

# Journal of Contemporary Criminal Justice

<http://ccj.sagepub.com/>

---

## **Juvenile Court Referrals and the Public Schools: Nature and Extent of the Practice in Five States**

Michael P. Krezmien, Peter E. Leone, Mark S. Zablocki and Craig S. Wells  
*Journal of Contemporary Criminal Justice* 2010 26: 273  
DOI: 10.1177/1043986210368642

The online version of this article can be found at:  
<http://ccj.sagepub.com/content/26/3/273>

---

Published by:



<http://www.sagepublications.com>

**Additional services and information for *Journal of Contemporary Criminal Justice* can be found at:**

**Email Alerts:** <http://ccj.sagepub.com/cgi/alerts>

**Subscriptions:** <http://ccj.sagepub.com/subscriptions>


**Reprints:** <http://www.sagepub.com/journalsReprints.nav>

**Permissions:** <http://www.sagepub.com/journalsPermissions.nav>

**Citations:** <http://ccj.sagepub.com/content/26/3/273.refs.html>

---

# Juvenile Court Referrals and the Public Schools: Nature and Extent of the Practice in Five States

Journal of Contemporary Criminal Justice  
26(3) 273–293  
© 2010 SAGE Publications  
Reprints and permission: <http://www.sagepub.com/journalsPermissions.nav>  
DOI: 10.1177/1043986210368642  
<http://ccj.sagepub.com>  


Michael P. Krezmien<sup>1</sup>, Peter E. Leone<sup>2</sup>,  
Mark S. Zablocki<sup>2</sup>, and Craig S. Wells<sup>1</sup>

## Abstract

Federal legislation and concern about high-profile school shootings have placed attention on safe schools and school discipline. Anecdotal evidence and several reports indicate that in response to calls to promote safety, schools are increasingly referring students to the juvenile courts for acts of misbehavior. Using data from the National Juvenile Court Data Archive, the study reported here examined school referrals (SR) to the juvenile courts in five states from 1995 to 2004. We studied SR over time as well as the proportion of total referrals originating in schools. There was variability in the number of referrals to the juvenile courts originating in the schools and in the trends of SR across states as well as the odds that referrals originated in schools. We found evidence that in four of five states, referrals from schools represented a greater proportion of total referrals to juvenile courts in 2004 than in 1995. We also found differences in the odds of SR to out-of-school referrals (OSR) by race and by gender in some states but not in others. The findings suggest that states may differ in the way in which their schools respond to misbehavior and in the way their schools directly refer students to the juvenile courts. We conclude with a discussion of the implications of the findings.

## Keywords

school referrals, school crime, delinquency, race, gender

---

<sup>1</sup>University of Massachusetts, Amherst

<sup>2</sup>University of Maryland, College Park

## Corresponding Author:

Michael P. Krezmien, University of Massachusetts, School of Education, Amherst, MA 01003  
Email: [krezmien@educ.umass.edu](mailto:krezmien@educ.umass.edu)

In recent years, schools have increasingly relied on school suspensions and expulsions as a response to school disciplinary infractions. In 1994, following media attention to high-profile school shootings, Congress passed the Gun Free Schools Act of 1994. To receive funding under this legislation, schools were required to adopt a zero-tolerance policy for weapons that mandated a minimum of a 1-year suspension for any student who brought a weapon to school. Under the legislation, schools were also required to report weapons violations to the criminal justice or juvenile delinquency system. By 1998, 94% of all public schools had enacted zero-tolerance policies and these policies are found in all 50 states (Heaviside, Rowand, Williams, & Farris, 1998).

Unfortunately, zero-tolerance policies have not functioned as anticipated. Instead of addressing serious weapons violations, zero-tolerance policies led to an increased reliance on suspensions and expulsions for minor disciplinary infraction (Krezmien, Leone, & Achilles, 2006; Skiba & Rausch, 2006). In fact, there is little evidence that zero-tolerance policies resulted in improved school safety. Instead, researchers found that schools dedicated greater time and resources to school discipline (Scott & Barrett, as cited in Skiba et al., 2008). Concern about school safety led many school districts to adopt additional security measures such as installing metal detectors and/or hiring school resource officers (SROs; Snell, Bailey, & Carona, 2002) in spite of the fact there was little to no evidence that these measures or zero-tolerance policies served as a deterrent. For example, Schreck, Miller, and Gibson (2003) found these approaches to be ineffective, whereas Mayer and Leone (2007) found that they may actually be associated with an increase in school disorder. In New York City, schools that employed police officers and metal detectors had higher suspension rates than schools in similar neighborhoods without these devices (Mukherjee, 2007).

Although the Gun Free Schools Act of 1994 placed pressure on schools and school districts to ensure school safety, pressure from another quarter had a similar indirect effect on disciplinary proceedings. The reauthorization of Title 1 of the Elementary and Secondary Education Act (ESEA; No Child Left Behind Act of 2001) pressed school administrators to raise levels of student achievement and held them accountable if they did not. The high-stakes assessments associated with the No Child Left Behind Act left little room in schools for student misbehavior. Concurrent with the implementation of this legislation, many administrators interpreted the zero-tolerance policies more broadly than originally intended, suspending students for a wide range of behaviors such as bullying, threatening, the use of profanity, and the use of alcohol and tobacco (Hirschfield, 2008; Kupchik, 2009). Many schools have extended the consequences for violating zero-tolerance rules to include longer suspensions and, in some cases, expulsion (Anderson, 2004). Furthermore, some states have mandated suspensions for school disruptions, truancy, and refusal to obey (Krezmien et al., 2006). Subsequently, high rates of suspension were found to be associated with an increase in disruptive behavior, decreased academic performance, and higher rates of school dropout (Bowditch, 1993; Raffaele-Mendez, as cited in Wald & Losen, 2003; Skiba & Rausch, 2006).

## The Criminalization of School Misbehavior

As fears about school safety have escalated and zero-tolerance policies and high suspension rates have become a normal part of school life, it appears that schools have also begun to rely more on police and the juvenile courts to respond to certain school misbehavior. Initially, police involvement was limited to those serious infractions associated with the Gun Free Schools Act (weapons and drug violations), but it appears that the pattern of police involvement may be mimicking the patterns associated with the zero-tolerance policies (Advancement Project, 2010; Hirschfield, 2008; Kupchik, 2009). Dinkes, Cataldi, and Lin-Kelly (2007) indicated that from 1993 to the present, rates of students involved in a fight or physical altercation has remained relatively stable, but the rate of referrals to the juvenile court system for behavior not previously considered dangerous has increased (Casella, 2003). Other reports suggest that rates of student crime and misbehavior, rather than being relatively stable, have declined in recent years. The most recent national data show that from 1992 through 2004, the rate of nonfatal crime against students, including serious violent crime at school, declined 62% (U.S. Department of Education, 2007), and a survey by the General Accounting Office reported that most acts of school violence involved fistfights and that incidents involving firearms or other weapons were extremely rare (GAO, 2001). Further evidence of possible criminalization of school misbehavior can be found in Florida where more than 75% of the 26,990 school-related referrals to the Florida Department of Juvenile Justice (DJJ) in the 2004-2005 school year were for behaviors such as disorderly conduct, trespassing, or misdemeanor assault and/or battery (NAACP, 2006). The high rates of school-based referrals to the juvenile justice system may also disproportionately punish male minority students from low-income families (Children's Defense Fund, 2007; Hirschfield, 2008; Mukherjee, 2007).

One reason that the connection between schools and the courts may have been amplified is the increased use of SROs, police who work in schools as part of the local police forces or as part of an independent district police force. In theory, the use of SROs should improve safety and security, but limited evidence suggests that there is a lack of clarity about how to respond to school misconduct and identify the appropriate roles for school officials and criminal law enforcement personnel (Kim & Geronimo, 2009). These conditions may also lead to possible misconduct on the part of school personnel. There have been reports of strip searches of students by school district administrators, police involvement for possession of alcohol, and routine referral of children to local police and juvenile justice for school-related misconduct. Although police have the responsibility to respond to school crises particularly when there is grave threat to the safety of students or faculty, this role has been expanded by school-level administrators interested in sending a "get-tough" on school discipline message to students, their parents, and the community (NAACP, 2006). This problem highlights the difficulties faced by the schools as well as by juvenile courts with regard to handling school misbehavior.

## **Clarifying the Theoretical “School to Prison Pipeline”**

The relationship between schools and the juvenile justice system appears to have grown, and the two systems have developed a complex system of interactions. It appears that schools may be using the juvenile courts to handle behaviors previously managed through school disciplinary proceedings. As schools rely on the juvenile justice system to respond to misbehavior, researchers and advocates have discussed a theoretical “school to prison pipeline” or “cradle to prison pipeline” which purports that schools push students out of school, thereby increasing their risk of delinquency (Advancement Project, 2010; Children’s Defense Fund, 2007; Hirschfield, 2008). However, the “school to prison pipeline” research purports causal relationships between schools and prisons by linking a number of correlational phenomena that exist between populations in these settings (e.g., youth in juvenile corrections settings experienced high rates of suspensions indicating that schools use suspension to push children out of schools and into the juvenile justice system). We believe that the theoretical pipeline requires empirical research of directly observable relationships between schools and juvenile courts. Examining the extent to which schools directly refer children and youth to the juvenile delinquency system will help to better understand the nature of the relationship. In addition, it will help us to understand the relative impact that school referrals (SR) are having on the juvenile justice system and if schools are unduly burdening the juvenile courts.

### **Purpose**

The purpose of this study was to investigate schools as a source of referrals to the juvenile courts across five states and provide clarity about the direct relationship between schools and the juvenile delinquency system. We were interested in understanding both the magnitude of schools as a referral source as well as trends in schools as a referral source over time. In addition, we were interested in understanding the relative contribution of SR to the overall referrals in the states. The data analyzed in this study are unique because they come from a single source and have been collected and archived at a single research entity using consistent data management standards across jurisdictions. This problem had not been previously examined in this way, so we employed descriptive statistics to analyze the data. By using a descriptive approach, we sought to better understand this phenomenon for the purposes of developing new research questions and conducting a deeper line of analytical inquiry.

### **Research Questions**

Our study was guided by the following research questions: (a) What were the numbers and referrals per 1,000 students to juvenile courts over time? (b) What were the odds that juvenile court referrals originated in schools for school-related misbehavior? (c) Did the odds of SR to out-of-school referrals (OSR) change over time? (d) Were

the referrals per 1,000 students and the odds of SR different by race, and were the trends different by race? (e) Were the referrals per 1,000 students and the odds of SR different by gender, and were the trends different by gender? We hypothesized that the number of SR, the referrals per 1,000 students, and the odds of SR to OSR increased over time, consistent with suspension research (Krezmien et al., 2006; Skiba & Rausch, 2006) but inconsistent with juvenile arrest research (Puzzanchera, 2009). We hypothesized that the referrals per 1,000 students and the odds of SR to OSR were higher for minority students, also consistent with the suspension research (Krezmien et al., 2006), but did not have sufficient support to hypothesize about differences in the trends in the referrals per 1,000 students or the odds by race. Finally, we hypothesized that the referrals per 1,000 students and the odds of SR to OSR were higher for boys than for girls, consistent with the suspension research and the juvenile arrest research (Planty et al., 2009). However, we did not feel that there was substantial evidence from the research or stable theoretical grounding to make predictions about the differences in the trends of the odds by gender.

## Method

### *Participants*

Participants for this study were all youth referred to the juvenile justice system across five states (Arizona, Hawaii, South Carolina, Missouri, and West Virginia) from 1995 to 2004. The demographic information for the participants is displayed in Table 1.

### *Data Source*

Referral data were drawn from the National Juvenile Court Data Archives (NJCDA) which maintains juvenile court data from 38 states and the District of Columbia. The NJCDA currently includes more than 15 million automated case records, mostly delinquency and status offense records. We used case-level data from five states from the NJCDA for our analysis. The archive, composed of data from states' client tracking systems, provides detailed information on the characteristics of each delinquency and status offense case, including the age, gender, and race of the youth referred; the data and source of referral; the offenses charged; detention and petitioning decisions; and the date and type of disposition. As the structure of each state's case-level data set contributed to the archive is unique, archive staff studies the structure and content of each data set and designs an automated restructuring procedure that will transform each jurisdiction's data into a common case-level format. For example, in 2005, case-level data describing 1,174,857 delinquency cases handled by 1,983 jurisdictions in 38 states met the archive's criteria for inclusion in the development of national delinquency estimates. Case-level data describing 95,660 formally handled status offense cases from 1,999 jurisdictions in 36 states met the criteria for inclusion in the 2005 sample (Puzzanchera & Sickmund, 2008). The volume and characteristics of juvenile

**Table 1.** Summary of Demographic Variables of Referred Children and Youth in 1995 and 2004

| Year |                  | AZ (%) | HI (%) | MO (%) | SC (%) | WV (%) |
|------|------------------|--------|--------|--------|--------|--------|
| 1995 | Female           | 29.0   | 39.4   | 32.3   | 27.2   | 30.7   |
|      | Male             | 71.0   | 60.6   | 67.7   | 72.8   | 68.9   |
|      | African American | 7.4    | 2.2    | 30.4   | 57.6   | 11.8   |
|      | Latino           | 34.6   | 1.6    | 0.5    |        |        |
|      | White            | 45.7   | 18.4   | 67.1   | 41.6   | 83.2   |
|      | Asian            | 0.5    | 69.1   |        |        |        |
| 2004 | Female           | 32.8   | 42.4   | 36.1   | 32.5   | 36.1   |
|      | Male             | 67.2   | 57.8   | 62.1   | 67.5   | 63.9   |
|      | African American | 7.8    | 1.9    | 26.5   | 58.0   | 10.1   |
|      | Latino           | 39.9   | 1.9    | 0.5    |        |        |
|      | White            | 45.7   | 17.1   | 67.9   | 40.3   | 87.0   |
|      | Asian            | 0.5    | 72.5   |        |        |        |

court caseloads are partly a function of the size and demographic composition of a jurisdiction's population. Smaller jurisdictions typically have fewer cases than larger jurisdictions. Although the NJCDA provides a rich source of data for analysis of juvenile court activities, relatively few states distinguish schools as referral source. In many jurisdictions, schools direct complaints to police and police refer the matters to court and are, thus, identified as the source of the referral in the court data. Of the states that reported SR, few had complete data sets from years within the 1995-2004 time period. Of seven states with relatively complete data sets, one state, Pennsylvania, had only one large urban area that reported school-based referrals to the juvenile courts. For another state, Oklahoma, no users' guide was available, an essential tool for coding and analyzing the data. We requested and received approval from the remaining five states, Arizona, Hawaii, Missouri, South Carolina, and West Virginia for our analysis.

School enrolment data by race and gender were drawn from the National Center for Education Statistics (NCES; n.d.). These data are reported by state education agencies to the NCES yearly. States were not required to report enrolment data disaggregated by gender prior to 2000. We were able to obtain gender data for South Carolina and Missouri from 1995 until 1998 from the respective state departments of education. Likewise, we were able to obtain gender data for Hawaii and West Virginia from 1996 until 1998. We were unable to obtain gender data prior to 2000 from Arizona.

The states included for this study do not represent a national sample of the states but rather represent all of the states with requisite data to answer our research questions. These states do not represent the broad spectrum of geographical areas of the nation, and they vary by a number of metrics. For instance, the Kids Count (2004) reported that Arizona, Hawaii, Missouri, South Carolina, and West Virginia were ranked 45th, 4th, 20th, 41st, and 20th, respectively, on preventing teen dropouts and

34th, 14th, 21st, 42nd, and 45th, respectively, on low rates of child poverty. The National Assessment of Educational Progress (NAEP; NCES, n.d.) rates the same states as 44th, 50th, 14th, 39th, and 36th, respectively, on eighth-grade reading performance. The differences in the state characteristics are important when considering and interpreting the data. As the states do not represent a national representative sample, we do not examine or discuss national trends.

For this manuscript, we limited the research variables from each of the five states to (a) year of referral, (b) referral source, (c) gender, and (d) race. For referral source, we limited our sources to schools and outside schools for two reasons. First, the purpose of our study was to understand SR to the juvenile courts, and second, there were vast differences in the numbers and types of referrals sources across the states. For example, Arizona had 551 referrals sources, whereas Missouri had only 6. We were cognizant of the likely disproportionate representation of minority students in the data sets within and across states and the likely differences in referrals of boys and girls. As a consequence, the vastly different populations and racial compositions across the states required us to examine trends within states and to discuss referrals in the context of state similarities and differences as opposed to national trends. The reported data codes varied by state because states used different reporting systems and different variables. In addition, data sometimes varied by year because the state's reporting systems changed. As a result, we recoded several variables to obtain consistency across years and states. None of the modifications resulted in changes to the data.

## *Data Analysis*

We employed descriptive procedures to answer the 5 research questions. We examined the data in multiple ways. First, we examined the numbers of referrals originating in and out of schools. Second, we calculated the percentage of total referrals to juvenile courts that originated at a school as a percentage of the total referrals across the 10 years. We also calculated the SR per 1,000 students enrolled by dividing the number of SR by the enrolment and multiplying the quotient by 1,000. We calculated the SR per 1,000 students enrolled for each race and gender. We also calculated the odds of SR to OSR per 1,000 individuals by dividing the number of SR by the number of OSR and multiplied the ratio by 1,000. We calculated these odds for each major racial group and for both genders within each state.

## **Results**

### *Overall Numbers of Referrals*

Table 2 displays the numbers of referrals originating in schools and other sources in 1995 and in 2004 in each of the five states. The overall numbers of students referred to the juvenile courts varied greatly by state, partly due to the fact that the states vary in population size. Arizona and Missouri consistently referred the highest numbers of



**Table 2.** Numbers of Referrals to the Juvenile Justice System by Schools and Other Sources in 1995 and 2004

| Year | AZ      |        | HI     |        | MO     |        | SC     |        | WV    |        |
|------|---------|--------|--------|--------|--------|--------|--------|--------|-------|--------|
|      | Other   | School | Other  | School | Other  | School | Other  | School | Other | School |
| 1995 | 113,527 | 2,000  | 10,915 | 35     | 74,382 | 5,066  | 21,618 | 2,759  | 9,997 | 1,327  |
| 2004 | 67,243  | 2,810  | 8,190  | 343    | 65,368 | 8,780  | 21,235 | 1,721  | 4,585 | 934    |

youth, whereas Hawaii, the smallest state, consistently referred the smallest number. In general, there were fewer total numbers of referrals in 2004 than in 1995. However, there were greater numbers of referrals originating in schools in 2004 than in 1995 for three of the five states (Arizona, Hawaii, and Missouri). In contrast, West Virginia and South Carolina experienced a net decrease in the number of referrals from schools from 1995 to 2004.

### *SR Per 1,000 Students Enrolled*

Figure 1 displays the SR per 1,000 students enrolled in the five states examined from 1995 to 2004. There is variability in the trends within the states as well as across the states. Schools from Missouri, Hawaii, and Arizona referred a greater proportion of students in 2004 than in 1995, whereas schools from South Carolina and West Virginia referred a lesser proportion across the 10 years. Schools from Missouri referred the largest proportion of students each year, whereas Hawaii referred the smallest proportion. South Carolina is notable because the schools referred the second smallest proportion of students in 2004 but the schools referred the second greatest proportion of students from 1997 until 2002. In addition, Arizona schools referred fewer than 1 in 1,000 students in 1996 but more than 4 in 1,000 in 2004.

Table 3 displays the SR per 1,000 students enrolled by race in 1995 and in 2004 for four of the five states. We examined the trends of the referrals per 1,000 students enrolled across the 10 years and found that the trends were relatively stable across the races for each of the states, suggesting a lack of a meaningful interaction with race (i.e., the change in referrals per 1,000 students from 1995 to 2004 were similar for each race). Table 3 shows increase in referrals per 1,000 students for most racial groups in Hawaii and Missouri, consistent with the overall trends in those states. In addition, Table 3 shows decreases in the referrals per 1,000 Black students and White students in South Carolina and West Virginia. There was a greater decrease in the referrals per 1,000 students for Black students than for White students in South Carolina and for West Virginia, although for most years the referrals per 1,000 students and the trends in the referrals were similar for Black students and White students.

Figure 2 shows the SR per 1,000 students enrolled by race for Arizona. The trends in referrals per 1,000 are different for the different races. The figure shows that in

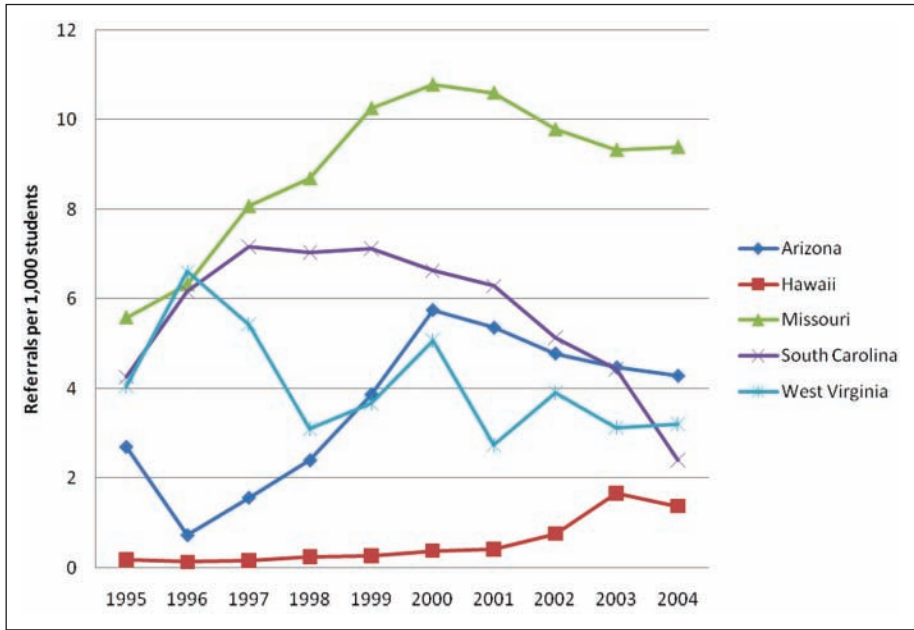


Figure 1. School referrals per 1,000 students in five states

Table 3. School Referrals Per 1,000 Students Enrolled by Race

| Race            | HI             |                | MO   |      | SC             |                | WV             |                |
|-----------------|----------------|----------------|------|------|----------------|----------------|----------------|----------------|
|                 | 1995           | 2004           | 1995 | 2004 | 1995           | 2004           | 1995           | 2004           |
| American Indian | — <sup>a</sup> | — <sup>a</sup> | 3.19 | 6.21 | — <sup>a</sup> | — <sup>a</sup> | — <sup>a</sup> | — <sup>a</sup> |
| Asian           | 0.22           | 1.61           | 0.95 | 0.73 | — <sup>a</sup> | — <sup>a</sup> | — <sup>a</sup> | — <sup>a</sup> |
| Black           | 0              | 0.46           | 5.96 | 6.73 | 5.43           | 2.34           | 5.65           | 2.92           |
| Hispanic        | 0.11           | 0.48           | 2.69 | 5.28 | — <sup>a</sup> | — <sup>a</sup> | — <sup>a</sup> | — <sup>a</sup> |
| White           | 0.12           | 0.86           | 5.6  | 10.3 | 3.5            | 2.66           | 4.02           | 3.27           |

a. Insufficient numbers within racial category.

1996, there were relatively low referrals from schools for each race but that the referrals increased for each race over the next 9 years, with disproportionately larger increases for Hispanic students and Black students. In 2004, referrals per 1,000 Hispanic students was more than three times the referrals per 1,000 White students, and the referrals per 1,000 Black students was about two times that for White students.

Table 4 displays the SR per 1,000 students enrolled by gender for the earliest years data were available and for 2004. In 2004, schools from Arizona, Hawaii, South Carolina, and West Virginia referred equal proportions of boys and girls. We examined

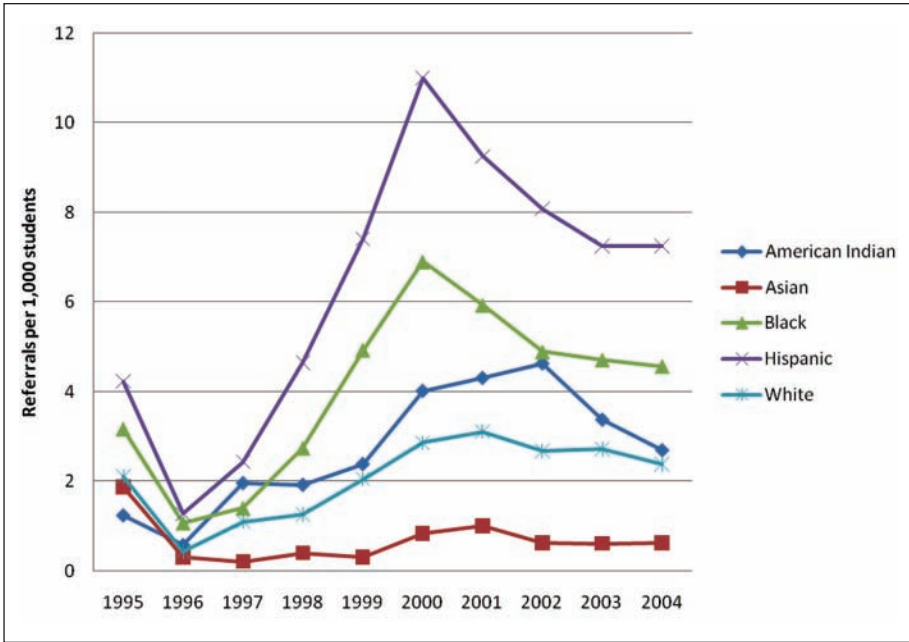


Figure 2. Arizona: Referrals from school per 1,000 students by race

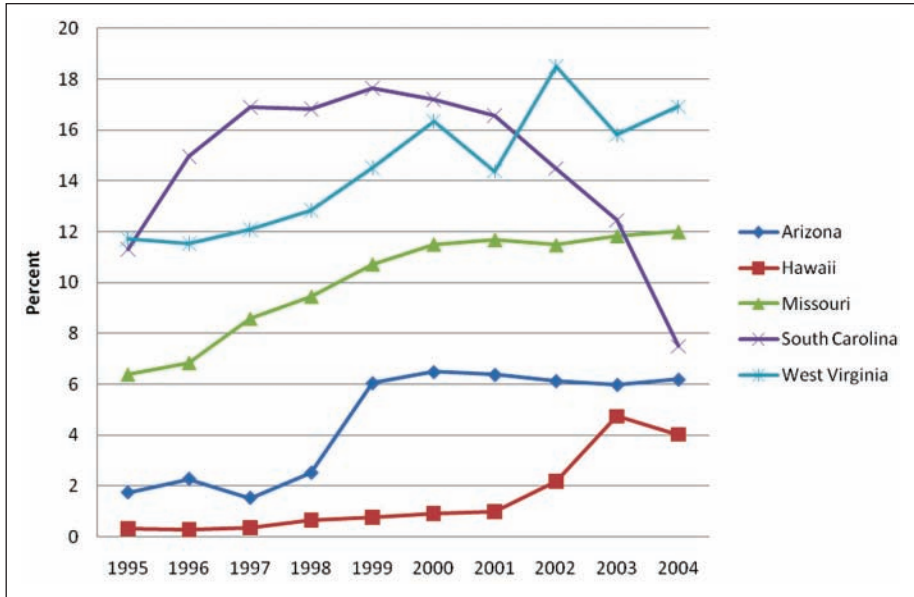
Table 4. School Referrals to the Juvenile Justice System Per 1,000 Students Enrolled by Gender 1995 and 2004

| Year | AZ   |        | HI   |        | MO    |        | SC   |        | WV   |        |
|------|------|--------|------|--------|-------|--------|------|--------|------|--------|
|      | Male | Female | Male | Female | Male  | Female | Male | Female | Male | Female |
| 1995 |      |        |      |        | 6.9   | 4.78   | 4.49 | 6.2    |      |        |
| 1996 |      |        | 0.21 | 0.11   |       |        |      |        | 9.38 | 4.53   |
| 2000 | 6.3  | 5.58   |      |        |       |        |      |        |      |        |
| 2004 | 4.66 | 4.09   | 1.94 | 1.79   | 11.68 | 7.25   | 2.56 | 2.38   | 3.77 | 2.84   |

the trends for each of these states and found similar trends for boys and girls, suggesting a lack of a meaningful interaction with gender. Schools in Missouri referred a greater proportion of boys than girls in 2004, although the referrals per 1,000 boys decreased more than the referrals per 1,000 girls from 1996 to 2004.

### Percentage of Referrals Originating in Schools

Referral sources were examined to determine percentages of referrals originating in schools and the trends in the percentages in referrals originating in schools over time.



**Figure 3.** Percentages of referrals originating in schools from 1995 to 2004 for five states

This analysis allowed us to examine the relative contribution of schools to overall referrals to juvenile courts. Figure 3 displays the plots of the percentages for each of the states from 1995 to 2004. The percentages of referrals originating in schools varied across the states, with some consistency observed in the trends over the 10 years. Schools in Hawaii contributed a small percentage of referrals to the juvenile justice system in 1995 (0.32%), whereas West Virginia and South Carolina schools contributed a much larger percentage of the total referrals in the same year (11.72% and 11.32%, respectively). Four of the states (Arizona, Hawaii, Missouri, and West Virginia) showed an overall increase in the percentage of total referrals originating in schools from 1995 to 2004. Trends in the percentage of referrals originating in schools over time from West Virginia, Missouri, and Hawaii increased, with variations in the trends over the 10 years. Figure 1 shows that the percentage of referrals in Arizona increased until 2000 and then decreased over the next 4 years. South Carolina was unique in both the magnitude of the SR and the trend over time. South Carolina had among the highest percentage of referrals originating in schools in 1995, increasing sharply over the next 2 years. From 1996 to 2001, about 17% of referrals originated in schools in South Carolina, until a sharp decrease in the percentage was observed from 2001 to 2004.

### *Odds of School to Outside SR for Race*

Table 5 displays the odds of SR to OSR per 1,000 individuals by race for Hawaii, Missouri, South Carolina, and West Virginia in 1995 and 2004. We examined the

**Table 5.** Odds of School to Outside of School Referrals Per 1,000 Individuals for Race

| Race            | HI             |                | MO   |      | SC             |                | WV             |                |
|-----------------|----------------|----------------|------|------|----------------|----------------|----------------|----------------|
|                 | 1995           | 2004           | 1995 | 2004 | 1995           | 2004           | 1995           | 2004           |
| American Indian | — <sup>a</sup> | — <sup>a</sup> | 98   | 333  | — <sup>a</sup> | — <sup>a</sup> | — <sup>a</sup> | — <sup>a</sup> |
| Asian           | 4              | 36             | 53   | 71   | — <sup>a</sup> | — <sup>a</sup> | — <sup>a</sup> | — <sup>a</sup> |
| Black           | 0              | 12             | 35   | 59   | 116            | 53             | 55             | 73             |
| Hispanic        | 6              | 25             | 52   | 145  | — <sup>a</sup> | — <sup>a</sup> | — <sup>a</sup> | — <sup>a</sup> |
| White           | 2              | 22             | 82   | 169  | 144            | 121            | 145            | 220            |

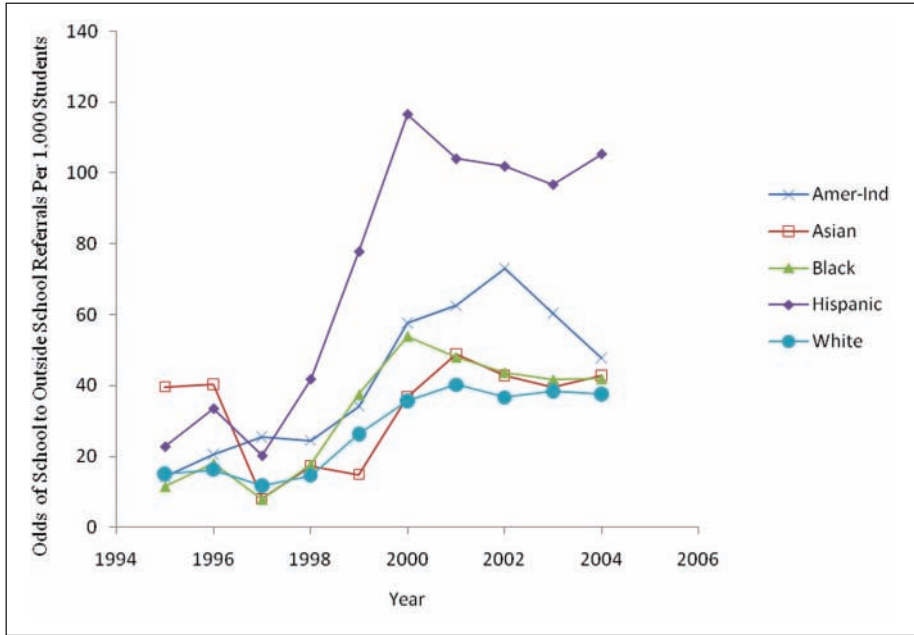
a. Insufficient numbers within racial category.

trends of the odds per 1,000 individuals across the 10 years and found that the trends were relatively stable across the races for each of these states, suggesting a lack of a meaningful interaction with race (i.e., the change in odds from 1995 to 2004 were similar for each race). The odds of SR to OSR per 1,000 were higher in 2004 than in 1995 for Hawaii, Missouri, and West Virginia for each of the races. In Missouri in 2004, for example, of 1,000 Hispanic youths being referred, 145 were referred from schools compared with 52 out of 1,000 in 1995. In contrast, the odds of SR to OSR per 1,000 decreased from 1995 to 2004 for both races in South Carolina.

Arizona, however, exhibited a different trend in the odds of SR to OSR per 1,000 youths across race compared with the other four states. Figure 4 displays the odds per 1,000 individuals by year. The trends were fairly consistent for the Black, White, and American Indian individuals. However, there were differences in trends for Asian students and Hispanic students, although the increase in the odds of SR to OSR per 1,000 for Asians in 2001 decreased by 2004 to levels consistent with the odds for the Black, White, and American Indian individuals. The odds of SR to OSR per 1,000 for Hispanic students were consistent with the odds for the other races until 1998 when the odds increased sharply before leveling off at much higher levels than any other races from 2000 until 2004, suggesting a possible racial interaction.

### *Odds of School to Outside SR for Gender*

Table 6 displays the odds of SR to OSR per 1,000 individuals by gender for Hawaii, Missouri, South Carolina, and West Virginia. The trends in the odds from 1995 to 2004 within these four states were relatively consistent for girls and boys, suggesting the lack of a meaningful gender interaction (i.e., the change in odds from 1995 to 2004 were similar for girls and boys). The odds of SR to OSR per 1,000 boys compared with girls were fairly equivalent across the years in Hawaii and Missouri, with a marked increase in the odds of SR to OSR per 1,000 from 1995 to 2004. The odds per thousand for girls in West Virginia were higher than for boys in both 1995 and 2004, although the odds of SR to OSR per 1,000 increased for girls and boys over the 10 years. In 2004, nearly one in four girls in the West Virginia system were referred by schools. The odds of SR to OSR per 1,000 girls was approximately twice the odds



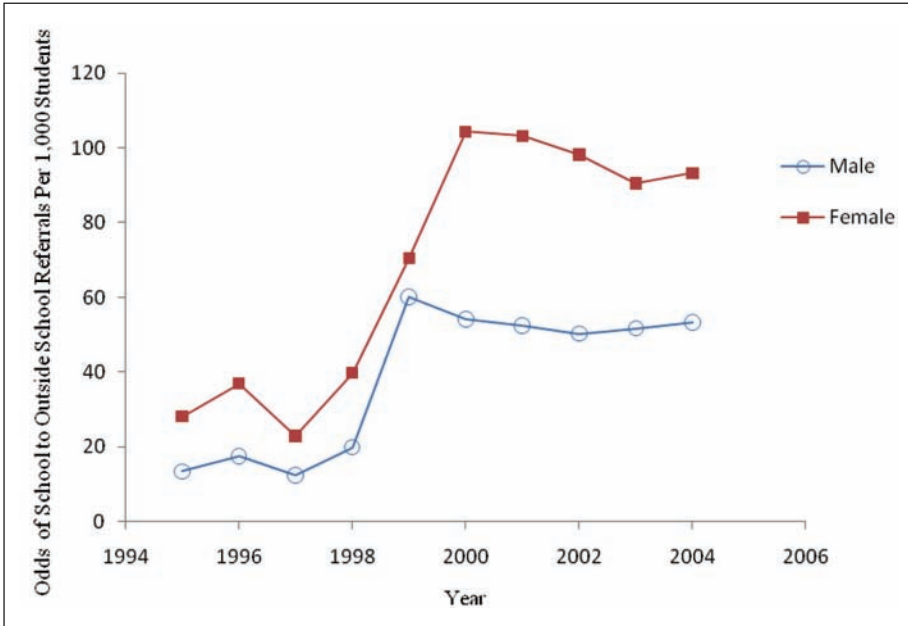
**Figure 4.** Odds of school to out of school referrals per 1,000 students by race in Arizona from 1995 to 2004

**Table 6.** Odds of School to Outside of School Referrals Per 1,000 Individuals for Gender

| Gender | HI   |      | MO   |      | SC   |      | WV   |      |
|--------|------|------|------|------|------|------|------|------|
|        | 1995 | 2004 | 1995 | 2004 | 1995 | 2004 | 1995 | 2004 |
| Female | 4    | 46   | 84   | 137  | 232  | 121  | 165  | 240  |
| Male   | 3    | 39   | 61   | 136  | 93   | 63   | 119  | 184  |

per 1,000 boys in South Carolina in 1995 and in 2004, although the odds of SR to OSR per 1,000 individuals decreased for both groups over time. Nonetheless, more than 1 in 10 referrals for girls originated in schools in South Carolina in each of the 10 years.

There were differences in trends of odds of SR to OSR per 1,000 individuals by gender in Arizona. Figure 5 displays the odds of SR to OSR per 1,000 boys and girls from 1995 to 2004. The odds per 1,000 girls were somewhat higher than the odds per 1,000 boys from 1995 to 1999, with similar trends for both genders. In 2000, the odds of SR to OSR per 1,000 girls increased sharply to more than double the odds per 1,000 for boys, whereas the odds of SR to OSR per 1,000 for boys decreased slightly. The odds of SR to OSR per 1,000 for both genders leveled off, with slightly decreasing trends, over the next 4 years, resulting in disproportionate odds of SR to OSR per 1,000 for girls as compared with boys.



**Figure 5.** Odds of school to outside school referrals per 1,000 youths across gender for Arizona from 1995 to 2004

## Discussion

This article represents the first longitudinal examination of the role of schools in referring students directly to the juvenile justice system across a number of states. We were able to investigate the source of referrals from five states over a period of 10 years. Although the states do not provide a national picture of how schools refer children and youth to the juvenile courts, the extreme variability in the levels of SR and trends over time in the five states examined suggest that national trends may not adequately depict what is occurring within the states. Consequently, these issues should be examined at the state level or within the state educational and juvenile delinquency systems, not within the context of national phenomena. We identified a number of important findings. First, we found that schools in three states (Arizona, Hawaii, and Missouri) referred greater numbers of students to juvenile courts at the same time that the overall referrals were decreasing. We also found that school from these same states referred a greater proportion of the student enrolment. In addition, schools in four of the states (Arizona, Hawaii, Missouri, and West Virginia) represented a greater proportion of referrals to juvenile courts in 2004 than in 1995 with variable trends in referrals across the states. In addition, schools in Hawaii, Missouri, and West Virginia showed generally increasing trends across the 10 years, although there was a decrease in referrals in

Hawaii from 2003 to 2004. In addition, we found that South Carolina and Arizona had varying proportions of referrals attributable to schools over time. Despite the decreasing trend in South Carolina from 1999 to 2004, more than 10% of the total referrals to the juvenile courts were attributed to schools for 9 of the 10 years.

As there was such variability across the states, our hypotheses regarding the rates of SR, the trends in the rates, and proportion of total referrals to OSR were confirmed in some states but not in others. As we found such variability in the levels and trends of referrals across the states, however, we are unable to propose causes for the phenomena. The general increase in the percentage of referrals originating in schools in four of the states was inconsistent with the decreasing numbers of court-involved youth but was consistent with patterns identified in the school discipline research (Krezmien et al., 2006; Skiba et al., 2008). The increases in the proportion of referrals may be, at least in part, due to the increased attention to school misbehavior in the era of accountability (Advancement Project, 2010). In addition, it is possible that the reliance on zero-tolerance policies for school misbehavior and the increased use of SROs to manage school misbehavior may also be related to the increases in SR to juvenile courts. However, these interpretations should be accepted with considerable caution. The variability in the states may suggest that state education and juvenile justice policies and practices may have important implications for understanding the referral rates. Furthermore, there is some indication that the true explanation of school disciplinary policies cannot be adequately understood at the state level but may in fact be heavily affected by school policies and practices (Krezmien et al., 2006). We suspect that school-level factors and local jurisdictional factors may also be important in understanding and interpreting our findings in this article.

We were surprised by the proportions of referrals to juvenile courts originating in schools, especially Missouri, South Carolina, and West Virginia. More than 10% of referrals in those states were attributable to schools for 6 or more years, indicating that 1 in 10 youth referred to the juvenile delinquency system were referred by schools. Perhaps more troubling is that most schools do not operate during the summers, the time of highest delinquent activity. As a consequence, it is likely that these data underestimate the impact that schools have on juvenile courts and that schools actually contribute a higher proportion of the referrals during a school year than what we were able to identify. The findings indicate a need for researchers, policy makers, and practitioners to examine and address these issues.

We hypothesized that minority students would have higher SR per 1,000 students and higher odds of SR to OSR per 1,000 individuals than White students, consistent with school disciplinary research (Krezmien et al., 2006; Skiba et al., 2008). This hypothesis was not supported in four of the five states (Hawaii, Missouri, South Carolina, and West Virginia). In Hawaii, there were relatively small differences in the odds across races. Although Asian students appeared to have higher odds of SR to OSR per 1,000, they represent the majority population, complicating the traditional interpretation of racial disproportionality. In Missouri, the odds of SR to OSR per 1,000 students were comparable for White and Hispanic students and were higher than the odds per



1,000 for Asian and Black students. Again, these findings are not consistent with the research. In both South Carolina and West Virginia, we found higher odds of SR to OSR per 1,000 students for White students than for Black students. This finding may reflect a true absence of disproportionality, but the data are insufficient to allow adequate interpretation of the findings. For example, our findings run counter to nationwide trends that clearly show disproportionate juvenile arrest rates of minority youth nationally (Puzzanchera, 2009). However, these nationwide trends may mask variation within states. Our hypothesis was partially supported in Arizona. We found that SR per 1,000 Hispanic students and Black students were higher than for White students and that these minority groups experienced greater increases in trends than White students. We also found odds of SR to OSR per 1,000 Hispanic students were substantially higher than the odds for any other race for the last 5 of the 10 years studied.

The varied findings across the states make interpretations difficult, but the variability further indicate that we should be looking more closely at what occurs within the states rather than phenomena across states or even at the state level. It is possible that racial composition of the states, other state characteristics, and the educational and juvenile justice policies and practices may play an important role in disproportionate and proportionate referrals by race. Although we were only able to examine the data from five states, the findings do suggest an absence of a national trend. However, despite the variability across states, we believe that the difference in referrals per 1,000 students and the odds of SR to OSR per 1,000 students and the trends in the referrals per 1,000 students and the odds across the races in Arizona are important and should be examined more closely.

We found some very interesting and unique findings with regard to gender. We found comparable SR per 1,000 boys and girls in four of the five states, which was not consistent with our hypothesis. In addition, we found fairly consistent trends in the referrals per 1,000 students for both genders. These findings are inconsistent with findings from the trends in suspensions or arrest rates by gender. However, the referrals per 1,000 boys were higher than for girls in Missouri, consistent with suspension and arrest rates.

We also found that the odds of SR to OSR per 1,000 girls generally increased over time and that the odds per 1,000 girls were higher than for boys in three of the states. The trends we found regarding girls is consistent with trends that show a proportional rise in school suspension rates for female students (Planty et al., 2009) and an increasing trend in juvenile arrests over the past 10 years (Zahn et al., 2008). However, neither the suspension nor juvenile arrest research shows that girls have higher odds than boys for negative outcomes. This finding is unique and unusual. Consequently, we were not confident making any hypotheses regarding this finding. Furthermore, the variability across states makes interpretations difficult. In addition, the unusual trend in Arizona was surprising and difficult to interpret without additional information about the practices occurring within schools in that state. Our study did not reveal consistent or interpretable trends regarding the impact of gender on SR, and we were unable to develop a theoretical or practical explanation of the phenomena. Rather, our

study revealed new questions and lines of inquiry that require investigations within, not across, the states. For instance, in Arizona we believe there may have been policy or practice changes within the educational systems or within schools in 2000 that explain the rapid increase in odds of SR to OSR per 1,000 girls during that year. We identified sufficient evidence that schools are referring large numbers of youth to the juvenile courts, and we are concerned that some schools are using the juvenile delinquency system to manage problems that were previously considered school disciplinary problems. However, it appears that schools in some states, such as South Carolina, are responding to this problem, whereas schools in other states, such as Hawaii, Missouri, and West Virginia, seem to be referring greater numbers of children and youth directly to the juvenile delinquency system. In addition, the unusual trends in Arizona seem to indicate that despite overall decreases in SR to the juvenile justice system, girls and Hispanics appear to be at greater risk of being referred by schools. However, we did not identify adequate explanations for the findings.

### *Directions for Future Research*

The findings from this study highlight the need to learn more about the role that schools play in referring youth to the juvenile delinquency system. The variability we observed in the SR rates, odds of SR to OSR per 1,000 individuals, and the trends in the rates and the odds suggest that future studies should focus on states and systems within states to understand and respond to existing and potential problems in SR to the juvenile delinquency system. If all states reported the data that we used in this study, we might find consistency in patterns of SR across groups of states; however, the data from these five states make generalizations to national trends difficult and possibly untenable. In particular, future investigations should consider the following lines of inquiry: (a) examination of the types of offenses resulting in referrals from schools and from other sources, (b) examination of individual characteristics of referred youth in the context of all youth in the jurisdiction with particular attention to understanding the patterns of referrals by gender and by race, (c) examination of the SR rates and trends within specific jurisdictions with attention to differences related to jurisdiction characteristics, (d) examination of school effects in referral rates using multilevel modeling, (e) examination of the policies and practices within states and jurisdictions to understand the relationship between policies and referral rates, and (f) examination of appropriate methodologies and analytical approaches to understand the data.

In addition, we recommend using qualitative approaches to understand the phenomenological aspects of the SR rates from the perspective of the multiple state-level and local-level stakeholders. For instance, we believe it will be important to present the findings from this and future investigations to policy makers, department of education officials, police departments, parents, juvenile corrections agencies, and juvenile court judges to understand the trends and the impact of the changes in the referral rates on the various components of the juvenile justice system. Findings from such an investigation will help researchers and policy makers to better understand the complex

relationship between schools, school behavior, and juvenile delinquency so that better prevention and intervention strategies can be developed and employed.

### **Limitations**

This article represents a unique investigation of the rates of SR to the juvenile justice agency and presents the findings from a descriptive analysis of data from five states. There are a number of limitations to the findings. First, the data are descriptive and no causal or correlational statements can be made regarding the underlying causes of the findings. Second, the variables analyzed were limited to the source of referrals, the year of the referrals, and the gender and race of the students referred. Future investigations should include multiple student-level variables as well as information about the types of offense to better understand the nature of the problem.

Our use of school enrolment data as our denominator in our calculation of SR per 1,000 students is also problematic. School enrolment included all K-12 students. Considering that referrals to juvenile courts are extremely unlikely for K-5 students, our calculations likely underestimated the actual referrals per 1,000 students.

Finally, these data do not represent a national picture of SR to the juvenile delinquency system. The findings from these five states should not be applied to other states or be interpreted as national trends.

### **Conclusion**

Our findings indicate that schools are generally referring a greater proportion of students to the juvenile courts system over time and represent a direct link between schools and the juvenile delinquency system in a way that the school to prison pipeline research has not thus far examined in a systematic way. The impact of such a trend on children and youth are likely bleak. As educators, we view these data with deep concern because it represents a strong possibility that schools are using the juvenile courts to handle school misbehavior without consideration of the negative and deleterious effects on children or the juvenile delinquency system. We are also concerned that the practice is expensive and unduly burdens the police, the juvenile courts, and the juvenile corrections systems; all public service agencies that are already working above capacity. Finally, we are troubled about the ultimate impact that referrals have on children and youth who were misbehaving in school and the possible criminalization of school misbehavior (Hirschfield, 2008; Sweeten, 2006). Future research in this area will help us to understand the problem more clearly, but we hope that it also helps the fields of criminal justice and public education to develop solutions that benefit rather than harm our next generations.

### **Acknowledgment**

The authors would like to thank Melissa Sickmund and Sara Livsey of the National Center for Juvenile Justice for assistance in selecting states for their analysis. They also thank anonymous reviewers for their suggestions on an earlier version of this manuscript.

## Declaration of Conflicting Interests

The author(s) declared no potential conflicts of interest with respect to the authorship and/or publication of this article.

## Funding

The author(s) disclosed that they received the following support for their research and/or authorship of this article: This research was funded through a grant from the JEHT Foundation of New York to the second author. The foundation lost its assets in 2008 due to the mendacity of Bernard Madoff (No. 61727-054, Butner, FCC) and was forced to close.

## References

- Advancement Project. (2010). *Test, punish, and pushout: How "zero tolerance" and high-stakes testing funnel youth into the school-to-prison pipeline*. Available from <http://www.advancementproject.org/home>
- Anderson, C. (2004). Double jeopardy: The modern dilemma for juvenile justice. *University of Pennsylvania Law Review*, 3, 1181-1219.
- Bowditch, C. (1993). Getting rid of troublemakers: High school disciplinary procedures and the production of dropouts. *Social Problems*, 40, 493-507.
- Casella, R. (2003). Zero tolerance policy in schools: Rationale, consequences, and alternatives. *Teachers College Record*, 105, 872-892.
- Children's Defense Fund. (2007). *America's cradle to prison pipeline*. Washington, DC: Author. Retrieved October 1, 2009, from <http://www.childrensdefense.org/child-research-data-publications/data/cradle-prison-pipeline-report-2007-full-highres.html>
- Dinkes, R., Cataldi, E. F., & Lin-Kelly, W. (2007). *Indicators of school crime and safety: 2007* (NCES 2008-021/NCJ 219553). Washington, DC: National Center for Education Statistics, Institute of Education Sciences, U.S. Department of Education, and Bureau of Justice Statistics, Office of Justice Programs, U.S. Department of Justice.
- Government Accounting Office. (2001). *Student discipline: Individuals with Disabilities Education Act* (GAO-01-210). Retrieved October 1, 2009, from <http://www.gao.gov/new.items/d01210.pdf>
- Gun Free Schools Act of 1994, 20 U.S.C. 70 § 8921 et seq. (1994).
- Heavyside, S., Rowand, C., Williams, C., & Farris, E. (1998). *Violence and discipline problems in U.S. public schools: 1996-97* (NCES 98-030). Washington, DC: U.S. Department of Education, National Center for Education Statistics.
- Hirschfield, P. J. (2008). Preparing for prison? The criminalization of school discipline in the USA. *Theoretical Criminology*, 12(1), 79-101.
- Kim, C. Y., & Geronimo, I. I. (2009). *Policing in schools: Developing a governance document for school resource officers in K-12 schools* (An ACLU White Paper). New York: ACLU. Retrieved October 1, 2009, from [http://www.aclu.org/pdfs/racialjustice/whitepaper\\_policinginschools.pdf](http://www.aclu.org/pdfs/racialjustice/whitepaper_policinginschools.pdf)
- Krezmien, M. P., Leone, P. E., & Achilles, G. M. (2006). Suspension, race, and disability: Analysis of state-wide practices and reporting. *Journal of Emotional and Behavioral Disorders*, 14, 217-226.

- Kupchik, A. (2009). Things are tough all over: Race, ethnicity, class and school discipline. *Punishment and Society, 11*, 291-317.
- Mayer, M. J., & Leone, P. E. (2007). School violence and disruption revisited: Establishing equity and safety in the school house. *Focus on Exceptional Children, 40*, 1-27.
- Mukherjee, E. (2007). *Criminalizing the classroom: The over-policing of New York City schools*. New York: New York Civil Liberties Union.
- National Association for the Advancement of Colored People. (2006). *Arresting development: Addressing the school discipline crisis in Florida*. Florida State Conference NAACP, the Advancement Project, and the NAACP Legal Defense and Educational Fund. Retrieved October 1, 2009, [http://www.advancementproject.org/news/press\\_releases/2006/04/report\\_reveals\\_harsh\\_impact\\_zero\\_tolerance\\_policies\\_florida\\_public\\_school](http://www.advancementproject.org/news/press_releases/2006/04/report_reveals_harsh_impact_zero_tolerance_policies_florida_public_school)
- National Center for Education Statistics. (n.d.). *NAEP: The nation's report card*. Retrieved February 9, 2010, from <http://www.nces.ed.gov/nationsreportcard/naepdata/>
- No Child Left Behind Act of 2001, 20 U.S.C. 70 § 6301 et seq. (2001).
- Planty, M., Hussar, W., Snyder, T., Kena, G., DewalRamani, A., Kemp, J., et al. (2009). *The condition of education 2009* (NCES 2009-081). Washington, DC: National Center for Education Statistics, Institute of Education Sciences, U.S. Department of Education.
- Puzzanchera, C. (2009). *Juvenile arrests 2008* (Juvenile Justice Bulletin). Washington, DC: U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention.
- Puzzanchera, C., & Sickmund, M. (2008). *Juvenile Court Statistics 2005*. Pittsburgh, PA: National Center for Juvenile Justice.
- Schreck, C. J., Miller, J. M., & Gibson, C. L. (2003). Trouble in the school yard: A study of the risk factors of victimization at school. *Crime and Delinquency, 49*, 460-484.
- Skiba, R. J., & Rausch, M. K. (2006). Zero tolerance, suspension, and expulsion: Questions of equity and effectiveness. In C. M. Evertson & C. S. Weinstein (Eds.), *Handbook of classroom management: Research, practice, and contemporary issues* (pp. 1063-1089). Mahwah, NJ: Erlbaum.
- Skiba, R., Reynolds, C., Graham, S., Sheras, P., Close Conoley, J., & Garcia-Vazquez, E. (2008). Are zero tolerance policies effective in the schools? An evidentiary review and recommendations. *American Psychologist, 63*, 852-862.
- Snell, C., Bailey, C., & Carona, A. (2002). School crime policy changes: The impact of recent highly-publicized school crimes. *American Journal of Criminal Justice, 26*, 269-285.
- Sweeten, G. (2006). Who will graduate? Disruption of high school education by arrest and court involvement. *Justice Quarterly, 23*, 462-480.
- U.S. Department of Education. (2007). *The condition of education—School characteristics and climate, school violence and Safety—2007*. Retrieved October 1, 2009, from [http://nces.ed.gov/programs/coe/2007/pdf/36\\_2007.pdf](http://nces.ed.gov/programs/coe/2007/pdf/36_2007.pdf)
- Wald, J., & Losen, D. (Eds.). (2003). *Deconstructing the school-to-prison-pipeline*. Hoboken, NJ: John Wiley.
- Zahn, M. A., Brumbaugh, S., Steffensmeier, D., Feld, B. C., Morash, M., Chesney-Lind, M., et al. (2008). *Violence by teenage girls: Trends and context* (Girls Study Group Bulletin). Washington, DC: U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention.

## **Bios**

**Michael P. Krezmien**, PhD, is an assistant professor in the School of Education at the University of Massachusetts, Amherst.

**Peter E. Leone**, PhD, is a professor of special education at the University of Maryland, College Park.

**Mark S. Zablocki**, PhD, is a researcher at the National Center on Education, Disability, and Juvenile Justice at the University of Maryland, College Park.

**Craig S. Wells**, PhD, is an assistant professor in the Research and Evaluation Methods Program, School of Education at the University of Massachusetts, Amherst.