people (Nelson & Williams, 2019). They made a number of acts expressly criminal, including "assembling in public… owning weapons… marrying, filing civil suits, testifying in court, being set free, and owning property", among a number of other acts (Nelson & Williams, 2019, p. 87). Under these Slave Codes, practicing African cultural or religious traditions, refusing to subordinate, or failing to show profound respect to white people were capital offenses. Slave Codes were significant in creating a "separate class of offenses that became status crimes: the engagement in otherwise legal actions was illegal simply because of a slaves' skin color" (Nelson & Williams, 2019, p. 88). Pursuing an education was among the number of acts that were made expressively criminal for African people, beginning a long and complex relationship between education and criminalization for people of color.

As the Revolutionary War came to an end with the victory of the American colonies, the existing notions of difference, classification, and typification that conceptualized African peoples and Native Americans as the Other framed America's institutionalizing documents, including the Declaration of Independence, Bill of Rights,

and Articles of Confederation. These founding documents were created by white leaders and policymakers who were positioned to establish themselves as intellectuals and experts in society. This positionality enabled them to define who would be included and excluded in American polity, including institutions of education and criminal justice, and what would be considered the norms of these institutions and the larger society. The institution of slavery, the establishment of educational methods of colonization, and the pervasive dehumanization of people of color were prevalent since the inception of U.S. society and its institutions. Thus, just as the nation's founding documents protected the rights of life, liberty, and the pursuit of happiness, they simultaneously served to maintain and perpetuate racial oppression, subjugation, and exclusion of people of color in the U.S (Farmbry, 2009).

The Revolutionary War and Early Constructions of Public Education (1776-1830)

Education was a necessary component to consider in the building of a new nation following the Revolutionary War. Discussions on educational reform occurred concurrently to discussions of political goals, effectively and intentionally merging political and educational theory. Leaders attempted to design educational arrangements that would simultaneously achieve political goals and benefit the social good. Leaders fiercely debated the character of American society and its citizens, what type of schooling should be provided, what amount was necessary, who should have access, and how it should be supported Urban & Wagoner, 2013).

Thomas Jefferson remained instrumental to the development of the education system after the Revolutionary War. His education bill, titled "The Bill for More General Diffusion of Knowledge," advocated for a system of education founded on public support

that included free access for "all free children, male and female" (Urban & Wagoner, 2013, p. 63). Jefferson advocated that elementary education should serve as children's' education for citizenship, to be "a public investment in the possibility of self-government and human happiness, at both the individual and the social levels" (Urban & Wagoner, 2013 p. 64). A publicly funded system of education was necessary for the preservation of liberty and democracy in Jefferson's vision of America. Of course, Jefferson's vision of public education did not include children of color.

The push for public schools was also supported by a change in social and economic conditions, most notably an increase in the population of people living in cities. New manufacturing industries were developed, millions of immigrants continued to arrive to America from Europe, and large agricultural businesses pushed family farmers out of rural areas (Webb, Metha, & Jordan, 2013). Public schools were increasingly viewed as a mechanism to integrate people into the economic system and produce a passive and compliant workforce. Although educational systems for the new nation were theorized and proposed, schooling practices were determined largely at the local level. Though the enlightened members of society attempted to create and implement elaborate plans for the education system, concentrated action was limited. Despite this, the country progressed through its founding years with a mixture of educational institutions.

Though significant progress was being made in the development of an education system for white children of various socioeconomic classes, children of color continued to experience the disastrous effects of colonization on their lives, particularly in the realm of education. As numerous southern states passed laws that made it illegal for slaves to be educated, the burgeoning education and criminal justice systems began to intersect.

Those seeking to uphold the system of slavery feared that group education would incite uprisings and slave revolts (Noltemeyer, 2012). White slaveowners and politicians criminalized the pursuit of education in order to maintain their positions of power through the continued exploitation of African peoples. Education of Black people was punishable by death, as slaves were publicly lynched if they were caught participating in group education (Noltemeyer, 2012). The few schools that allowed enrollment of Black students were mobbed and destroyed, and white southerners that attempted to teach Black children were jailed (Noltemeyer, 2012). The limited educational institutions available for Blacks were usually created as a means to Christianize slaves and impart "White behavioral norms, conceptions of morality, and religious beliefs that were viewed as being deficient in Blacks" (Noltemeyer, 2012, p. 6). These educational institutions utilized a school curriculum that "focused only on the languages and cultural productions of European civilization – completely omitting, denigrating, or misrepresenting African peoples civilizations, languages, and cultural productions" (Swartz, 2007, p. 175). From its inception, the merging of the education system and criminal justice policies served to deny Black people of their fundamental human rights and prohibit them from becoming fully recognized citizens and participants in social, economic, and political life (Swartz, 2007).

In addition to this, indigenous Native American and Mexican people continued to be subjected to significant conflict with the federal government. Laws were passed that designated colonial ownership over Native American land. Laws such as the Civilization Fund Act in 1819 provided governmental support to missionaries in establishing schools aimed at assimilating, Christianizing, and "civilizing" Native Americans into Anglo-

American culture (Spring, 2007). These laws were met with resistance by Native American tribes, who opposed "encroachment into their ancestral lands and the denigration of their culture" (Urban & Wagoner, 2013, p. 149). By the 1830's, President Jackson initiated the Indian Removal Act, which authorized the government to coercively remove indigenous people from their lands (Farmbry, 2009). The result was the forced removal of hundreds of thousands of Mexican and Native American people from their lands, most notably in the West, where westward annexation and expansion was extensive (Urban & Wagoner, 2013; Webb, Metha, & Jordan, 2013). The effects of forcible land removal policies, assimilation and deculturalization through educational institutions, and the resulting displacement and death continues to impact indigenous communities today.

These laws were enforced by constables and citizen volunteers, who served as watchmen of the community and operated under a for-profit system that was privately funded. (Robinson & Scaglion, 1987). These early forms of police institutions existed for entirely different purposes in the North and South. In the South, dating back to the early 1700s, policing existed in order to maintain and preserve the slavery system (Waxman, 2017). It is important to recognize the ways in which the criminal justice system, at all levels, including these early police forces as well as Congress and the Supreme Court, actively "aided and abetted the existence, maintenance, operation, and expansion of chattel slavery, sanctioning brutal conditions for Black people" (Nelson & Williams, 2019, p. 86). Policing existed in the form of slave patrols, where police were responsible for inhibiting slave revolts and capturing runaway slaves (Kappeler, 2014). In the North, the interests of the police force centered on protecting interests in the large,

commercialized shipping center of Boston, Massachusetts (Waxman, 2017). Here, the

first full-time organized police force was created in 1838 and was responsible for

protecting property and safeguarding goods for transport (Waxman, 2017). As the New

World continued to expand through increased urbanization and immigration, volunteer

watch forces became progressively insufficient in dealing with community issues

(Waxman, 2017). By the mid 1800's, most major cities had begun organizing police

forces to maintain order and uphold laws (Robinson & Scaglion, 1987).

Poverty, the Construction of Deviance, and the Early Beginnings of the Juvenile

Justice System

As industrialization increased, U.S. society transitioned from an economy

dependent on subsistence agriculture to an urban economy fueled by wage labor. This

caused the population of people living in cities and the number of families living in

poverty to grow significantly. Poverty became the reality for many youth in these urban

areas, and children who had once worked on family farms were now working in factories

or leaving home entirely in an attempt to survive on their own. Delinquency and petty

crimes among youth increased as a result of disease and mobility, all of which weakened

existing familial networks. It was at this point that the earliest foundations of the juvenile

justice system began to form, as local governments began to implement more formalized

structures and processes to arrest, detain, and "treat" youth (Jacobs & Sherman, 2013).

The first formalized community organization aimed at controlling youth was the

Society for the Prevention of Pauperism in 1817 (Jacobs & Sherman, 2013). Observing

higher rates of homelessness, poverty, and crime among children, members of the elite

class began organizing to curb social disarray, maintain their existing class status, and

preserve what was perceived to be the "moral health of the community" (Jacobs & Sherman, 2013, p. 116). Essentially, initial efforts aimed more at controlling elements of youth behavior that were perceived to be "deviant" in a progressively heterogenous society (Jacobs & Sherman, 2013, p. 116). In New York City in 1824, legislation was passed that allowed law enforcement officials to arrest any child under the age of 15 who was found begging or "soliciting charity" on the street, establishing a linkage between poverty and criminality (Laws of New York, Ch. CCCXXXI). Given the number of youth experiencing homelessness and poverty at this time, the number of children apprehended increased substantially.

Prior to the establishment of the Society for the Prevention of Pauperism, children who had been deemed delinquent or wayward, even without having committed a crime, were confined with adults in jails and prisons that were dilapidated and overcrowded. The Society for the Prevention of Pauperism opposed the confinement with children in adult penal institutions and instead urged for the creation of a juvenile penal institution (Jacobs & Sherman, 2013). From this, the New York House of Refuge was opened in 1825, intended to serve as a custodial institution for impoverished or for vagrant children who were "deemed by authorities to be on the path towards delinquency" (Juvenile Justice History, n.d.). By the 1840's, 25 similar facilities had been constructed throughout the nation (Juvenile Justice History, n.d.). At the same time that Houses of Refuge were being built, the public school and compulsory education movement was taking hold. It was in this context that social and educational reformers began advocating for the creation of a new type of institution within the justice system that emphasized education

(Juvenile Justice History, n.d.). Reform schools were created, eventually becoming synonymous with Houses of Refuge.

In 1838, a Supreme Court decision of Ex Parte Crouse effectively "gave legal sanction to institutionalizing young people as an instrument of social control" (Jacobs & Sherman, 2013, p. 117). The case of Ex Parte Crouse determined that natural parental rights were revocable, essentially emphasizing that the state could exert supremacy "over and above the rights of a parent" (Jacobs & Sherman, 2013, p. 117). The case was also significant in the court's defining of Houses of Refuge as "not a prison, but a school. Where reformation, and not punishment, is the end, it may indeed be used as a prison for juvenile convicts who would else be committed to a common goal [jail]" (*Ex parte Crouse*, 1839).

This ruling had devastating effects on the lives of children of color, particularly Native American, Mexican, and Black youth, whose communities had traditionally implemented a form of justice that "sought to instill a sense of harmony and reconciliation to the misbehaved child and to the victim using a restorative approach" (Jacobs & Sherman, 2013, p. 117). These restorative practices were entirely dismissed under the Ex Parte Crouse ruling, as youth of color were instead removed from their communities and subjected to punitive physical labor and confinement in prison (Poupart, Redhorse, Peterson-Hicky, & Martin, 2005). A decade after the first House of Refuge was established, Black children began to be admitted into designated "colored sections" of these reform schools, which provided minimal and wholly insufficient services. The Black children who were apprehended and admitted to reform schools were on average younger than white children, received longer and harsher sentences, experienced

disproportionately high rates of death, and had severely limited opportunities for advancement upon discharge. Black children faced significant discrimination and mistreatment by white officials, who even preferred to send Black children back to Africa rather than to provide them with services matching those of the white youth (Bell, 2015).

The establishment of Houses of Refuge and the Ex Parte Crouse ruling not only served as the foundation for the institutionalization of youth, but also provided the legal authority of the state to intervene in the custody and lives of children (Bell, 2015). This legal authority continues to be used in present-day youth court and juvenile detention center apparatuses. Houses of Refuge effectively served as the first institution of the juvenile justice system and precipitated a withstanding history on the significance of race, poverty, crime, and punishment among children of color in the justice system. The emergence of Reform Schools was also significant in again merging two developing systems – the education and juvenile justice system.

The Common School Movement and Legal Foundations for Separate-But-Equal (1820-1860)

The common school movement of the 1800's placed additional emphasis on the necessity of state-sponsored, universal, and non-sectarian public education (Mondale, Patton, & Tyack, 2006). A prominent figure of the movement, Horace Mann, advocated that the aims of education were to achieve social efficiency, civic virtue, and character, which could be achieved through the implementation of a statewide curriculum and funded through local property taxes (Urban & Wagoner, 2013). The complete supremacy of a single, uniformed institutional pattern in the system of education was problematic, and adaptation of the common school differed significantly by geographic region.

Common schools of the 19th century largely reflected Anglo-American Protestant ideologies and cultures, and the unified system of education that developed as a result of the common school movement existed as a means to deculturize people of color and reject any developing notions of a multicultural society (Spring, 2007).

Despite this, African peoples recognized education as "necessary for freedom and as an affirmation of humanity" (Swartz, 2007, p. 175). They constantly pursued education, achieving a literacy rate of about five to ten percent in the antebellum South despite the significant barriers and live-or-death risks that were in place under the system of slavery (Noltemeyer, 2012). In the North, African American communities were working tirelessly to educate their children. In the city of Boston in early 1800's, the African American community opened up a school for Black children (Farmbry, 2009). As the enrollment of Black students increased, it became clear that the school did not have the resources nor space to accommodate the rising numbers of students. They petitioned to the Boston School Committee to close the only school for Black children and instead allow for the integration of Black students in white schools (Farmbry, 2009). In the 1849 case of Roberts v. City of Boston, Benjamin Roberts, the father of a five-year-old Black student, argued that the rejection of his daughters' application to a white school "violated her right to equality under the law as articulated in the Massachusetts State Constitution and the Declaration of Independence" (Farmbry, 2009, p. 116). As the abolitionist Charles Sumner argued in the case, the continuation of school segregation would "brand a whole race with the stigma of inferiority and degradation… the separate school is not equivalent" (Farmbry, 2009, p. 116). The court ruled against Roberts, stating that:

> The committee, apparently upon great deliberation, have come to the conclusion, that the good of both classes of schools will be best promoted, by maintaining the

separate primary schools for colored and for white children, and we can perceive no ground to doubt, that this is the honest result of their experience and judgment.

The ruling was significant in providing "a foundation… for the concept that separate could exist within a legal framework" in issues of school desegregation and racial equality (Farmbry, 2009, p. 116). It set a legal precedent that public schools could remain segregated and deny enrollment of African American students. Despite these challenges, Black people in the North continued to pursue education and made progress in reform efforts. In other states such as New York, educators of African descent established African Free Schools, which served as forerunners to free public schools in the state. Though Black people have been historically unacknowledged as leaders in Eurocentric accounts, they played a pivotal role in the democratization of the education system in the U.S. (Swartz, 2007).

The Emergence of the "One Best System" of Socializing and Homogenizing Children (1860-1900)

Substantial changes to U.S. society and its institutions followed the end of the Civil War in 1865. As the period of modernization, this era was defined by increasing urbanization, nationalization, and majoritarianism (Urban & Wagoner, 2013). Legislative initiatives following the Civil War and during the Reconstruction resulted in increased centralization of the nation, fundamentally expanding the significance and involvement of the federal government in the lives of Americans.

High levels of industrialization resulted in a shift of the economic landscape that impacted schools. With the decline of agronomy and growth of industry came a need for workers who were both formally educated and literate, requiring schools to implement work-related curriculum (Webb, Metha, & Jordan, 2013). In addition to this, while some

Americans were benefiting from the fortunes of industry, others were greatly affected by the postwar depression during the 1870's. The result was the segregation of people into new social classes of extreme poverty and extreme wealth. Schools became a focal point among politicians and leaders, who increasingly viewed them as mechanisms of social policy. As a result of this, schools began to be "linked more tightly into centrally administered school districts and state 'systems'… the net result was the beginning of a codified, organized, and hierarchical collection of educational institutions" (Urban & Wagoner, 2013, p, 146).

The federal government became further involved in education with the creation of a federal education agency. Originally created as the Department of Education at the cabinet-level, resistance over direct federal intervention into educational affairs resulted in the agency being swiftly demoted from its departmental status and restructured as a bureau of education (Cibulka, Cooper, & Fusarelli, 2015). Although the new bureau lacked power, it constituted the establishment and legitimization of the federal governments' permanent position in the education system.

At the state-level, compulsory attendance laws were becoming more commonplace, stemming from the rise of industrialization. As large-scale manufacturing factories provided new job opportunities, an influx of people migrated from rural areas to urban cities. This migration, coupled with continued immigration from Europe, further exacerbated poverty in these urban areas and resulted in the development of slums. Those of the middle and upper classes perceived conditions of poverty as "a threat of family breakdown resulting in hordes of uncontrolled children running free in the city streets" (Urban & Wagoner, 2013, p. 155). Compulsory school attendance laws served as a

legally mandated mechanism to control children and were the first of many education policies aimed at directly controlling and surveilling a specific population of children – urban youth of color living in poverty.

Facing rising enrollments in urban cities following the enactment of compulsory school attendance laws, educators worked to organize an educational bureaucracy that could accommodate a larger student population without increasing school resources or personnel. It was in this context that the creation of a "one best system" emerged in urban education that differed significantly from the predecessor of the common school. Students were grouped by age in the increasingly heterogenous urban school classrooms and studied a uniform curriculum determined by grade-level. The development of an examination system provided additional uniformity. Classroom management practices were especially punitive in an attempt to control student conduct, rewarding behaviors such as punctuality, organization, and obedience, and punishing their opposites. Urban schools were increasingly operating as hierarchical, systematic, bureaucratic, and efficiency-oriented institutions (Mondale, Patton, & Tyack, 2006; Urban & Wagoner, 2013).

The institution of urban schooling served a dual purpose of socializing and homogenizing children into an authoritarian society. As urban cities faced issues related to crime, ethnic conflict, and poverty, schools – which operated around a model of control, conformity, and order – were increasingly touted by politicians as "the only long-range solution to the situation" (Urban & Wagoner, 2013, p. 159). By operating as highly structured institutions, urban schools maintained and perpetuated existing structures of

power and privilege to conserve the social order. A system of education was beginning to form in American public schools.

The False Promises of the Emancipation Proclamation

The end of the Civil War held promise for equal rights for Black people. The Thirteenth Amendment to the Constitution outlawed slavery in 1865, followed by the Fourteenth Amendment in 1868, which recognized Black Americans as citizens with equal privileges and protections under the law and the right to vote. In the South, Black communities mobilized for political action and persuaded white Republicans to re-write a number of state constitutions, which ensured free public education (Farmbry, 2009). The Reconstruction period following the war brought additional hope for Black students as new schools emerged for freed slaves. Yet, the promise of these legislative advances was short lived, as progress was slowed and eventually reversed following the end of the Reconstruction period in 1877. As federal troops withdrew from the South, whites reclaimed political control, quickly establishing a system of legal discrimination and segregation. The continued denial of equal rights for Black people was exacerbated with the passage of Jim Crow laws, which legally mandated racial segregation in public spaces and facilities on the foundation of "separate but equal" philosophies (Cibulka, Cooper, & Fusarelli, 2015; Spring, 2007). The notion of "separate but equal" set a damaging precedent for continued denial of education, differential treatment, and inequitable opportunities to learn for Black students in the education system that remains problematic today.

In the antebellum South, white people in positions of power carefully reconstructed legislation to re-enslave Black people and continue to deny them of their

basic human rights. This marked the beginning of the Jim Crow era, a time in which numerous segregation laws were designed "to maintain the racial hegemony" (Porter, 2015, p. 63). These laws were especially disastrous in continuing the exploitation of Black bodies and lives, effectively maintaining a tradition of slavery. The Freedman's Code of 1866 designated that the Black children of any newly freed slave could be forced under the guardianship and into an apprenticeship with former slaveholders until the child reached adulthood (Bell, 2015). In addition to this, Slave Codes morphed into Black codes, which enabled the incarceration of Black people for crimes that were only designated as criminal because of the color of their skin (Nelson & Williams, 2019). With the 13th Amendment of the Constitution, which states "Neither slavery nor involuntary servitude, except as punishment for crime whereof the party shall have been duly convicted, shall exist within the United States," the justice system became a mechanism to re-enslave Black people through the use of incarceration (Bell, 2015).

Black people, including children, were subjected to the convict leasing system, which utilized penal labor as punishment for crimes. Prisoners would be provided to private parties, such as plantation owners, or would work without compensation for the profit of the state as punishment for crimes. Again, it is important to note that the "crimes" Black people were often convicted of were only criminal because they were Black. The convict leasing system was an especially egregious tool in controlling and ending Black lives. Unlike slavery, owners no longer had an interest in keeping their "property" alive, as convicts could be easily replaced. Thus, thousands of convicts died of malnutrition, disease, and abuse. In the state of Mississippi, no convict ever lived more than seven years, and more than 18% of all people in the convict leasing system were

children of color. These "penal plantations" effectively replaced slave plantations and served as the basis for the modern prison-industrial complex (Bell, 2015).

Concurrently, Native American children continued to face assaultive measures to assimilate and "civilize" them into American society. They were forced into institutionalization through reservation day schools. By the end of the 19th century, over 100 day schools had been opened on reservations across the United States (Spring, 2007). These day schools were eventually met with criticism by public officials who believed they did not sufficiently isolate and remove children from the cultures and traditions of their communities (Urban & Wagoner, 2013). Reservation boarding schools were then created as a way to further exclude Native American children from their tribes for up to nine months at a time. When these boarding schools failed to fully assimilate children, the first off-reservation boarding school was established in Carlisle, Pennsylvania in 1879 under the direction of Army officer Richard Henry Pratt. Pratt believed that Native American's inferiority was due to cultural differences. He sought to replace the ethnocidal western slogan "the only good Indian is a dead one", which was coined by General Phil Sheridan and then repeated by a number of powerful political and military figures, with the slogan "kill the Indian in him and save the man" (Mieder, 1993). The off-reservation boarding school in Carlisle became the first of 25 that were opened between the years of 1879 and 1905. Native American students demonstrated significant resistance to these institutions of "civilization" and methods of assimilation, by "running away, open defiance, passive disobedience, torching buildings, and various strategies of negotiating the system" (Urban & Wagoner, 2013, p. 153). The consequences of the

atrocities associated with the boarding schools is poignantly recounted by David Wallace

Adams (1995):

> In the final analysis, the boarding school story constitutes yet another deplorable episode in the long and tragic history of Indian-white relations. For tribal elders who had witnessed the catastrophic developments of the nineteenth century—the bloody warfare, the near-extinction of the bison, the scourge of disease and starvation, the shrinking of the tribal land base, the indignities of reservation life, the invasion of missionaries and white settlers—there seemed to be no end to the cruelties perpetrated by whites. And after all this, the schools. After all this, the white man had concluded that the only way to save Indians was to destroy them, that the last great Indian war should be waged against children. They were coming for the children (p. 336-337).

Progressive Era of Educational Reform and the Inception of the Juvenile Court

The three decades of the progressive era in the late 19th and early 20th century

were characterized by a myriad of political, social, and economic issues and subsequent

reforms. In addition to the problems that arose due to expanding urbanization and

industrialization, a massive influx of immigrants from Europe posed further challenges.

The majority of reform efforts of the 20th century existed to systemize American society

into an "efficiently functioning unit that would be in harmony with the needs of a modern

industrial society" (Urban & Wagoner, 2013, p. 175). These reforms extended into

schools and had a significant impact on the education system. Despite efforts from

pedagogical progressive educational reformers, public officials, and community

organizers who viewed social justice as the goal of education, public education in

American society materialized from the progressive era an even more bureaucratic,

efficiency-oriented, and modernized system (Mondale, Patton, & Tyack, 2006; Urban &

Wagoner, 2013).

The purpose of education changed from one that fundamentally emphasized

morality and "citizenship education for a polity of equals" to one that reflected economic

purposes (Urban & Wagoner, 184). Curricular differentiation, especially in high schools, was one way to ensure that students would occupy distinct economic roles in adulthood. This differentiation was justified under the notion that it provided equal opportunity for students to develop their individual talents, abilities, and skills. Unsurprisingly, differentiation of curriculum into academic, commercial, and vocational tracks resulted in a number of equality issues, as students from distinct social classes were tracked into particular courses of study. Middle and upper-class students, especially boys, were usually found in the academic track, whereas middle-class girls were grouped into the commercial track. Low-income boys, especially immigrants, comprised the majority of students in the vocational track. These practices remain questionable, as it is difficult to evidence that the sorting of students can be done in a way that is free from bias across the lines of class, race, gender, or culture. The legacy of grouping students into various curricular tracks has endured a century later, and criticisms backed by substantial evidence about the role of race, ethnicity, gender, and social class in tracking practices persists (Spring, 2007; Urban & Wagoner, 2013).

Black students continued to face pervasive inequalities in education as Reconstruction policies perpetuated a "separate-but-equal" philosophy of schooling. Educational policies were carefully constructed by philanthropists in the North and reformers in the South to limit the advances that Black children could make in their pursuit of an education. In 1896, the U.S. Supreme Court ruled in the case of Plessy v. Ferguson that Louisiana had the right to continue their use of "separate but equal" railroad cars for Black and white travelers (Plessy v. Ferguson, n.d.). Stating that the Fourteenth Amendment "had not been intended to abolish distinctions based on color,"

this ruling effectively established legal segregation based on race (Plessy v. Ferguson, n.d.) This resulted in the passage of a number of "separate but equal" policies in southern states, including laws that legally mandated racial segregation in public schools. The hope that had emerged following the Civil War had dissipated, as southern Blacks remained impoverished economically, as well as in soul and spirit. In educational institutions, on every measure including "per-pupil expenditure, length of school terms, teacher preparation and salaries, conditions of schools, attendance, and graduation rates – the gap separating the opportunities and performance of black and white children of the South was marked" (Urban & Wagoner, 2013, p. 138). The limited number of schools that existed for Black students during the early twentieth century were highly segregated and underfunded, and school boards often intentionally diverted money from Black schools to white schools (Spring, 2007; Urban & Wagoner, 2013). Severe disparities existed in the quality of education for Black students, and these trends continued throughout the twentieth century.

Immigrants also faced discrimination in education in light of progressive era policies. Centralizers had an increasingly negative attitude about the thousands of immigrants that were arriving from southern and eastern Europe, believing that "much of the corruption found in urban neighborhoods and exploited by urban machine politicians resulted from the presence of immigrant communities that did not understand American culture" (Urban & Wagoner, 2013, p. 189). Fueled by ethnic stereotypes and a general distrust of those who appeared different in culture and customs, these negative attitudes extended into the classroom. Ellwood Cubberly, the dean of the School of Education at

Stanford University and former school superintendent, described these immigrants in his textbook on teacher and administer education as:

> Largely illiterate, docile, lacking in initiative, and almost wholly without the Anglo-Saxon conceptions of righteousness, liberty, law, order, public decency, and government, their coming has served to dilute tremendously our national stock and to weaken and corrupt our political life… they have created serious problems in housing and living, moral and sanitary conditions, and honest and decent government, while popular education everywhere has been made more difficult by their presence… the new peoples… have come so fast that we have been unable to absorb and assimilate them, and our national life, for the past quarter of a century, has been afflicted with a serious case of racial indigestion.

As public schools increasingly faced issues related to poverty and crime, school leaders touting white, normative beliefs about cultural superiority continuously failed to address the complex needs of diverse groups of students. The European immigrants that comprised a large majority of the urban inner-cities were soon replaced by Blacks, Hispanics, and Asian migrants and immigrants (Urban & Wagoner, 2013). Similar to the European immigrants, these groups would also be historically underserved and disenfranchised a public-school system built on mainstream Anglo-Saxon cultural values.

As reports of "abusive and exploitive methods of discipline" continued to be purported about Houses of Refuge and reform schools in the late 19th century, reformers pushed for additional developments in the juvenile justice system (Bell, 2015, p. 10). Two reformers, Lucy Flower and Julia Lathrop, began drafting "An Act for the Treatment and Control of Dependent, Neglected, and Delinquent Children," a piece of legislature that emphasized "the child's need and not the deed", signaling a move towards rehabilitation for children who had committed a crime. The legislature was enacted in 1899 in Cook County, Illinois, establishing the first juvenile court for children under the age of 16. Within the next two decades, over 20 states had established youth courts, and

the federal Children's Bureau was founded. Juvenile courts became the entity that unified and formalized the juvenile justice system in the United States. Despite the verbiage used by reformers, there was no consensus that the aims of juvenile justice should be prevention or rehabilitation (Bell, 2015).

From their inception, children of color were treated inequitably in juvenile court. Black children remained confined in adult prisons and were significantly underserved by community organizations and services (Jacobs & Sherman, 2013). They were drastically overrepresented in the juvenile justice system. Just ten years after the establishment of the first juvenile court, "the proportional representation of Black male juveniles doubled (27.5%), while the representation of Black girls nearly tripled (39%)" (Jacobs & Sherman, 2013, p. 118). In the segregated South, these disparities were even more severe. Black youth were not entitled to due process, segregated youth justice facilities serving Black youth significantly lacked resources, and Black juvenile courts "were presided over by a police officer because the county's juvenile court judge refused, as a matter of course, to leave White court" (Bell, 2015).

As the juvenile justice system was beginning to form, large populations of the country began moving westward as part of the "Manifest Destiny" doctrine, many of them migrating to California (Bell, 2015). Here, a prominent reform school, the Whittier State School, was met with increasing numbers of Mexican and Filipino students. In response to this, they "institutionalized a system informed by the emerging belief that one could predict criminal behavior by race and body type" (Bell, 2015, p. 7). Children of color were disproportionately labeled as "feeble-minded" or perceived to be incapable of reform. The effects of this labeling had devastating consequences for the youth of color,

the majority of whom were confined to juvenile institutions and sterilized "as a preventive way to protect public safety" (Bell, 2015, p. 8). At the same time, Native American youth across the nation were increasingly removed from their communities and excluded to off-reservation boarding schools. The racialized narratives about children of color that were used to justify policies and practices at reform and reservation boarding schools set an important precedent for using racialized discourse as a political tool in the education and juvenile justice system. As the 19th century came to a close, new patterns of crime and punishment would emerge in the early 20th century that would continue to affect the increasing numbers of children, especially children of color, who were entangled in the criminal justice system.

The "War on Crime" and Educational Deterioration (1900-1920)

For the first two decades of the 20th century, rates of violent crime soared. This was largely due to a mixture of social and cultural changes during this time, including shifting gender roles, an increase in ethnic conflict and racial tensions, and a swell in the proportion of young men. Although rates of violent crime were growing, the rates of incarceration remained stagnant. The justice system seemed increasingly ineffective in addressing the explosion of crime. The Progressive Era of the 1920's spurred a number of social-scientific research studies, including "crime surveys" and statistical investigations (Alder, 2015). The results of these confirmed the soaring rates of crime, fueling public fear and highlighting the failure of the criminal justice system. These reports revealed that legal institutions were failing to punish offenders and in turn, failing to protect the public from harm. As the public's fears swelled, reformers warned that "unless something

is done, and done soon, to check the rising tide of crime… the very foundation of the country itself will be threatened" (Alder, 2015, p. 36).

Though blame was placed on every level of the criminal justice system, police received particularly harsh criticism. Prominent reformers concluded that "the chief factor in the increase in crime… is unquestionably the lack of law enforcement" (Alder, 2015, p. 37). Policing had remained stagnant in the Political Era since the early 1800's. During the Political Era, police forces were decentralized and lacked a unifying enterprise (Kelling & Moore, 1988). Police were closely connected to the social and political world of politicians. They were granted authority by local politicians and served the interests of those who were politically powerful. Corruption within police was rampant, and brutality through use of force by police was commonplace. Even after the Civil War and Reconstruction, police continued to uphold systems of oppression by disenfranchising freed slaves and discriminating against waves of immigrants from Ireland, Germany, Italy, and Eastern Europe in the North, and Latino immigrants in the West (Waxman, 2017). The Political Era was defined by policing the powerless (Williams & Murphy, 1990). Police often participated in the lynching of over 3,000 African-American people and regularly engaged in police harassment of immigrants and minority populations (Kappeler, 2014; Ore, 2019) This brutality and corruption continued into the early 1900's and was exacerbated by the Jim Crow laws, the Prohibition, and the proliferation of organized crime in major metropolitan areas (Kappeler, 2014).

Jurors and prosecutors also were responsible for much of the failure. Evaluation of practices in the criminal justice system during this time evidence the multitude of ways in which judicial processes were racialized. Newspapers reported that district attorneys in

the South would drop cases that involved intraracial crime, stating that "so long as they…

do not kill white men… everything is all right. But it is 'just another nigger gone' when a

colored man is killed" (Alder, 2015, p. 38). Similar trends occurred among immigrant

populations in the North. In the South, jurors also refused to convict those who had

participated in lynching, mob violence, or hate crimes against Black people (Alder,

2015).

And then in the mid-1920's, just as the rates of violent crime reached an all-time

high, they abruptly fell (Alder, 2015). Despite the devastating effects of the Great

Depression and the anticipation of World War II, the country experienced the least

violence than it ever had in the previous four decades, "confounding long-held (and

enduring) assumptions about the relation of poverty and violence" (Alder, 2015, p. 40).

Despite the drop in crime, public fear and panic persisted. The failure of the criminal

justice system became a political scandal, resulting in policymakers launching a "war on

crime" (Alder, 2015). The result was an extensive crusade for law-and-order, in which

legislators "passed draconian laws, closed legal loopholes, initiated a massive prison-

building program, limited the power of juries, and expanded federal law enforcement"

(Alder, 2015, p. 34). Across all levels of government, politicians capitalized off of the

public's fear, using it as a political tool to win elections and grow the power of the

government. Immediately, conviction and incarceration rates grew exponentially.

Criminal justice policies and practices were increasingly racialized, and conviction and

incarceration rates grew disproportionately for people of color, especially Blacks. The

attack on Black bodies was fully underway, cast as necessary for "protecting respectable

white citizens from African American 'predators'" (Alder, 2015, p. 34).

During the period between World War I and World War II, a significant disjuncture occurred in the criminal justice system, as rates of crime and punishment reversed, producing a counterintuitive relationship between the two. The result was an expansion of the power of federal law enforcement, increasingly aggressive and racialized policing tactics, and the development of the federal prison system. All of these factors dramatically increased the population of people confined to prison. In 1929, the Illinois Crime Survey was published, analyzing crime rates in the major city of Chicago and Cook County. The report revealed that African Americans were victims of discriminatory policing tactics and killed by police at astoundingly disproportionate rates (Kappeler, 2014). Following this, the National Commission on Law Observance and Enforcement (also known as the Wickersham Commission) was established by President Hoover and produced the "Report on Lawlessness in Law Enforcement," which analyzed crime and policing strategies (Kappeler, 2014). This report brought to light additional evidence of racial and ethnic disparities, brutality, and corruption within police forces. The early 20th century law-and-order crusade, war on crime, and inception of the carceral state created a historical and persistent "disjuncture between crime and punishment, where less crime produced more punishment, particularly for African Americans" (Alder, 2015, p. 35).

As significant changes were undergoing the criminal justice system, World War II and the years immediately following it resulted in substantial changes in the education system. Patriotism, nationalism, and anti-German sentiments permeated public schools through government-sponsored nationalist propaganda. Intelligence testing was another aspect of the war that became integrated into schools. Initially used to screen recruits and

determine eligibility of candidates for officer positions, these tests offered applicability to a public-school system that was increasingly focused on measurement, uniformity, and standardization (Urban & Wagoner, 2013). It was at this point that intelligence testing began to be used for the purpose of measuring educational achievement and the perceived potentials of students. Naturally, this move was met with sharp criticism, especially among progressive liberals, who warned that indiscriminately labeling and sorting children based on intelligence test scores threatened the principles of democracy (Urban & Wagoner, 2013). The test questions were based on the results of a norm-referenced sample that was small and comprised exclusively of middle- and upper-class white children and adults (Guthrie, 1998). Their use was incredibly problematic in reflecting a eugenic ideology in which certain groups were innately superior and others inferior (Guthrie, 1998). Evidence demonstrated that scores were determined by environmental and cultural factors, including education, nutrition, pollution, and disease (Guthrie, 1998). In addition to this, criticisms arose that deemed scores inaccurate in measuring intelligence due to the historic and persistent disenfranchisement of Black and Brown children, the faulty norm-referenced sample, and flawed methodology (Guthrie, 1998). Despite this, intelligence test scores continued to be used to label students of color and immigrants as genetically inferior. Despite this, a reliance on testing continued to take hold, and standardized tests became an "integral part of the change process called 'modernization' that was sweeping America's schools" (Urban & Wagoner, 2013, p. 214). Essential to the modernization process was the establishment of the comprehensive high school, a school that could accommodate academic, commercial, and vocational curricula. Comprehensive high schools served the purpose of allowing educator to

"maintain allegiance to the principle of common schooling while simultaneously permitting the separation that was thought necessary for learning commercial and vocational skills" (Urban & Wagoner, 2013, p. 214).

In the South, Black students continued to be denied education altogether. In some cities, such as Augusta, Georgia, White-dominated school boards closed the only public high school available for Black students. In cities such as Atlanta where a public high school was opened for Black students, the school board instilled an industrial curriculum and refused to diversify courses of study. At all levels, school affairs for Black students in the progressive-era South were a dismal exercise (Spring, 2007; Urban & Wagoner, 2013).

The "great migration" offered promise for improved educational opportunities for the thousands of Black families that left behind the rural, agricultural areas of the South in pursuit of the agricultural cities of the North. Despite this, educational opportunities did not materialize. As the population of Blacks in the inner-cities grew, they were increasingly crowded into ghettos, providing a means by which White-dominated school boards could use a "neighborhood school concept to segregate black children almost as effectively as laws segregated them in the South" (Urban & Wagoner, 2013, p. 225). In addition to this, white children were overwhelmingly granted exceptions to transfer out of their attendance zone while Black children were denied these same opportunities, further exacerbating segregation of neighborhood schools. These events occurred in nearly every major city in the North, including New York City, Philadelphia, Chicago, and Detroit. The net result of these events was the deterioration of Black education in most cities in

the North, to the point in which it was "often only slightly better than the situation that existed in the South" (Urban & Wagoner, 2013, p. 225).

The Disjuncture of Crime and Punishment (1930-1950)

The Great Depression and World War II had enormous, devastating effects on U.S. society and its institutions, including the education system. Most notably, public schools were impacted by enormous social displacements and declines in economic support, resulting in loss of funding, increased class sizes, teacher layoffs, reduced teacher and school staff salaries, cutting extracurricular programs and nonacademic subjects, and closing schools altogether (Mondale, Patton, & Tyack, 2006; Urban & Wagoner, 2013). In addition to this, the United States' involvement in World War II resulted in decreasing enrollments as young men, teachers, and other school employees were drafted or enlisted to fight overseas. Despite this, the basic structure of education remained stagnant – school curriculums, teacher training, classroom practices, and school governance all endured as they had prior to the economic crisis. Educational policies and practices, and the institution of public education as a whole emerged from this era relatively unchanged.

The Great Depression resulted in both economic and educational deprivation for Blacks, who suffered not only from the changing economy, but also from political disenfranchisement and pervasive discrimination that demoted them to the lowest possible position in the social structure (Spring, 2007; Urban & Wagoner, 2013). Moreover, Black students were often doubly segregated by race and economic class, in which access to and quality of education differed significantly.

Outside of the schools and in the community, Black children continued to suffer from unescapable discrimination as a result of the war on crime. The previous two decades had spurred an obsession with the punishment, exclusion, and incarceration of people of color, including children. Documentation of disproportionate minority contact among youth of color was evidenced almost immediately after the rise of the aggressive policing tactics and the establishment of the federal prison system (Barnosky, 2006). A 1931 report from the Children's Bureau evidenced that Black boys made up 20 percent and Black girls made up 25 percent of all delinquency cases, despite only representing 10 percent of the youth population (Barnosky, 2006). In 1940, Mary Huff Diggs published a report of 53 courts across the nation, identifying that "Negro children are represented in a much larger proportion of the delinquency cases then they are in the general population," and that "Negro boys are less frequently dismissed than were White boys… they were committed to an institution or referred to an agency of individual much more frequently than were White boys" (Bell, 2015, p. 12). Diggs's report served to document the issue of disproportionate contact and racialized punishment of youth of color that remains pervasive in the juvenile justice system today.

Latino youth were also subjected to discriminatory policing tactics and harsher punishments. As the U.S. entered World War II and people left their jobs to enlist in the war, the labor force changed significantly. As a result, the Bracero program was created in 1942, which allowed Mexican people to enter and work temporarily in the United States. In the west, the population of Latinos grew substantially, though they were met with hostility by the public. Attitudes about Mexican children being "feeble-minded" persisted, and children of adults participating in the Bracero program were treated

inequitably by the youth court system (Bell, 2015). The media also contributed significantly to framing Mexican youth as delinquent and dangerous, portraying them as "bloodthirsty and spurred on by the ancestral Aztec desire to let blood" (Bell, 2015, p. 13). The result was the unfounded creation of "Mexican crime wave," which further spurred public fear and hostility towards Mexican youth (Bell, 2015). The result was increased incidences of violence against Mexican children, and a number of Mexican youth were wrongfully convicted of crimes in the juvenile justice system.

Across the United States, the prison population continued to swell into the 1940's. In every state, incarceration rates grew substantially, despite the fact that rates of violent crime were decreasing. In addition to this, methods of punishment began to shift, with a significant increase in the number of executions, especially among people of color, with Black people comprising 60 percent of executions by 1940 (Alder, 2015). Even as the United States reached a historically low point in crime during the 1930's, the "incarceration rate surged to its highest level until the last quarter of the twentieth century, executions peaked in U.S. history, and arrest rates for violent crime, incarceration rates, and executions rose disproportionately for African Americans" (Alder, 2015, p. 44). Rates of crime and punishment continued to reverse and move in opposite directions, with this disjuncture increasingly mediated by race (Alder, 2015).

Creation of Delinquency and Moral Panic and the Emergence of School Police (1950-1960)

As reports continued to surface regarding abuses, racial and ethnic disparities in the criminal justice system, and severe brutality within police forces, the Reform Era of policing emerged. Characterized by increased professionalization and centralization of

police forces, crime control models and ethical codes of conduct were established for police organizations (Robinson & Scaglion, 1987). Political involvement was removed from policing, making police departments incredibly autonomous as a public organization (Williams & Murphy, 1990). Police served the function of maintaining law and order and became generally known as law enforcement agencies.

In the 1950's, Black youth continued to be disproportionately involved in the juvenile justice system, as juvenile crime and race became closely connected both in practice and public consciousness (Baronsky, 2006). Given the substantial changes to the criminal justice system during the interwar period that stressed aggressive policing tactics, harsher punishments, and increased incarceration, juvenile arrests and involvement in the justice system grew substantially. Thus, even without a significant increase in juvenile crime, statistics during the 1950's reinforced the notion that crime among youth was on the rise (Baronsky, 2006). This notion was further fueled by the media, which placed additional attention on the issue of juvenile crime, and polls reported that the public was generally concerned about youth.

The behavior of youth was increasingly criminalized, and youth were sensationalized in the media as being horrific, violent criminals. An article in Commonweal (1959) stated that:

> The gang delinquents of our day boast of arsenals that include broken bottles, tire irons, knives, guns, dynamite, and acid. They are better organized and far more numerous. Their delinquencies are marked by greater daring and a studied disregard of all limits of malevolence and viciousness. Instead of being occasional and unexpected, their activities have come to be regarded as commonplace, even routine occurrences (p. 302).

Other media outlets, including Newsweek magazine, purported that "today's delinquents kill" (Baronsky, 2006, p. 321). In addition to this, school violence was

reported as being on the rise, with headlines such as "Rumors of Violence Curtailing School Attendance," "Instructor Stabbed," and "Two Students Seized. Threatened to Shoot Teacher's Husband" (Baronsky, 2006, p. 321). The status and safety of neighborhoods was also targeted, with magazines reporting that "sizeable areas of the world's foremost metropolis are splintered into feudal enclaves, run in effect by gangs of ruthless, amoral teenagers" (Baronsky, 2006, p. 321).

Though it is difficult to determine whether crime rates truly rose among juveniles or whether harsher criminal justice laws simply resulted in an increase in the identification and punishment of juvenile crime, it is clear that juvenile crime was perceived to be a major issue. Blame was placed on a number of outlets – economic inequalities, the moral and civic erosion of the nation's values, and the growth in pop-culture all received substantial criticism. In addition to this, some blamed a liberal mentality that made parents and society too-soft on children (Baronsky, 2006). Researchers emerged during this time with a number of arguments that attempted to explain the rise in juvenile crime. Many of these arguments, intentionally or unintentionally, placed youth of color at the center of the issue of juvenile crime.

One argument targeted low-income youth in urban areas, most of whom were children of color. It argued that psychological and environmental factors, including "structural problems such as poverty, housing, lack of education, and poor living standards… underlies the problem of juvenile delinquency" (Baronsky, 2006, p. 326). A second argument interpreted environment as familial structure, targeting "broken families" where parents were "separated or absent, drunks, drug addicts, psychotic or mentally defective, vicious or grossly neglectful" (Baronsky, 2006, p. 326). Two

important studies emerged from the 1950's, Unraveling Juvenile Delinquency and Delinquents in the Making. These studies linked "structure with psychology" and argued that "The delinquents, as a group… were excessively the victims not only of unstable households but out and out broken homes… the lawbreakers, far more than the nondelinquents, grew up in a family atmosphere not conducive to the development of emotionally well-integrated, happy youngers, conditioned to obey legitimate authority" (Baronsky, 2006, p. 327). Again, politicians, law enforcement officials, and the media constructed a picture that pathologized children of color and families of low-socioeconomic status. The response was the continued institutionalization of children of color through correctional facility placements, and the number of children incarcerated grew from 100,000 in 1940's to 400,000 in the 1960's (Mallett & Tedor, 2019). A number of programs and projects were implemented during the 1950's, including the Special Delinquency Project and Juvenile Delinquency and Youth Offenses Control Act, which dramatically expanded the role of the federal government in issues of juvenile crime and justice (Baronsky, 2006). The few progressive policies during this time that were aimed at prevention and rehabilitation failed to undo the lasting effects from the war on crime. Patterns of punitive crime and punishment that emerged during the previous decades persisted, and the federal response moved from progressive to conservative juvenile justice policies. These policies proved to have destructive effects in the lives of children of color in the following decades.

As law enforcement officials, academics, politicians, and the media increasingly demonized Black and Latino youth across the U.S. as delinquent and dangerous, urban youth in low-income neighborhoods – which were comprised primarily of communities

of color – were characterized as perpetuating "constantly expanding systems of terror over neighborhoods" (Arizona Civil Liberties Union [ACLU], 2017, p. 13). For the previous two decades, police had begun to proliferate neighborhoods and schools under the guise of establishing social and economic control (ACLU, 2017). It was within this context that the police state began to infiltrate itself into the education system, beginning with the establishment of the first security unit aimed at patrolling schools in integrated neighborhoods by the Los Angeles Police Department in 1948. Similar states followed suit, with the first Police-School Liaison Program established in 1958 in Flint, Michigan, followed by the first formal school resource officer (SRO) program in Tucson, Arizona, and the Police-Attitude Project in Cincinnati, Ohio. These programs "began as local initiatives organized by police, educators, and municipal leaders to address juvenile delinquency, but did so in ways that challenged students' rights and continued to marginalize minority and low-income youth" (Noble, 2017, p. 61).

The Emergence of "Equal Opportunity" (1950–1960)

The years immediately following World War II resulted in unprecedented growth in the population and immense changes in society, which extended into the public-school system. Arguably the most impactful piece of educational legislation was the Supreme Court decision in the case of Brown v. Board of Education of Topeka. This ruling effectively overturned the 1896 Plessy v. Furguson case to rule that "separate but equal" educational facilities were inherently unconstitutional. This piece of educational policy served as a catalyst for significant changes in social affairs and policies both within and outside of schools, galvanizing the Civil Rights Movement and placing the issue of racial justice at the forefront (Cibulka, Cooper, & Fusarelli, 2015). As a landmark case

declaring segregation in public schools as unconstitutional, the 1954 Brown v. Board of Education decision sparked revolutionary social, political, and economic actions for people of color, and served as a basis for the 1964 Civil Rights Act, which outlawed discrimination based on race, color, religion, sex, or national origin (Farmbry, 2009). Despite this, progress to desegregate schools was slow and met with significant resistance in many southern communities. Black students were often the target of racially charged abuse and violence at the hands of white resisters (Spring, 2007). In some school districts, including at the infamous Little Rock High School in Arkansas, Black students required the escort of U.S. Marshalls due to mobs of violent White protestors. Even when the law clearly defined Black students' right to equal education, pervasive racism resulted in continued educational deprivation.

In the present day, the issue of racial justice remains a major educational concern and focus of educational policy and practice. The fight for racial equality and justice during this time shifted political emphasis from the external and global focus of the Cold War to consideration of internal affairs, especially civil rights and poverty. A new era of consciousness about "equal opportunity" and alleviating social suffering was taking hold in American education and the larger society (Urban & Wagoner, 2013). Though the realization of this new consciousness was initially limited to progressive and reform-minded groups, the notion of equal opportunity quickly expanded and gained traction as a political and social strategy.

Civil Rights, the War on Poverty, and the Quest for "Equality" (1960-1970)

This new era of consciousness was marked by significant political activism during the 1960's. Following the assassination of John F. Kennedy, his successor Lyndon

Johnson pursued a domestic agenda characterized by a "Great Society" image (Urban & Wagoner, 2013). His agenda encompassed a continued pursuit of civil rights for people of racial and ethnic minorities and a war on poverty. As part of this war on poverty, Johnson implemented a number of progressive education reforms, including the Elementary and Secondary Education Act (ESEA). ESEA provided federal funds to students of low socioeconomic status and enabled the commencement of a number of educational programs including bilingual education and Title I (Cibulka, Cooper, & Fusarelli, 2015). In addition to this, Johnson's anti-poverty programming included the passage of Project Head Start, a preschool education program serving children of low socioeconomic status. Title VI of Civil Rights Act of 1964 mandated enforcement of civil rights for Black children, desegregation of schools, and enabled the withholding of federal funds from schools and districts that remained segregated. These actions were supported by a major social science research study, the Coleman Report, conducted by sociologist James S. Coleman at Johns Hopkins University. The report highlighted that differences in educational achievement were weakly related to school resources and instead evidenced that school achievement was substantially related to the students' socioeconomic status and the educational backgrounds of a students' peers. It was the ammunition needed for those in support of integration and served as the catalyst for forced busing of students from segregated neighborhoods and schools into mainstream educational institutions. Arguably the most important contribution of the Coleman Report was bringing into "mainstream social scientific inquiry the question of the links among economic class, race, and school achievement" (Urban & Wagoner, 2013, p. 285). The Coleman Report, in conjunction with the Civil Rights Act, resulted in the creation of a

subagency, the Office for Civil Rights, housed within the Office of Education of the Department of Health, Education, and Welfare (Cibulka, Cooper, & Fusarelli, 2015). Importantly, the Coleman Report altered the focus of educational research and policy to student outcomes, and also illuminated the necessity of differentiating findings across the lines of race, ethnicity, socioeconomic status, and family background, among other factors.

In addition to this, a number of reports were released that illuminated the conditions of segregated schools and the treatment of students of color. In Boston, reports From the Harvard University's Divinity School highlighted substantial differences in expenditures among schools with predominately Black versus white student populations. This investigation also reported on the conditions of highly segregated schools in Boston, describing that classrooms in the 1960's experienced "overcrowding so severe that classes met in the damp basement, which stank of urine or dust, or in the corners of the auditorium… shattered windows, broken desks, three-legged chairs… chronic shortages of pencils, chalk, and erasers… outdated textbooks, often with the covers ripped off, pages missing, or obliterated by ink stains" (Farmbry, 2009, p. 117). The report also noted racialized teaching practices, including "racial slurs directed by indifferent white teachers at the black pupils who made up 60 percent of the school; and even reports of one teacher whose classroom was segregated, whites seated in the front and blacks in the rear" (Farmbry, 2009, p. 118).

Another report revealing the conditions of Boston schools was released in 1967 by Jonathan Kozol, a teacher in the district who had been fired for criticizing systemic

inequities. His book, *Death at an Early Age*, illuminated additional evidence of the conditions in segregated school environments:

> It is the Boston school teachers themselves who for years have been speaking of the Negro children in their charge as "animals" and the school building that houses them as "a zoo." And it is well known by now how commonly the injustices and depredations of the Boston school system have compelled its Negro pupils to regard themselves with something less than the dignity and respect of human beings (p. 7).

These reports not only highlighted differences in the physical conditions of schools, including disparities related to expenditures and resources, but also emphasized the ways in which Black students who were able to access educational institutions continued to be the target of racially motivated abuses from peers, teachers, and administrators.

To combat the de facto segregation that was occurring in many school districts, mandated busing began in many of the nation's cities in an attempt to desegregate schools and further racial integration. Busing mandates gave rise to the phenomena of "white flight," or a subtle form of white resistance to segregation in which affluent whites began moving from urban to suburban areas or enrolling their children in private schools to escape integrated, inner-city schools (Farmbry, 2009). In addition to this, the burden of mandated busing and other desegregation policies "has been borne most heavily by black children who have been involved in one-way busing schemes" (Urban & Wagoner, 2013, p. 339). Thus, even in light of what appeared to be progressive measures to promote racial integration, misguided and ineffective policies failed to produce meaningful desegregation or significantly improve the quality of education for Black students.

Other racial and ethnic minorities, including Mexican Americans, were increasingly segregated and denied an education in the 1960's and 1970's. Concentrated

primarily in Texas and California, Mexican Americans "constituted the largest and one of the poorest subgroups of Spanish speakers in the United States" (Urban & Wagoner, 2013, p. 285). They fought to define Mexican American students as "whites" in an attempt to expand educational opportunities, though this approach backfired when school officials began labeling Mexican American children as "whites" and pairing them with Black students to meet standards for desegregation (Spring, 2007; Urban & Wagoner, 2013). This move further segregated students of racial and ethnic minorities together, leaving "Anglo children untouched by the desegregation process" (Urban & Wagoner, 2013, p. 285). Abandoning this tactic, advocacy groups were eventually successful in having Mexican Americans legally recognized as an ethnic group. Despite this, Mexican American students faced low educational achievement and severe cultural and language difficulties within a public-school system that utilized an all-English curriculum as a method of deculturalization (Spring, 2007). Schools increasingly implemented a number of measures in attempts to destroy the culture of minority groups, including forbidding "the speaking of non-English languages, particularly Spanish and Native American tongues, and forc[ing] students to learn and Anglo-American-centered curriculum" (Spring, 2007, p. 6). The adaptation of "English-Only" mandates forced students who spoke a language other than English to be excluded to separate classrooms, and a pattern of systemic retention emerged in a number of states (Spring, 2007). This resulted in increased stigmatization of children of color on the basis of language and cultural differences.

The turbulence of the 1960's extended into the criminal justice system, and juvenile courts enacted a number of changes in response to "broader structural and

demographic changes… particularly those associated with race and youth crime" (Jensen & Jepsen, 2006, p. 411). An increasing number of Blacks migrated from the south to the urban cities in the north following World War II. As the number of minority people were increasingly concentrated in urban ghettos across the U.S., race became a national issue. In addition to this, rates of youth crime continued to rise during the 1960's and into the late 1970's, as the baby-boom generation reached its adolescent years. These two factors – the rise in urban racial tensions coupled with the increasing rates of youth crime – fueled "cries for 'law and order' and provided the initial political impetus to 'get tough'" (Jensen & Jepsen, 2006, p. 411). For the first time since the war on crime during the early 20th century, criminal justice policies became a key issue in national politics (Jensen & Jepsen, 2011). The notions of prevention and rehabilitation that had emerged during the Progressive era eroded significantly as demographic and macro-structural shifts occurred in the United States.

The defining issue in the 1960's was the issue of race, which "provided the crucial linkage between distrust of government benevolence, concern about social service personnel's discretionary decisionmaking, urban riots and the crisis of "law and order," and the Supreme Court's due process jurisprudence" (Hamilton & Sanders, 2000, p. 160). An emphasis on punishment in the juvenile justice system led to concerns over the lack of protections that children involved in the system were afforded. In 1967, a 15-year-old boy, Gerald Gault, was arrested by a police officer and placed on trial. His parents were not notified of his detention, and during his trial, no witnesses were sworn in, no record of the trial was made, and his accuser was not present. Despite these shortcomings, Gault was convicted of the crime and sentenced to six years of incarceration. Gault's case

evidenced the abuses of the juvenile justice system that arose due to procedural failures. His parents appealed the conviction, resulting in the Supreme Court decision of In re Gault, which established that "the Constitution required significantly enhanced procedural protections for juveniles, including a right to counsel, protection against self-incrimination, and the right to cross-examine witnesses" (Jacobs & Sherman, 2013, p. 118). Essentially, the decision established that youth were entitled the same procedural safeguards as adults under the Due Process Clause of the Fourteenth Amendment. The Gault case and the Supreme Court's decision highlighted the reality of juvenile courts, most notably in how far they had strayed from a rhetoric of rehabilitation.

With an emphasis on criminal procedural regularity to determine juvenile delinquency, the focus was shifted from assessing a youth's needs with an aim of rehabilitation to proving that the youth had committed a criminal act (Hamilton & Sanders, 2000). This effectively formalized and made explicit a relationship that had previously been implicit and unrecognized – the "connection between criminal conduct and coercive intervention" (Hamilton & Sanders, 2000). In addition to this, it legitimized greater punitiveness in the juvenile justice processes and policies and contributed to the convergence between the juvenile justice system and the adult criminal justice system (Hamilton & Sanders, 2000). Juvenile courts functioned as an extension of the adult criminal justice system, producing negative consequences for juveniles – they received "neither the solicitous care and regenerative treatment promised to children nor the criminal procedural rights of adults" (Hamilton & Sanders, 2000, p. 162).

In addition to this, the presence of school police continued to grow in the 1960's. In front of the backdrop of the Civil Rights Movement, young people were fighting

against legal, economic, political, and educational discrimination. In urban public schools, school-police partnerships "reflected white middle class backlash to an increasingly pluralist society in which traditionally marginalized populations were struggling to gain their democratic freedoms" (Noble, 2017, p. 208). The initial school-police partnerships in Flint, Tucson, and Cincinnati attempted to prevent juvenile delinquency by socializing children of color into conservative, white, middle-class values (Noble, 2017). Instead, these school-police partnerships materialized as mechanisms to discriminatorily target and oppress students of color.

The impact of the 1960's on the development of the juvenile justice system was significant. During his presidency, Lyndon B. Johnson declared both a "war on crime" and a "war on poverty," essentially merging criminal justice and law enforcement with economic and social programs. The ramifications of this convergence cannot be understated. His declaration of a "war on poverty" were deeply rooted in discriminatory stereotypes and assumptions about African American's role in urban conditions, which simultaneously prompted him to declare a "war on crime." A number of legislative initiatives during his presidency increased the role of the federal government, militarized the police, and problematically allied social service and educational programs and providers with juvenile courts, federal prisons, and police departments. These included the Juvenile Delinquency and Youth Offenses Control Act of 1961, the Omnibus Crime Control and Safe Streets Act of 1968, and the creation of the Office of Juvenile Delinquency (OJD) and the Law Enforcement Assistance Administration (LEAA). All of these significantly expanded the power of the federal government in lives of youth,

particularly youth of color, and continued to shape domestic urban policy for decades to come.

The Resurgence of the War on Crime and the Police State Atmosphere of Urban Public Schools (1970-1980)

In the education system, this era was dominated by continued federal involvement in educational affairs driven by a "culture of poverty" that was increasingly recognized in U.S. society, especially among racial and ethnic minorities living in urban areas (Urban & Wagoner, 2013). Educational policies and practices were implemented that attempted to alleviate the effects and consequences of poverty, driven by social science research that explored the connections between race, ethnicity, socioeconomic status, and educational achievement. The progress that President Johnson had made related to educational, social, and economic reforms ceased to exist as Richard Nixon took office. With a strong preference for educational research over direct federal expenditure in school programming, Nixon's term resulted in reduced spending on the educational and economic programs that were already in effect, further limiting the federal government's role in education. As he reduced the federal government's role in education and other social service institutions, he simultaneously expanded the government's role in issues of juvenile crime and punishment. This systematic disinvestment in education and investment in the expansion of the juvenile justice system positioned schools as institutions that exacerbated juvenile incarceration.

In the following decade, focus would continue to shift away from provisions of social welfare and rehabilitation and towards substantial federal investments in juvenile court systems, detention facilities, and police departments. In the late 1960's and early

1970's, local police departments began to formally label youth as "delinquent" or "pre-delinquent," suggesting that certain children – most of whom had no history of misconduct – were more likely to commit future crimes (ACLU, 2017). Curfew laws, for example, became one method by which youth made contact with police, were apprehended, and labeled. Black youth who were violating curfew more likely to be labeled as "delinquent" by law enforcement and detained for days or weeks, whereas white youth were more likely to be labeled as a "youth in trouble" and released to their parents (Hinton, 2016). Because policymakers and law enforcement officials in urban cities asserted that children labeled as "delinquent" were more likely to commit future crimes, they justified the targeted expansion of law enforcement initiatives in predominately Black neighborhoods as a crime prevention strategy. The result of this was "a statistical portrait of crime that overrepresented black youth," erroneously confirming policymaker and law enforcement officials' assumptions about urban children of color living in poverty (Hinton, 2016, p. 219). The effect of this was a "cycle of pathological assumptions about African Americans, poverty, and crime, targeted patrol and surveillance, and the resulting skewed statistical portrait of American crime repeated itself" (Hinton, 2016, p. 220). This cycle effectively fueled the expansion of "war on crime" policies and falsely supported the use of racial discrimination and profiling as acceptable practices within the juvenile justice system.

Arguably one of the most impactful pieces of federal juvenile justice legislature was the Juvenile Justice and Delinquency Prevention Act of 1974, which provided $380 million dollars to further expand programs that sought to prevent and control delinquency (Hinton, 2016). Juvenile justice scholars cite this act as the piece of legislature most

singlehandedly responsible for creating the modern juvenile justice system in the U.S. (Hinton, 2016). It also marked a critical point in the War on Crime, as policymakers determined that juvenile delinquency was no longer a social welfare issue and was instead a problem of crime control. This was accomplished by moving the Office of Juvenile Justice and Delinquency, the agency responsible for managing funds from the new 1974 act, from the Department of Health, Education, and Welfare (HEW) to the Department of Justice (DOJ). Congress then significantly increased the authority and influence of the DOJ by allocating $600 million in block grants to states, followed by $900 million to crime control (Hinton, 2016). Block grants were awarded to states "based on age and income characteristics alone," which increased funding for crime control to states with higher populations of youth and people living in poverty (Hinton, 2016, p. 221).

The formalized, modern system that was created by the 1974 act effectively fractured the juvenile justice system along racial and ethnic lines (Hinton, 2016). Rehabilitative and preventative interventions such as diversion programs and foster care were widespread in white, suburban and rural neighborhoods, whereas punitive programs and juvenile prisons were created in segregated urban communities (Hinton, 2016). The 1974 act defined "juvenile delinquent" as "neglected, abandoned, or dependent youth and other youth who are potential criminals," essentially linking "common markers of poverty with perspective criminality, and thereby classifying nearly all youth living in low-income neighborhoods as "potentially delinquent"" (Hinton, 2016, p. 237). The results of this was the increased influence and power of law enforcement officials and juvenile justice institutions in the lives of families who were participating in social

programs or receiving welfare benefits (Hinton, 2016). The use of these labeling tactics then spread into other institutions, including educational systems, creating a new form of surveillance and supervision in segregated urban neighborhoods and schools (Hinton, 2016).

Rather than addressing issues related to discrimination and inequality in public school systems, housing, and economic opportunities, the 1974 act sought to manage the issue of poverty through a lens of punishment and crime control. Though the act gave authorities the discretion to divert status offenders away from formal correctional institutions and juvenile prisons in favor of community-based alternatives, the discretion and decisions made by police officers, judges, and other criminal justice authorities were often overwhelmingly shaped by racial bias. White youth experienced the benefits of the deinstitutionalization of status offenses, and also were more likely to be provided with rehabilitative and preventative services from private and nonprofit organizations. Thus, although both white and Black youth came from backgrounds "marked by poverty, unemployment, and unstable families, they experienced [the juvenile justice system] in markedly different ways" (Hinton, 2016, p. 235).

As the federal government systematically disinvested in social welfare programs including General Assistance programs for the very poor and issued major budget cuts to social service institutions, including schools, drug rehabilitation centers, and food banks, they simultaneously invested in criminal justice initiatives (Shannon, 2017). As a result, social welfare agencies, especially those in urban areas, were forced to integrate crime control measures into their program models in order to receive federal funding (Hinton, 2016). With roots in punitive domestic policies of the mid-1960's, police departments

were receiving more federal funding and taking over the roles and responsibilities of authorities in the social welfare sector. The Juvenile Justice and Delinquency Prevention Act significantly increased the authority and resources provided to urban police, which had disastrous effects on the lives of Black and Brown youth. This opened up new opportunities for law enforcement authorities to insert themselves into the daily operations of a myriad of public institutions, most notably, urban public schools (Hinton, 2016).

As the war on youth crime escalated in the 1970's, so did practices of policing in urban public schools that criminalized the behavior of youth, including use of police-school liaisons to patrol campuses, surveillance cameras, metal detectors, stationed patrol cars and flying helicopters, and padlocked gates (Hinton, 2016). Schools in segregated neighborhoods were increasingly resembling federal prisons. Even though studies from the HEW evidenced that school violence had not increased in the previous five years, and some school districts had even experienced decreases in crime since the urban uprisings of the 1960's, policymakers continued to purport the idea that "a domestic Vietnam [was occurring] in the hallways and classrooms of America" (Hinton, 2016, p. 238). Practices of exclusion, especially expulsion, became widespread in urban school systems. In Los Angeles Public Schools, the number of expulsions per year grew from 45 in the 1960's to 225 in 1973 (Hinton, 2016). Other districts across the nation, the majority of which were located in predominately Black areas, quickly followed suit. By providing authorities the discretion to "engage youth based on assumptions of future behavior" under federal law, the 1974 act effectively provided grounds by which policymakers, law enforcement officials, and school administrators could use these labeling tactics and assumptions of

criminality to justify the expansion of police presence and power in schools (ACLU, 2017). By 1975, the Superintendent of Public Instruction in Washington, D.C., had described that schools were existing more than ever under a "police state atmosphere" (ACLU, 2017, p. 5).

As law enforcement continued to partner with social service providers, they were increasingly diffused into every facet of the lives of Black children and their families (Hinton, 2016). The development of the juvenile justice system during the 1970's represents the ways in which "the pathological understandings of race and crime clouded policymakers' attention to other social problems in urban centers, leading them to consistently embrace an increasingly punitive approach" (Hinton, 2016, p. 247). These pathological understandings blamed issues of juvenile delinquency as the result of race, poverty, and dependence on welfare programs, which "rationalized the focus on effects rather than insoluble causes, justifying their investment in police departments and court systems to solve social problems" (Hinton, 2016, p. 247). The impact of both Nixon and Ford's presidencies and their "wars" on issues of crime, drugs, and poverty successfully removed and incarcerated an entire generation of Black men and provided a precedent of permanent police involvement in public schools and in the everyday lives of children of color (Hinton, 2016).

The Framing of the Black "Superpredator" and the Nouveaux Industry of Incarceration (1980-2000)

Following Nixon's resignation and Ford's immediate assumption of presidency after the Watergate scandal, Democrats once again regained control of the executive branch with the election of Jimmy Carter in 1976. He was the first president to be

formally endorsed by the National Education Association (NEA), which helped him

enormously with raising funds, recruiting workers for his campaign, and attaining the

Democratic nomination. Carter's victory in the presidential election effectively increased

the power and influence of the NEA in the field of education (Mondale, Patton, & Tyack,

2006; Urban & Wagoner, 2013). In exchange for the NEA's substantial support, Carter

re-instated the cabinet-status of the Department of Education, furthering the federal

government's power in education. In the wake of this decision, questions arose regarding

the effectiveness of federal expenditure in education. Data on existing federal education

initiatives, including ESEA and Title I antipoverty programs, lacked evidence that

increased spending by the federal government had actually produced improvements in the

educational outcomes of children living in poverty (Cibulka, Cooper, & Fusarelli, 2015).

Schools also faced criticisms from scholars that school hierarchies, comprised of

teachers, administrators, and school staff were "dominated by white ethnics: Italians,

Irish, and others who had little sympathy or empathy for the black students trapped in…

inner-city schools" (Urban & Wagoner, 2013, p. 300). The organizational critics of urban

education focused on issues related to meaningful desegregation, social and educational

advantages, cultural conflicts, and the role of teachers and administrators. Dissimilarly, as

Ronald Reagan campaigned for presidency in 1980, he capitalized on issues that were

emotionally charged and appealed to rich voters, including tuition tax credits for private

schools, the elimination of the federal Department of Education, the creation of school

choice programs that provided public funds for private schools, and reinstating prayer in

schools (Mondale, Patton, & Tyack, 2006; Urban & Wagoner, 2013). For the first time in

two decades, his ascent to the presidency in 1981 transferred emphasis and attention

away from a focus on equal educational opportunity for students of color and of low socioeconomic status.

In 1981, the Secretary of Education under the Reagan administration, Terrell Bell, appointed the National Commission on Excellence in Education. The purpose of this commission was to investigate what Bell perceived to be a deterioration in the quality of education, both in terms of achievement and standards. After two years of investigating this perceived educational decline, the National Commission on Excellence in Education published a report titled *A Nation at Risk*. This relatively small pamphlet attempted to convince the public that a significant crisis existed in the U.S. education system. The report emphasized that the pursuit of a solution to this crisis in education should be a major educational aim, essentially fueling the beginning of the "educational excellence" movement (Roth, 2017).

The report was grounded in the notion of the United States as a competitor in the global economy. It asserted that other nations, particularly Japan, Germany, and Korea, were exceeding the United States economically in manufacturing, and that the basis for this economic dominance was superiority in the education system of these nations. The "Nation at Risk" report painted a picture of a nation whose economy was threatened by economic rivals, effectively producing a public demand for increased federal involvement and financial support in the U.S. education system. The at-risk rhetoric used in the report pathologized children of color and children of low socio-economic status and simultaneously promoted a deficit ideology. This at-risk rhetoric and deficit ideology became the dominant discourse of educational reform, which "naturalizes the exclusion

of students of color and working class students from educational opportunity" (Roth, 2017, p. iii).

The report was met with criticism by educators, who argued that schools were representative of the broader economic and social environment in which they were situated. In addition to this, a number of educational researchers produced studies that countered the findings of *A Nation at Risk*. Most notably, the publication of *The Manufactured Crisis: Myths, Frauds, and the Attack on America's Public Schools* suggested that the governments' findings were unsubstantiated and that the methodology used was flawed. With a significant amount of evidence, the authors argued that politicians and the business community were using schools to mask the government's political and economic failures. They asserted that teachers and administrators were unfairly positioned as scapegoats within a public-school system that was doing exceptionally well given the political, economic, and social state of the time (Roth, 2017).

Reagan's presidency marked the beginning of the end of the federal government's attempts at pursuing equality in education through desegregation and other race-conscious initiatives that sought to improve the educational opportunities of children of color. Reagan consistently depicted the previous two decades as "a period of egalitarian excess accompanied by moral degeneration" (Urban & Wagoner, 2013, p. 309). In doing so, he successfully destroyed the notion that through schools, the U.S. education system could serve as a vehicle to pursue egalitarian measures of equal opportunity. An emphasis on individual liberty diverted attention away from "group-conscious policies," especially

those that focused on the rights of people of racial and ethnic minorities and, more broadly, racial justice (Urban & Wagoner, 2013).

Moreover, the Reagan administration brought forth significant changes in the economy, with its emphasis on "Reaganomics" or "free-market economics." This era also resulted in the introduction of neoliberal ideologies, which positioned competition and consumerism as defining characteristics of U.S. society. Though an incredibly complex concept, neoliberalism can be defined as an economic system in which the free market expands into all aspects of economic, social, and political worlds. It significantly delimits the role of the state in regulating the economy and promotes mechanisms that further the growth of the free market by increasing individual economic incentives. It describes a set of ideas regarding the organization of the relationship between the external environment and the state. David Harvey (2005) offers a definition on the phenomenon of neoliberalism:

> Neoliberalism is in the first instance a theory of political economic practices that proposes that human well-being can best be advanced by liberating individual entrepreneurial freedoms and skills within an institutional framework characterized by strong private property rights, free markets and free trade. The role of the state is to create and preserve an institutional framework appropriate to such practices. The state has to guarantee, for example, the quality and integrity of money. It must also set up those military, defense, police and legal structures and functions required to secure private property rights and to guarantee, by force if need be, the proper functioning of markets. Furthermore, if markets do not exist (in areas such as land, water, education, health care, social security, or environmental pollution) then they must be created, by state action if necessary. But beyond these tasks the state should not venture (p. 2).

The expansion of neoliberal ideologies quickly became evident in the design and implementation of economic policies that lowered taxes and furthered free trade, privatization, welfare-state withdrawal, and deregulation. These policies purported the idea that protecting the privileged and wealthy would result in a "trickle-down" effect

that would benefit the poor. It effectively did the opposite, instead widening the income gap between the wealthy and poor and tripling the national debt. The widening income gap and increasing national debt that occurred as a result of these economic policies enabled a shift towards approaching issues of crime and punishment as potentially profitable enterprises.

This era of economics marked a shift towards "leveraging crime, punishment, and incarceration as a nouveaux industry – a mechanism for wealth to replicate and for those not deemed worthy to produce more than they consume" (Fasching-Varner, Mitchell, Martin, & Bennett-Haron, 2014, p. 417). By significantly expanding the construction of prisons and taking an industrial approach to incarceration, he successfully created an industry in which a myriad of people – including architects, construction companies, and suppliers of surveillance equipment, food, and other materials – could profit off of the building and maintenance of prisons (Fasching-Varner et al., 2014). This effectively commodified Black and Brown bodies by accelerating the trend of massively incarcerating people of color and transforming "prisoners into profits" (Fasching-Varner et al., 2014).

Discrimination in education, housing, and economic systems, as well as ineffective desegregation policies led to increased poverty rates and socioeconomic inequalities that primarily affected people of color. Urban youth in low-income neighborhoods – which were comprised primarily of people of color – were blamed for crime that resulted from severe socioeconomic inequalities and systems of oppression. These populations were increasingly marginalized and held responsible for a lack of "law and order" in cities (ACLU, 2017). Rather than designing and implementing policies that

would have increased equitable access to education, employment, and housing, programs of social and economic control were created (ACLU, 2017). Essential to the justification of these punitive programs was creating a widespread moral panic based on a fictionalized belief that Black and Latino youth were delinquent and dangerous.

Law enforcement officials, academics, politicians, and the mainstream media all contributed to the demonization of Black and Latino youth. The former Education Secretary for Ronald Regan and former Director of Drug Control Policy under George Bush Sr., William Bennett, and criminologist John Dilulio created a "superpredator" narrative about Black and Latino youth (Rios, 2006). They claimed that an explosion of juvenile crime would shortly ensue and result in widespread violence (Rios, 2006). Dilulio stated that "a new generation of criminals is upon us – the youngest, biggest, and baddest generation any society has ever known" (Leah, 2018, para. 5). He described them as "fatherless, Godless… radically impulsive, brutally remorseless youngsters" who would "kill or maim on impulse, without any intelligible motive" (ACLU, 2017, p. 7) In suggesting how to reduce crime, Bennett even went so far as to state "if you wanted to reduce crime… if that was your sole purpose, you could abort every black baby in this country, and your crime rate would go down" (Rios, 2006, p. 51). Other public officials, such as representatives of the New York Police Department, also demonized Black and Latino youth by describing them as "dangerous delinquents, undesirables capable of corroding school morale" (ACLU, 2017, p. 3). Local and national media outlets also contributed significantly to framing Black and Latino children as delinquent and dangerous by disseminating fictionalized news reports that described them as "roving bands of Negro youth taking over certain areas, terrorizing residents, and maintaining

continual youth warfare" (ACLU, 2017, p. 4). The genocidal rhetoric used to describe

young Black and Brown children during these decades mimicked descriptions of Black

people during the era of slavery – animals, feral packs, savages, and predators – and

served to designate children of color as less than human and thus not deserving of basic

human rights or dignity. These formal and informal discourses by administrators,

policymakers, public officials, and the media were all critical in shaping discussions in

the political arena. In turn, these discourses resulted in the design and implementation of

policies in both the education and juvenile justice system that hypercriminalized the

behavior of children of color.

A number of policies were enacted in the 1980's in response to the "War on

Crime" and "War on Drugs" that purported race-neutrality but were particularly

discriminatory in nature and had a disproportionate impact on children of color. Among

these were drug-free zone laws, zero-tolerance policies in schools, antigang laws, and the

transfer of children to adult courts (Urban & Wagoner, 2013). Under the guise of the

"War on Drugs" and the "War on Crime," these policies effectively promoted a "tough

on crime" mentality while simultaneously increasing racial and ethnic disparities in the

juvenile justice system through differential enforcement, the criminalization of youth

behavior based on race, ethnicity, and geographic location, and the expansion of police

presence and power.

These increasingly punitive policies and declarations of "war" resulted in the

transformation of the police state into what is now known as the Community Era of

policing. The Community Era is defined by decentralized, community-based strategies

and services for crime prevention and control, which continued to infiltrate schools

(Robinson & Scaglion, 1987). As police increasingly infiltrated communities during this era, they quickly expanded their influence into a number of settings and contexts, including public schools. Following multiple school shootings, including the Columbine school massacre, various federal policies and programs were implemented in the 1990's to increase the presence and militarization of police in schools. Although trends showed that there were no significant increases in juvenile violence and crime, media coverage and statements by political figures continued to assert that juvenile violence was a growing threat that needed to be addressed by establishing pervasive policing structures and tactics (ACLU, 2017). A number of policies and practices were implemented that explicitly criminalized the behavior of students of color. In 1989, Mumford High School in Detroit, Michigan, installed metal detectors in their predominately Black school in an effort to improve school safety (ACLU, 2017). This became one of the first recorded instances of the use of metal detectors in a public high school and precipitated a trend of using increasingly high-tech surveillance and security measures in urban, inner-city schools that would continue into the twenty-first century. In addition to this, the Gun-Free Schools Act of 1994 and the creation of the Office of Community Oriented Policing Services (COPS) allocated $9 billion dollars to police agencies across the United States to increase the number of law enforcement officials on the streets and in schools, with the goal of preventing crime and improving community relations (ACLU, 2017). By 1999, the National Crime Victimization Survey reported that 54% of students were experiencing law enforcement presence in schools (Stinson & Watkins, 2013).

The state of education during the final two decades of the 20th century shared significant similarities, even under the different administrations of Ronald Reagan,

George H.W. Bush, and Bill Clinton. Reagan did not increase federal support of education during his term, instead seeking to reduce or, if possible, completely remove federal spending in educational affairs. His pursuit of eliminating the federal Department of Education, implementing tax credits for private school tuition, and reinstating prayer in public schools were mirrored by his successor, George H.W. Bush. Though both presidents were unsuccessful in achieving their educational goals, they were successful in "curtailing and sometimes reducing federal educational spending, in raising public concern over moral education and school violence, and in sustaining nationwide momentum for school choice plans" (Urban & Wagoner, 2013, p. 318). The result of the Reagan-Bush era was a "substantial diminution of almost every aspect of federal financial support for education and, if not an overt disdain, an obvious lack of support for public education" (Urban & Wagoner, 2013, p. 312).

Another defining characteristic of the final two decades was the pervasiveness of social issues – including poverty, drugs and violence in schools, the continued failure of desegregation, increasing multiculturalism, and immigration – that were attempted to be solved through naïve social and educational policies. These problems epitomized the ways in which the political sphere had gradually increased its scope and influence in education policy. The political was dominating over educational issues and educational professionals were failing professionals to provide a counterdiscourse that emphasized pedagogy, child psychology, teaching, learning, and the experiences of students in real schools. It was in this context that movements towards further accountability and standardization through testing and rankings increasingly took hold, despite their inability to provide effective indicators of educational success. In the present-day, schools are

increasingly casts as being the institutions responsible for solving these multifaceted and complex problems, which are often "not solely or even preponderantly a school problem" (Urban & Wagoner, 2013, p. 338).

Education as a Market Activity and the Infiltration of Punitive Policies in Schools

George W. Bush was elected president in 2000 following Clinton's personal scandal and impeachment trial, albeit not without significant controversy regarding the election outcome in Florida. Following the decision made by the Supreme Court to end the recount of the Florida vote, controversy over the election quickly evaporated amidst the terrorist attack on the World Trade Center and the Pentagon on September 11, 2001. Following Bush's subsequent "war on terrorism," the nation's attention was turned away from domestic affairs and instead focused on global issues, especially foreign policy and national defense as a measures of homeland security. Despite this, Bush still made an impact on educational policy during the regular renewal of the Elementary and Secondary Education Act in 2001. His renewal, referred to as "No Child Left Behind" (NCLB), effectively "institutionalized standardized testing as the vehicle by which public school would be measured" (Urban & Wagoner, 2013, p. 351). NCLB mandated that any school receiving federal funds engage in testing and enacted negative consequences onto underperforming schools. NCLB proved to be problematic for a number of reasons; most notably, it failed to recognize that the causes of failing schools were often predictable. The number of English language learners, the socioeconomic status of students, and the population of special education students seemed to determine the likelihood of an underperforming school more so than a specific educational practice or policy in place (Cibulka, Cooper, & Fusarelli, 2015; Urban & Wagoner, 2013). Standardized testing did

nothing to repair failing schools, but rather resulted in the deterioration of morale among students and teachers alike. In sum, the legacy of Bush's impact on education is one in which standardization, uniformity, and accountability were stressed in the absence of necessary reforms to improve achievement and educational success.

For many, the victory of Barack Obama in the 2008 election represented another pivotal success in the struggle for racial justice. For the first time in United States history, a Black man was elected president. Expectations that his presidency would bring substantial changes, especially in the lives of marginalized Americans, were high. Though he delivered on many of these expectations in other systems, tangible progress in education was lacking. Because he had never served as a governor prior to his terms as president, he had limited experience developing or executing educational policy (Cibulka, Cooper & Fusarelli, 2015; Urban & Wagoner, 2013). Like Bush and Clinton, he had attended private schools throughout his childhood and had attended Ivy League universities, as did his wife and children, making him unfamiliar with the public-school system. In addition to this, his work as a community organizer in Chicago often placed him in parent advocacy roles in resistance to the public-school system. These factors all contributed to Obama's hesitancy to stray far from the educational initiatives of the previous two administrations (Cibulka, Cooper, & Fusarelli, 2015). From the Reagan era to the Obama era, education reforms were increasingly converging along similar themes related to "greater accountability, performance evaluation (including merit pay), standards and assessment, and expanded school choice" (Cibulka, Cooper, & Fusarelli, 2015, p. 201).

The major educational provision of the Obama administration was Race to the Top. With Race to the Top, states competed to receive federal funding by adopting a number of measures. Funding would be given to states who pledged to "adopt charter school legislation, increase the academic rigor of their teacher employment and evaluation systems, raise their academic standards, and effectively measure and report student achievement based on those standards" (Urban & Wagoner, 2013, p. 353). Although more than half of the states in the U.S. altered at least one educational policy to reflect Race to the Top mandates, only eleven fully complied to the extent necessary to receive funding. Criticisms and resistance to Race from the Top came primarily from conservatives who felt that the federal government had outstripped its role in education and educators and teachers unions who were convinced that "the entire regimen that underscore Race to the Top and other accountability oriented reforms was miseducational" (Urban & Wagoner, 2013, p. 354).

Another significant educational change during Obama's administration was the adaptation of common core standards, developed and influenced largely by educational bureaucrats and executives at the state level. The common core standards movement characterizes the continuous theme of uniformity and excellence and emphasizes education for economic benefit. These notions were further supported by the explosion of charter schools.

Longstanding debates in the educational reform movement existed around making education a market activity by "giving parents a choice for their children among various schools, analogous to the choices that American consumers have in their economic world" (Urban & Wagoner, 2013, p. 358). Unlike the voucher plans of the previous

decades, charter schools represented a new form of school choice that operated within the public school system. Advertised as "public schools of choice," charter schools are unconstrainted from a number of state mandates and district supervision related to school operation and policies (Urban & Wagoner, 2013; Webb, Metha, & Jordan, 2013). Since the passage of the first charter school law in Minnesota in 1991, charter school enrollment has increased substantially. Despite the promise of charter schools to offer superior educational opportunity and increase achievement, studies have generally concluded that they fail to "raise student achievement over that in regular public schools in over two thirds of the cases studied" (Urban & Wagoner, 2013, p. 360). Regardless of this fact, supporters of the charter school movement remain adamant that charter schools offer a viable alternative to the excessive bureaucratic control of the public schools that render them ineffective in providing education to children. The marketization and privatization of education facilitated the continued infiltration of police into public schools.

In addition to the implementation of new federal policies within the education system, the 21st century expanded the presence and power of police in schools led to the enactment of various educational policies that were both punitive and exclusionary. These "zero-tolerance" or "three-strikes" disciplinary policies disproportionately affected students of racial and ethnic minorities, and resulted in the mandatory suspension or expulsion of students for certain school-based offenses (ACLU, 2017). By the early 2000's, criticism of school police had arisen from multiple parties that addressed a continued lack of meaningful community engagement and punitive school discipline practices. The devastating effects of "zero-tolerance" policies and exclusionary practices

had been brought to light through a variety of research, Senate hearings, and civil rights initiatives (ACLU, 2008; Committee on the Judiciary United States Senate, 2012; Hirschfield, 2008; Keleher, 2000; Petteruti, 2001; Skiba, 2008). Yet even still, the first decade of the 21st century brought way to increased fears of terrorism, and the presence of police in schools continued to be justified under the guise of homeland security measures (ACLU, 2017). Even after federal funding through the COPS initiative ended in 2005, state and local districts and police departments continued to support school resource officer programs through other general grant funds (ACLU, 2008).

By 2013, a wave of gun violence and heinous school shootings exacerbated the public's false fears of juveniles and misguided concerns for school safety and justice. In response to the Sandy Hook shooting in which 20 children and 6 adults were killed, President Barack Obama developed the *Now is the Time* initiative. It sought to increase mental health services, gun regulations, and school safety equipment, and also called for the increased presence of police and counselors in schools. Of all the proposed measures, school policing and SRO programs received the largest amount of federal funding, expanding the presence of police in schools significantly (ACLU, 2017). A variety of other federal, state, and local grant programs have continued to increase the presence and power of police in schools. The *Comprehensive School Safety Program*, implemented in 2014, provided $150 million dollars to add an additional 1,000 school resource officers to public schools (James & McCallion, 2013). In addition to this, the *Safe and Drug-Free Schools and Communities Act* has added over 17,000 police officers to schools across the U.S. since its implementation in 1994 (James & McCallion, 2013). Federal funding for school police has led to the creation of multiple sub-grants, block grants, and state grant

programs that aim to increase the number of police officers in schools. By 2009, every state in the United States had employed police in schools and the National Association of School Resource Officers (NASRO) had over 9,000 members (NASRO, 2012). Federal data shows that there are now over 44,000 part and full-time law enforcement officers employed in schools around the country (NASRO, 2012).

Neoliberalism, Privatization, and the Coalescence of the Education and Criminal Justice Systems

The sensationalized victory of Donald Trump in the 2016 presidential election was followed by the nomination of billionaire Betsy DeVos as the new Secretary of Education. The Trump administration and DeVos have made school-choice a national goal, strongly supporting voucher programs and charter schools, which they assert prepare students to compete in a global economy. Along these same lines, as a top-down curriculum and federal mandate, the administration has opposed Common Core. Trump's term has been marked by activism by teachers and students, including a number of teacher strikes and student walkouts across the nation for issues related to teacher pay, class sizes, lack of supportive staff including nurses, counselors, and social workers, and school safety. A general theme from his presidency is a continued lack of support for public education, both ideologically and financially, and constant opposition from civil rights groups, Congressional Democrats, and education advocates. These groups claim that an absence of experience in public education, a public record of attacking the rights of marginalized people, and significant financial contributions to for-profit education companies smear the administrations' ability to effectively protect the educational rights of all children in America.

Presently, educational institutions exist entrenched in "a neoliberal era characterized by corporatism, rugged individualism, and privatization" (Martin & Strom, 2017, p. 4). A consequence of this neoliberal era is the increasing prevalence of "corporate education" reforms that "emphasize individual accountability through narrow, high stakes measures and the privatization of public schools through charters and voucher schemes that systematically starve public education of its financial resources" (Martin & Strom, 2017, p. 4). Though cloaked in a guise of educational equity, these corporate education reforms contribute to a status quo in education that has exacerbated historical and persistent inequalities among students and communities of color (Martin & Strom, 2017). Some have argued that the presidency of Donald Trump has moved the nation into a "new political period that combines aspects of ultra-conservativism, White ethno-nationalism, corporate statehood, and authoritarianism" (Martin & Strom, 2017, p. 5). Now, students must navigate the education system under a powerful political rhetoric of nationalism and xenophobia. The Trump administration places significant emphasis on school choice while simultaneously silencing discussions of educational equity. Scholars argue that these silences are intentional, working to "maintain a specific racialized social order whereby educational and economic opportunity gaps, which disproportionally affect students of color and children with economic need, are linked to structural disinvestment in… education and care" (Castro & Green, 2017, p. 913). Through market-based reforms such as vouchers and school choice, the Trump administration has effectively weakened the public education system and further exacerbated segregation along the lines of race and social class, falsely positioning equity and choice as "dichotomous processes" (Castro & Green, 2017, p. 913).

In the present day, the education and juvenile justice system have failed to achieve racial justice and equity for children of color. The resurgence of segregation, widening achievement gap, disproportionately in discipline, and inequitable funding of schools and access to resources represent a select number of the multitude of issues that continue to plague the educational experiences of students of color. These issues are compounded by inequities and injustices against children of color in the criminal justice system, including overrepresentation of children of color in police contact, arrests, and incarceration. Thus, inequities in the education system exacerbate inequities in the criminal justice system, and vice versa, in a mutually reinforcing and cyclical fashion. These issues are symptomatic of larger, structural factors in U.S. society and its history. Since its inception, the education and juvenile justice systems have existed as a way to criminalize, exclude, deculturize, and subordinate children of color.

The historical development of the education and criminal justice systems evidences the ways in which racial and ethnic disparities and inequities are by design. Since their inception, both the education and criminal justice systems have existed to exclude, subordinate, and control children of color. The disenfranchisement and dehumanization of children of color is foundational to both systems. Criminal justice policies are now blurred with educational policies, effectively coalescing the education and criminal justice systems.

Chapter Two

Education and Justice in Modern U.S. Society

The previous chapter has evidenced a multitude of ways in which racialized narratives about Black and Brown youth have enabled the design and implementation of increasingly repressive, punitive, and crime-fixated policies that perpetuate discrimination in practice. The education and criminal justice systems are now enmeshed with one another, resulting in contemporary policies and practices that effectively entangle children of color in a process of systemic criminalization and exclusion. Urban public schools now exist under repressive discipline regimes that criminalize the behavior of Black and Brown youth through exclusionary practices, surveillance and security measures, and school police. As students are criminalized in and excluded from schools through zero-tolerance policies, surveillance and security measures, and school police, they become increasingly entangled in the juvenile and adult criminal justice system, leading to eventual incarceration.

Exclusionary Practices and Zero-Tolerance Policies

Since their initial inception in the 1980's, educational policy has worked in conjunction with law enforcement efforts to criminalize student behavior and exclude students from school through the implementation of "zero-tolerance" or "three-strikes" policies. These policies employ a system of mandatory, predetermined punishments for any offense in the form of suspensions, expulsions, and referrals to the justice system. Many zero-tolerance policies include mandatory expulsion for weapons, drugs, or gang-related activity. In addition to this, school districts have adopted zero-tolerance policies that are vague and broadly applicable, often involving student behavior such as

noncompliance and disorderly conduct. Rather than addressing only serious or violent offenses, zero-tolerance policies now apply to non-serious student behaviors as well, including tardiness and general "school disruption" (ACLU, 2017, p. 9). National Association for the Advancement of Colored People (NAACP) found that over 90% of school systems had implemented some form of zero-tolerance policies (NAACP, 2018). As the pervasiveness of zero-tolerance policies continues to grow, students feel powerless amongst disciplinary practices that are increasingly punitive and exclusionary. As one student from a mid-Atlantic high-security public high school described, "[Administrators and teachers] write people up like there's no tomorrow. There's no detentions; I mean there are detentions, but they'll skip detention and go straight to referral; they want them out of the class and they want suspension" (Bracy, 2011, p. 380).

Zero-tolerance approaches rely on punitive policies that enforce suspensions, expulsions, and referrals to the justice system, often for minor and trivial offenses. When law enforcement officials are present in schools through SRO programming or other means, student behavior and disciplinary issues under zero-tolerance policies are now constituted as crimes. Law enforcement officials often deal with disciplinary issues that were once handled within the school by administrators, enforcing discipline under criminal codes. These zero-tolerance policies, coupled with the presence of police, effectively criminalize student behavior and push students out of school and into the juvenile or adult criminal justice system. According to the NAACP, zero-tolerance and punitive policies in schools serve to "remove children from mainstream educational environments and funnel them onto a one-way path toward prison" (NAACP, 2018). The Advancement Project, a human rights organization focused on equality and justice

initiatives, describes how zero-tolerance policies have "engendered a number of problems: denial of education through increased suspension and expulsion rates, referrals to inadequate alternative schools, lower test scores, higher dropout rates, and racial profiling of students" (Heitzeg, 2014, p. 11).

Zero-tolerance policies are especially problematic for the ways in which they disproportionately affect students of racial and ethnic minorities, students with disabilities, and students of low socioeconomic status. Although zero-tolerance policies have dramatically increased rates of suspensions and expulsions for all students, students of color – especially Black students – are disciplined at disproportionately high rates. These disparities result from institutional racism within the education and justice system, biases from administrators and SROs, and the "statutory vagueness, inconsistent application, and lack of due process" associated with zero-tolerance policies (Heitzeg, 2014, p. 96).

There are copious amounts of data that highlight the severe racial disparities in discipline in every state across the nation. In a testimony to the U.S. Commission on Civil Rights, researchers from the Applied Research Center (ARC) found that racial disparities in suspensions and expulsion existed in every school district studied, and that zero-tolerance policies have a "disproportionate adverse impact on students of color" (Keleher, 2000). The Civil Rights Division of the U.S. Department of Education reported that African-American students are three and a half times more likely to be suspended or expelled when compared to their white peers. Although African-American students make up only 18% of the entire student population, they account for 35% of those suspended once, 46% of those suspended more than once, and 39% of all expulsions (Blad &

Harwin, 2017). Even when classroom characteristics and child behavior is controlled, children of color are six times more likely to be suspended for disruptive behavior than their white peers (Blad & Harwin, 2017). Under zero-tolerance policies, Black and Latino students represent 56% of all expulsions, even though they make up only 46% of the entire population (Heitzeg, 2014). These populations of students represent 70% of all school-based arrests and referrals to the justice system (Heitzeg, 2014). In some states, these statistics are even more severe – a study conducted by the University of Pennsylvania found that 13 states in the south were responsible for 50% of all expulsions of African-American students (Kappeler, 2014). The same study found that in 84 of these school districts, 100% of the students suspended were African-American (Kappeler, 2014). Even preschool-aged students face significant disparities in disciplinary practices, with African-American preschoolers accounting for half of all suspensions, despite being only 18% of the children in preschool (Kappeler, 2014). There is no evidence that difference in race or types of misbehavior results in racial disparities in discipline. School administrators and police therefore differentially enforce zero-tolerance policies, resulting in significant racial disproportionality.

Surveillance, Security Measures, and School Police

Searches, seizures, and surveillance methods define the current school security culture in the United States. These methods of surveillance work in tandem with police officers to exploit the rights of children. According to the National School Board Association, 75% of schools use locker searches (National School Boards Association, 2018). Moreover, states across the country employ policies that directly surveil and monitor the behavior of children. Interquest Detection Canines in Texas provides drug-

sniffing dogs to over 1,000 schools in 14 states (Beger, 2002). In Arizona, the Sierra Vista school district has partnered with the U.S. Customs Service to train drug-sniffing dogs by searching student lockers, classrooms, and school property (Blad & Harwin, 2017). A high school in Massachusetts remotely feeds surveillance footage from 20 cameras to the local police department. In Dallas, a "security conscious school" houses six metal detector, 37 surveillance cameras, and a security command center for school police (Beger, 2002). In Los Angeles, undercover police officers engaged in a sting operation in which they infiltrated local schools, pretending to be students, in order to make over 200 drug buys (Lait, 1999). One of the undercover officers described his work attending classes, school events and off campus parties with students, stating "I knew I had to fit in, make the kids trust me and then turn around and take them to jail" (Schneider, 2001, p. 12). Schools employ SWAT team raids and "blitz operations", in which students are driven into school hallways unannounced for weapons searches and discipline enforcement (Keleher, 2000). Multiple schools in the U.S. post signs warning students that they are consenting to searches of their vehicles and property "with or without cause" by parking in school lots, using school lockers and otherwise being on campus (James & McCallion, 2013).

The presence of police in schools interferes with students' learning in a multitude of ways. They are deeply entwined in a process of exclusionary practices that remove students from school, effectively denying children their right to an education. SROs directly arrest and refer students to the justice system, which often also involves a subsequent suspension or expulsion from school. As students are excluded from school and involved in the justice system, they face a lifetime of collateral consequences that

affect their education, employment, and daily lives into adulthood. Involving youth in the justice system results in a lifetime of "missed opportunities, poorer life outcomes, and increased chances of future incarceration" (Petteruti, 2011, p. 18). In Victor Rios' (2011) book on the hyperpolicing of Black and Latino boys, Jose, a student from Oakland, California, recounts the first time he was arrested by a police officer at school at only eight years old:

> The first time was in third grade. I had set the bathroom garbage can on fire. We ran away, and they caught us and handcuffed us... I was just trying to do something funny. Police came and arrested me and my friends. They only had one pair of handcuffs, and they handcuffed me and my friend together. This is the first time I got arrested. I also flunked that year (p. 57-58).

SROs interfere with students' learning in the ways that an increased police presence at schools creates a climate of fear, mistrust, and alienation (Theriot, 2016; Petteruti, 2011; Theriot & Orme, 2016). School police can become involved in a cycle of hostility and antagonism with students, which may increase incidences of violence and misbehavior and lead to more arrests (Blad & Harwin, 2017; Petteruti, 2011). School resource officers have been increasingly exposed for instances of abusive use of force and brutality against students. When police are present in schools, police brutality extends into the classroom. Students – as young as five years old – have reported being tasered, body-slammed, choked, pepper sprayed, and hit with batons by school police (Klein, 2018).

Despite evidence of abusive use of force by police against students, there are no official data sources to track the rates by which students are receiving physical punishment by police in schools. Independent researchers have begun to investigate incidences of police brutality in schools, finding that in 2017, 20 students were tasered,

16 were pepper sprayed, and 2 were victims of physical assault (including body slamming, choking, dragging, or wrestling) at the hands of school resource officers (Klein, 2018). A lack of transparency regarding how often police use force, including weapons, against students is of grave concern. Although school police are intended to increase school safety and improve community relations between students and law enforcement, they engage in practices that promote the opposite (Beger, 2002; Pentek & Eisenberg, 2018). Students become victims of emotional and physical trauma that increases tensions between police officers and the communities of color that they have sworn to serve and protect. In Futterman, Hunt, and Kalven's work on youth/police interactions in Chicago (2016), they interview Jazmine, a senior in high school who had a friend who was shot and killed by police. She describes the fear and physical reaction she experiences when around school police:

> It's scary because you don't know what's gonna happen next. So, when it's going on... my heart will be beating real fast, I'll be scared, my legs'll be shaking... I'll be like, 'What's gonna happen next if I do something wrong, if I move a certain way, and they interpret it wrong?' They might... pull out a gun... You hear it in my voice, like it's trembling (p. 9-10).

These repressive and aggressive police tactics not only create a climate of fear, mistrust, and alienation by students at school, but are differentially applied to schools across the lines of race, ethnicity, and social class. The 2010 Indicators of School Crime and Safety report found that the majority of surveillance measures are concentrated in urban areas with high populations of students of racial and ethnic minorities, indicating that security measures and privacy violations may disproportionately impact students of color (US Department of Education, 2018). Other studies have evidenced how students in high-poverty urban schools experience "invasive police searches and security screening

far more often than their suburban counterparts" (Monahan & Torres, 2009, p. 11). A study conducted by the U.S. Department of Education found that SROs are more likely to be employed at schools with high populations of students of color (United States Department of Education, 2017). Given that a positive and safe school climate is essential to promoting students' learning, achievement, and involvement in school, the expanding presence and power of police in schools becomes especially problematic (Theriot & Orme, 2016).

Historical analysis has evidenced the ways in which educational policies and practices have shifted to become increasingly punitive, controlling, and crime-fixated. In the present-day, children of color are subjected to carceral rituals that involve searches, surveillance, arrests, use of force, and practices of exclusion. Zero-tolerance policies, surveillance methods, and school resource officers thus constitute an "arterial power structure… in which power is differentially distributed and discipline is differentially experienced" across the lines of race and ethnicity (Monahan & Torres, 2009, p. 69). These practices and policies forward a criminalizing agenda by endorsing the dominant rationale of criminal justice policies in contemporary society – deterrence, surveillance, and incapacitation. In public schools, the merging of the education and criminal justice systems has resulted in the design and implementation of policies that explicitly criminalize the behavior of children of color, resulting in their exclusion from schools and entrenchment in prisons. The impacts of the coalescence of education and criminal justice is extensive – these criminalizing practices and processes now extend into all systems and structures in contemporary U.S. society.

Chapter Three

Criminalizing Education

"That school was run more like a prison than a high school. It don't have to be nothing illegal about it. But you're getting arrested. No regard for if a college going to accept you with this record. No regard for none of that, because you're not expected to leave this school and go to college. You're not expected to do anything." (JW—Former inner-city high school student, current maximum-security prisoner, as quoted in Hirschield, 2008, p. 79).

In the present-day, Black and Brown children are hypercriminalized across all settings and contexts. The expansion of the criminal justice system and penal state into the education system has resulted in the formation of a youth control complex that controls racialized bodies and criminalizes the everyday behavior of children of color. Children now must navigate society under an "unintended system of interconnected institutions" that effectively brands, controls, subordinates, and excludes them (Rios, 2007, p. 52). The hypercriminalization of Black and Latino youth in the U.S. is deeply rooted in a history of racism and white supremacy, in which colonial powers developed and institutionalized systems that perpetuated racial inequality and subordination. The prioritization of crime and punishment and the obsession with repressive and aggressive policing tactics, surveillance, security, and punitive penal and educational practices is a manifestation of continued racial inequality and subordination in present-day society.

The Hypercriminalization of Black and Brown Youth

"Man, it's like every day, teachers gotta sweat me, police gotta pocket-check me, mom's gotta trip on me, and my PO's gotta stress me... It's like having a zookeeper watching us at all times. We walk home, and we see them; we shoot some hoops, and we see them; we take a shit at school, and we see them... just waiting for [me] to fuck up" (Jose, a Latino youth from Oakland, California, as quoted in Rios, 2011, p. 82).

Criminalization can be understood as "the process by which styles and behaviors are rendered deviant and are treated with shame, exclusion, punishment, and

incarceration" (Rios, 2011, p. xiv). Children of color experience criminalization beyond the law – this process crosses various social contexts and occurs across a number of social institutions, including schools, police, probation officers, the media, neighborhoods, community centers, businesses, families, and other institutions (Rios, 2011). Across all social contexts and in every setting, children of color are hypercriminalized, as their everyday behaviors are "ubiquitously treated as deviant, threatening or criminal" (Rios, 2011, p. xiv). This ubiquitous criminalization creates the youth control complex, a system in which the everyday behavior of children of color is systematically treated as criminal activity (Rios, 2011). As one student from Chicago describes, the possibility of being stopped by police is ever-present – "I'll just be walking with my friends or something. Or I could be walking by myself. And [the police] pull up... 'Get on the car!' Or, 'Get on the wall!' 'Spread your legs. Put your hands up. Put your hands on the gate. Don't move.' Searching my pockets" (Hunt, Kalven, & Futterman, 2016, p. 7). When asked by interviewers on how often this happens, the youth states "Pretty much every time I go outside" (Hunt, Kalven, & Futterman, 2016, p. 7).

This youth control complex has developed as a result of the punitive expansion of the state, which has deeply embedded racialized punishment into all institutions of socialization and control (Rios, 2011). The complex is shaped by the "synchronized, systematic punishment meted out by socializing and social control institutions" (Rios, 2011, p. 40). It is the combined effect of an array of social institutions that are interconnected in a web that collectively stigmatizes, punishes, surveils, and criminalizes youth of color for the purpose of controlling them (Rios, 2011). This youth control complex has developed as a result of the punitive expansion of the state, which has

enabled racialized punishment to exist in all institutions of socialization and control. The complex consists of both material and symbolic criminalization. Harassment by police, zero-tolerance policies that enforce detention, suspensions, expulsions, and incarceration, and exclusion from public spaces and businesses constitute material criminalization (Rios, 2011). Symbolic criminalization is manifested through surveillance methods, profiling by police, stigmatization, and demeaning interactions that children of color frequently bear (Rios, 2011).

The hypercriminalization of youth has occurred not because of an increase in crime, but from institutionalized racism and "the failure of traditional institutions of governance like the welfare state, labor market, and the education system and form the states inability to provide social and economic security" (Rios, 2006, p. 43). Existing in a Black or Brown body means that from birth, youth face stigmatization and criminalization in every setting in their community. Criminal justice policies veer far from rehabilitation and prevention. Instead, a crime control model has been created alongside a carceral system that operates to manage and control poor Black and Brown bodies (Rios, 2006). In the present-day, the criminal justice enterprise has permeated all institutions, including schools, families, and community centers, effectively creating a "unified and uniform criminalizing system," diverging the philosophies and practices of these social service institutions and "mimicking the punitive grip of the criminal justice system" (Rios, 2006, p. 51). Black and Brown youth experience criminalization "in multidimensional layers and in multiple social settings," across all significant spaces in their lives (Rios, 2006, p. 44). Youth of color experience hypercriminalization because

their behavior, their bodies, and their very being is criminalized in every setting and context that they navigate, including schools.

Criminalization in Public Schools

There are a multitude of pervasive and interconnected factors that affect children of color. Youth are subjected to a form of systemic violence that permeates all aspects of their life (Reyes, 2012). These forms of systemic violence include poverty, underfunded and inadequate schools, and endemic and systemic racism, among many others (Reyes, 2012). As the previous chapters have highlighted, the media also commits a form of symbolic violence against Black and Brown youth by demonizing their behaviors and creating a moral panic and illogical fear among the public. In addition to this, the education system commits a form of legal violence against students of color through "differential treatment, disparate impact, and denial of education as a human right" (Reyes, 2012, p. 15). By subjecting children of color to systemic and legal forms of violence and framing them as delinquent and deviant, ideological processes take place that legitimate exclusionary policies and practices, methods of surveillance and security, and school police. These processes, policies, and practices effectively criminalize the behavior of Black and Brown youth to "forge institutional linkages between schools and our criminal legal system" (Reyes, 2012, p. 15).

Neoliberal ideologies effectively fuel an economic, political, and social climate that seeks to control Black and Brown youth through public education institutions. Educational neoliberalism exerts social control through methods of surveillance, expanding police presence and power, and exclusionary policies in schools. By surveilling, criminalizing, and excluding children of color, the education system works in

tandem with the criminal justice system to control children of color. Neoliberalism has played a significant role in producing disenfranchised and marginalized populations, including children of color, that are simultaneously "abandoned by the left arm of the state (welfare) and gripped by the punitive right arm of the state (criminal justice)" (Rios, 2011, p. 29). Understanding the effects, consequences, and purposes of criminalizing Black and Brown youth in public schools requires a recognition into the ways in which disciplinary power relations are deeply embedded into the foundation of the education system. Disciplinary strategies that criminalize the behavior of youth, including metal detectors, security cameras, school resource officers, and zero-tolerance policies are situated in a broader historical, political, economic, and social context in which power relations are inextricably entrenched.

Criminalization in schools should be conceived broadly as encompassing both the ways in which policymakers and school actors conceive and communicate about issues related to student discipline as well as a multitude of school practices including "architecture, penal procedure, and security technologies and tactics" (Rios, 2011, p. 175). Scholars have extended conceptions of criminalization into the symbolic realm, establishing that in political contexts, non-crime problems are framed through a rhetoric of crime and punishment. Throughout the geographic and socio-economic spectrum, the framing of informal and formal discourse has resulted in the design and implementation of education policy solutions that "share the structure and logic of crime control" (Hirschfield, 2008, p. 81). "No Excuses" urban charter schools represent one of the ways in which school policies and practices are increasingly framed through a discourse of crime and punishment. These schools utilize the "broken windows" logic of policing and

apply it to behavior management of students, often taking a militaristic approach that includes extensive systems that rewards submissiveness, control, and passive obedience and punishes the opposite through exclusion (Golann, 2015).

The criminalization of student behavior through disciplinary policies and practices takes two forms in public schools. In the first form, criminalization is accomplished through concrete, legislative mandates that refer school-based offenses to the criminal justice system, such as zero-tolerance or "three-strikes" policies (Hirschfield, 2008). Secondly, criminalization is accomplished through practices that stipulate the treatment of students as criminals, including metal detectors, school resource officers, and drug-sniffing dogs (Hirschfield, 2008). These practices and policies criminalize the behavior of youth of color in public schools to effectively exert social control over Black and Brown bodies in the broader society.

In schools, spatial design operates as disciplinary regimes of power. It is important to note that space is, by nature, political, "constitutive of social relations and contexts" (Monahan & Torres, 2009, p. 8). Public schools now exist as exceedingly fortified spaces with "fences, walls, and gates, secured with bars on windows and high-tech security checkpoints, and frequently locked down like prisons" (Monahan & Torres, 2009, p. 8). The expanding presence and power of SROs then serve to complement and enforce these fortified measures. Finally, zero-tolerance policies guarantee that certain actions will be designated as explicitly criminal to normalize processes of exclusion. Surveillance apparatuses, SROs, and zero-tolerance policies reinforce the process of criminalization, exclusion, and control in a circular fashion. At their core, these processes of surveillance, enforcement, control, and exclusion are "about the structuring of power

relations through human, technical, or hybrid control mechanisms" (Monahan & Torres, 2009, p. 2). Given that the U.S. education system purports a progressive goal of equality, the use of these methods to target, sort, criminalize, and control children along the lines of race, class, and ethnicity warrants further critique, especially as the education system, criminal justice system, and private industries continue to enmesh themselves in one another.

As the criminal justice system continues to permeate other institutions, including public schools, children of color are increasingly criminalized in and across all settings and contexts. In public schools, the punitive grip of the criminal justice system is most evident in the pervasive use of zero-tolerance policies, surveillance and security measures, and school police. Through concrete and symbolic forms of criminalization, these practices effectively exert social control over Black and Brown bodies. The result of these criminalizing practices and processes is the exclusion of children of color from schools and their entrenchment in prisons through the school-prison nexus.

Chapter Four

The School-Prison Nexus

The process by which students are excluded from schools and forced into the criminal justice system has been metaphorically described by scholars as the "school-to-prison pipeline" (STPP). This chapter will challenge the use of this metaphor in conceptualizing processes of criminalization and relationships between the education and criminal justice systems and more specifically, between schools and prisons. By highlighting the shortcomings of existing scholarship on the STPP and then critiquing the "pipeline" metaphor itself, it will instead propose the use of the term "school-prison nexus" as a more accurate and complete conceptualization. In this nexus, the education and criminal justice systems exist in a complex, interconnected, and intentional relationship with the political economy, neoliberal globalization in education, and the prison-industrial complex. In the present-day, the education system, criminal justice system, and political economy converge to reinforce and codify the school-prison nexus.

Deconstructing the "Pipeline" Metaphor

The existing literature that attempts to conceptualize the complex relationship between the education and criminal justice systems as a "school-to-prison pipeline" (STPP) is flawed for a number of reasons. Scholarship on the pipeline is narrowly focused, ahistorical, and fails to capture the "relational nature of social phenomena" (McGrew, 2016, p. 365; Meiners, 2007; Sojoyner, 2013). In addition to this, it lacks a solid theoretical grounding and addresses specific social practices and instrumental reform proposals (Sojoyner, 2013). All of this contributes to an analytic model that is overdetermined and produces solutions that are undertheorized (McGrew, 2016).

Additionally, the metaphor itself falsely establishes a cause-and-effect relationship which results in the conceptualization of a trajectory between schools and prisons that is too linear and simplistic (Meiners, 2007). Moreover, both the existing literature and the metaphor lacks structural limits that address the function and necessity of educational failure, exclusion, and mass incarceration in the political economy.

Critique of the Existing Literature on the School-to-Prison Pipeline:

Firstly, literature on the STPP increasingly describes the metaphor as a social phenomenon. In the literature, descriptions of "the pipeline" are often communicated as a proper noun, establishing "the pipeline" as the explanation for the educational exclusion and incarceration of children of color[2]. In much of the literature, the STPP is not designated as a metaphor but rather, a social phenomenon[3]. The danger of interpreting metaphors literally can result in "uncritical acceptance, reification, and even misinterpretation of popular scholarship" (McGrew, 2016, p. 348). In the existing literature on the STPP, scholars overwhelmingly use the term without substantiating their claims on the existence of this pipeline[4]. Only two examples were able to be located in which scholars attempted to empirically test whether this pipeline existed[5].

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[2] Examples include: Kim, C., Losen, D., & Hewitt, D. (2010). *The School-to-Prison Pipeline: Structuring Legal Reform*. New York: New York University Press; and Boyd, T. (2009). Confronting Racial Disparity: Legislative Responses to the School-to-Prison Pipeline. *Harvard Civil Rights – Civil Liberties Law Review* 44, no. 2.

[3] Examples include: American Civil Liberties Union (2008). Dignity denied. The effect of "zero tolerance" policies on student's human rights. ACLU Press, New York: New York; and Burns, R. (2013). Prison Prep School: 'Zero-Tolerance' and 'Tough-on-Crime' Policies Put Students in a School-to-Prison Pipeline. *In These Times* 37, no. 2.

[4] Examples include: Losen, D. & Wald, J. (2003). Defining and Redirecting a School-to-Prison Pipeline. *New Directions for Youth Development*, 99; and Lozenski, B. & Psycher, T. (2014). Throwaway Youth: The Sociocultural Location of Resistance to Schooling. *Equity and Excellence in Education* 47, no. 4.

[5] Brichmeier, Z., Nicholson-Crotty, S., & Valentine, D. (2009). Exploring the Impact of School Discipline on Racial Disproportion in the Juvenile Justice System. *Social Science Quarterly* 90, no. 4; and Arrendondo, M., Skiba, R., & Williams, N. More Than a Metaphor: The Contribution of Exclusionary Discipline to a School-to-Prison Pipeline. *Equity & Excellence in Education* 47, no. 4.

In addition to this, much of the STPP literature is framed ahistorically. This framing neglects critical analyses across the lines of race, ethnicity, class, gender, and sex that are necessary in understanding the development of the education system, the criminal justice system, and the expansion of the prison nation (McGrew, 2016). In addition to this, though much of the STPP literature addresses issues of race, intersectional work that further expands upon multiple forms of bias, such as sexual orientation, country of origin, dis/ability, and others, is limited. Though some scholars provide a historical frame, many STPP scholars position issues of student discipline, criminalization, and exclusion as contemporary occurrences that deviate from then altruistic purposes of public education and situate instruments of social control as "rehabilitative reforms". For example, STPP scholar Christopher Mallett (2016) describes that:

> School districts and juvenile courts in the United States were never intended to operate in a collaborative paradigm.… The school-to-prison pipeline is a recent phenomenon, for punitive policies have not always existed within the schools or juvenile courts. During the nineteenth and most of the twentieth centuries, schools in the United States focused primarily on academic and learning needs while training students for postsecondary vocational occupations. On the other hand, juvenile courts were not even established until the nineteenth century, and they dedicated the first eighty years of their effort to rehabilitation of offenders, truants, and other wayward young people (p. 1-2).

This positioning ignores the historical reality of the education and the criminal justice system, which were from their inception designed to fuel capitalism by destabilizing the political and social power of people of color. Similarly, much of the existing literature on the STPP positions "the pipeline" as an emerging trend[6]. This framing fails to acknowledge that punitive disciplinary policies, school police, and the

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[6] Examples include: Kim, C., Losen, D., & Hewitt, D. (2010). *The School-to-Prison Pipeline: Structuring Legal Reform*. New York: New York University Press; and DeLisi, M., Hewitt, J., & Regoli, R. (1991). *Delinquency in Society.*

demonization of youth of color has occurred in earlier periods throughout history[7] (McGrew, 2016).

A second criticism of the STPP literature is that it is undertheorized. Much of the STPP literature lacks theoretical explanations for school exclusion and the incarceration of children of color. In some instances, the STPP has been described as a theory itself[8]. Though some STPP scholars cite Critical Race Theory, which provides a broader and more critical lens for analysis, there are a number of theories that are overwhelmingly absent from STPP literature and deserve greater attention. The first theory that warrants greater attention is the work of Bowles and Gintis on theories of reproduction in education. Building upon the Marx's work of correspondence theory, Bowles and Gintis explored the role of the education system in integrating children into the economic system. The reproduction theory of Bowles and Gintis has been criticized by a number of scholars, most notably Willis, who stressed that it ignores human agency and treats students as "dummies, dupes, or zombies" (Willis, 1977, p. 205). Willis' theory of production, which is frequently mistaken as resistance theory, is often applied as a remedy for this perceived lack of human agency. STPP pipeline literature largely ignores these theories of reproduction and the surrounding debates. Though a few examples of existing STPP literature considers some form of resistance theory, this same literature falsely states that resistance theory was first theorized by Willis or that resistance theory

[7] See Sojoyner, D. M. (2013). Black Radicals Make for Bad Citizens: Undoing the Myth of the School to Prison Pipeline. *Berkeley Review of Education* 4, no. 2; and Spring, J. H. (2007). *Deculturalization and the struggle for equality: A brief history of the education of dominated cultures in the United States.*
[8] Examples include: Teske, S. (2011). A Study of Zero Tolerance Policies in Schools: A Multi-Integrated Systems Approach to Improve Outcomes for Adolescents. *Journal of Child and Adolescent Psychiatric Nursing* 24, no. 2.

is consistent with production theory[9]. In addition to this, the STPP literature that directly applies reproduction theory to the STPP situates "the pipeline" as an instrument of reproduction[10]. Overwhelmingly, existing literature fails to acknowledge, address, or reject theories of reproduction, production, and resistance, demonstrating that the STPP literature is undertheorized (McGrew, 2016).

Secondly, much of the existing literature on the STPP fails to situate "the pipeline" in relation to the economic structure and capitalist production. The limited scholarship that includes terms such as "economic structure" or "capitalism" either uses the terms incidentally, in citations only, or does not expressively communicate a relationship between the economic structure and the STPP[11]. As a result, much of literature on the STPP asserts or implies an argument regarding the effects of education that is incompatible within a capitalist economic system. Existing scholarship on the STPP largely purports the idea that educating children will alleviate poverty and in turn, prevent incarceration. The argument follows as such: children who are excluded from school are more likely to become involved in the criminal justice system, and individuals who are incarcerated have lower outcomes, especially in terms of income. Thus, the more education one receives, the more money they make throughout their lifetime. These correlations create an explicit or implied argument in the STPP literature – ensuring that children are not excluded from schools enables them to participate in the economy and

[9] Examples include: Theodoropoulous, E. (2011). Off to School: A Comparative Study of Schools in the U.S. *CEPS Journal* 1, no. 2; DeLisi, M., Hewitt, J., & Regoli, R. (1991). *Delinquency in Society*; and Cramer, E., Gonzales, L., & Pellegrini-Lafront, C. (2014). From Classmates to Inmates: An Integrated Approach to Break the School-to-Prison Pipeline. *Equity & Excellence in Education* 47, no. 4.
[10] Examples include: Garcia, J. & De Lissovoy, N. (2014). Doing School Time: The Hidden Curriculum Goes to Prison. *Journal for Critical Education Policy Studies* 11, no. 4.
[11] Examples include: Porter, T. (2015). The School-to-Prison Pipeline: The Business Side of Incarcerating, not Educating Students in Public Schools. Arkansas Law Review 68, no. 55.

earn a living which prevents future incarceration[12]. This argument ignores the reality that education and incarceration exist "in a complex relationship with each other, and... in a relationship, individually and collectively, with the political economy" (McGrew, 2016, p. 356). Jean Anyon explored this complex relationship, suggesting that it would be impossible to alleviate issues of educational failure without addressing the economic structure (Anyon, 2011). Scholarship on the complex relationship between schools, prisons, and the economy must engage with structural analysis and Marxist theory. Within the political economy of late capitalism, instrumental microeconomic reforms cannot serve as solutions to macroeconomic structural inequality (McGrew, 2016; Apple, 2004; Freire, 1970; Sung, 2015).

The ahistorical framing and lack of theoretical grounding present in existing STPP literature results in a narrow focus on instrumental reform strategies, executed through education or criminal justice practices and policies[13]. STPP scholarship has explored in-depth issues related to zero-tolerance policies, punitive disciplinary practices, police in schools, teacher training, school funding, and the similarities between schools and prisons. In addition to this, STPP literature has proposed a number of solutions, including legislative changes, policy reforms, and litigation. The greatest issue with this

[12] Cramer, E., Gonzales, L., & Pellegrini-Lafront, C. (2014). From Classmates to Inmates: An Integrated Approach to Break the School-to-Prison Pipeline. *Equity & Excellence in Education* 47, no. 4; Arrendondo, M., Skiba, R., & Williams, N. More Than a Metaphor: The Contribution of Exclusionary Discipline to a School-to-Prison Pipeline. *Equity & Excellence in Education* 47, no. 4; and Green, K., Patterson, D., Shippen, M., & Smitherman, T. (2012). Community and School Practices to Reduce Delinquent Behavior: Intervening on the School-to-Prison Pipeline. *Teacher Education and Special Education* 35, no. 4.
[13] Examples include: Anull, E. (2012). Zero Tolerance, Frivolous Juvenile Court Referrals, and the School-to-Prison Pipeline: Using Arbitration as a Screening-Out Method to Help Plug the Pipeline. *Ohio State Journal on Discipline Resolution* 2, no. 1; Feierman, J., Kleinman, R., Lapp, D., Luse, M., Reiser, L., & Schwartz, R. (2013). Stemming the Tide: Promising Legislation to Reduce School Referrals to the Courts. *Family Court Review* 51, no. 3; and Losen, D. & Wald, J. (2003). Defining and Redirecting a School-to-Prison Pipeline. *New Directions for Youth Development*, 99

is that these solutions, including positive behavioral interventions, diversion programs, and restorative justice approaches are largely instrumental and fail to take into account the complex and overlapping interactions that occur between the macroeconomic context and broader social phenomena[14] (McGrew, 2016).

Moreover, by narrowly focusing on discipline within schools, existing STPP scholarship lacks exploration into the ways in which the discipline of people of color occurs across institutions and social settings. The focus on these social practices fails to recognize that the "commitment to punishment of Black and Brown bodies occurs spatially, outside of schools and through other means" (Annamma, 2017, p. 78). Retribution against Black and Brown bodies occurs outside of prisons and schools, and is situated within broader historical, political, economic, and racial complexities and contexts. By restricting focus to student behavior and specific practices and policies within the school setting, solutions generally follow the logic that changing behaviors and policies will reduce the number of children pushed out of schools and involved in the criminal justice system. This logic fails to take into account the possibility that the public education system, and the specific educational practices and policies within, are responses to "the actions taken by Black students that are perceived to threaten the status quo" (Sojoyner, 2013, p. 245). Overwhelmingly, existing STPP scholarship does not explicitly address the ethos of anti-Blackness that has been foundational to the development and enforcement of discipline in schools, and thus, fails to resist it

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[14] Examples include: Green, K., Patterson, D., Shippen, M., & Smitherman, T. (2012). Community and School Practices to Reduce Delinquent Behavior: Intervening on the School-to-Prison Pipeline. *Teacher Education and Special Education* 35, no. 4; Lospennato, R. (2009). Multifaceted Strategies to Stop the School-to-Prison Pipeline. *Journal of Poverty Law and Policy* 42, no. 11-12; and Boyd, T. (2009). Confronting Racial Disparity: Legislative Responses to the School-to-Prison Pipeline. *Harvard Civil Rights – Civil Liberties Law Review* 44, no. 2.

(Sojoyner, 2013). Current practices of school discipline – including surveillance methods, school police, and zero-tolerance policies – were designed as a way to repress Black liberation movements, culture, and autonomy within the public-school system (Sojoyner, 2013). STPP scholarship ignores the historical underpinnings of current practices of school discipline and in doing so, fails to acknowledge the ways in which discipline, curriculum, and policy in contemporary public education are "based upon an anti-Black praxis of repression of Black struggles for liberation" (Sojoyner, 2013, p. 261).

As a result, existing STPP literature proposes a number of reform strategies and interventions that seek to address what is described as "the pipeline problem" (McGrew, 2016, p. 357). Borne from the "pipeline problem" are "pipeline solutions" – instrumental reforms that squeeze out contributing factors and ignoring the complexity of interactions that occur between them. Schools and prisons are not connected by a metaphorical pipeline, they exist as "interconnected parts of the same political economy" (McGrew, 2016, p. 359).

Critique of the School-to-Prison Pipeline Metaphor

The problems evident in the existing literature on the STPP result from "the insidious influence that the pipeline metaphor exerts on thinking" (McGrew, 2016, p. 362). Metaphors have a powerful influence in structuring thoughts and understandings of reality in society (Huber, Martinez, & Sauleda, 2001; Lakoff & Johnson, 2003). In his work on educational slogans and metaphors, Scheffler cautions against their use, stating that "every metaphor is limited... giving only a certain perspective on its subject... where a particular metaphor is dominant, comparison helps in determining its limitations, and in opening up fresh possibilities of thought and action. It is thus wise to be critical about

accepting metaphors in a given context that have proved illuminating elsewhere"
(Scheffler, 1960, p. 51-52). The STPP metaphor exists as both an orientational metaphor
and an ontological metaphor. As an orientational metaphor, the STPP metaphor is based
in a "physical experience of the material world" (McGrew, 2016, p. 363). The STPP
metaphor also functions as an ontological metaphor, in which an experience is
conceptualized as an entity, essentially personifying the object of "the pipeline"
(McGrew, 2016; Monk, 2012). The STPP metaphor shapes thinking about the pipeline as
a "noun/phenomenon/entity that flows in one direction and literally moves children
towards incarceration" (McGrew, 2016, p. 363).

Inherent in the STPP metaphor is a cause-and-effect relationship that suggests that
students move directly from schools to prisons in a linear trajectory (Meiners, 2007).
Research has evidenced a myriad of ways in which students move through several
institutions – public schools, alternative education placements, foster care systems, policy
custody, prisons – in a nonlinear style, often bouncing back and forth before eventually
being incarcerated (Annamma, 2017). One of the greatest faults of the "pipeline"
metaphor is also what enabled it to gain popularity – it is "graspable" and offers an "easy
and accessible narrative" that is too simplistic and straightforward to fully embody the
incredibly complex, dynamic, and nuanced nature of racism, education, criminal justice,
and capitalism (Sojoyner, 2013, p. 243).

Existing Critiques on the School-to-Prison Pipeline Literature and Metaphor

For over a decade, a number of scholars have emerged to critique STPP literature
and the use of the metaphor. Elizabeth Solorzano and Tyson Lewis (2006) address the
existing literature on the STPP, stating that:

While making strides in our own understanding of how the pipeline works, current research in this area is lacking in two important respects. First… the literature on the pipeline highlights the surface similarities between penitentiary and the playground… yet fails to address the specific modality of power underlying this connection.… Second, the current pipeline literature does not adequately frame the discussion within a historical materialist understanding of late capitalism (p. 63-64).

Damien Sojoyner offers an explicit critique, observing that existing literature on the STPP is "framed ahistorically"; "provides an overdetermined, analytic model and an undertheorized solution set to address issues that are both historical in nature and extremely complex"; and fails to "interrogate the coalescence of schools and prisons including the political, economic, radical, gendered, and sexed complexities that undergird both their foundations" (Sojoyner, 2013, p. 243). He further asserts that existing STPP discourse is not invested in the goal of "radically alter[ing] society through the abolishment of prisons", diverting attention away from a more transformative agenda (Sojoyner, 2013, p. 243).

Additionally, Alicia Pantoja, observing that the STPP metaphor has "gone almost completely unchallenged", proposed that the STPP metaphor must be reconceptualized "in a way that views policies and social practices that criminalize Latin@ students and their families as part of an interconnected, interdependent system or web", which rejects the "linear (school → prison), simplistic and deterministic understanding of the school-based criminalization of youth" (Pantoja, 2013, p. 17). Kathleen Nolan offers a critique of the helpfulness of the STPP metaphor in her ethnography of school police in New York City, observing that "the relationship between the urban public school and the prison system is not a simple one, nor is there necessarily a direct path from one institution to the other, as the school-to-prison track or 'pipeline' metaphor used by

advocates suggests" (Nolan, 2011, p. 15). In a discussion on her findings, Nolan asserts

that "the lived experiences of many students at UPHS can be better understood through a

nuanced description of daily life rather than the pipeline metaphor" (Nolan, 2011, p. 70).

Finally, Erica Meiners (2007), one of the earliest scholars to critique the STPP metaphor,

observes that:

> School to prison, cradle to tomb, schoolhouse to jailhouse — while these
> frameworks have become increasingly popular and have placed the question of
> the criminalization of youth onto a national stage, this concept often obscures the
> need for a wider and deeper analysis capable of supporting sustainable, dynamic
> and stronger movements to end our nation's commitment to penal incarceration
> (p. 262).

Existing STPP literature has become saturated with scholarship that is

undertheorized, framed ahistorically, and proposes instrumental reforms as solutions to

macroeconomic structural inequality. In addition to this, the simplistic metaphor has a

"seductive influence" in squeezing out complexity and narrowing vision by being

elevated to the level of the theory (McGrew, 2016, p. 362). What is needed is a more

dynamic framework that maintains complexity in theory and analysis and recognizes the

structural conditions and historical nature of this phenomena. This will enable deeper

exploration into the complex relationship between education, incarceration, and the

political economy.

Defining the School-Prison Nexus

"If one thinks about racism by examining only one wire of the cage, or one form of
disadvantage, it is difficult to understand how and why the bird is trapped. Only a large
number of wires arranged in a specific way, and connected to one another, serve to
enclose the bird and ensure that it cannot escape" (Alexander, 2010, p. 184).

Instead of utilizing a deterministic, linear, and simplistic pipeline metaphor, a

nexus metaphor more accurately and completely describes the complex relationship

between education and incarceration. Defining the intersections between the education and criminal justice systems as a nexus more accurately encompasses the "historic, systematic, and multifaceted nature" of these linkages (Meiners, 2007, p. 32). Education and criminal justice policies and practices that criminalize the behavior of children of color exist in an interdependent, interlocking system or web. Erica Meiners, one of the earliest scholars to criticize the school-to-prison pipeline metaphor and propose the use of the nexus metaphor, described that "linkages between schools and jails are less a pipeline, more a persistent nexus or a web of intertwined, punitive threads" (Meiners, 2007, p. 31). The nexus conceptualization explicitly recognizes the interconnected system of power that exists through a "network of institutions, policies, practices, and ideologies" that operate in collusion to exclude, control, disenfranchise, and oppress children of color (Conner & Rosen, 2016, p. 94). Though in many ways the trajectory that pushes students out of schools and into prisons is linear and forward moving, it is significantly more complex than is established by "the pipeline" metaphor. The nexus metaphor allows for more complete visualization into the ways in which schools, overlapping and interconnecting with other institutions and systems of power, systematically prepare and socialize children of color for prison. The school-prison nexus also explicitly recognizes the ways in which schools naturalize the event of incarceration through shaping Black and Brown bodies "for institutionalization at prisons" (Meiners, 2007, p. 60). A systemic conceptualization of the linkages between schools and prison as a nexus allows for further evaluation into the ways in which education and criminal justice institutions and policies are interconnected to the political economy, neoliberal globalization in education, and the Prison Industrial Complex. Specifically, this

conceptualization allows for an understanding into the role that institutional contexts play in legitimating "neoliberal economic policies and processes" that simultaneously disinvest in communities of color and invest in repressive policies that "militarize, criminalize, and hyper-incarcerate" (Reyes, 2012, p. 16). The nexus metaphor acknowledges the purpose and function of the educational reform-industrial and prison-industrial complex in fueling capitalistic ideologies of profit maximization. In the United States, the school-prison nexus is not only an expression of free-market capitalism, but an economic imperative (Fasching-Varner et al., 2014). Critical examination of linkages and intersections as a school-prison nexus enables an exposure of the ways in which the "history and political economy of a nation, state, or other system exerts direct or indirect domination over political, economic, social, and cultural expressions of citizens or residents, including ethnic minority groups and others who are marginalized or without power" (Reyes, 2012, p. 39).

The Prison-Industrial Complex

The previous chapters illustrate the dramatic expansion of the criminal justice system and the ways in which it has become a central mechanism for "controlling and managing unemployed and racialized 'surplus' populations" since the 1960's (Rios, 2011, p. 31). The growth of the criminal justice system and subsequent punitive policies occurred as a result of economic crises, the civil rights movement, and a number of other structural changes in society. The establishment and dramatic expansion of the prison-industrial complex was fueled by a number of racialized policies and ideologies during the presidencies of Richard Nixon and Ronald Reagan. Most notably, both presidents launched draconian law-and-order campaigns and declared war on crime and drugs while

simultaneously proliferating market ideologies, eliminating social safety net programs, and expanding the power of the federal government. By lengthening prison sentences, mandating minimum and three-strikes sentences, extending the use of capital punishment for drug offenses, and increasing police presence in urban communities, the prison population ballooned in size. The combined effect of these transformations was the design and implementation of market-oriented solutions that simultaneously deregulated the business and financial sector and diminished the social safety net (Douglas, Embrick, Saenz, & Sjoberg, 2018). As institutional supports for the welfare state were slashed, the institutional capacity to massively incarcerate hundreds of thousands of people of color grew exponentially (Douglas et al., 2018). In less than three decades, the population of people incarcerated had grown from approximately 300,000 in 1972 to 2,000,000 by the turn of the 21st century (Douglas et al., 2018).

The prison-industrial complex embodies the convergence and intersections of economic, political, and bureaucratic interests that profit from prisons and incarceration. It represents a web of relationships that is mutually reinforcing and that exists among a network of participants from government and industry that discourage rehabilitative reforms that would reduce the prison population and instead prioritize increased spending on prisons for personal financial gain (Longley, 2019). This network of participants includes politicians, state and federal lobbyists, economically depressed rural areas, and private companies – all of whom view incarceration as a lucrative market to expand profits (Longley, 2019). Prisons of the 21st century are increasingly moving towards privatization, as private prisons maximize profits and lower labor costs by situating themselves in rural communities who utilize private prisons as an economic development

and stimulation strategy (Fasching-Varner et al., 2016). The prison-industrial complex now encompasses more than 3,300 jails, 1,500 state prisons, and 100 federal prisons, with 300 of these existing as privatized prisons (Brewer & Heitzeg, 2008).

The prison-industrial complex effectively creates a lucrative and profitable enterprise that depends on a constant stream of people to punish. The United States currently has the largest population of prisoners in the entire world. The U.S. incarcerates 25% of the world's prison population, despite only making up 5% of the world's total population (Porter, 2015). The nation currently incarcerates 920 out of every 100,000 citizens, with an additional 5 million people under some form of correctional supervision (Porter, 2015). In 2009, over 7.2 million people were incarcerated in jail or prison, on probation, or on parole, equivalent of 3.1% of the entire adult population or 1 in every 32 adults in the U.S. (Reyes, 2012).

In the United States, mass incarceration is highly racialized, characterized by "the systematic imprisonment of whole groups of the population" (Douglas et al., 2018, p. 370). Urban, poor, uneducated Black and Latino people – especially African American men – are significantly overrepresented in the prison population. One-third of African American men have some sort of felony conviction and in nearly every state, the percentage of Black people with a prison records "exceeded 5% of the adult population" (Douglas et al., 2018, p. 370). The odds are 50-50 that "young black urban males are in jail, in a cell in one of the thousands of state and federal prisons across the United States, or on probation or parole" (Douglas et al., 2018, p. 370). Nearly 50% of Black men will have been arrested at least once by the age of 23 (Reyes, 2012). One in every nine Black men and one in every 36 Latino adults are incarcerated, compared to one in every 106

White men (Reyes, 2012). For people of color, especially Black men, "incarceration has become a routine life event… more common than serving in the military of earning a college degree" (Douglas et al., 2018, p. 370). The system of incarceration has grown so large that the data that is collected and utilized for matters of public policy is wholly unreliable because of how enormous this excluded population of people has become (Petit, 2012).

The impacts of the penal system and incarceration are devastating. From the prison-industrial complex has emerged a "system of social control unparalleled in world history… that targets people of color and relegates them to second-class status analogous to Jim Crow" (Alexander, 2010, p. 8). Today, there are currently more Black men involved in the criminal justice system, whether through incarceration or supervision, than there were enslaved in 1850 (Alexander, 2010). After being released from prison, people of color face legalized discrimination and pervasive stigmatization for the entirety of their lives, evidenced through denial of access to public housing, job discrimination, denial of public benefits, and termination of parental rights (Brewer & Heitzeg, 2008). These collateral consequences, known as "invisible punishments," serve to further annihilate the political, economic, and social rights and opportunities of communities of color (Brewer & Heitzeg, 2008, p. 628). Legislation now mandates permanent felony disenfranchisement, resulting in the disenfranchisement of 40 million felons across the nation, the majority of whom are Black and Latino men (Brewer & Heitzeg, 2008).

Conceptualizing the complex relationship between education and incarceration as a "nexus" allows for further examination into the interconnected systems of power that criminalize and exclude children of color. Through racialized practices, policies, and

discourse, schools are entrenched in a web of interconnected institutions that simultaneously socialize and prepare children of color for prison while systematically criminalizing their behavior to force them into incarceration. Educational policies and practices that criminalize the behavior of youth are "designed by intent or default, to ensure an endless stream of future bodies into the prison industrial complex" (Heitzeg, 2014, p. 19). In a modern capitalist society, the perpetuation of the school-prison nexus is necessary in maintaining economic equilibrium and expanding the free-market.

Chapter 5

The Function and Purpose of the School-Prison Nexus in a Capitalist Society

There is an incredibly complex, profitable, and intentional relationship that exists between the education and criminal justice systems. Practices and policies in the education system that criminalize the behavior of children of color – including zero-tolerance policies, surveillance and security measures, and the expansion of police presence and power – represent government decisions that are motivated by capital investments. Necessary to the functioning and growth of the free market is economic stratification and a population of expendable people. Thus, to further expand the free market economy, the government has an unequivocal economic interest in excluding children from the education system and involving them in the criminal justice system. In addition to this, neoliberal ideologies have enabled the creation of social and economic policies that incapacitate and exclude entire segments of the population. As education exists inextricably entwined with capitalism, neoliberalism in education represents merely one of the most recent manifestation of racism and white supremacy.

The prison-industrial complex now operates as a ceaseless machine in which perceived political benefits and extensive profits result in education and criminal justice policies that effectively accomplish two specific goals (Davis, 2003). These policies simultaneously guarantee an endless supply of Black and Brown bodies into the criminal justice system and ensure that those who are released will continue to participate in crime and return to the prison-industrial complex. This is beneficial for the capitalist system as the privatization of prisons creates a market for revenue in which money can be made off of the state for each body that is incarcerated. By maximining profits and ensuring that

children of color will be sorted and separated from their oppressors, the school-prison nexus functions to maintain economic equilibrium. The sorting, separation, and exclusion of students of color is accomplished through a number of measures in schools, including fortified spaces, often monitored through surveillance methods, exclusionary discipline tactics that remove children from the classroom, and placements in special education or English-only classrooms that separate children from the dominant class. These practices and processes "normalize the exclusion and containment of the most threatening, needy, or least economically productive members of society" (Monahan & Torres, p. 8). In addition to this, the expansion of market-based educational reforms and the prison-industrial complex constitute an "ever growing source of capitalist growth" that fuels further expansion of the free market (Davis, 2003, p. 96). Processes of criminalization in schools play an intentional and devastating role in commodifying Black and Brown bodies and exploiting children of color for profit in prisons. By sacrificing children of color through criminalization, exclusion, and incarceration, the school-prison nexus effectively serves as an "expression and re-articulation of the political economy of late capitalism" (Brewer & Heitzeg, 2008, p. 636).

The "Crisis" Illusion

The narrative that there exists a "crisis" and broken complex in the education and criminal justice systems is an illusion, and the rhetoric of crisis should be fundamentally rejected. Both institutions are fueled by the free market economy and are functioning per their intention and design to fulfill societal demands (Fasching-Varner et al., 2014). The racial and ethnic inequities and disparities in education and criminal justice institutions do not represent dysfunctions of the systems, but rather, they represent expected

outcomes of systems driven by the free market. School failure and prison expansion are stable, profitable, and predictable opportunities and ideal environments to grow the free market (Fasching-Varner et al., 2014). The education and criminal justice systems are inextricably connected. Thus, neoliberal policies and practices to educate and punish represent a "joined-at-the-hip relationship" that is "part of an economic imperative of free-market capitalism" (Fasching-Varner et al., 2014, p. 411).

Public Schools as Mechanisms to Fuel Neoliberalism and Racial Capitalism

"[Incapacitation is] the theory that undergirds the most ambitious prison-building project in the history of the world. Incapacitation doesn't pretend to change anything about people except where they are. It is in a simple-minded way, then, a geographical solution that purports to solve social problems by extensively and repeatedly removing people from disordered, deindustrialized milieus and depositing them somewhere else" (Gilmore, 2007, p.14).

The prison-industrial complex serves to maintain white supremacy by providing both an economic and geographic solution to socioeconomic problems (Meiners, 2007). Neoliberalism dictates that economic and social policies are determined solely by what will most benefit the free market. As the previous chapters have evidenced, a number of social and economic policies in overlapping systems and institutions have often worked in tandem, albeit in a concealed way, to decimate and displace communities of color and criminalize Black and Brown bodies. These social and economic policies have been legitimated by a number of ideological structures – purported by the media, politicians, educators, and law enforcement officials – that serve to justify incapacitation and exclusion as inevitable. These ideological underpinnings allowed for severe cuts to social services and the implementation of repressive policies in the education and criminal justice systems, serving the needs of capital in urban cities (Reyes, 2012). As social and economic policies were increasingly "based on a spirit of revenge on the poor and people

of color who are given individual, cultural, or community blame for their own conditions, but also for the state of many public institutions," neoliberalist policies unfolded and expanded (Reyes, 2012, p. 8). Specifically, the "War on-" and "Tough on-" narratives and policies represent a shift towards more punitive laws, increased surveillance, brutal policing tactics, and the elimination of rehabilitative social programs and services (Reyes, 2012). These neoliberalist policies have all served as fuel for the explosion of the highly profitable prison-industrial complex.

In free market societies, education is inextricably entwined with capitalism, as there exists a "connection between macro-level economic changes and local social and cultural institutions" (Reyes, 2012, p. 46). In the United States, the political and legal mechanisms designed to maintain and perpetuate white supremacy and been historically uninterrupted (Brewer & Heitzeg, 2008). The political economy of inequality and processes of racialization have historically been maintained through strategies of social control (Brewer & Heitzeg, 2008). As the civil rights era and abolition movements brought an end to lynching, legalized segregation, and institutions of slavery, "new and more indirect mechanisms for perpetuating systemic racism and its economic underpinnings have emerged" (Brewer & Hetizeg, 2008, p. 626). Racism and exclusion has shifted from codified versions of de jure racism, inscribed explicitly into legal systems, to de facto racism, where people of color "are subject to unequal protection of the laws, excessive surveillance, extreme segregation, and neo-slave labor via incarceration, all in the name of crime control" (Brewer & Hetizeg, 2008, p. 626). Present-day manifestations of political and legal mechanisms that enforce white

supremacy have transformed "plantations into prisons… Slave Codes into Black Codes… lynching into state-sponsored executions" (Brewer & Hetizeg, 2008, p. 626).

As social and political mechanisms have always existed to control and oppress communities of color, maintain white supremacy, and concentrate exorbitant amounts of wealth among an extremely small percentage of the world's population, neoliberalism simply represents the newest manifestation of these mechanisms. Race and class have emerged as "biopolitical strategies" for surveilling, controlling, and debilitating Black and Brown people to further accumulation of capital (Pierce, 2017, p. 284). Racial capitalism, theorized by Du Bois, explores the ways in which racism is inextricably connected to the growth and expansion of capital in the United States (Pierce, 2017). Schools, positioned within a "continuum of economic and racial needs" are foundational to the development of a racial capitalist society and serve as an incredibly disastrous and effective mechanism to realize the goals of capitalist development (Pierce, 2017, p. 284). Supported by neoliberal ideologies and policies, the education system serves to produce a continuous stream of future inmates – Black and Brown children – to the ever-expanding prison-industrial complex, all in the name of the capitalist economy.

The Economic Interests of the Education Reform-Industrial and Prison-Industrial Complexes

There are significant economic benefits attached to the education reform-industrial and prison-industrial complexes. In the United States, more than $146 billion dollars is spent on the criminal justice system. This includes police, court and judicial systems, and more than $50 billion dollars spent directly on corrections (Brewer & Heitzeg, 2008). Corrections Corporation of America (CCA) and the GEO Group

represent the two largest private prison corporations in the United States and control 75% of the entire private prison industry (Porter, 2015). These corporations generated approximately $3 billion dollars in revenue in 2010 (Porter, 2015). The financial success of private prisons depends on a continuous stream of "clients" who are incarcerated for extensive periods of time and recidivate once released (Porter, 2915). The goal of prisons is not rehabilitation of inmates, but rather, failure to re-integrate into society, which will result in re-incarceration.

The U.S. government prioritizes spending on incarceration over education. The government currently spends "almost $70 billion annually on incarceration, probation, and parole… represent[ing] a 127% increase from 1987 to 2007" (Porter, 2015, p. 60). This $7 billion dollar figure significantly exceeds the United States Department of Education's budget allocations, including a "new five-year, $2.5 billion Access and Completion Incentive Fund… and a $3 billion increase in funding for K-12 education programs" (Porter, 2015, p. 60). The U.S. Department of Education report evidenced that government spending on corrections far surpassed "state and local spending on all levels of education" (Douglas et al., 2018, p. 376). State governments spend more per year on an individual inmate than on an individual student, illustrating the disturbing emphasis that governments' place on incarceration over education. Expenditures on the criminal justice system continue to increase significantly, effectively "diverting funds from education, family support, healthcare, and poverty support among other areas" (Douglas et al., 2018, p. 376). Each year, the government spends $80 billion dollars to maintain the prison system – "almost three times as much as is spent by the state and federal government combined for children" (Douglas et al., 2018, p. 376).

The school-prison nexus is fueled by the dichotomy of the "tangible financial benefits attached to supporting a prison system" that outweigh the "intangible benefit associated with education" (Porter, 2015, p. 64). Through zero-tolerance policies, surveillance and security methods, and school police, the education system excludes children of color from schools and involves them in the criminal justice system, leading to eventual incarceration. While incarcerated, the criminal justice system can then exploit children of color for profit. Thus, the racialized, systemic underfunding of schools and overfunding of prisons is intentional – it ensures the achievement of the "capitalistic goals of private businesses and public governments" (Porter, 2015, p. 59).

Children of color are profitable commodities to the prison industry. Politicians, state and federal lobbyists, and corporate stockholders are all incentivized to maintain and perpetuate the school-prison nexus, as it plays an important role in ensuring that the prison population will continue to increase. This is accomplished through a number of education and criminal justice policies and practices, including zero-tolerance policies, surveillance and security measures, and SROs, which provide fuel for the expansion of the educational reform-industrial and prison-industrial complex. As the political economy of the free market drives continued intrusion of the private sector into educational and criminal justice institutions, it creates "ever-expanding markets for new revenue" (Fasching-Varner et al., 2014, p. 411). School failure provides market opportunities for the educational reform-industrial complex, and punishment creates market opportunities the prison-industrial complex. Currently, education reform and the prison-industrial complex are "multi-billion-dollar industries" (Fasching-Varner et al., 2014, p. 411).

The Economic Interests of Sorting and Excluding Through Schools and Prisons

Given that the U.S. education system was never created to properly educate children of color nor to provide the same access to wealth or economic mobility, it is understandable why the ideal of education to balance economic stratification and reduce social ills as not been realized. In a similar fashion, the historical and persistent racialized nature of the criminal justice system in policing, controlling, incarcerating, and executing prevents people of color from experiencing true justice. Practices that sort and separate oppressors from the oppressed in schools and prisons are intentional and are driven by economic imperatives of free-market capitalism.

Schools are designed as intended by the founding fathers to "ensure that a select group of the population (white, Christian, middle to upper class, and heterosexual) will have access" (Fasching-Varner et al., 2014, p. 421). During Jim Crow segregation, separate schooling options were created to continue to ensure that the interests of white people were served while the majority of people of color were denied access. The realization of larger financial interests resulted in the desegregation of schools and the creation of new mechanisms that would simultaneously promote physical integration and benefit the interests of white people while continuing to deny access to and exclude people of color, including magnet schools, suburban schools, advanced placement programs, honors programs, and private schools (Fasching-Varner et al., 2014). In the present-day, the interests of the dominant group continue to be served at the exclusion of people of color through charter schools and standards movements such as No Child Left Behind, Race to the Top, and Common Core State Standards (Fasching-Varner et al., 2014). The continued pervasiveness of anti-Black racism, poverty, and white interests in schools' points to the "illusory progress given under the liberalist integration fantasy"

(Curry, 2008, p. 43). Moreover, the criminal justice system creates a "prison profit margin for dominant groups" through the prosecution of crimes that disproportionately affect people of color and practices of intense exclusion that simultaneously "isolate individuals from their home communities while creating market interests that serve largely white communities" (Fasching-Varner et al., 2014, p. 421).

The maintenance and perpetuation of practices that separate and exclude people of color in the education and criminal justice systems are fueled by the economy. Essential to the growth and prosperity of the free market is the maintenance of stratified economic classes. The economic and political agenda that is foundational to both the education and criminal justice systems is racist and classist, and schools and prisons continue to function to "allow the society to select who will have access to the economy and at what levels" (Fasching-Varner et al., 2014, p. 421). By removing entire segments of the population from the employment market, prisons effectively create "financial separation between races, ethnicities, and socioeconomic groups" (Fasching-Varner et al., 2014, p. 418). Without the exclusion of this segment of the population, the "economic equilibrium is threatened as more people have a need for employment that would otherwise be locked up, and the prison profiteers lose serious wealth potential reality that the free market will not allow to come to fruition" (Fasching-Varner et al., 2014, p. 418). As a consequence, urban schools serve as a social landscape to ensure that prisons will have an endless stream of clientele by producing the "next generation of future inmates" (Fasching-Varner et al., 2014, p. 418). Zero-tolerance policies, surveillance and security measures, and school police function as criminalizing practices by which urban public

schools ensure that children of color will be excluded from schools and supplied as profitable commodities to prisons.

For a capitalist free market economy to function, human sacrifice is necessary, and in the education system, children of color are deemed expendable in order to ensure the success of the dominant group (Noguera, 2003). Urban public schools, which operate more so as institutions of confinement, custody, and control, illustrate the nexus between an education system that "has sacrificeable students and a prison waiting to receive scarified citizens" (Noguera, 2003, p. 349). Removing a segment of the population deemed expendable and without value to society ensures that the dominant group will have unparalleled access to wealth. This process also creates an entire industry whose purpose is to ensure that this population continues to be excluded and denied access to wealth and power. Neutralizing and excluding an entire segment of the population and creating an industry to further neutralize and exclude "works in tandem to reproduce inequalities that allow both wealth and poverty to grow in disproportion" (Fasching-Varner et al., 2014, p. 417). By excluding entire segments of people of color from the population through incarceration, the dominant class exerts political, economic, and social control. The education system accomplishes this exclusion and removal through a number of racialized policies and practices, including zero-tolerance policies, surveillance and security methods, and expanding presence and power of police. The school-prison nexus serves an important function in the free market economy, as schools and prisons operate in a hyperconnected relationship as institutions that can be manipulated to maintain economic equilibrium and market balance through economic stratification.

Conclusion

History evidences the multitude of ways in which the education and criminal justice systems intersect, resulting in a complete coalescence in modern society. Racism, white supremacy, exclusion, and stratification are foundational to these systems and remain key elements in the political economy. As the previous chapters have evidenced, current discipline, surveillance, and security regimes in urban schools are the result of a number of critical events, policies, and practices in the history of the United States. These critical events, coupled with construction of narratives that demonized Black and Brown youth and created a false sense of moral panic, established racialized paradigms of crime and punishment that infiltrated public schools. Recognizing the historical legacy of racialized policies and practices, as well as the assumptions and conceptualizations of children of color that undergird them, is necessary in understanding the contemporary state of education and criminal justice.

The convergence of the education and criminal justice systems has resulted in the hypercriminalization of children of color, who now must navigate an interconnected system of institutions that frame their everyday behaviors as delinquent, dangerous, and criminal. As children of color are hypercriminalized across all settings and contexts, the criminalization of Black and Brown youth extends into schools. In urban public schools, the criminalization process is legitimated and solidified through a number of educational policies, including exclusionary practices, surveillance and security measures, and school police. Black and Brown students in urban schools are subjected to carceral rituals that forward this criminalizing agenda, constituting an "arterial power structure… in which power is differentially distributed and discipline is differentially experienced" across the

lines of race and ethnicity (Monahan & Torres, 2009, p. 11). Children of color experience severe and pervasive institutional racism in the education and criminal justice systems, resulting in racial disparities that significantly impact every aspect of their educational experiences and daily lives. As they are exposed to these racialized, criminalizing policies and practices in schools, they are systematically excluded from educational institutions and entrenched in the juvenile or adult criminal justice system.

There is a complex and interconnected system of power that exists in U.S. society. In this interconnected system of power, a network of policies, practices, and ideologies form institutional linkages between schools and prisons. These linkages effectively entrench and trap Black and Brown children in a web of punitive threads that serve to control, exclude, and oppress them. This web – known as the school-prison nexus – is inextricably connected to the political economy. The school-prison nexus exists as an economic imperative of free market capitalism. By ensuring that only a select portion of the population will have access to the economy and by removing entire segments of the population from the employment market, the school-prison nexus effectively stratifies the economy. This enables the maintenance of economic equilibrium and market balance, while simultaneously enabling the dominant class to exert political, economic, and social control. In addition to this, new and highly profitable markets for revenue are created from issues of school failure, crime, and punishment. These issues produce market opportunities for the educational reform-industrial and prison-industrial complexes, which are highly profitable, lucrative industries that enable public governments and private businesses to achieve capitalistic goals.

The continued exploitation, marginalization, and oppression of children of color in the education and criminal justice systems represents the disconnect that exists between free-market capitalism and human rights. The school-prison nexus, the prison-industrial and educational-reform industrial complex, and practices and policies that criminalize the behavior of children of color are unequivocally incompatible in a democratic society. Racial and ethnic disparities in the education and criminal justice systems will persist unless the structural nature of race, ethnicity, and institutional inaction is confronted. Advancing racial equity and justice for children of color requires acknowledgement that the pervasive and unchanging patterns of racial and ethnic oppression and subordination are far removed from the democratic ideals of the U.S. and thus, entirely deplorable and unacceptable.

Principles of equality must be dismantled, as they "bolsters the relative position of those in power and puts the onus of change on those already oppressed, suggesting to them that the goal is to be like your oppressor" (Fasching-Varner et al., 2014, p.424). The ruse of equality is not only in conflict with the tenants of the free market, it is assaultive and furthers assimilationist principles (Fasching-Varner et al., 2014). Thus, equity – an ideological stance that recognizes the permanent and endemic nature of racism and oppression in society – is the only potential course of action in restructuring new systems and, more broadly, engaging in social transformation.

For centuries and even before the conception of the U.S., communities of color have engaged in powerful social activism. Youth and communities of color have been profoundly important in every progressive social movement in the U.S. There are countless examples of youth of color mobilizing for reform through activism, community

organizing, and involvement in social movements. It is impossible to fully credit the numerous children, teenagers, and young adults that have been instrumental in shaping some of the most powerful social movements in history. Activism, social movements, and community organizing reframe equity by addressing the institutional failure of schools and to educate students of color. These efforts situate educational inequity in the context of overlapping and interconnected social systems in order to identify how unequal power relations in society result in inequities and injustices in education. Communities and youth of color have a longstanding tradition of engaging in education reform through social activism. Their efforts should be encouraged and further strengthened through the development of long-term alliances and collaborations, built nationally across multiple states and issues (Anyon, 2009). An intersectional approach should be taken to address issues of educational equity and justice. Educational equity intersects with other issues of equity, including in human rights, housing, employment, wages, and healthcare – among many others – and these intersections allow for the formation of alliances across multiple sectors (Anyon, 2009). The formation of these networks would produce enough collective power to constitute a social movement for education and economic equity (Warren, 2014). Framing educational equity in a larger context of human rights and social justice would allow for the birth of a social movement that addresses educational equity while also recognizing the intersection of education with other systems and structures in the United States. By further cultivating a multi-issue social movement and continuing to encourage resistance and activism among youth and communities of color, education can achieve is transformative potential.

Civil rights activist Cesar Chavez stated that "the love for justice that is in us is not only the best part of our being, but it is also the most true to our nature" (Chavez & Stavans, 2008, p. 135). Justice demands that we recognize the ways in which racial capitalism incentivizes the impunity of incapacitating, incarcerating, and ending the lives of Black and Brown children. Racialized assumptions about children of color must be challenged and deconstructed, policies and practices that criminalize the behavior of youth must be eliminated, and the union of the education and criminal justice systems must be severed. Efforts to remediate the historical and persistent effects of racism and white supremacy must be grounded in movements for social justice that pursue revolutionary change. Society must relentlessly pursue meaningful grassroots democracy by fundamentally shifting the economic system from capitalism to socialism. Only through the complete dismantling of the school-prison nexus can racial justice and educational equity be brought closer to reality.

REFERENCES

Adler, J. S. (January 01, 2015). Less crime, more punishment: Violence, race, and criminal justice in early twentieth-century America. *Journal of American History, 102,* 1, 34-46.

Alexander, M. (2010). *The new Jim Crow: Mass incarceration in the age of color blindness.* New York: The New Press.

Apple, M. (1980). The Other Side of the Hidden Curriculum: Correspondence Theories and the Labor Process. *The Journal of Education* 162, 1: 47-66.

American Civil Liberties Union (2017). Bullies in blue: The origins and consequences of school policing. ACLU Press, New York: New York. ww.aclu.org/sites/default/files/field_document/aclu_bullies_in_blue_4_11_17_fin al.pdf

American Civil Liberties Union (2008). Dignity denied. The effect of "zero tolerance" policies on student's human rights. Case Study of New Haven, Connecticut public schools. ACLU Press, New York: New York. https://www.aclu.org/files/pdfs/humanrights/dignitydenied_november2008.pdf

Annamma, S. A. (January 01, 2018). Mapping Consequential Geographies in the Carceral State: Education Journey Mapping as a Qualitative Method With Girls of Color With Dis/abilities. *Qualitative Inquiry, 24,* 1, 20-34.

Anyon, J. (2011). *Marx and Education.* New York: Routledge.

Apple, M. (2004). *Ideology and Curriculum.* New York: Routledge Falmer.

Barnosky, J. (2006). The Violent Years: Responses to Juvenile Crime in the 1950s. *Polity, 38*(3), 314-344. Retrieved March 31, 2020, from www.jstor.org/stable/3877070

Bell, D. (1992). Faces at the Bottom of the Well: The Permanence of Racism. New York: Basic Books.

Bell, J. (2016). Repairing the Breach: A Brief History of Youth of Color in the Justice System. Oakland, CA: W. Haywood Burns Institute for Youth Justice Fairness and Equity.

Beger, RR. (2002). Expansion of police power in public schools and the vanishing rights of students. *Social Justice, 29*, 119-130.

Blad, E, & Harwin, A. (2017). Black students more likely to be arrested at school. *Education Weekly, 36*(19), 10-12.

Bracy, N. (2011). Student Perceptions of High-Security School Environments. *Youth & Society* 43(1): 365-395, doi: 10:1177/0044118X10365082.

Brayboy, B. (2006). Toward a Tribal Critical Race Theory in Education. *The Urban Review* 37, 5. doi: 10.1007/s11256-005-0018-y

Brewer, R. M., & Heitzeg, N. A. (January 01, 2008). The Racialization of Crime and Punishment: Criminal Justice, Color-Blind Racism, and the Political Economy of the Prison Industrial Complex. *American Behavioral Scientist, 51,* 5, 625-644.

Brown v. Board of Education, 347 U.S. 483 (1954).

Chavez, C., & Stavans, I. (2008). *An organizer's tale: Speeches*. New York: Penguin Group.

Cibulka, J., Cooper, B., & Fusarelli, L. (Eds). (2015). *Handbook of Education Politics and Policy*. New York: Routledge, doi.org/10.4324/9780203074107.

Conner, J. O., & Rosen, S. M. (2016). *Contemporary youth activism: Advancing social justice in the United States*.

Curry, T. (2008). Saved by the bell: Derrick Bell's racial realism as pedagogy. *Ohio Valley Philosophy of Education Society*, *39*, 35–46.

Dandeker, Christopher. (1990). Surveillance, power, and modernity: bureaucracy and discipline from 1700 to the present day. New York :St. Martin's Press.

Davidson, B. (2001). *African civilization revisited: From antiquity to modern times.* Trenton, NJ: Africa World Press.

Davis, A. Y. (2008). Recognizing racism in the era of neoliberalism. Vice Chancellor's Oration: Murdoch University. http://www.abc.net.au/news/opinion/speeches/files/20080318_davis.pdf

Davis, A. Y. (2003). *Are prisons obsolete?* New York: Seven Stories Press.

Davis, A. Y. (2002). From the convict lease system to the super-max prison. In James, J. (ed.), States of Confinement: Policing, Detention, and Prisons (pp. 60-74). New York: St, Martins Press.

Davis, N. J. (1999). Youth crisis: Growing up in the high-risk society. Westport, CN: Praeger.

DeCuir, J. T., & Dixson, A. D. (2004). "So when it comes out, they aren't that surprised that it is there": Using Critical Race Theory as a tool of analysis of race and racism in education. *Educational Researcher, June/July*, 26-31.

Diop, C. A. (1974). *The African origins of civilization: Myth or reality?* (M. Cook, Trans.). Westport, CT: Lawrence Hill.

Diop, C. A. (1987). *Pre-colonial Black Africa.* Westport, CT: Lawrence Hill.

Diptee, A.A., (2006). African Children in the British Slave Trade During the Late Eighteenth Century. *Slavery & Abolition, 27*,183–96.

Douglas, K. M., Sjoberg, G., Sáenz, R., & Embrick, D. G. (January 01, 2018). Bureaucratic Capitalism, Mass Incarceration and Race and Ethnicity in America.

Farmbry, K. (2010). *Administration and the other: Explorations of diversity and marginalization in the political administrative state*. Lanham, MD: Lexington Books.

Foucault, M. (1977). *Discipline and punish: The birth of the prison*. New York: Vintage.

Foucault, M. (1986). "Disciplinary Power and Subjection". In Power (Ed. Steven Lukes), pp. 229-242. New York: NYU Press

Freire, P. (1970). *Pedagogy of the Oppressed*. New York: Seabury Press.

Futterman, C., Hunt, C., & Kalven, J. (2016). 'They Have All the Power': Youth/Police Encounters on Chicago's South Side. University of Chicago Public Law & Legal Theory Working Paper No. 573.

Golann, J. (2015). The Paradox of Success at a No-Excuses School. *Sociology of Education*, 88(2), 103-119.

Gotanda, N. (1991). *A critique of "Our constitution is color-blind".*

Green, T. L., & Castro, A. (2017). Doing counterwork in the age of a counterfeit president: resisting a Trump-DeVos education agenda. *International Journal of Qualitative Studies in Education, 30,* 10, 912-919.

Guthrie, R. V. (1998). *Even the rat was white: A historical view of psychology.*

Hand, C., Hankes, J., House, T. (2012). Restorative justice: the indigenous justice system. Contemporary Justice Review, 15:4, 449-467, DOI: 10.1080/10282580.2012.734576

Harvey, David (2005): *A Brief History of Neoliberalism*. Oxford: Oxford University Press.

Heitzeg, N. (2014). From education to incarceration: Dismantling the school-to-prison pipeline. *Counterpoints, 453,* 11-36.

Heitzeg, N. (2014). Criminalizing education: Zero tolerance policies, police in the hallways and the school to prison pipeline. Forum on Public Policy: Oxford University Press.

Hirschfield, P. J. (January 01, 2008). Preparing for prison? The criminalization of school discipline in the USA. *Theoretical Criminology, 12,* 1, 79-102.

Hinton, E. (2017). *From the War on Poverty to the War on Crime: The Making of Mass Incarceration in America*.

Huber, G., Martinez, M., & Sauleda, N. (2001). Metaphors as Blueprints of Thinking About Teaching and Learning. *Teaching and Teacher Education* 17, no. 8: 965-977.

Jacobs, F., & Sherman, F. (2013). *Juvenile justice: Advancing research, policy, and practice*. Hoboken, N.J: Wiley.

James, N. & McCallion, G. (2013). School resource officers: Law enforcement officers in schools. Congressional Research Service; Washington, DC. Publication No. 7-5700, R43126.

Juvenile Justice History - Center on Juvenile and Criminal Justice. (n.d.). Retrieved from http://www.cjcj.org/education1/juvenile-justice-history.html

Kappeler, V. (2014). A Brief History of Slavery and the Origins of American Policing. Police Studies Online, Eastern Kentucky University, retrieved form: https://plsonline.eku.edu/insidelook/brief-history-slavery-and-origins-american-policing

Keleher, T. (2000). Racial Disparities Related to School Zero Tolerance Policies: Testimony to the U.S. Commission on Civil Rights. Applied Research Center, Oakland: CA.

Kelling, G. & Moore, M. (1988). The evolving strategy of policing. *Perspectives on Policing*, *4*, 1-15. https://pdfs.semanticscholar.org/a614/21a27a6c4fa0e25962ef30e95a22371c1b9c.pdf

Klein, R. (2018, January). The Other Side of School Safety: Students Are Getting Tasered and Beaten By Police. *The Huffington Post.* https://www.huffingtonpost.com/entry/school-safety-students-police-abuse_us_5b746a4ce4b0df9b093b8d6a

Kozol, J. (1967). *Death at an Early Age.* Boston: Houghton Mifflin.

Lait, M. (1999, June 3). Officers Easily Blend Into School Drug Scene. Retrieved from https://www.latimes.com/archives/la-xpm-1999-jun-03-me-43756-story.html

Lakoff, G. & Johnson, M. (2003). *Metaphors We Live By*. Chicago: University of Chicago Press.

Laws of New York, Ch. CCCXXXI, 1824, 1824 Law Establishing County Poorhouses in New York. Retrieved from www.poorhousestory.com/1824_law.htm

Lewis, T. & Solorzano, E. (2006). Unraveling the Heart of the School-to-Prison Pipeline. *Reinventing Critical Pedagogy: Widening the Circle of Anti-Oppression Education*. Lanham, MD: Rowman and Littlefield.

Longley, R. (2019, July 28). What You Should Know About the Prison-Industrial Complex. Retrieved from https://www.thoughtco.com/what-you-should-know-about-the-prison-industrial-complex-4155637

Maldonado, A. (2013). Raids, Race, and Lessons of Fear and Resistance: Narratives and Discourse in the Immigration Movement in Arizona. (Unpublished doctoral dissertation). Arizona State University, Tempe, Arizona.

McGrew, K. (June 01, 2016). The Dangers of Pipeline Thinking: How the School-To-Prison Pipeline Metaphor Squeezes Out Complexity: The Dangers of Pipeline Thinking. *Educational Theory, 66,* 3, 341-367.

Meiners, E. R. (2010). *Right to Be Hostile: Schools, Prisons, and the Making of Public Enemies*.

Mieder, W. (1993). "The Only Good Indian Is a Dead Indian": History and Meaning of a Proverbial Stereotype. *The Journal of American Folklore* 106, 419. 38-60.

Monk, R. (2012). Ludwig Wittgnsein's Passion for Looking, Not Thinking. New Statesman.

Mondale, S., Patton, S. B., & Tyack, D. (Eds.). (2006). *School: The Story of American Public Education*. Boston: Beacon Press.

National Association of School Resource Officers (2012). To protect and educate: The School resource officer and the prevention of violence in schools. NASRO: Hoover, AL.

Noguera, P. A. (2003). Schools, prisons, and social implications of punishment: Rethinking disciplinary practices. *Theory Into Practice*, *42*, 341–350.

Ore, E. J. (2019). Lynching: Violence, rhetoric, and American identity. Jackson, MS: University Press of Mississippi.

Pantoja, A. (2013). Reframing the School-to-Prison Pipeline: The Experiences of Latin@ Youth and Families. *Association of Mexican American Educators Journal* 7, no. 1.

Pentek, C., & Eisenberg, M. E. (January 01, 2018). School resource officers, safety, and discipline: Perceptions and experiences across racial/ethnic groups in Minnesota secondary schools. *Children and Youth Services Review, 88,* 141-148.

Petteruti, A. (2011). Education under arrest: The case against police in schools. Executive summary. Justice Policy Institute: Washington, DC. www.justicepolicy.org

Pierce, C. (April 01, 2017). W.E.B. Du Bois and Caste Education: Racial Capitalist Schooling from Reconstruction to Jim Crow. *American Educational Research Journal, 54,* 1.)

Plessy v. Ferguson, 163 U.S. 537 (1896).

Porter, T. (2015). The School-to-Prison Pipeline: The Business Side of Incarcerating, Not Educating, Students in Public Schools. Arkansas Review.

Purdy, S. (2015). Surveillance, knowledge and inequality: Understanding power through foucault and beyond. *The Hilltop Review*, 8(1), 3-13.

Reyes, K. B. (2012). Rupture the Pipeline! Law, political economy, and information systems in the school-to-prison nexus. (Unpublished doctoral dissertation). University of Illinois at Chicago, Chicago, Illinois.

Rios, V. (2011). Punished: Policing the Lives of Black and Latino Boys (New Perspectives in Crime). New York: NYU Press.

Rios, V. (2007). The hypercriminalization of Black and Latino male youth in the era of mass incarceration. In M. Marable, I. Steinberg, and K. Middlemass (eds.), Racializing justice, disenfranchising lives: The racism, criminal justice, and law reader (pp. 17-34). New York: Palgrave Macmillan

Robinson, C. & Scaglion, R. (1987). The origin and evolution of the police function in society: Notes toward a theory. *Law & Society Review*, *21*(1), 109-154.

Roth, S. (2017). "We Might Well Have Viewed It as an Act of War": The Normalization of Exclusion in the Discourse of American Educational Reform. (Unpublished doctoral dissertation). The University of New Mexico, Albuquerque, New Mexico.

Shannon, S. (2017). Punishment, Religion, and the Shrinking Welfare State for the Very Poor in the United States, 1970-2010. *Socius*. https://doi.org/10.1177/2378023117742259

Skiba, RJ. (2000). Zero tolerance, zero evidence: An analysis of school disciplinary practice. Policy Research Report. Indiana University: Bloomington.

Sojoyner, D. M. (January 01, 2013). Black Radicals Make for Bad Citizens: Undoing the Myth of the School to Prison Pipeline. *Berkeley Review of Education, 4,* 2, 241-263.

Solórzano, D. G. , & Yosso, T. (2000). Toward a critical race theory of Chicana and Chicano education. In C. Tejeda , C. Martinez , & Z. Leonardo (Eds.), Charting new terrains of Chicana(o)/Latina(o) education (pp. 35-65). Cresskill, NJ: Hampton.

Spring, J. H. (2007). Deculturalization and the struggle for equality: A brief history of the education of dominated cultures in the United States.

Stinson P. & Watkins, A. (2013). The nature of crime by school resource officers: Implications for SRO programs. *Criminal Justice Faculty Publications, 11*, 1-36.

Sung, K. (2015). 'Hella Ghetto!': (Dis)locating Race and Class Consciousness in Youth Discourses of Ghetto Spaces, Subjects, and Schools. *Race Ethnicity and Education* 18, no. 3: 363-395.

Tate, W. F. (1997). Critical race theory and education: History, theory, and implications. *Review of Research in Education*, 22, 195-247.

Theriot, M. (2016). The impact of school resource officer interaction on students' feelings about school and school Police. *Crime & Delinquency, 62*(4), 446-469.

Theriot, M. & Orme, JG. (2016). School resource officers and students' feelings of safety at school. *Youth Violence and Juvenile Justice, 14*(2), 130-146. doi.org/10.1177/1541204014564472

United States Department of Education (2018). National Center for Education Statistics. The Condition of Education 2018. Government Printing Office: NCES 2018-144.

United States Government Accountability Office (2018). K-12 Education: Discipline disparities for Black students, boys, and students with disabilities. Government Printing Office: GAO-18-258.

Van Sertima, I. (1976). *They came before Columbus, the African presence in ancient America.* New York: Random House.

Wallace Adams, D. (1995). *Education for Extinction: American Indians and the Boarding School Experience, 1875-1928.*

Webb, L. D. Metha, A., & Jordan, K. F. (2013). *Foundations of American education*. Boston: Pearson. Laurence, Kansas: University Press of Kansas.

Williams, H. & Murphy, P. (1990). The evolving strategy of police: A minority view. *Perspectives on Policing*, *13*, 1-15.https://www.ncjrs.gov/pdffiles1/nij/121019.pdf

APPENDIX

SYSTEMATIC DATABASE SEARCH FLOW DIAGRAM

Identification

| 173 records from ERIC | 462 records from Education Full Text | 217 records from SpringerLink | 363 records from JSTOR | 466 records from SAGE |

1681 records identified through database searching

472 records excluded

Inclusion Criteria:
Year Range: 1970-2020
Language: English
Type: Human
Format: Full text

Exclusion Criteria:
Year Range: Prior to 1970
Language: Non-English
Type: Non-human

Limits

1209 records after exclusion criteria applied

254 duplicates removed

955 records after duplicates removed

624 articles rejected on title review

Eligibility

331 records after title review

176 articles rejected on abstract review

155 records after abstract review

51 articles rejected on full text review

Included

104 unique citations included