

2016

# Investigating How Families Experience School Criminalization

Monique Tate  
*Walden University*

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# Walden University

College of Social and Behavioral Sciences

This is to certify that the doctoral dissertation by

Monique Tate

has been found to be complete and satisfactory in all respects,  
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## Review Committee

Dr. Marlene Coach, Committee Chairperson, Human Services Faculty

Dr. Eric Youn, Committee Member, Human Services Faculty

Dr. Barbara Benoiel, University Reviewer, Human Services Faculty

Chief Academic Officer

Eric Riedel, Ph.D.

Walden University

2016

Abstract

Investigating How Families Experience School Criminalization

by

Monique Y. Tate

MA, College of New Rochelle, 1995

BS, Manhattanville College, 1990

Dissertation Submitted in Partial Fulfillment

of the Requirements for the Degree of

Doctor of Philosophy

Human Services

Walden University

August 2016

## Abstract

Public school students across the United States have been criminalized for minor youth behavior issues such as truancy, defiance, and minor fighting incidents. The presence of law enforcement is expanding in school spaces, increasing the likelihood of young students facing court systems for minor offenses. Criminalization of students is counterproductive considering schools are designed to promote student growth and development. Little is known about how students and parents experience school criminalization. The purpose of this multi-case study, based on Freire's conceptual framework of critical consciousness, was to investigate how a small group of families experienced school criminalization. Three families of youths who had been criminalized for minor school offences were recruited using community partners as referral sources. Interviews were conducted with parents using a semi-structured protocol, and data were also obtained from school and court records provided by parents. Data were triangulated, summarized as case descriptions, member checked, and then cross-theme analyzed based on Gibbs and Taylor's approach for emergent themes. Study results demonstrated that these families felt trapped between two institutions and experienced fear and frustration trying to deal with both systems. Participants also recommended ways parents and schools might improve discipline for minor offences. This study will influence social change by informing school and juvenile justice discipline policy reform about working with two systems in managing student behavior concerns. In addition, the interview protocol can be used by human services professionals to help improve understanding of clients faced with school criminalization issues.

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## Dedication

This study is dedicated to the families who volunteered to participate in this research. Their stories are invaluable and will hopefully lead the way in promoting humanity in the way American public school students are disciplined in the 21<sup>st</sup> century.

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## Chapter 1: Introduction of Study

### **Introduction**

Students naturally make mistakes in school and incidences of student misconduct are within the boundaries of normal youth development (Lashley & Tate, 2009). Since the 1990s, school officials have responded to student misconduct with *zero tolerance policies* (Martinez, 2009). Adherence to zero tolerance policies has led to increases in public school students being criminalized for their behavior throughout the United States (Irwin, Davidson, & Hall-Sanchez, 2013; Kupchik, 2009). There are few legitimate arguments against the implementation of school discipline protocols to optimize learning and safety (Bear, 2012; Cornell & Mayer, 2010). However, when students are criminalized for typical youth behaviors, the integrity of zero tolerance policies becomes questionable (Browne-Dianis, 2011; Edmiston, 2012; Teske, 2011). Dahlberg (2012); Davis, Mastropolo, and Sher (2011); Irwin et al. (2013); and Nicholson-Crotty, Birchmeier, and Valentine (2009) referred to school criminalization as a conduit through which youth enter the criminal justice system. According to Edmiston (2012), Kim (2009), Langberg, Fedders, and Kukorowski (2011), and Sussman (2012), families face psychological and social consequences when students are routed into the criminal justice system for minor school offenses. Investigating real-life accounts was necessary for gaining an in-depth understanding of how families experience the process of school criminalization.

This chapter begins with an investigation of the background on the problem of school criminalization to bring attention to why this phenomenon needed to be



investigated as an exploratory, multicase study. Also in this chapter, I explain logical connections between my research approach and Freire's (1970) conceptual framework of critical consciousness. I present a concise rationale for selecting a qualitative approach to investigate how school criminalization affects families in the Nature of Study section. I included definitions of important terms like minor school behavior, school criminalization, and zero tolerance. A summary of main points concludes this chapter.

### **Background of Study**

Media attention given to the "Kids for Cash" juvenile justice scandal (Getlan, 2014; Goodman, 2014), illuminated the issue of school-aged youth being incarcerated for minor juvenile offenses. Judges Ciavarella and Conahan sentenced youth to juvenile detention facilities for monetary kickbacks (Getlan, 2014). Students in these cases were given jail sentences for minor infractions such as fighting at school, using profanity, and inappropriate use of social media (Getlan, 2014; Goodman, 2014). A report issued by the Pennsylvania Interbranch Commission on Juvenile Justice (Gray, 2010) in this case pointed out the judges' reliance on a zero tolerance policy is what initiated the use of significant penalties for these minor, youthful offences. While the actions of these particular judges are considered unusual, (Getlan, 2014; Goodman, 2014; Gray, 2010), the broader issue is the liberal use of zero tolerance policies. According to Dahlberg (2012), Jones (2013), Kupchik (2009), and Langberg et al. (2011), public school students throughout the United States are increasingly criminalized for minor school discipline issues such as food fighting, defiance, and even dress code violations. As reiterated by Edmiston (2012) and Sussman (2012), the illegalization of minor misbehavior has

transformed the school-to-jail phenomenon into issuances of citations and school-based arrests that have led to students being criminally convicted.

Browne-Dianis (2011), Hirschfield (2008), Martinez (2009), and Robbins (2005) cited the governing of student behavior through zero tolerance policies as the leading cause of pupils being criminalized for typical misconduct in school. The groundwork for zero tolerance policies was initiated by federal drug and weapon regulations resulting from the federal War on Drugs that began in the 1980s continuing into the 1990s (Allman & Slate, 2011; Jones, 2013; Robbins, 2005) and further exasperated by the 1999 Columbine school shootings (Jones, 2013). While using zero tolerance policies to address school crime and violence is an appropriate use of the federal mandate (Allman & Slate, 2011; Jones, 2013), depending on such punishments for noncriminal school behavior is not (Brown-Dianis, 2011; Martinez, 2009). School administrations throughout the United States continue to take liberties with zero tolerance mandates to include arresting and detaining students for minor school offenses such as truancy, insubordination, and disrespect (Browne-Dianis, 2011; Dahlberg, 2012; Martinez, 2009). Despite a lack of consensus regarding whether or not zero tolerance discipline policies have made schools safer, policing in schools has steadily expanded (Dahlberg, 2012; Krezmien, Leone, Zablocki & Wells, 2010).

Kim (2009); Lanberg et al. (2011); and Sussman (2012) found increased reliance on law enforcement officers in public schools to be troubling. The presence of school resource officers (SROs) is linked to increases in minority, economically challenged, and students with disabilities coming in contact with the criminal justice system (Dahlberg,

2012; Theriot, 2009). These student populations historically receive harsher punishments despite statistical evidence showing minority, economically challenged, and students with disabilities do not commit more severe discipline infractions than White or more affluent students (Crutchfield, Fernandes, & Martinez, 2010; McCarter, 2009; Nicholson-Crotty, Birchmeier, Valentine, 2009; Wadhwa, 2010). According to Kupchik (2009), Irwin et al. (2013), and Skiba et al. (2011), race and class play a prominent role in predicting school discipline outcomes and trends. Kim (2012), Lashley and Tate (2009), and Edmiston (2012) found overreliance on law enforcement and criminal courts to punish students (especially marginalized student populations) for minor school discipline problems raises ethical questions. According to Langberg et al. (2011), a causal relationship between decreases in school crime and the presence of SROs has not been found. While the defined role of law enforcement in schools is often ambiguous (Coon & Travis, 2012; Shuler Ivey, 2012; Weiler & Cray, 2011), Price (2009) clarified that the presence of law enforcement officers in schools was a contributing factor in increases in school related juvenile court cases.

There is empirical data that shows discipline trends in the school-to-jail phenomenon (Crutchfield et al., 2010; Nicholson-Crotty et al., 2009; Skiba et al., 2011). There is some qualitative reporting explaining the perspectives of individuals involved in school policing and juvenile justice processes (Cole & Cohen, 2013; Toldson et al., 2010); however, I found little qualitative literature investigating the social consequences experiences by families when students are criminalized for minor school behavior (Edmiston, 2012; Kim, 2009; Langberg & Fedders, 2013). The scope of my study

addressed this gap. As maintained by Creswell (2007), Flyberrg (2006), and Stake (1995), case study research is helpful in examining real life accounts of social issues that lack transparency. Using a qualitative, multicase study was an appropriate research plan for exploring the social consequences of school criminalization on families.

### **Problem Statement**

The misapplication of federal zero tolerance policies in public schools throughout the United States has yielded increases in the criminalization of minor student misconduct (Lashley & Tate, 2009; Martinez, 2009; McNeal & Dunbar, 2010). Continuing zero tolerance practices for typical youth behavior needs further examination considering national data indicates school crime and violence have decreased significantly (Dahlberg, 2012; Sussman, 2012). Langberg and Fedders (2013) charged the unintended outcome of schools relying heavily on law enforcement to handle minor discipline infractions is students being introduced to the criminal justice system too young, too soon. Using zero tolerance regulations for minor youth misconduct adversely affects school climate, causing breakdowns in traditional bonds between students, families, teachers, and school administration (Browne-Dianis, 2011; Teske, 2011). Being interrogated by police officers or arrested at school can be traumatic for students and their caretakers (Browne-Dianis, 2011; Campbell, 2012, Hibbard, 2011). While juvenile courts are inundated with school referrals and burdened with associated costs, the personal and social consequences experienced by students and their families required critical research (Edmiston, 2012; Getlan, 2014; Kim, 2012; Sussman, 2012).

Dealing with the processes involved in merging school discipline with the

criminal justice system can be overwhelming for families (Edmiston, 2012; Kim, 2009; Sussman, 2012). Families who are impacted by school criminalization not only incur fines, but often become engaged in legal battles with schools and courts without adequate support (Edmiston, 2012; Goodman, 2014; Kim, 2009; Sussman, 2012). I did not find much qualitative research concerning the issue of school criminalization from the perspective of those directly affected by this problem. Edmiston (2012), Langberg et al. (2011), and Sussman (2012) suggested more awareness was needed as to how school criminalization causes concern for families. Keeping in stride with humanistic perspectives described by Freire (1970) and Gil (1992), I surmised school criminalization case studies were needed. I addressed this gap through qualitative, exploratory, multi-case study research (Becker et al., 1994-2012), so families could present their cases with respect to how this phenomenon affected their lives.

### **Purpose of Study**

Investigating the experiences of participants similarly situated in social issues needing clarification is important and can be revealing (Cole & Cohen, 2013; Stake, 1995; Yin, 2014). The purpose of conducting an exploratory, multicase study was to gain a holistic understanding of how individual families were affected by school criminalization. My intent was to give families bounded by the experience of having students, who had been disciplined by law enforcement and or processed into legal systems for minor school offenses, an opportunity to share related experiences. Allowing families to reflect and discuss their situations is the cornerstone of critical consciousness-raising (Freire, 1970; Gil, 1992) as experiential knowledge was accessed and used to

determine what was needed to bring positive change to this social dilemma. Providing extensive descriptions of collective cases helped broaden what is known about school criminalization.

### **Research Questions**

The central research questions that guided my study were:

1. How do families describe the process of school criminalization?
2. How are families affected when students experience criminalization for minor behavior?
3. What do families know about the issue of school criminalization?

### **Conceptual Framework for the Study**

Using a post-modern approach, I adopted the process of data collection and analyses to the conceptual framework of critical consciousness (Creswell, 2007; Freire, 1970; Patton, 2002) based on the context of Freire's critical pedagogy. Freire introduced critical pedagogy as a praxis of broadening humanism whereas those oppressed by systems don't merely sit in isolation, but are proactive in confronting the status quo giving meaning to their experiences through critical, reflective, action-bound dialog. Applying the framework of critical consciousness to research is not to focus directly on a system, but the expressed reality of how people are situated or bounded by a system (Freire, 1970; Gil, 1992). Social discourse between student and teacher, practitioner and client, or researcher and participant are problem-posing and problem-solving (Freire, 1970; Gil, 1992). Freire and Gil proposed critical consciousness emerges as participants critically reflect and assess their experiential knowledge while developing a critical

attitude toward action.

Critical researchers illuminate social issues within the context of systems, policies, and institutional practices allowing those who are marginalized to articulate and rethink their positioning in oppressive conditions (Freire, 1970; Garcia, Koustic, McDowell, & Anderson, 2009; Gil, 1992; Petersen, 2009; Wadhwa, 2010). Using Freire's and Gil's guidelines, I considered how diverse student populations are systemically affected by school criminalization and, sought to offer alternative perspectives regarding this phenomenon. Baxter and Jack (2008) and Yin (2012) recommended using research-based statements or propositions to illuminate a detailed focus and to guide the scope of study. However, I did not find enough information about how families experience the process of school criminalization to develop explicit propositions at the time of my study. The criminalization of student behavior should not be addressed solely in the context of statistical data since there are institutional practices linking students to the criminal justice system throughout the United States (Jones, 2013; Langberg & Fedders, 2013; Sussman, 2012).

Use of the critical consciousness framework was relative to my study. As a critical conscious researcher, I involved participants in investigative and reflective dialog practices intended to support their self-awareness. Families were asked to work alongside me as co-investigators (through member checking) to communicate their case knowledge, verify documents, and help analyze their own experiences. Member checking, which is a frequently used qualitative strategy (Creswell, 2007; Janesick, 2011; Stake, 1995), helped raise the credibility of data collected and analyzed. Keeping in line

with fundamental concepts of critical consciousness (Freire, 1970; Gil, 1992), my critical consciousness emerged as I read through interview and document data, incorporating participant knowledge into the development of my study implications and policy recommendations.

A more detailed explanation of the key elements of Freire's (1970) critical consciousness framework as derived from the literature is provided in Chapter 2.

### **Nature of Study**

The nature of this study warranted an exploratory, qualitative multicase study research design (Becker et al., 1994-2012; Stake, 1995; Yin, 2014) in order to explore aspects of school criminalization from the perspectives of families who experienced it. I was resolved to offer a holistic view of how individual families experience school criminalization by recruiting families similarly situated in this phenomenon based on the study criteria. According to Flyberg (2006), case study research is central for investigating real-life phenomena through the expert testimony of those with first-hand knowledge. Current statistical data showing school criminalization does occur can be found in the literature (Crutchfield et al., 2010; Dahlberg, 2012; Kupchik, 2009; Skiba et al., 2011). However, additional studies dedicated to exploring the nuances of this phenomenon as optimally researched through qualitative, multicase studies were needed.

How families experienced the phenomenon of school criminalization was the main concept being investigated. Families with children who faced law enforcement, had to go to court, and been arrested for minor school behavior were recruited to describe what happened in their cases. The individual sampling unit (family) included parent(s) or



caregiver(s) and other adult family members involved in cases. Parents who were recruited, critically reflected on their families' experiences and what they knew about school criminalization. Primary data were obtained through interviews (by phone) and authenticated by school, court, and health documents shared by parents. Data collected was be uploaded to NVivo, a qualitative software program, to assist me in organizing, managing, and analyzing multicase data (Creswell, 2007; Yin, 2014). I transcribed and coded interviews and documents in order to develop detailed descriptions of case themes and cross-case analyses.

### **Definitions**

Below is a list of key concepts and constructs used in the present study that were operationalized by professional literature:

*Family*: Bonded members of a related unit consisting of youth and their parents or caregivers responsible for their well-being, siblings, and other bonded members that have direct influence on child development (Davis, Chandler, Dudley, 2013; Scholz, 2011)

*Minor school behavior or minor discipline infraction*: Student behaviors or misconduct that can be categorized as one or more of the following: (a) status offenses (offenses not considered illegal for adults), (b) nonviolent, nondrug, and nonweapon related; (c) not a threat to overall school safety; (d) not usually considered a criminal act outside of school; (e) often determined subjectively; and (f) nonzero tolerance behaviors increasingly illegalized by school criminalization. Such actions include but are not limited to broad differences in disruptive, disobedient, disrespectful, disorderly or defiant behavior; and more specific behaviors like truancy, temper tantrums, food fighting, using

profanity, yelling out in class, minor altercations between students, dress code violations, etc. (Edmiston, 2012; Gonsoulin, Zablocki, & Leone, 2012; Jones, 2013; Langberg & Fedders, 2013; Martinez, 2009).

*School criminalization:* The process of targeting school discipline infractions and illegalizing minor school offences with severe punishment (issuance of criminal citations, juvenile court referrals, and, or school-based arrests) by merging school discipline with the criminal justice system through the increased presence of school police officers and, or security surveillance (Irwin et al., 2013; Krezmien et al., 2010; Sussman, 2012).

*Student:* A child, youth, or juvenile enrolled in a K-12 public elementary, middle, or high school ranging in ages of 5-17 (Dahlberg, 2012; Kim, 2009; Edmiston, 2012).

*Zero tolerance policies:* Discipline measures initiated by the Guns Free Schools Act of 1994 which required school administrations to suspend automatically or expel students for bringing guns, drugs, or engaging in criminal or violent behavior threatening to school security. The cornerstone of zero tolerance is issuance of inflexible, punitive discipline protocols. Through use of school policing and school surveillance, zero tolerance policies adherently link school discipline with the criminal justice (Langberg & Fedders, 2013; Irwin et al., 2013; Gregory & Cornell, 2009).

### **Assumptions**

The following assumptions were critical to the meaningfulness of the present study:

1. I will be able to access families who have experienced school criminalization.
2. Study participants will respond openly and honestly to research questions

asked during the interview process.

3. Study participants will be willing to share pertinent and substantiating documents in their possession.
4. I will have unhindered access to participants during the study.

These assumptions were necessary for the context of my research. Access to family members and substantiating documents, the quality of caregiver participation, as well as accuracy of responses was needed to conduct this study.

### **Scope and Delimitations**

Investigating the experiences of families involved in school criminalization cases was necessary for humanizing this issue (Freire, 1970; Gil, 1990; Langberg & Fedders, 2013; Sussman, 2012). Participants in my study were limited to families whose children had been criminalized for minor discipline infractions as defined by current literature concerning the proliferation of zero tolerance policies (Dahlberg, 2012; Edmiston, 2012; Jones, 2013). Families of students who had been arrested for authentic zero tolerance offenses involving illegal drugs, guns/weapons, or imminent threats to school safety were not sampled. Since school criminalization has happened in various school settings across the United States (Kupchik, 2009; Theriot, 2009), family cases in my study were not limited by racial or ethnic background, education, or economic status. I investigated three cases recruited through a community partner and members of family advocacy organizations to conduct my study.

### **Limitations**

Generalizability is a common goal in scientific studies (Creswell, 2007; Patton,

2002; Stake, 1995; Yin, 2014). The present study was based on the principals of qualitative, case study research which does not require a generalizing sampling scheme, but rather a representation of cases that share commonalities (Flyberrg, 2006; Stake, 1995; Yin, 2014) to increase what is known about school criminalization. Baxter and Jack (2008) and Yin (2014) cited the assumption that multicase studies can be time-consuming and overwhelming concerning data collection. Yin suggested case study research is manageable with organized procedures and access to appropriate sources that can confirm consistency in findings or challenge results. The present study was managed and organized using NVivo software, journaling procedures, and conducting audit trails. A standard interview protocol was used for all participants (Patton, 2002; Yin, 2014).

Researcher bias is a common concern and limitation in scientific research (Creswell, 2007, 2009; Flyberrg, 2006; Stake, 1995; Yin, 2014). To appropriately address this limitation, I was mindful to preserve the integrity of family descriptions by cross-checking interviews with submitted documentation. While the present study was limited to family cases, exploring how families experience the process of school criminalization is an understudied phenomenon. Relying primarily on interviews would have limited study results or run the risk of participants having faulty memories or feeling compelled to tell me what they thought I wanted to hear. Accessing documents, such as school, court, and health records, and personal communications increased study credibility since families were able to substantiate their stories as I was able to confirm outcomes. To limit bias and validate trustworthiness, I collaborated with families throughout the study to member check for accuracy and to ensure results conveyed their

experiential knowledge.

### **Significance**

Edmiston (2012), Kim (2009), Sussman (2012), and Theriot (2009) asserted the use of law enforcement and or court systems to discipline students for minor school offences as problematic. Qualitative research was needed to capture the nuances of how families experience school criminalization. The result of the present study provided first-hand information about what is known about school criminalization, adding the voice of families to this social issue. Grounding this study in the idea of critical consciousness (Freire, 1970; Gil, 1992; Hegar, 2012) allowed me to help increase family awareness through the process of reflective interviews. Cases reported by families in my study helps broaden understanding as well as inform human services practitioners and attorneys about the troubling outcomes of school criminalization. Results of this study is beneficial to school and criminal justice stakeholders, encouraging social change in school discipline policies.

### **Summary**

School order and safety is necessary for the promotion of well-being of all school members (Cornell & Mayer, 2010). According to Lashley and Tate (2009), the process of school discipline is an integral part of maintaining a positive school environment. When school students as young as five and six years-old (Browne-Dianis; 2011; Campbell (2012); Hibbard, 2011; Sussman, 2012) have been arrested for their behavior, the issue of school criminalization signals changes are needed in school discipline practices. In this chapter, the foundation of how the misuse of zero tolerance policies has

increased student contact with the criminal justice system was established. Ongoing school policing contributes to school criminalization even though school crime and violence are down (Dahlberg, 2012; Price, 2009; Rudick, 2011). Families are disenfranchised when their children are arrested or given legal summons for minor misconduct at school (Kim, 2009; Sussman, 2012). Questions have been raised regarding possible family rights violations (Edmiston, 2012; Kim, 2012; Sussman, 2012). The literature base was found lacking qualitative exploration concerning the issue of school criminalization. Conducting an exploratory, holistic multi-case study grounded in Freire's (1970) conceptual framework of critical consciousness, was shown to be a suitable approach to investigate how families experience this phenomenon.

Chapter 2 begins with a description of my iterative literature search process. A thorough review of the literature highlights current research related to key constructs of school criminalization that are consistent with the scope of the present study. In Chapter 2, an in-depth analysis of Freire's (1970) concept of critical conscious and how it applied to the current study is provided.

## Chapter 2: Literature Review

### **Introduction**

The broad use of zero tolerance discipline policies has been touted as the leading cause of increases in students being criminalized for misbehavior considered beyond the scope of the policies' originally intended application (Hirschfield & Celinska, 2011; Lashley & Tate, 2009; Thompson, 2011). While maintaining school safety is an expected outcome of school organization, Dalhberg (2012) and Kupchik (2009) upheld surges in school surveillance and policing haven't justified the means. Using law enforcement to govern student behavior raises ethical concerns that requires more research (Edmiston, 2012; Kim, 2012; Theriot, 2009). Hirschfield and Celinska (2011) and Langberg and Fedders (2013) suggested more studies are needed to illuminate the social consequences and outcomes of school criminalization and to clarify how this phenomenon is conceptualized in real-life situations. The aim of the present study was to conduct a multi-case study to a fill gap in the literature regarding how families experience this dilemma.

Chapter 2 begins with a notated, comprehensive strategy describing the iterative literature search process. I have written an exhaustive review of current literature that is relevant to key concepts of school criminalization. Studies related to the present study have been reviewed and synthesized to explain why a qualitative approach was meaningful in addressing one of the gaps in the literature. As stated in Chapter 1, I expound further on Freire's (1970) conceptual framework of critical consciousness with a full explanation of key theoretical statements and definitions applicable to the present

study in Chapter 2 as well. Chapter 2 concludes with a concise summary of major themes identified in the literature as well as a description of how the present study extends knowledge pertaining to how families are impacted by school criminalization raising awareness for social change.

### **Literature Search Strategy**

Library databases and search engines accessed via the Walden University online library system and used for the present study are as follows:

- Academic Search Complete
- Criminal Justice Periodicals
- Education Research Complete
- ERIC
- Google Scholar
- Legal Trac
- Political Science Complete
- ProQuest Central
- ProQuest Criminal Justice
- PsycINFO
- SAGE
- SocINDEX
- Thoreau
- Walden Dissertations



Key search terms are listed below:

- Case study
- Critical consciousness
- Freire
- Juvenile delinquency
- Juvenile justice
- Kids for cash
- Policing in schools
- Qualitative
- School [based] arrests
- School criminalization
- School discipline
- School resource officer
- School to jail [prison] pipeline
- Zero tolerance

My iterative search began using the Walden University online library home *Articles by Topic* link to search relevant research databases. I began searching databases under these subjects:

- Counseling
- Criminal justice
- Education

- Human services
- Social work
- Policy, administration, and security

#### Psychology

Starting with the key phrase search terms *school criminalization*, I conducted a preliminary search in major databases and then moved on to multidisciplinary databases. Three qualified articles were found. Lastly, I searched Google Scholar using *school criminalization*. After applying a custom date range of 2009-2014, the number of articles were reduced. With the exception of a duplicate article I found, I selected four relative articles. From those articles, I also clicked on *Related Articles* to find other similar articles relevant to my study.

From this preliminary search I downloaded eight articles to begin searching for key constructs related to school criminalization. After reviewing these initial articles, I identified reoccurring influences that were significant to school criminalization such as *zero tolerance policies, policing in schools, school to jail [prison] pipeline, school based arrests, and disparate school discipline and juvenile justice outcomes*. I began combining and applying key terms from these concepts as related constructs of interests to expand my reference list and to make my literature search more concise. Terms associated with my selected methodology, research questions, and conceptual framework such as *advocacy, case study, critical consciousness, Freire, impact on families, qualitative study* were also combined with key research terms and related concepts to be re-applied to major databases and multidisciplinary databases:

- PsycINFO: school criminalization, school to jail, zero tolerance, school based arrests, school ticketing, policing in schools, student arrests, school resource officers, school to jail phenomenon, criminalization of youth behavior, school discipline AND qualitative study OR discipline policies, zero tolerance AND school discipline, school policing AND juvenile justice, policing in schools AND impact AND students, advocacy AND juveniles, advocacy AND school discipline, critical consciousness AND/OR qualitative study, losing a child AND impact on parents, school discipline AND qualitative study, parents AND school discipline, Freire AND critical consciousness, Freire AND critical consciousness AND qualitative study
- SocINDEX: school criminalization, school to jail, zero tolerance, school based arrests, school ticketing, policing in schools, student arrests, school resource officers, school to jail phenomenon, criminalization of youth behavior, school resource officers, support for parents AND juvenile delinquency, incarcerated youth AND case study, AND qualitative study, critical consciousness AND Freire AND case study
- ERIC: school criminalization, student behavior, discipline policy, school to jail, policing in schools, parent perceptions of school arrests, parents of incarcerated children, discipline AND educational environment, parents AND/OR parent perception AND school discipline, parents AND school discipline, zero tolerance AND parent rights, school to jail AND parents, school discipline AND case study

- Education Research Complete: school criminalization, school based arrests, zero tolerance AND qualitative study, police AND school discipline, school discipline AND juvenile justice, Freire AND critical consciousness, Freire AND critical consciousness AND qualitative study
- Criminal Justice Periodicals: school criminalization, school to jail pipeline, school to prison pipeline, school discipline, policing in schools, school resource officers, police AND students, police AND schools, school based referrals to juvenile court
- Political Science Complete: school criminalization, school to jail, juvenile justice administration
- Legal Trac: school criminalization, school arrests, school discipline
- Thoreau: school criminalization, school arrests, student advocacy, conscious raising AND case study, zero tolerance, school discipline AND zero tolerance, zero tolerance AND juvenile justice, school criminalization, criminalization of student conduct, zero tolerance AND case study, zero tolerance AND student perception, school arrests AND impact on families, school to prison pipeline AND impact on families, student behavior outcomes AND juvenile justice, impact on families AND case study AND school arrests, impact on parents AND case study AND zero tolerance, impact on students AND case study AND school criminalization, impact on students AND case study AND school arrests

- ProQuest Central: school criminalization, school discipline AND zero tolerance, zero tolerance AND juvenile justice, school criminalization, criminalization of student conduct, zero tolerance AND case study, zero tolerance AND case study, zero tolerance AND student perception, school arrests AND impact on families, school to prison pipeline AND impact on families, Freire AND critical consciousness, criminalization of student conduct AND qualitative study, school discipline AND qualitative studies
- ProQuest Criminal Justice: school based arrests, school environment, policing in schools, juvenile justice AND school discipline, juvenile justice AND kids for cash
- Academic Search Complete: school criminalization, juvenile delinquency AND effects on parents, school discipline AND case study, law enforcement AND school discipline, criminalization AND school discipline AND zero tolerance, criminalization AND school discipline AND behavior, impact of school student arrests, multi case study research AND family, impact of public school student arrests, impact of school arrests on parents, criminalization of student conduct AND qualitative study, school discipline AND qualitative studies, Freire AND critical consciousness, Freire AND critical consciousness AND qualitative study
- Google Scholar: school criminalization, kids for cash, school arrests, policing in schools, impact of school criminalization

- SAGE Research Methods: case study research, multi-case study, qualitative research

To locate the current and scholarly works within each database used, I checked *Boolean/ Phrase*, applied *limiters* (full text, scholarly peer reviewed journals, references available, & publication date of 2009-2014), and *expanders* (apply related terms & also search within the full text of the articles) where applicable. I also checked *All Source Types and Document Types* to ensure a thorough search of key terms used related to the concept of school criminalization would be found in a plethora of publication classifications. Once I began identifying duplicate articles in the databases listed above, I exhausted my main search. The next phase of the iterative search process was to conduct an inventory of downloaded articles. I found a gap in literature regarding firsthand accounts of how families experience school criminalization. I proceeded to do a title search of all dissertations using Walden's library dissertation tab leaving the Full Text box unchecked:

- Arresting children in school AND case study
- Criminalization of student behavior
- Criminalization of student behavior AND case study
- Criminalization of youth behavior
- Criminalization of youth behavior AND case study
- Impact of school criminalization on families and their need for advocacy
- Impact of school criminalization on families

- Impact of school criminalization on students
- Impact of school criminalization of parents
- Impact of school to jail on families
- School criminalization
- School based arrests AND qualitative study
- School arrests AND case study

Applying these search terms resulted in research studies generally related to the title search by key words only and were minimally associated with school criminalization. Dissertations found that were associated with school criminalization were not content consistent with the scope of my study. The results of this search confirmed the gap in qualitative methodology regarding how school criminalization affects families. Since there was little current research and dissertations consistent with my methodology and phenomenon under investigation, I re-checked the reference lists of articles located during my initial search in order to identify any additional articles that may be appropriate for my literature review. Any related articles of significance identified in the reference lists that were current within the past five to seven years were checked against my original reference and or searched in the Walden library using the *Find an Exact Article* tab. If new articles were retrievable and deemed significant to my study, they were added to my original reference list sometimes replacing articles that were redundant in content. Once this final step was completed I divided remaining articles by type:

- Literature summaries

- Litigation/law reviews
- Qualitative studies
- Quantitative studies

From these categories I conducted a final browse through articles and then categorized them by variables or constructs of interest related to the problem of school criminalization to be used as headings for the literature review:

- Criminalization of student behavior
- History of school discipline policies
- Zero tolerance
- Policing in schools
- Disparaging school discipline and juvenile justice outcomes
- Impact of exclusionary discipline practices

I collected about 100 articles through my iterative search. Omitting repetitive sources, I amassed approximately 80 sources related to constructs of school criminalization, application of critical consciousness, and use of case study methodology. Omitting repetitive sources, my references There are about eight articles (older than 2009) retained for historical value pertaining to the antecedents of school criminalization, case study research, and the application of my conceptual framework.

### **Conceptual Framework**

The conceptual framework of critical consciousness applied to the present study. Freire's (1970) critical pedagogy is the source of his concept of critical consciousness or



conscious raising. It was Freire's proposition that the monologic system of contemporary education should be changed to reflect dialogical relationships between teachers and students in order to facilitate social change for those marginalized in society. Freire asserted oppression caused by the bureaucracy of education systems maintains methodological gaps between teachers and students. According to Freire, the monologic classroom sets the stage for the all-knowing teacher to fill-up the unknowing student who is trained to listen, learn, and behave appropriately within a constructed environment. Freire applied the perception of this static situation to the public stage. According to Freire, those who are oppressed by social systems are conditioned to accept how those who dominate and govern those systems define the world.

### **Critical Consciousness Operationalized**

Freire (1970) operationalized the idea of conscious-raising or critical consciousness as a process by which oppressed individuals begin defining their reality by reflecting on their social positioning. Freire positioned those in roles of leadership to walk alongside their constituents (as opposed to being in front of) in order to achieve real liberation. Those affected by social oppression are considered experts in their reality and, therefore, must help guide the way to social change as co-liberators. Critical consciousness requires the cyclical process of reflection and dialog, self-efficacy and action (Freire, 1970; Gil, 1992). Gil, another academician who endorsed the application of critical consciousness in analyzing social policy, defined consciousness as one's awareness, adaptation, and engagement in his or her society. Critical consciousness refers explicitly to the inclination to reflect, question, and challenge the status quo. Freire

and Gil concluded this mental process was the catalyst to humanizing socio-political marginalization and inequality. As the oppressed becomes more critically aware, their social condition becomes more human. Freire and Gil agreed capitalist based systems depersonalizes classicism, racism, and sexism. In other words, those who can't cut it in society is due to their lack of knowledge and competitive skill to fully integrate with the established social order.

As purported by Freire (1970) and Gil (1992), those marginalized by systematic oppression become subjects that need to be changed or fixed. Gil asserted that this way of thinking stagnates the practice of human services. He suggested that political neutrality is not in the best interest of socially oppressed clients. According to Gil, institutional inequality is more often rooted in public policies that covertly maintain the continuum of classicism, racism, and sexism. Gil theorized human service professionals should exercise political correctness by evaluating client issues in the context of social order. He suggested practitioners develop collective, radical approaches when confronting social conservatism. For Gil the practice of critical consciousness begins with those who are committed to social justice advocacy. He recommended that practitioners continue to develop their own critical conscious by planning progressive therapies and interventions aligned with change strategies conducive to the upward mobility of clients in need of social change.

### **Critical Consciousness Promotes Humanism**

Freire (1970) proposed that humanism on the part of leaders and practitioners committed to social justice leads to partnerships with the oppressed rather than further

marginalization. The role of the revolutionary teacher leader is to dialog with individuals affected by inequality facilitating critical reflection and discussion of their views upon their reality. Inherent to the framework of critical consciousness, Freire emphasized critical thinking as the conduit of liberation whereby the oppressed recognize the value of their narrative. Critical consciousness emerges as the experiential knowledge of individuals is assessed within the context of social policy and is merged with the essential knowledge of the practitioner (Freire, 1970; Gil, 1992). According to Freire and Gil, a focused union between the social advocate and the client deepens awareness and promotes self-efficacy. Eventually, marginalized individuals are prompted to act critically upon their reality with intentional strategies to change their situation (Freire, 1970; Gil, 1992). An essential point made by Freire, reciprocated authority between leaders and constituents is a sign of real freedom. Holistically, the expected outcome of critical consciousness is transcendence. Developing critical consciousness is necessary according to Freire and Gil in order to increase the potential for society to become more equitable and, therefore, more human.

### **Critical Consciousness in Qualitative Research**

It appears more research is needed to bridge the gap between the application of critical consciousness and conceptual practice of the framework (Hegar, 2012). Watts, Diemer, and Voight (2011) upheld the idea of critical consciousness is gaining new ground particularly in the American social science arena. In studies by Diemer and Li (2011) and Petersen (2009), dialog, reflection, awareness, and access to social support were found to be necessary for the development of critical consciousness. Drawing from

interpretivism, Petersen conducted semi-structured, qualitative interviews with minority women (ranging in age 18-25 years) who were former special education students. The aim of Petersen's study was to understand and interpret each woman's lived educational experience and development of critical consciousness in order to inform classroom teachers how to serve marginalized students better. Two of the four women with the most reflective awareness of limitations imposed on them due to being minorities with learning disabilities were found to reject stereotypical messaging (Petersen, 2009) routinely. They were more apt to seek and pursue alternative ways to optimize their social capital (Petersen, 2009). The confidence of these two women was marked by having access to strong advocates who encouraged them to assert themselves in using their skills to better their situations (Petersen, 2009).

### **Critical Consciousness in Quantitative Research**

Diemer and Li (2011) used a quantitative approach to examining the antecedents of critical consciousness as it pertained to the political participation of marginalized youth. Diemer and Li found marginalized young people are less responsive to political activities, particularly voting. Having the efficacy to navigate in the political arena is critical in acting on one's behalf and interests (Diemer & Li, 2011). Diemer and Li hypothesized teacher, peer, and parental socio-political engagement help develop critical consciousness and voting behavior in marginalized youth. Diemer and Li sampled responses were from a subpopulation of 665 youth under the age of 25 using the Civic and Political Health National Survey of 2006. A multiple indicator model and a factor analysis were employed to differentiate mean scores of youth responses to civic and

political knowledge, teacher, peer, and parental sociopolitical support and social control and action questions (Diemer & Li, 2011).

The results showed that age did not have a significant effect on how youth responded to survey questions (Diemer & Li, 2011). However, racial/ethnic identification was found to predict differentiation in civic and political knowledge, social action, and voting behavior (Diemer & Li, 2011). While white youth were found to have higher means of civic and political knowledge and voting behavior, non-White youth was found to have greater means in participating in protests or demonstrations. Diemer and Li attributed higher participation in social action among youth of color to the sociopolitical support of parents and peers. Parental and peered sociopolitical support in the form of engaged and reflective political discussions significantly affected how minority youths perceived their ability to impact social change that in effect positively influenced their potential and actual voting behavior. Self-reporting limited this study, however, results indicated dialog and reflection were effective in increasing critical consciousness in marginalized youth.

### **Developing Critical Consciousness in Therapeutic and in Educational Practices**

Garcia et al. (2009) and Hernandez, Aldeida, and Dolan-Del Vecchio (2005) illuminated the importance of raising critical consciousness in families situated in problems that intersect economic, racial, or gender oppression. Accordingly, contemporary therapeutic strategies should address contextual realities aimed at empowering families with knowledge to liberate themselves. Garcia et al. suggested effective therapies take the form of reflective questions and dialog, validation of client

experiences, and alternative exploration of accessing the social capital. Human service professionals practicing self-reflection can help develop critical consciousness in marginalized (Garcia et al., 2009; Hernandez et al., 2005; Staubhaar, 2013). Teachers, practitioners, therapists, and advocates should engage in their development of critical consciousness (Garcia et al., 2009; Hernandez et al., 2005; Staubhaar, 2013). Hernandez et al. cautioned therapists to be conscious of how they articulate rehabilitations. Making connections between client experiences and the social context of their client's circumstances is critical to finding viable change strategies (Hernandez et al., 2005). In a self-study, Staubhaar found engaging in critical consciousness is an evolving process that requires critical teachers continually to assess their biases and delivery of praxis.

### **Critical Consciousness and School Criminalization**

School criminalization is a complex issue. Minority students and students with low socioeconomic and special needs statuses are often marginalized by this phenomenon (Caton, 2012; Dahlberg, 2012; Hirschfield & Celinska, 2011; Krezmein et al., 2010; Kupchik, 2009; Sussman, 2012; Wilson, 2013). The present study benefitted from the framework of critical consciousness since this issue required an in-depth look at the issue of school criminalization as rendered by the experiences of families most affected by this dilemma. The application of the conceptual framework of critical conscious aligns with the principles of qualitative research (Freire, 1970; Gil, 1992; Petersen, 2009; Watts, Diemer, & Voight, 2011). Conducting an exploratory, holistic multi-case study required that I position myself alongside families as a co-researcher (Freire, 1970). My role as co-researcher was to report accurate descriptions of families' firsthand knowledge, as well as

probe for their critical insights and recommendations. Using my semi-structured interview protocol, parents not only described their case but also reflected on their social positioning. According to Freire and Gil, forming dialogical relationships between those who study phenomena and those who participate in it, is the cornerstone of conceptually applying critical consciousness to research. Concerning issues of school criminalization, those most directly affected needed opportunities to offer their insights and perspectives as well as weigh in on how to address school criminalization. Applying the framework of critical consciousness to my study allowed families to reflect on their case knowledge and contribute suggestions needed to improve school discipline practices.

### **Background of Literature Review**

There is concern for increases in public school students being pushed into the criminal justice system for minor youth offenses (Browne-Dianis, 2011; Edmiston, 2012; Goodman, 2014). Much has been written about the antecedents of illegalizing student behavior concerning the overuse of zero tolerance discipline policies (Gonsoulin et al., 2012; Gregory & Cornell, 2009; Kim, 2010; Martinez, 2009; McNeal & Dunbar, 2010; Robbins, 2005). Much has been written about increases in tactical school surveillance (Price, 2009; Schuler Ivey, 2012; Theriot, 2009; Weiler & Cray, 2011; Wittie, 2012). However, a majority of the research concerning the phenomenon of school criminalization was limited to literature commentaries and descriptive statistics as discussed by Theriot. Hirschfield and Celinska (2011) posited scholars have done well to define school criminalization theoretically, but have fallen short of measuring its integrated constructs and procedures. Extending the criminal justice system into

educational spaces has been occurring since the enactment of gun control and anti-drug legislation of the 1990s, making it challenging to trace studies comparing school data without the influence of criminalization (Gonsoulin, Zablocki, & Leone, 2012; Gregory & Cornell, 2009; Kajs, 2006; Kim, 2010; Martinez, 2009; McNeal & Dunbar, 2010; Robbins, 2005; Teske, 2011). During my preparation to conduct exploratory research in this area, no studies had been found consistent with the scope of my study.

### **Antecedents to School Criminalization**

Some researchers have approached this phenomenon by addressing it as the school to prison pipeline (Kim, 2009; Nicholson-Crotty et al., 2009; Roque & Paternoster, 2011). The school to prison pipeline is described as indiscriminate use of zero tolerance policies that consistently push minority, economically challenged, and students with disabilities out of school and into the criminal justice system (Nicholson-Crotty et al., 2009; Roque and Paternoster, 2011). There are ample empirical studies that confirm minority, economically challenged, and students with disabilities are more likely to be disciplined by exclusionary discipline practices than their student counterparts (Caton, 2012; Crutchfield, Fernandes, & Martinez, 2010; Irwin, Davidson, & Hall-Sanchez, 2013; McCarter, 2009; Nicholson-Crotty et al., 2009; Skiba et al., 2011). Krezmien et al. (2010) used a national juvenile court data archive to show increases in school discipline referrals between 1995 and 2004 in four states. Continual increases in school-related juvenile court referrals occurred in the height of zero tolerance implementations even though school crime was dramatically decreasing during this period (Krezmien et al., 2010). Studies by Dahlberg (2012), Kupchik (2009), and



Theriot, (2009) showed increases in criminalization of student misconduct was consistent with increases in school policing and other security measures.

In a case study by Teske (2011), a juvenile court's innovative approach to addressing increases in student discipline referrals was examined for its effectiveness in limiting students being criminalized for minor offenses. Qualitative studies have illuminated inconsistencies of zero tolerance and perceptions held by students and their parents affected by its policies (Bracy, 2011; Caton, 2012; Gibson & Haight, 2013; Kim, 2010; McNeal & Dunbar, 2010). Authors of other exploratory studies have drawn attention to the social consequences and barriers experienced by incarcerated youth when faced with school reentry (Cole & Cohen, 2013; Shulman & Cauffman, 2011). Edmiston (2012), Langberg and Fedders (2013), Kim (2009), and Sussman (2012) presented descriptive statistics in their law reviews revealing litigation strategies useful in dismantling school criminalization practices. There were few available studies in which researchers investigated the procedural developments and consequences of school criminalization experienced by families.

Studies by Dahlberg (2012), Kupchik (2009), Krezmien et al. (2010), and Theriot (2009) offered support that criminalization of student behavior was occurring. These studies were limited geographically and didn't describe the process of how students experienced criminalization. As maintained by Browne-Dianis (2011), Edmiston, (2012), and Dahlberg (2012) national data tracking frequency and descriptions of school-based arrests are deficient. Isolating constructs of zero tolerance would not sufficiently explain the phenomenon of school criminalization (Irwin et al., 2013; Hirschfield, 2008;

Edmiston, 2012; Thompson, 2011). Many interrelating factors are found to be influences of school criminalization. The historical treatment of minority, poor, and disabled students in out of school suspensions, expulsions, and current school-based arrests should not be overlooked (Dahlberg, 2012; Edmiston, 2009; Sussman, 2012).

### **Ethical Considerations**

Consideration should be given to the issue of juvenile competency in court proceedings as well as the ethicalness of using the juvenile court system to handle minor student behavior problems (Cauffman & Steinberg, 2012; Driver and Brank, 2009; Teske, 2011). There is also the question of possible rights violation as it relates to the detention and interrogation of students by law enforcement in school settings without the presence of caregivers or legal representation (Jones, 2013; Kim, 2009; Price, 2009). Kim (2009), Langberg and Fedders (2013) and Sussman (2012) maintained more studies are warranted to detail how students are processed by the juvenile justice system for their behavior at school. An investigation of school criminalization ought to begin with the policies that laid the foundation for the development of this phenomenon.

### **The Impact of Zero Tolerance Policies on School Discipline**

Discipline protocols are frequently being developed and implemented to deal with student misconduct and threats to school safety (Allman & Slate, 2011; Cornell & Mayer, 2010). As explained by Bear (2011) and Cornell and Mayer (2010) school disorder can have adverse effects on school climate and student performance. Bear (2011), Cornell and Mayer (2010), and Lashely and Tate (2009) agreed effective school discipline requires fair, educative, and restorative practices, but made concessions when

suspensions or expulsions are necessary. The introduction of zero tolerance policies came on the heels of the War on Drugs and anti-drug and gun legislation enacted during the 1980s and 1990s (Hirschfield & Celinska, 2011; Robbins, 2005). This was due in part to increasing inner-city youth violence and drug related crimes (Hirschfield & Celinska, 2011; Jones, 2013; Kremien, Leone, & Achilles, 2006; Martinez, 2009; Robbins, 2005). In an effort to dissuade criminal behavior from filtering into educational settings, public schools across America were federally mandated to incorporate zero tolerance into their disciplinary practices (Hirschfield, 2008; Hirschfield & Celinska, 2011; Robbins, 2005).

The Columbine school shootings in 1999 only intensified growing public sentiment that youth misconduct must be handled swiftly and punitively in order to prevent future threats to school safety (Bracy, 2011; Browne-Dianis, 2011; Jones, 2013). Federal mandates through the No Child Left Behind Act (NCLB) afforded schools no choice but to implement zero tolerance policies in order to receive funding linked to school safety and accountability (Allman & Slate, 2011; Gregory & Cornell, 2009; Hirschfield, 2008; Jones, 2013). Students engaging in criminal behavior on or around school property were subject to immediate school removal without discretion. As zero tolerance drug and weapons policies were amended to include removing students for persistent disruptive behavior (Allman & Slate, 2011; Browne-Dianis, 2011; Jones 2013; McNeal & Dunbar, 2010) criminalization of minor student offenses emerged.

Not addressing minor school offences in context of developing, youth social behaviors mirrored the effects of compulsory policies vetted by the War on Drugs which

failed to address inner-city crime in the context of declining infrastructure (Hirschfield, 2008; Hirschfield & Celinska, 2011; Robbins, 2005; Teske, 2011; Wilson, 2013).

According to Allman and Slate (2011), Browne-Dianis (2011), Edmiston (2009), Irwin et al., (2013), and Langberg and Fedders (2013) zero tolerance policies aimed at behaviors typically handled by teachers or school principals have resulted in students being criminalized for minor misconduct. School handling of truancy, fighting, defiance, insubordination, or use of profanity, through zero tolerance has progressively led to law enforcement involvement and over-reliance of referring students to juvenile courts (Browne-Dianis, 2011; Campbell, 2012; Hibbard, 2011; Jones, 2013; Martinez, 2009). Mandating zero tolerance policies is a logical approach when disciplining students who engage in criminal behaviors that threaten school safety. However, broadening zero tolerance policies to criminalize youth status offences doesn't align with age-related needs of adolescents (Browne-Dianis, 2011; Lashley & Tate, 2009). What makes zero tolerance policies controversial is the issue of severely punishing students for typical behaviors that could and should be handled therapeutically and educationally in the context of student development (Bear, 2012; Gregory & Cornell, 2009; Teske, 2011).

### **Shifts in School Climate in the Age of Zero Tolerance**

In the name of school safety, public schools across America have experienced increases in security measures such as surveillance cameras, metal detectors, security guards, and school resource officers since the early 1990's (Bracy, 2011; Hirschfield & Celinska 2011; Kupchik, 2009; Theriot, 2009). Use of school security protocols through zero tolerance initially aimed at inner-city high schools have been adopted by varying

school types (Bracy, 2011; Dahlberg, 2012; Kupchik, 2009). According to Dahlberg (2012) Nelson, Jolivette, Leone, and Mathur (2010), and Irwin et al. (2013), there is controversy regarding whether or not these protective measures have improved overall school security. Some have argued the introduction of zero tolerance into school culture has subsequently weakened relationships between families and school personnel (Browne-Dianis, 2011; Kajs, 2006; Teske, 2011). Bracy (2011), Kim (2010), Martinez (2009), and McNeal and Dunbar (2010) reasoned the punishing mentality resulting from zero tolerance exasperates youth propensity to misbehave. Students feel alienated by school penalties directed at non-criminal behaviors (Bracy, 2011; Kim, 2010; Martinez, 2009; McNeal & Dunbar, 2010).

### **Disparaging Discipline Outcomes**

According to Kim (2010), Ryan and Goodram (2013), and Teske (2011), inconsistent application of zero tolerance methods and misuse of its policies has led to disparaging outcomes. Researchers have long debated the viability of exclusionary discipline practices that result in disproportionate loss of school time for minority, economically challenged, and special needs students (Dahlberg, 2012; Kupchik, 2009; Langberg & Fedders, 2013; Skiba et al., 2011; Sussman, 2012). These student populations are consistently alienated by overuse of strict security measures and harsh disciplinary actions. In a study by Kupchik, increased levels of punitive discipline measures were found at high schools with varying demographics in two different states. Overall, widespread shifts in governing school discipline through crime control were found in four high schools, two in a Mid-Atlantic state and two in a Southwestern state.

Kupchik found similar use of more punitive discipline measures in place of therapeutic solutions to address minor behavior issues across all school types. School Resource Officers (SROs) were also assigned to all schools. Kupchik detected schools with higher percentages of minority and lower-income students had significantly higher suspension rates and were likely to use more invasive surveillance devices like metal detectors.

While disparaging school discipline outcomes are widespread (Dahlberg, 2012; Edmiston, 2012; Krezmien et al., 2006; Ryan & Goodram, 2013; Teske, 2011), there is little to no statistical evidence showing marginalized youth are more prone to misconduct than their student counterparts. Caton (2012), Edmiston (2012), and Theriot (2009) found disparaging discipline outcomes linked to subjective labeling. Traditionally minority, low-income, and special needs youth are typified as more disruptive or disorderly when compared to White or more affluent students committing similarly situated offences (Dahlberg, 2012; Edmiston, 2012; Kupchik, 2009; Sussman, 2012). Student and caregiver perspectives of zero tolerance policies is underexplored (Bracy, 2011; Caton, 2012; Gibson & Haight, 2013; McNeal & Dunbar, 2010); yet, their experiences are necessary for understanding how these policies impact student quality of life. Kim (2010) conducted an ethnographic study to examine student resistance to zero tolerance policies in an alternative school setting. Kim found most students were referred to the school for acts of defiance, disorderly conduct, smoking tobacco, inappropriate speech, and truancy. Student referrals for drug possession or criminal violence were considerably low compared to the referrals for low-level misconduct as mentioned above. Most students referred to this program were White from low-income,

single parent homes. Interviews with students revealed their frustration with teachers who they perceived as having low expectations or who they felt did not exercise fair and equitable discipline (Kim, 2010). Kim observed students' disruptive behavior in class as ways of resisting negative aspects of their school environment.

Gibson and Haight (2013) illuminated the effects of out-of-school suspensions on families using narratives from caregivers. Gibson and Haight sampled caregivers of African American children (mainly males, ages 5 to 17 who were suspended at least twice in one academic year) for the study. Most Caregivers were found to value their children's education and were supportive of appropriate discipline consequences. A little more than half of the 34 caregivers sampled felt their child's suspension was harsh and didn't necessarily fit the offence in the context of their child's maturity level. Many caregivers were suspicious that their son's discipline outcome was racially motivated and were frustrated by their child being pushed out of school. Gibson and Haight found that some parents seemed unaware of zero tolerance policies at their child's school. Many expressed concern for the loss of education their child experienced as a result being suspended.

### **Students Are Ambiguous About Zero Tolerance**

Caton (2012) recruited ten Black male youth, ages 17-20, from an urban setting who had dropped out of high school due to expulsion or suspension to participate in a study. The purpose of the study was to illuminate the counter-story of young Black males concerning their experiences in zero tolerance schools. Caton relied on interviews and journaling as primary data sources. Using open and axial coding, Caton identified

four emerging themes concerning security measures, teacher-student relationships, discipline and student learning, and exclusionary discipline outcomes. Some participants described their high school environments as jail-like, taking issue with the use of body searches, cameras, metal detectors, and being negatively profiled by teachers and security guards. Most participants admitted to having a history of behavior problems in school. Many participants suggested that some of their issues could have been better handled with teacher intervention and consideration of their circumstances (Caton, 2012). Many of the young men in Caton's study expressed their frustration with school punishments that led to recurring loss class time. These same participants (Caton, 2012) also expressed dissatisfaction with not being able to catch up academically once readmitted to school as similarly shown in Gibson's and Haight's (2013) study. Caton added the participants did not perceive their schools as places of belonging illuminating how zero tolerance policies often ostracizes marginalized student populations creating an un-nurturing environment (Brown-Dianis, 2011; Teske, 2011).

Using personal interviews and open dialogue sessions, McNeal and Dunbar (2010) found a sample of students from urban high schools in the Midwest viewed zero tolerance policies as problematic. Most students in the study expressed respect for the need for security; however, many felt safety measures were inadequate. Some students expressed concern that discipline policies were not enforced equitably and consistently. According to McNeal and Dunbar, students were observed as being keenly aware of discretionary uses of zero tolerance policies. Students remarked how favoritism was shown to students based on their school status going as far to say zero tolerance policies



hurt students of low-income. Over the course one academic year, Bracy (2011) collected comparative, ethnographic data from two high-security high schools in the Mid-Atlantic. One school was predominately White and middle class while the other school was more racially mixed with a higher percentage of students of lower socioeconomic status. Results found in Bracy's study were similar to findings in the McNeal and Dunbar study. Accordingly, students in both schools consistently expressed their dissatisfaction with non-negotiable processes of discipline enforcement (Bracy, 2011). Students were observed to be frustrated on numerous occasions having to accept punishment for misconduct without the opportunity for reflection and dialogue. Bracy found that some students were indifferent to the presence of school resource officers (SRO) and were doubtful that a single SRO could promote school-wide safety. Bracy surmised that the presence of SROs in schools is so commonplace students have normalized their existence with mixed feelings.

### **The Role of Law Enforcement in Schools**

Stationing of police within school settings is one of the most prevalent outcomes of zero tolerance (Langberg & Fedders, 2013; Kupchik, 2009; Price, 2009; Theriot, 2009). According to Coon and Travis (2012) school-based law enforcement is not a new idea. During the 1950s, the a few states formulated partnerships between schools and police in an effort to build positive community relations and endorse school violence prevention programs (Coon & Travis, 2012). Increased inner-city violence in the 1980's, media attention regarding juvenile criminality, and implementation of zero tolerance policies increased school-based partnerships with law enforcement (Price,

2009; Shuler Ivey, 2012; Sussman, 2012). Although school crime began declining in the 1990's (Dahlberg, 2012; Irwin, Davidson, & Hall-Sanchez, 2012; Price, 2009), law and order approaches to school discipline remained intact. Reliance on law enforcement to monitor non-criminal student behavior has caused ambiguity concerning the continued role of school resource officers (Coon & Travis, 2012; Schuler Ivey, 2012; Theriot, 2011; Wittie, 2012). Coon and Travis have maintained the role of school police officers exists in two worlds, one as an authority of the state and the other as a school disciplinarian.

As sworn officers of law, the issue has been raised to what extent school police officer's act under the authority of their law enforcement agency in conjunction with the authority of school administrators (Coon & Travis, 2012; Schuler Ivey, 2012; Price, 2009; Wittie, 2012). According to Edmiston (2012), there is a distinction between implementation of SRO programs, which include mentoring and teaching duties, and reliance on traditional police forces to patrol student conduct. Price (2009) and Weiler and Cray (2011) recommended uniformity in implementing school policing programs and national standards set regarding expectations and duties. As discussed by Price, there are several court rulings that have split over the legal status of school resource officers, or traditional police in school settings. Some jurisdictions have ruled law enforcement officers sub-contracted in school settings operate as school employees while other courts have opposed police officers being viewed as school personnel (Price, 2009). Price went on to add the lack of clear guidelines pertaining to the role of school resource officers or traditional police officers remain an issue. The question of student rights in search and

seizure cases and whether or not students are entitled to Miranda warnings has been raised (Price, 2009; Sussman, 2012).

### **Perceptions of School Law Enforcement are Inconsistent**

The role and duties of school police is not only inconsistent in court renderings but also among the perceptions of school personnel and SROs themselves (Coon & Travis, 2012; Schuler Ivey, 2012; Weiler & Cray, 2011). While supporters of school policing endorse the instructional and counseling activities SRO programs offer (Theriot, 2011; Wittie, 2012), school resource officers have limited function in these roles. In a study by Coon and Travis, a national sample of public schools was selected to compare how principals and school resource officers report policing activities. Principals and SROs were given questionnaires to survey police involvement in approximately 60 selected school-related activities. As expected, principals and SROs perceived the most ordinary business of SROs was responding to student crime and or disorder as reported by school staff and patrolling school property (Coon & Travis, 2012). Principals and SROs also matched in their perception of police engagement in teaching and advisory roles which tended to rank low. There were wide discrepancies in reporting police involvement in school safety planning (Coon & Travis, 2012). Principals had higher perceptions of engaging police to create security plans than did school police. School police tended to report more involvement with mentoring students, advising families, and being present at school events than did school principals.

Shuler Ivey (2012) used random sampling and The School Resource Officer Program Evaluation Survey to measure perceptions of how SROs spend their time in high

schools in South Carolina. Principals, SROs, and SRO program supervisors all reported similar perceptions of SROs teaching services which tended to be less than 20% of their time spent in schools. Principals and SRO program supervisors had significantly lower perception of SRO counseling functions than did SROs. Interestingly, SROs perceived their time spent in law enforcement tasks at 44% while school principal's alleged SROs spent three-quarters of their time engaged in law enforcement duties. While counseling, teaching, and mentoring duties may foster more positive relationships between students and school resource officers these roles do not take precedent over the expected law enforcement functions of SROs by school administrators (Shuler Ivey, 2012; Theriot, 2011; Weiler & Cray, 2011; Wittie, 2012). It is inferred that school resource officers should be recognized first and foremost for their sworn duties as officers of law even if they engage in other related activities that include teaching and counseling (Price, 2009; Wittie, 2012).

### **The Effects of Using Law Enforcement to Regulate Student Behavior**

The stationing of police officers in schools, intended to quell crime and promote safety, have resulted on an over-reliance of law enforcement to regulate typical student behavior (Dahlberg, 2012; Edmiston, 2012; Sussman, 2012). Merging the police power of school resource officers with their duties as patrollers of school discipline have exasperated the criminalization of minor student behavior (Krezmien et al., 2010; Langberg & Fedders, 2013; Langberg et al., 2011; Price, 2009). Edmiston (2012), Langberg and Fedders (2013) and Langberg et al. (2011) attributed gradual student loss of educational and civil rights, especially for marginalized youth, to over-policing in

schools. After assessing use of law enforcement in Wake County Public School System (WCPSS) in North Carolina, Langberg et al. found arrests and court referrals for disorderly conduct and minor fighting offences ranked among the five highest delinquency complaints from 2008-2010. Black students in particular made up 69% of delinquency charges even though they only represented about 26% of the population of students in the county.

Theriot (2009) conducted a study measuring the impact of school policing on school arrests in 28 middle schools and high schools within the same district located in the Southeast. Over the course of three consecutive school years, arrests associated with disorderly conduct, assault, possession of drugs, alcohol, and weapons charges were counted. Schools that employed official SRO programs (in which officers received extensive training in school-based law enforcement, teaching, and safety programming,) were found to have higher percentages of economically disadvantaged and minority students. Schools with embedded SROs had higher rates of overall arrests compared to schools that employed and stationed traditional officers outside of schools for the sole purpose of law enforcement. While arrests for more serious offenses such as drug-related charges at schools with SROs were down, these schools significantly outranked non-SRO schools concerning arrests related to disorderly conduct which was the most common charge. According to Theriot, this was a significant finding associating the criminalization of minor student misconduct with the presence of SROs.

Dahlberg (2012) found similar results in a joint study conducted by branches of the American Civil Liberties Unions (ACLU) and Citizens for Juvenile Justice measuring

arrests rates in three of the largest school districts in Massachusetts. Each area used varying school policing models with significant funding allocated to these programs. Boston school district utilized school safety officers who were more socially oriented to engage in behavior intervention programs and techniques. Springfield school district used armed, uniformed officers operating solely as law enforcement to patrol their schools. Interestingly, Dahlberg found that police officers and administrators in this school district did not attribute increases in using the police force to address student behavior to fears of violent crime. Worcester school district did not use permanent police officers on their campuses. Instead, Worcester employed unarmed security guards who operated more as a preventative presence than in the role of law enforcement. Overall school arrests declined from 2007-2010 across all three districts (Dahlberg, 2012). Dahlberg did find, however, that minorities and students with special needs were over-represented in school-based arrests in Boston and more frequently in Springfield mostly for public order offenses or disorderly conduct. Most students arrested were between ages 14-16, but there was reporting of students as young as eleven being arrested for non-criminal offenses. Dahlberg attributed the criminalization of minor school misconduct in Boston and Springfield school districts to the permanent presence and over-reliance on on-site law enforcement officers (as SROs and traditional police) to discipline students.

### **Expanding Law Enforcement in Schools**

Granting police officers full autonomy in large school systems like New York City and Texas have led to over-processing of student misconduct into the criminal

justice system (Edmiston, 2012; Sussman, 2012). In 2004, the Impact Schools Initiative was activated in response to low-performing, disorganized schools in New York City (Sussman, 2012). According to Sussman the initiative focused on deploying uniformed, armed New York City Police Department (NYPD) officers to improve impact schools through zero tolerance policies. Monies spent to fund this initiative were at the expense of implementing more educative and rehabilitative program solutions (Sussman, 2012). NYPD interface with students in these schools resulted in grave consequences. Through student reporting and teacher surveys, schools were described as prison-like environments (Sussman, 2012). Invasive surveillance techniques were used such as permanent and roving metal detectors and frisking. Items confiscated during searches were electronic devices. In 2010, the New York Civil Liberties Union filed a class action suit against NYPD to bring attention to the behavior exhibited by officers in impact schools and high incidences of non-criminal student arrests (Sussman, 2012).

Schools across Texas saw dramatic increases in budgets to expand traditional law enforcement policing from 2001-2007 even though school crime was down (Edmiston, 2012). Officers participating in this school police force model were not trained as school resource officers (SROs). Instead, they were given broad discretion in issuing Class C misdemeanor citations and deciding whether or not to detain and arrest and students (Edmiston, 2012). According to Edmiston, disruption of school organization and truancy are considered Class C misdemeanor offenses by Texas' educational code. Edmiston found increases in students receiving citations for nonviolent, minor school misconduct (usually cited as disorderly conduct or disruption of school organization) contributed

significantly to overall juvenile ticketing trends during this period. Edmiston recognized shifts equally matched by changes in school policing to more punitive court procedures aimed at dealing with juveniles being detained for Class C misdemeanors. Students charged with Class C misdemeanors faced unique circumstances. As conferred by Edmiston, receiving a Class C ticket placed students automatically in criminal court instead of a juvenile court, where they faced criminal records, and possible future arrests if fines were left unpaid. Edmiston maintained the racial and economic status of students played a significant role in the discretionary use of school policing and ticketing trends in Texas schools. Edmiston's findings aligned with studies by Dahlberg (2012), Kupchik (2009), and Theriot (2009).

There is growing speculation that police officer's hired to sustain law and order in schools aren't consistently and adequately trained to engage youth in educational settings (Edmiston, 2012; Langberg et al., 2011; Weiler & Cray, 2011). Edmiston (2012) and Langberg et al. (2011) inferred inconsistent police training further marginalizes vulnerable student communities. The effects of using law enforcement to regulate student behavior have led to increases in students being criminalized for typical youth behaviors. Prior to the implementation of zero tolerance, minor infractions would be handled by teachers, administrators, or other qualified school staff (Browne-Dianis, 2009; Lashley & Tate, 2009). Studies by Dahlberg (2012) and Theriot (2009) questioned whether or not the use of permanently stationed SRO's in schools was reasonable. Trained officers in these school programs were found to be principal contributors of school criminalization (Dahlberg, 2012; Theriot, 2009). Another issue pointed out by



Browne-Dianis, Dahlberg, Edmiston, Kim (2012), and Theriot (2009), is the inconsistent reporting of and access to school-based ticketing and arrest data. More studies are needed to assess levels of school police training and the effects of differentiated training on student discipline outcomes using national data reporting (Dahlberg, 2012; Edmiston, 2012; Theriot, 2009).

### **What Happens to Families When Students Are Criminalized at School?**

Much is known about the effects of parental incarceration on school-aged children (Aaron & Dallaire, 2010; Roberts, Snyder, Kaufman, et al., 2014; Bocknek, Sanderson, & Briner, 2009), but there is little research regarding the impact of youth criminalization on students and their families. I conducted my study to bring cases of school criminalization to the forefront so adult caregivers can describe their family experiences and concerns regarding this issue. School criminalization is unlike traditional juvenile delinquency because it involves policing and illegalizing youth behavior within educational spaces (Dahlberg, 2012; Edmiston, 2012; Price, 2009). Traditionally, schools are places where children are able to grow and develop with age-appropriate guidance and discipline (Browne-Dianis, 2011; Lashely & Tate, 2009). Educating youth, especially at-risk youth, doesn't occur without challenges (Lashely & Tate, 2009; Ungar, Leibenberg, Landry & Ikeda, 2012). However pushing students out of the safety of school for minor misconduct is not the answer according to Gregory and Cornell (2009), Langberg et al. (2011), and Teske (2011). Using school intolerance and criminal courts to deal with typical youth behavior has social consequences for young people and their families; yet, so little is known about their experiences (Caton, 2012; Cole & Cohen, 2013; Edmiston, 2012; Kim,

2009; Langberg & Fedders, 2013; Sussman, 2012). Inconsistent reporting and reluctance to publicize school criminalization data (Dahlberg, 2012; Edmiston, 2012) are foundational reasons why case study research was an appropriate approach used to clarify how those most affected by this phenomenon experience and internalize this issue.

According to Edmiston (2012), Goodman (2014), Langberg and Fedders (2011), and Kim (2009), school criminalization negatively impacts students and their families. When students are arrested or face criminal charges for their behavior, families are often disenfranchised and become estranged in their relationships with school officials (Goodman, 2014; Kim, 2009). In the case of *Antoine v. Winner School District* in South Dakota (Kim, 2009), the ACLU opened an investigation into complaints made by American Indian families regarding disparaging discipline outcomes. During interviews, parents and students shared their experiences and frustrations with zero tolerance policies that saw disproportionate numbers of American Indian students suspended or arrested for minor behavior infractions. Families also shared their disillusionment with the district's criminalization procedures which included students having to sign a discipline form (without parental consent) that was used to incriminate them at juvenile hearings. According to Kim, families also perceived the educational environment in which their children were criminalized as hostile and a deterrent for their students to complete high school. The outcome of this case had some positive effects resulting in families reconciling with their school district and mediating changes in discipline policies.

The case presented by Kim (2009) is an example of how case study research is valuable in providing intimate descriptions of complex issues through the experiences of

those with firsthand knowledge. Students and their parents in Kim's study were able to detail their involvement with school criminalization policies and procedures. Kim also incorporated strategies used by the families in this case study in final recommendations. More case studies are needed to describe the effects of student arrests on families and how they describe criminalization procedures. Dealing with behavior issues at the school level is an important issue; however, having children involved in the juvenile justice system can be an added stress to parents (Goldkind, 2011; Schwalbe & Maschi, 2010; Ungar et al., 2012). Parents of criminalized youth are ultimately responsible for court fines, securing attorneys, possibly having prolonged responsibility to probation officers in addition to dealing with the emotional loss of their children (Edmiston, 2012; Kim, 2009; Schwalbe & Maschi, 2010; Shulman & Cauffman, 2011).

### **School Criminalization and Family Rights**

School criminalization poses a potential risk to families asserting their rights as they navigate between school institutions and criminal court systems (Edmiston, 2012; Sussman, 2012). Historically, there has always been a triangular relationship between children, their families, and the government (also known as the state) (Davis, Chandler, & Dudley, 2013). While parents have birthrights to the welfare of their children, the state plays a role in protective custody when parents violate the rights of their children (Davis et al., 2013; Scholz, 2011). Likewise, when the state seeks to prosecute a child, the child is afforded a right to counsel and due process (Chandler, & Dudley, 2013). Edmiston (2012), Kim (2012), Langberg and Fedders (2013), and Sussman (2012) suggested legal conflicts emerge when schools unite with law enforcement and go before a state

governing body to bring charges against students. Since zero tolerance policies are approved at federal and state levels, students and their families seem to face legal challenges when defending against school criminalization (Edmiston, 2012; Kim, 2012; Sussman, 2012).

Another issue concerning family rights is searching, questioning, and detaining minors without notification or presence of a legal guardian (Kim, 2009; Langberg & Fedders, 2013; Langberg et al., 2011; Sussman, 2012). The blurred status of law enforcement operating in school settings has resulted in mixed rulings regarding Mirandizing students (Kim, 2009; Price, 2009). Public school students may fall under the custodial care of the state in educational settings (Davis et al., 2013). However, that should not interfere with parents acting on behalf of their children's interests (Davis et al., 2013). Edmiston (2012) and Sussman (2012) recommended families may have to rely on statutory laws to secure their rights when defending against school criminalization prosecution. In the case of the class action suit brought against the City of New York for tactics used by police against students in Impact Schools (Sussman, 2012), violation and abuse of the Fourth Amendment and Fourteenth Amendment were cited. In the case of Texas' student ticketing practices, Edmiston suggested parents and students could pursue lawsuits against states and school districts for school criminalization based on the Eighth Amendment. Using the criminal court system to discipline students for minor misconduct can be classified as *excessive punishment* according to Edmiston, as well as *cruel and unusual punishment*. Illegalization of minor, non-violent, youth behavior may warrant the application of the Fourth, Eighth, and or Fourteenth Amendments in order for

families to access due process and equal protection in criminalization cases (Edmiston, 2012; Langberg, Fedders, & Kukorowski, 2011; Sussman (2012).

### **Youth Culpability in Juvenile Delinquency**

In addition to possible family rights violations is the issue of youth culpability in juvenile delinquency (Cauffman & Steinberg, 2012; Driver & Brank, 2009; Teske, 2011). Cauffman and Steinberg questioned whether youth offenders should be held to the same judicial standards as adults considering the constructs of adolescent development. While most children show significant brain development in processing and reasoning during adolescence (between ages 11-16), they develop social and emotionally at much slower rates (Cauffman & Steinberg, 2012). Youths have the propensity to act impulsively and be influenced by external stimuli more frequently than adults. Cauffman and Steinberg also reasoned adolescents are more susceptible to seek immediate gratification with limited consideration for long-term consequences for misconduct. Their reasoning brings into question the ethicalness of criminalizing children as young as five and six (Browne-Dianis, 2011; Campbell, 2012; Hibbard, 2011) who are at the early stages of developing responsibility for their behavior. Cauffman and Steinberg didn't suggest youth have no accountability for their misconduct; however, the level of culpability in juvenile offenses should be developmentally appropriate and within the context of mitigating circumstances. According to Driver and Brank, juvenile courts jeopardize their moral standing when efforts aren't made to ensure youth offenders are competent in their defense.

Driver and Brank (2009) recognized youth offenders are often ignorant of court proceedings and passive in attorney/client relationships. Youth liability is concerning given students with special education needs are overrepresented in school criminalization cases (Dahlberg, 2012; Edmiston, 2012; Krezmien et al., 2006; Langberg & Fedders, 2013). Driver and Brank proposed juveniles can become more knowledgeable and improve their competency of court proceedings through direct instruction. Driver and Brank piloted a study in which college undergraduates and juveniles (between ages 11-17 years) were shown an instructional DVD containing information about the roles of court appointed staff, lawyer-client relationships, nature of charges and pleas, and court hearing procedures. Participants were given a pre and post-test to measure the effectiveness of viewing the DVD. All participants made significant gains in knowledge of legal proceedings between tests indicating direct instruction can potentially remedy youth incompetence. Driver and Brank also found that college participants were considerably more knowledgeable about court processes than juvenile participants at the outset of the study. Some juveniles at pre-test thought attorneys only defended clients if they were innocent.

### **Psychological and Educational Consequences Associated with Youth Incarceration**

Processing students into the criminal justice system for typical, immature, youthful behavior goes against the fundamental rights of youth at a critical time in their growth and development (Cauffman & Steinberg, 2012; Driver & Brank, 2009; Lashley & Tate, 2009; Teske, 2011). Shulman and Cauffman (2011) found the social-emotional maturity of adolescents played a significant role in how youth offenders coped with being

confined to a juvenile detention facility in their study. Being separated from family and peers negatively impacted the psychological well-being of male juvenile incarcerates (who participated in structured interviews) especially during the first month of incarceration. Interview data also showed high levels of stress and signs of depression among participants in the study. Coping with imprisonment was found to be psychologically and emotionally challenging for delinquent youth (Shulman & Cauffman, 2011). Dealing with the stigma of being incarcerated can be even more problematic according to Cole and Cohen (2013) and Sussman (2012).

Cole and Cohen (2013) discovered juvenile justice employees are concerned with the way youth offenders were stigmatized by teachers and principals when re-entering their schools. Study participants shared student reentry processes are often hindered by negative attitudes and perceptions of school leadership that filtered into future disciplinary encounters (Cole & Cohen, 2013). Probation officers conveyed some school officials seem to have difficulty giving former youth offenders a fair chance at new beginnings even though students served out their time in juvenile detention (Cole & Cohen, 2013). According to Gregory and Cornell (2009), school hesitancy in re-accepting students previously involved in criminality is reasonable. However, school reluctance to address the unique re-entry needs of formally incarcerated youth magnifies the adverse effects of zero tolerance. This hesitancy communicates students have limited opportunities to redeem and improve themselves (Cole & Cohen, 2013; Gregory & Cornell, 2009). Goldkind (2011) suggested schools should take a more proactive role in helping youth offenders get re-acclimated in their school community. School social

workers can advocate on behalf of these students by collaborating with the courts and schools for smoother transitions (Goldkind, 2011).

### **Youth Criminalization Affects Adolescent Development**

As noted by Cauffman and Steinberg (2012), adolescence at a critical time for development of self-identification. Since adolescents spend a lot of their growing period in school, school culture influences their self-concept (Lashley & Tate, 2009; Sussman, 2012). School criminalization can be traumatizing for any youth and even more harmful to marginalized students (Dahlberg, 2012; Edmiston, 2012; Kim, 2012; Langberg et al., 2011; Sussman, 2012). Sussman added that minority youth stigmatized by school arrests for minor offenses increases their mistrust of school and law enforcement. Sussman also reiterated how school criminalization affects how students view their social standing in the broader context of their society. Youth criminalization can lead to gaps in education due to arrests, court appearances, and detainment to juvenile detention facilities.

Illegalizing youth behavior further increases the school disconnection among minority, economically challenged, and students with special needs (Kim, 2009; Langberg & Fedders, 2013). Having criminal records can limit future educational and employment opportunities for adjudicated youth (Edmiston, 2012; Langberg & Fedders, 2013; Langberg et al., 2011; Toldson, Woodson, Braithwaite, Holliday, & De La Rosa, 2010).

Toldson et al. (2010) conducted a survey study to assess the academic potential of a broad cross-section of incarcerated youth. Participants ranged in ages 11 to 18 and were mainly Black females. Constructs of family and community connections, self-esteem, future orientation, low childhood trauma, and little criminality were positively



associated with higher academic potential. The majority of youth sampled for the study indicated they planned to return to school once they were released. Youth with the highest academic potential had lower levels of depression and specified future goals of attending post-secondary institutions. The small percentage of participants who indicated they would not return to school were upper-grade students with lower grade point averages and had higher levels of depression. The significance of this study draws attention to the aspirations of delinquent youth to complete their education despite loss of regular school time resulting from their detainment. As determined by Gregory and Cornell (2009) and Teske (2011) students perceive schools as places of stability and protection. School criminalization defeats the fundamental purpose of students attending educational institutions and is, therefore, counterproductive to its form (Gregory & Cornell, 2009; Kim, 2012; Lashley & Tate, 2009; Teske, 2011).

### **Summary**

The implementation of zero tolerance school discipline policies, the stationing of law enforcement within school settings, and shifts in school culture to governance through crime control, have led to the development of school criminalization in the United States (Dahlberg, 2012; Edmiston, 2012; Hirschfield, 2008; Hirschfield & Celinska, 2011; Kim, 2012; Kupchik, 2009; Langberg et al., 2011; Theriot, 2009). School stakeholders are accountable to preserve school order and safety (Bear, 2012; Cornell & Mayer, 2010); however, the punitive nature of zero tolerance and school policing is not representative of developmentally appropriate discipline (Caton, 2012; Dahlberg, 2012; Jones, 2013; Kim, 2012; Lashley & Tate, 2009; Gregory & Cornell,

2009; Martinez, 2009). The permanent stationing of police within the school environment has brought criminal justice systems into school spaces (Dahlberg, 2012; Langberg et al., 2011; Theriot, 2009). School reliance on the juvenile and criminal court system to resolve minor student behavior issues has worked against the purpose of schools providing safe, equal, and stable educational environments for all students (Edmiston, 2012; Langberg & Fedders, 2013; Sussman, 2012).

There is evidence overall school arrests are down, especially for gun and drug related offences; however, student ticketing and arrests for disorderly conduct remains a problem (Dahlberg, 2012, Edmiston, 2012, Theriot, 2009). Relying on zero tolerance policies has expanded the authority of juvenile justice in governing youth behavior (Getlan, 2014; Goldman, 2014). This expansion of judicial power continues to marginalize minority, economically challenged, and special needs students (Dahlberg, 2012; Kim, 2009; Langberg & Fedders, 2013). Applying zero tolerance to youth status offences have led to peculiar student ticketing and arrest schemes that have some scholars questioning the integrity and constitutionality of such practices (Edmiston, 2012; Hirschberg & Celinska, 2011; Kim, 2012; Langberg & Fedders, 2013; Sussman, 2012). Ambiguity regarding the role of law enforcement in educational settings persists in shifting its influences on school climate (Kim 2012; McNeal & Dunbar, 2010; Price, 2009; Schuler Ivey, 2012; Weiler & Cray, 2011).

The criminalization of minor student misconduct is happening, but the rate at which it occurs on a national level lacks data (Browne-Dianis, 2009, Hirschfield & Celinska, 2011; Theriot, 2009). Inconsistent and even reluctant reporting of student

ticketing and arrest data (Dahlberg, 2012; Edmiston, 2012; Langberg & Fedders, 2013; Sussman, 2012) calls for more comprehensive research regarding this phenomenon. Much is known about the effects of parental incarceration on school-aged children (Aaron & Dallaire, 2010; Roberts, Snyder, Kaufman, et al., 2014; Bocknek et al., 2009) but, there is little research regarding the impact of youth criminalization on students and their families.

There is a critical gap in research regarding the psychological and social consequences incurred by students and caregivers who have encountered law enforcement and or court systems for non-criminal offences. The aim of the present study was to address this gap by conducting an exploratory, holistic multi-case study giving descriptive cases of school criminalization as communicated by families who had firsthand information (Stake, 1995; Yin, 2014). Applying the conceptual framework of critical consciousness to my study provided the basis by which families critically reflected upon their feelings, perspectives, and knowledge concerning how their children's behavior was processed into legal systems (Freire, 1970; Gil, 1992). Using a qualitative, multi-case study approach, allowed me to illuminate intimate details of school criminalization as well as clarify connections between bounded cases that would otherwise be missed relying solely on statistical data (Baxter & Jack, 2008; Creswell, 2007; Flyberg, 2006; Yin, 2014). The purpose of the present study was to extend knowledge regarding the phenomenon of school criminalization and inform school stakeholders (Creswell, 2007; Freire, 1970; Gil, 1992; Patton, 2002; Stake, 1995). The

research design and my rationale for choosing qualitative, case study methodology is explained further in Chapter 3.

## Chapter 3: Research Method

### **Introduction**

I conducted this study to address the issue of school criminalization through qualitative exploration of families personally affected by this phenomenon. While maintaining and promoting school safety is a practical concern (Bear, 2012; Cornell & Mayer, 2010), streamlining students into criminal justice systems for minor school misconduct raises ethical concerns (Dahlberg, 2012; Langberg & Fedders, 2013; Langberg et al., 2011). As asserted by Gregory and Cornell (2009) and Lashley and Tate (2009) disciplinary practices should support the developmental needs of students. Cauffman and Steinberg (2012) and Driver and Brank (2009) added youth culpability in judicial proceedings must be taken into consideration. Overall school crime has been on the decline for the past decade (Dahlberg, 2012; Edmiston, 2012; Theriot, 2009); however, increase in school policing persists, negatively impacting marginalized student communities. According to Hirschfield and Celinska (2011), Kim (2012), Kupchik (2009) and Robbins (2005), zero tolerance practices have evolved into literal governance of student behavior through crime control as the presence of law enforcement in public schools has become commonplace.

Interface between students and school law enforcement has resulted in mixed awareness regarding the necessity and legal status of school resource officers (Langberg et al., 2011; Price, 2009) and also possible family rights violations (Edmiston, 2012; Kim, 2009; Sussman, 2012). There is a critical gap in the literature regarding how families are experiencing this phenomenon. Moving beyond theoretical summaries (Celinska &

Hirschfield, 2011; Theriot, 2009), more studies are needed to explain school criminalization from the family point of view (Langberg & Fedders, 2013; Sussman, 2012). The intent of the present study was to present a multi-case study of families bounded by firsthand knowledge of having had children disciplined through legal systems for minor school offenses. Case descriptions were cross analyzed and compared to gain an in-depth understanding of the process of school criminalization.

In Chapter 3, I provide a rationale for using a qualitative, multicase study research design as well as explain my role as researcher. An in-depth description of methodological procedures regarding instrumentation, participant selection, data collection, and data analysis are defined. Issues of trustworthiness and ethical processes, are addressed in this chapter as well. I conclude Chapter 3 with a brief summary review of the main points of my research design.

### **Research Design and Rationale**

Exploring the process of school criminalization, as it relates to the experiences of families, was the central concept to be studied. School criminalization is defined as the broadening of zero tolerance policies to illegalize minor student behavior (Edmiston, 2012; Kaitlyn, 2013; Sussman, 2012; Theriot, 2009). The conceptual framework of critical consciousness was applicable to the present study. Research questions were constructed to elicit reflective case dialog between participants and me as the researcher (Freire, 1970; Gil, 1992). The primary focus of the study is to answer the following central research questions:

1. How do families' describe the process of school criminalization?

2. How are families personally affected when students are criminalized at school for minor behavior?
3. What do families know about the issue of school criminalization?

The nature of this study (which was to explore how families experience school criminalization processes) followed the tradition of qualitative, multi-case study research. Employing a qualitative approach to the present study was ideal for collecting purposeful, firsthand accounts of school criminalization through real-life participants. Flybergg (2006) proposed case study research to be the foundation of social science inquiry. Case study research is utilized to determine the specificities of social events and human conditions through personal experiences and connections to cases (Creswell, 2007; Flybergg, 2006). Case study research is instrumental in detailing how and why a phenomenon is bounded in a particular system (Baxter & Jack, 2008; Tellis, 1997; Stake, 1995; Yin, 2014).

In the case of school criminalization, using a multicas design added credibility to study results since replication of findings among families was promising. Using a standard interview protocol and conducting a cross-case analysis of multiple sources enabled me to compare data-rich accounts and illuminate consistencies and differences in case descriptions. The cornerstone of any qualitative research design is to give transparency to understudied phenomena through the perspectives of those with practical awareness (Cole & Cohen, 2013; Gibson & Haight, 2013; Kim, 2009; Patton, 2002; Petersen, 2009). My intent in the present study was to allow families impacted by school

criminalization to share their experiences. As anticipated, my study results helped fill in gaps in knowledge regarding the inner workings of this social dilemma.

### **Role of Researcher**

As the sole researcher of the present study, I sought to humanize the school criminalization phenomenon (Freire, 1970; Stake, 1995). My interaction with participants (parents) was limited to conducting interviews and working with them to present a holistic view of their family's experiences. I built a rapport with participants during the initial screening process outlined in the methodology section of this chapter. As an educator, I am cognizant of inferred power differentials between participants and researcher (Freire, 1970; Gil, 1992). To address this issue, I positioned myself in this study as a critical investigator (Freire, 1970). Following the principles of consciousness-raising, my role was to facilitate the cyclical process of dialogue, reflection, and awareness (Freire, 1970; Gil, 1992; Petersen, 2009). Sampled cases reflected authentic experiences of multiple families bounded by school criminalization. Researcher subjectivity is an assumed risk in qualitative research (Flybergg, 2006; Paton, 2002; Yin, 2014) which is why I chose to conduct a multi-case study to enhance data credibility and balance my role as researcher.

### **Addressing Potential Bias**

As an educator, the potential for bias was present. I was introduced to school criminalization through families I have mentored and advocated for in my school district. I am also a mandatory reporter of child abuse. To manage this bias, I did not conduct this study within the boundaries of my work environment. I avoided a conflict of interest by



not interviewing families in my school district. Study members were recruited outside the county of my place of employment and I did not have personal knowledge of their cases. I offered participants a \$20 gift card as a monetary incentive which was noted on my IRB approved Informed Consent Form. It is common to compensate participants for their willingness to volunteer their time to a research study (Namageyo-Funa et al., 2014; Ungar et al., 2012). I disclosed that I am a mandatory reporter of child abuse during the initial screening process and on my informed consent form. I journaled methodological procedures at the onset of receiving approval for my study.

## **Methodology**

### **Participant Selection**

The purpose of qualitative research is not to generalize results (Patton, 2002; Stake, 1995; Yin, 2014) but to identify units of analysis that will provide the most in-depth, rich, and representative findings of a central phenomenon (Baxter & Jack, 2008; Creswell, 2007; Stake, 1995; Tellis, 1997). The unit of analysis for the present study were families with school-aged youth who had been criminalized at school for minor behavior. Using literal replication sampling logic (Yin, 2014), participants identified as parents were recruited by a combination of purposeful, maximum variation, and criterion sampling (Creswell, 2007; Patton, 2002). Purposeful sampling is the cornerstone of qualitative inquiry as it enables researchers to target data-rich cases that add depth and clarity about undefined phenomena (Locke, 2014; Patton, 2002; Tellis, 1997). Since the purpose of this study was to describe this issue from the family perspective, study participants were limited to parents (as units of analysis), in care of school-aged youth,

who were qualified to describe and explain the impact of school criminalization on their family. The primary focus of this study was to investigate cases in which broad use of zero tolerance policies have marginalized typical student behavior (Dahlberg, 2012; Kim, 2009; Theriot, 2009). Participants sampled for this study meet the criteria of caring for students (ranging in age 14 to 16 and enrolled in a K-12 public middle and high school) who had been criminalized for minor school offences such as disorderly conduct, truancy, and minor fighting incidences. Students who had been arrested and or prosecuted for offences related to criminal activity involving illegal drugs, guns/weapons, or imminent threats to school safety were not recruited for the present study.

### **Recruitment Screening Process**

Participants were known to meet the criteria of my study through an initial screening process during first contact by phone. Participants were asked to give demographic information such as their and their child's age, socio-economic and racial background, and a brief description of their child's case and school history. Participant intake information was organized on a spreadsheet by demographics and description of incident as a data matrix (Baxter & Jack, 2008; Carden, 2009; Patton, 2002; Yin, 2014). Multicase studies can vary in number (Carden, 2009; Creswell, 2007; Locke, 2014; Mason, 2010; Yin, 2014). According to Yin, carefully selecting three-four cases could adequately yield replicable outcomes. For the purpose of this study, I sought a robust, sample of three-six family cases that met the criteria of having had children who were criminalized for minor school behavior.

### **Saturation and Sample Size**

The issue of saturation as it relates to sample size in qualitative research is complex (Mason, 2010; Patton, 2002). According to Mason (2010) and Stake (1995), attempting to achieve saturation in qualitative studies should be based on the study's objective and intended sampling strategy rather than relying on recruiting large numbers of participants which can be impractical for some exploratory studies. Multicase study research is driven mostly by the need to illuminate cases that will ideally result in data-rich, transferable analyses of social phenomena lacking clarity in research (Stake, 1995; Tellis, 1997; Yin, 2014). For the purpose of the present study, it wasn't necessary to saturate data collection regarding the impact of school criminalization on families. I relied on literal replication logic (Yin, 2014), using maximum variation and criterion sampling to determine a diverse, robust sample of three case descriptions that had commonalities between cases. To further enhance credibility and substantiate family case descriptions, access to multiple sources, such as school records and court documents were required for triangulation (Stake, 1995; Yin, 2014).

### **Recruitment Procedures and Selection of Participants**

I began recruiting participants by reaching out to my community partners and stakeholders, also known as gatekeepers, of advocacy organizations throughout the United States to gain access to families who had been impacted by school criminalization. Gatekeepers are operationalized as individuals, community, or organization members that have access to targeted study populations and are generally trusted by participants (Creswell, 2007; Namageyo-Funa et al., 2014). I put together a

list of organizations based on my research, online searches, and referrals (See Appendix G). I emailed an introduction of the criteria of my study to stakeholders of the organizations asking permission to distribute my study flyer (See Appendix A) within their organizations, and post on their social media sites (See Appendix E). I followed up with phone calls and emails to my community partner and stakeholders of various organizations. From this recruiting method, I screened five potential participants one of which did not meet the criteria of my study. From the four remaining cases, three participants were selected based on variances in demographics, case history, and availability.

### **Instrumentation and Data Collection**

I developed an intake form to collect demographic information of potential participants by phone (see Appendix B). Initial contact by phone lasted up to 30 minutes per intake. Participants were given unique identifiers. Intake data was recorded by hand. During this first contact, I asked participants for their permission to conduct an intake to determine if their case matched the criteria of the study. Participants were informed they were free to not disclose any information that would make them uncomfortable as I am a Mandatory Reporter of Child Abuse.

I created a semi structured, standardized interview protocol to collect primary data from participants concerning their experiences with school criminalization (see Appendix C). Data collected using this tool was hand written on the protocol form as well as audio-taped. Each interview was conducted over the phone which took about 45-60 minutes to complete. I developed the interview protocol based on constructs of school

criminalization outlined in the literature review (Cauffman & Steinberg, 2012; Driver & Brank, 2009; Kim, 2009; Langberg & Fedders, 2013; Langberg et al., 2011; Sussman, 2012; Teske, 2011) and the application of the critical conscious conceptual framework (Freire's, 1970). The focus of the interview protocol was to investigate how families experienced and described the process of school criminalization. Informed consent forms were mailed to participants with paid return envelopes prior to interviews. Participants were informed at the close of their interview that case summaries would be mailed to them after documents were received and cross-checked with interviews.

### **Rationale for Interview Protocol**

Since the focus of my study is underrepresented in research, I had to create an interview protocol to explore of how families experienced school criminalization. The interview protocol began with a descriptive opener (Patton, 2002) to focus participants on their children in a relaxing manner. Subsequent questions were mainly tailored to elicit responses about (a) how families described the process of their children were criminalized for minor behavior and (b) how they dealt with the social consequences of this dilemma. The overall context of the interview protocol embodied the framework of critical consciousness whereby families reflected on their experiences, assessed their social positioning, and contemplated steps toward self-empowerment (Freire, 1970; Garcia et al., 2009; Petersen, 2009). The relationship between me and participants became dialogical (Freire, 1970; Gil, 1992) as parents gave meaning to their family experiences while I probed for critical awareness. Please see Appendix C for a detailed

outline of the interview protocol and description of how content validity was established based on literature sources.

### **Collecting Multiple Case Data**

Using multiple sources is helpful in clarifying details in case descriptions as well as identifying discrepancies within cases (Baxter & Jack, 2008; Carden, 2009; Tellis, 1997; Yin, 2014). In addition to participant interviews, parents were asked to share documents pertinent to their cases. This data was received after participant interviews were completed. Participants forwarded copies of school, court, and health documents via postal mail. Copies of these documents were filed with its coinciding case interview in individual participant folders. A digital copy of documents was also stored on my computer. I kept a research journal to document data collection processes, observations, discrepancies, and personal reflections regarding procedures. Janesick (2011) and Mays and Pope (2000) suggested using reflexivity as a way to manage researcher bias and subjectivity concerning how data is reported and interpreted. Researcher reflexivity was used extensively by Cole and Cohen (2013) throughout their case study as a means of enabling transparency of how the researchers may have impacted data.

### **Data Analysis-Transcription Process**

I transcribed taped interviews within Audio Note and transferred data to a word document. During the initial phase of data analysis, I relistened to the taped interviews to capture a holistic narrative of each case description while making memos in the margins of the printed transcription (Creswell, 2007; Gibbs & Taylor, 2010). Transcripts were cross-checked with corroborating documents, interview notes, and journal reflections

(Yin, 2014). Observations and or discrepancies were notated in my journal notebook. During the second phase of the data analysis, the first interview transcription and accompanying source data was analyzed by bracketing and underlining of keywords and phrases as it related to interview questions (Gibbs & Taylor, 2010). Additional memos were notated in the side margins of transcribed text. Transcripts and case documents were uploaded to NVivo and assigned to its corresponding unique identifier (case node) to begin the third phase of data analysis.

### **Data Analysis- Coding Procedure**

During the third phase of analysis, keywords and phrases identified in the second stage of analysis were highlighted for open, grounded coding (Caton, 2012; Gibbs & Taylor, 2010). A codebook was generated based on data collected from the first interview that was later compared to emerging codes in subsequent interviews. During the final phase of this spiral analysis (Creswell, 2007), I looked for patterns in the codes so they could be color coded (chunked) based on similarities and later categorized by overall research questions (Bracy, 2011; Gibbs & Taylor, 2010; Ungar et al., 2012). I explored coding comparisons by running text queries based on word frequency and visual queries such as tree maps.

I repeated this process within cases for all interviews and documents uploaded into NVivo (Creswell, 2007; Yin, 2014). Interview data and documents collected from each case was synthesized to construct holistic, detailed case descriptions (Creswell, 2007; Kim, 2009; Tellis, 1997). Case descriptions were sent to participants for member checking (Caton, 2012; Cole & Cohen, 2013; Stake, 1995). Participants were asked to

address any discrepancies so revisions to case descriptions could be made as necessary. I wrote a comprehensive list of categories and emerging themes constructed from all cases as a guide for conducting a cross-case theme analysis in my journal. Chunked or categorized codes of each case data were collapsed into themes. Themes identified across-cases were collapsed and categorized according to the research questions to be used for the interpretation and discussion of overall case meanings. Please see Figure 1. for an overview of data analysis plan:



Collect Case #1 Data  
(Interview & Documents)

- Transcribe interview
- Check for discrepancies (using documents and researcher journal)
- Member check (make revisions as needed)
- Triangulate data
- Code interview and document data
- Create/revise Codebook
- Identify patterns
- Write individual case description
- Member check (make revisions as needed)

Collect Data for Subsequent Cases  
(Repeat Same Procedure)

- Run text and visual queries
- Identify Themes
- Draw cross-case conclusions
- Member check overall case summary
- Present findings and discussion

*Figure 1.* Outline of data analysis procedure. Overview of multi-case study data analysis plan adapted from Creswell (2007), Gibbs & Taylor (2010), and Yin (2014).

### **Participant Exiting Procedure**

After interviews were conducted, participants were mailed \$20 gift cards. Once the final analysis was completed, participants were notified by phone and email to expect a copy of the final report for their review in the mail. Participants were exited from the study after receiving the final report by phone and email. I thanked parents for their participation and gave them the option to remain in contact with me. My community partner and stakeholders were also debriefed via email concerning study results. The study process from initial contact to the debriefing interview was anticipated to take 3-5 months.

### **Issues of Trustworthiness**

The first strategy used to promote credibility was to establish open communication between me and participants during the initial screening process. Participants also had access to my contact information throughout the duration of study. All participants were interviewed using the same interview protocol (Caton, 2012; Locke, 2014; Tellis, 1997; Yin, 2014). At the onset of the study, procedural notes, observations, and personal reflections were documented in my journal (Cole & Cohen, 2013; Janesick, 2011). Participants were asked to clarify submitted documents and member check case descriptions and final report (Baxter & Jack, 2008; Caton, 2012; Creswell, 2007; Stake, 1995; Yin, 2014). Concerning issues of transferability, maximum variation, criterion sampling was used to increase diversity in the sampling pool (Locke, 2014; Patton, 2002; Tellis, 1997). Multiple families (cases) was sought to explain and verify the impact of school criminalization on families through experiential knowledge. Since all participants

were recruited in like manner using gatekeepers, external validity was enhanced (Caton, 2012; Locke, 2014). My data matrix form helped me consolidate criterion based cases, increasing transferability in cross-case analyses (Creswell, 2007; Patton, 2002; Yin, 2014).

Audit trails (See Appendix F) were conducted regularly to keep track of raw data and to ensure procedures were consistent throughout the study (Caton, 2012; Crewell, 2007; Yin, 2014). I kept a journal for notating study procedures, logging case data, and personal reflections. Additionally, member checking was an established procedure for data analysis. Using the framework of critical consciousness, families were active participants in sharing and analyzing their stories (Freire, 1970; Gil, 1992; Petersen, 2009). Researched-based interview questions are generated to guide families in defining their cases from their personal experiences and unique points of view (Freire, 1970). Conducting a multi-case study, as opposed to a single case study or narrative, broadened the knowledge base as multiple family perspectives weighed in on the phenomenon of school criminalization (Cole & Cohen, 2014; Locke, 2014; Kim, 2009). Collecting artifacts and documents relevant to family cases allowed me to check interviews for consistency and accuracy (Becker et al., 1994-2012; Stake, 1995; Yin, 2014). Variance in participant pool, journaling, audit trails, triangulation of documents connected to cases, and member checking were appropriate strategies to establish confirm-ability (Caton, 2014; Creswell, 2007; Janesick, 2011; Patton, 2002).

### **Ethical Procedures**

Institution Review Board (IRB) approval and a current Human Research Protections training certificate from the National Institutes of Health (NIH) was required to begin my study. I met those requirements. Since children and individuals who have been imprisoned are protected by the National Institutes of Health, I only interviewed adult caregivers who were qualified to describe and define cases on behalf of their families. Participants were asked to affirm there was no conflict of interest on the Participant Informed Consent Form. I did not conduct my study at my place of employment or in my hometown. Participants were given \$20 gift cards for their participation in the study. It was established that gift cards were strictly for compensating participants for their time. The amount of the incentive remained the same throughout the study.

### **Treatment of Data**

Participant forms and interviews, links to unique identifiers, data files backed up on my external hard drive, copies of my supporting documents, and my research journal are kept in a locked file cabinet in my home (with me having the only key) when not in use. Participant demographic information (with unique identifiers only), interviews (audio taped and written transcriptions), and scanned copies of documents are electronically stored on my password-protected computer. Case documents were only used for the purpose of confirming and supporting family case descriptions. All research data will be destroyed after five years which includes deletion of electronic files and

shredding of all handwritten documentation as stated on my participant informed consent form.

### **Protection of Participants**

Confidentiality was maintained throughout the data analysis process. Each family case was given a unique identifier only known to me and participants that was generated during the initial contact screening. Participants' were given pseudonyms in the write up of the study (Caton, 2012). Conducting periodic audit trails ensured I maintained consistent use of data tools and safety measures when collecting and archiving data (Caton, 2012; Yin, 2014). Due to the sensitive nature of this study, it was imperative participants are reassured of confidentiality throughout the study as well as affirming their rights to exit the study at any time without fear of reprisal. Participant confidentiality was addressed during the initial recruitment phase and outlined in detail in the IRB-approved informed consent form (# 08-31-15-0167155). Participants were informed during initial contact that I am a Mandatory Report of Child Abuse. I had a Mandatory Reporter fact sheet on hand to read and send to participants as deemed necessary.

### **Minimal Risk to Participants**

There was minimal risk to families since the sensitivity of the topic may have caused some stress. Again, participants were reminded that they could exit the study or refuse to answer questions that made them uncomfortable. I wrote several check-ins into my interview protocol to reaffirm participant rights and to make sure participants felt comfortable to continue with the study. The initial screening process allowed me to

access qualified adult caregivers who wanted to tell their story. Participants were able to communicate with me during the conduction of the study through email and cell phone. For added protection, participants were also be able to access a Walden University representative who was listed on the informed consent form. Had an adverse advent occurred, I was prepared to report the incident to Walden University IRB. I had a referral list of national and local organizations on hand to assist any participants who may have needed immediate crisis intervention. I also had place on the informed consent form in which participants named at least two emergency contacts.

### **Added Protection for Participants**

The nature of my study was an added protection for participants because the relationship between me and participants was equalized through the cyclical processes of reflection and cooperative discussion (Freire, 1970). Interview questions were designed to build capacity in families, facilitating their own participation in defining their experiences and collaborating change strategies (Diemer & Li, 2011; Freire, 1970; Gil, 1992; Patton, 2002; Petersen, 2009). The benefits of this study outweighed the risks for families who wanted to tell their stories. Participants who were not selected for the study were offered links to online resources and information about school criminalization. This study was conducted to inform and educate school stakeholders about the impact school criminalization has on families. Research results are beneficial to human service advocates and attorneys who defend families in school criminalization cases.

## Summary

The purpose of Chapter 3 was to provide details concerning the research design and rationale, as well as outline all methodological procedures. Conducting a multi-case study was an appropriate model to explore how families were affected by having children criminalized at school for minor behavior offences. The multi-perspectives derived from the present study add to the knowledge base lacking in exploratory studies concerning family's perspectives of school criminalization. Conducting case studies is the cornerstone of social science research specifically when social situations need in-depth descriptions and further clarifications (Flyberg, 2006; Stake, 1995; Yin, 2014). According to Baxter and Jack (2008), drawing from multiple sources in qualitative research adds to data credibility. Recruitment was based on a variety of techniques such as maximum variation, and criterion sampling to access data-rich, diverse cases (Creswell, 2007; Flyberg, 2006; Patton, 2002; Tellis, 1997). Interview questions were based on constructs identified in the literature review and aligned with Freire's (1970) conceptual framework of critical consciousness. Partnering with participants helped reduce bias and researcher subjectivity.

I used a research journal to document procedures, observations notes, and personal reflections. Conducting audit trails added to the dependability of data as well as ensured protective measures are taken to secure data collection (Caton, 2012; Yin, 2014). Approved IRB informed consent forms were used educate participants about their role in the study. While there was minimal risk to participants considering the sensitive nature of the study, families benefitted from sharing their stories contributing to what is known

about school criminalization. I present my findings as well as detail data collection processes in Chapter 4 along with a report of my NVivo coding scheme.



## Chapter 4: Results

### **Introduction**

The purpose of this study was to investigate how families process and deal with having children criminalized at school for minor behavior issues. Overall research questions: (a) *How do families describe the process of school criminalization*, (b) *How are families personally affected when students are criminalized at school for minor behavior*, and (c) *What do families know about the issue of school criminalization*, were framed to explore evidence concerning school criminalization through the experiential knowledge of families. In Chapter 4, I present these findings as well as document the procedures I followed to collect my study data. In the beginning of this chapter, I describe the characteristics of the participants and discuss how data was collected from each of them. Included in this section is an in-depth analysis of my coding scheme and evidence of trustworthiness, detailing implementation of credibility, transferability, dependability, and confirmability. In the latter part of this chapter, I present emerging themes assessed from each research question using quotes from transcripts, information from documents, and tables to illustrate my findings. Chapter 4 closes with a brief overview of answers to research questions summarizing how families experience school criminalization.

### **Setting**

Recruitment of participants, data collection (interviews and corresponding documents), and data analysis took place in my home office by phone, through email, Priority Mail postal service, and on my personal computer. I remained the sole

researcher in the study. I followed the testing protocol outlined in my IRB approved application. To my knowledge, neither I nor participants experienced any personal or organizational conditions that may have negatively influenced participants, impacted their participation in the study, or compromised the integrity of my interpretation of the study results.

### **Participant Demographics**

Using literal replication logic (Yin, 2014) and maximum variation (Creswell, 2007 & Patton, 2002), I screened five potential participants and selected three families of diverse backgrounds who met the criteria of my study. Families were required to have minor children who had been disciplined by a police officer and/or had to go to court for non-criminal behavior while in school. Each case was represented by parents who completed interviews, shared case documentation, and provided feedback pertaining to their cases. Please see Table 1 for a detailed outline of participant background information:

Table 1

*Participant Demographics*

Criteria	Case 1	Case 2	Case 3
Gender of Parent(s)	Female	Female & Male	Female
Age	45	42	48
Income	Middle	Middle	Low
Location	North East	Mid-West	South
Race	African American	White	Mixed
Gender of Child	Male	Male	Female
Age at Onset of Incident	14	14	16
Type of Infraction	Fight	Fight/Truancy	Truancy
Special Needs	Yes	No	Yes
Arrested	Yes	No	No
Court	Yes	Yes	Yes
Juvenile Detention	No	No	No

*Note.* Intake data was self-reported during initial screening process. Case one participant was recruited from a community partner. Case two and case three participants were recruited through email contact with stakeholders from family advocacy organizations.

## **Data Collection**

Data were collected over the course of eight months following IRB approval. In between cases, I continued recruiting procedures until I met the minimum goal of three viable cases all of which were located outside of my home state. Participants were prescreened by phone using my handwritten Participant Data Intake Form (See Appendix B) which took approximately 20-30 minutes per intake. As participants met the criteria of the study, Participant Informed Consent was explained and interviews were scheduled within a week of initial intake with the exception of Case Three. Participant Informed Consent forms were mailed with a pre-paid return envelope with-in 48 hours of intake. Participants engaged in semi-structured interviews using my Interview Protocol that took up to one hour each by phone (See Appendix C). Interviews were recorded on my computer using Audio Note while notes were jotted down on blank interview forms. Participants were mailed \$20 gift cards after interviews were completed. I had planned to collect school records, court documents, and other related information before each interview. However, shared documents were received 2-4 weeks post-interviews. Please Table 2 for a description of case documents collected from participants. I used my journal to log notes and cross reference interviews with documents shared.

Table 2

*Case Documents*

Type	Case 1	Case 2	Case 3
Citation, or Summons	No	Yes	Yes
Court Documents	Yes	Yes	Yes
Health Records	Yes	No	Yes
Personal Communications	No	No	Yes
Police Report	Yes	No	No
School Records	Yes	Yes	Yes

*Note.* Case 1 participant submitted a Notice of Suspension, staff and student witness statements in the form of school records, court hearing documents for Youth Aid Panel, and community health records of psychological evaluations and treatment plan. Case 2 participants submitted a juvenile summons, police report, and subsequent court documents pertaining to case summaries of fees, court orders, and motion's for discovery. Recent transcript and discipline record were also submitted by Case 2 participants. Case 3 participant submitted a 504 Educational Plan, a virtual academy confirmation letter, parent note, health appointment notice, truancy summons, court addendums and notices to school.

Receiving documents after interviews were conducted was a variation of procedure in my initial proposal, yet it made sense to conduct interviews as soon as parents were available instead of waiting for their documents to arrive. Participants from each case expressed prior to their interviews, they needed time to gather requested documentation. Overall, collecting data took about two months longer than I anticipated. I encountered some unusual circumstances during recruitment because one of two of my

community partners that I expected to recruit from didn't work out. The organization began losing funding and decreasing contact with potential families. A few months passed between collecting intake data and completing a full interview with the participant of Case Three due to a family tragedy separate from the case. I continued to seek out gatekeepers as outlined in my proposal and on my IRB application through online searches, posting flyers on media sites, and sending flyers through email.

### **Data Analysis**

Using my Analysis Outline of Data Procedures described in Chapter Three, I began data analysis by transcribing my first interview (Case 1) within Audio Note to a word document. During this initial phase of analysis, I re-listened to the taped interview to capture a holistic view of the case making memos in the margins of the printed transcription. Once documents arrived, I began cross-checking the interview with the documents along with my journal/interview notes to confirm statements made as well as check for discrepancies. I contacted the participant for further verification and clarification as needed by phone or email. The second phase of data analysis for Case 1 began with triangulating the transcription with documents received using open-coding by bracketing and underlining of keywords and phrases related to the research questions. While interview transcripts and documents were imported into NVivo under "Sources", it became more manageable to make coding-notations on the actual documents using sticky notes. Using the open-coded statements made during the second phase of the interview analysis as a basis for creating Nodes (codes) in NVivo. I began "chunking" statements with related properties into categories by assigning color-codes.

Categories were listed under the appropriate research question. Next, I looked for emerging patterns within each category. As a result of this process, the primary NVivo codebook was generated. Based on interview data and document sources, I drafted a synopsis of the first individual case description and mailed to the participant for member checking. I used fictitious names in the case descriptions to protect the identity of students and their families. I followed the same analysis procedures for subsequent cases revising my NVivo Codebook to reflect emerging patterns between cases. The last phases of my data analysis led me chunk coded patterns, collapsing them under broad themes so I could make cross-case conclusions. Themes identified across cases were categorized according to the overall research questions. I ran a text query to identify overall words frequently used to let the data speak in order to capture the central thoughts expressed in the cases, further amplifying the voices of the participants. I drafted and mailed a final report in the form of a brochure to each family for member checking.

### **Evidence of Trustworthiness**

To establish credibility of my study, I conducted a multicase study to explore how families experienced school criminalization. I applied literal replication logic (Stake, 1995; Yin, 2014) and maximum variation sampling (Locke, 2014; Patton, 2002) to recruit three families. Using a pre-screening process, I was able to locate participants with diverse backgrounds whose cases met the criteria of my study. This sampling scheme confirmed a level of transferability of patterns and themes between cases. I used the same interview protocol with each participant, and kept an open line of communication with my participants through email, by phone, and through regular mail.

I installed member checks as I conducted interviews and reviewed documents. I followed up with participants to clarify and confirm case notes, so I could triangulate data with accuracy. Participants were mailed and emailed case descriptions and the final report to review for their approval.

I used a journal to keep anecdotal notes, case observations and memos, and to log communication responses. I reviewed my notes and procedures on a regular basis, throughout the study to self-check how the case study was shaping as well as manage my personal reflections. I implemented audit trails to increase dependability with regard to research routines and procedures and handling of confidential information. As a critical conscious researcher (Freire, 1970), I positioned myself along-side the families in this study. My interview questions were structured to help guide participants through their experiences with school criminalization processes using their documents to confirm their stories. Drawing conclusions from multiple data sources lends credibility to evidence of trustworthiness.

### **Case 1**

John (pseudonym) is from a middle class family who lives with his mother and older sister in the North East. John is diagnosed with *Conduct Disorder, Learning Disorder, and Attention Deficit/Hyperactivity Disorder* and has a long history of poor academic performance, chronic behavior issues, and school suspensions. He receives outpatient services from a local community counseling center. In January 2014, John (who was 14 at the time) was involved in a mutual fight with another male student at a public middle school. The school police officer (SPO) was called to the classroom by the



teacher. According to written statements made by classmates who witnessed the incident, the fighting had stopped prior to arrival of the SPO. When the SPO arrived to escort both students to the office, John did not want to leave the classroom. While resisting physical contact from the SPO, John swung his elbows, hitting the SPO on the arm. John was restrained and arrested for assault of school personnel. John's mother learned of the incident after her son had already been transported to and detained at the local police station. John was made to appear in court at the Juvenile Detention Center where his case was referred to the district's Youth Aid Panel by the District Attorney's office. John and his mother attended the Youth Aid Panel Hearing in which it was decided he would be placed on a curfew, attend a class on the effects of Disorderly Conduct, and write a letter of apology to the SPO. John's mother states he also had to write a 500 word essay about an athlete. John was put on probation for six months. In addition to the court requirements, John was also suspended from school for a week due to fighting and the alleged assault on school personnel.

According to school and court documents, neither John nor his mother had any legal representation or other supports throughout the duration of court/panel appearances. John completed all stipulations proposed by the Youth Aid Panel as well as six months on probation without incident. Upon returning to school, John's mother requested a meeting to inquire why his support person from the local community counseling center was not involved in her son's case. There was a discrepancy regarding school records of such a person, even though the mother produced documents showing her son had a diagnosis and had been an outpatient of the community counseling center where a worker

would visit with him at school. As a result of the meeting, John was reevaluated by the community counseling center and reinstated in school.

### **Case 2**

In April of 2014, a local police officer was dispatched to a junior high school in the Midwest in response to a physical altercation between two male students. Students were interviewed by the police officer in the presence of their mothers and the school principal. In statements made by both students, they had an ongoing adverse relationship. Robert (pseudonym), who was 14 years of age at the time of the incident, had incurred minor injuries from the fight. Even though the incident was well under control before the police arrived, Robert and the other student were charged with Disorderly Conduct by fighting by agreement or otherwise quarrelling within corporate limits of the city. Robert was given one day in-school suspension in addition to having to appear at a court hearing to answer the charge of Disorderly Conduct. Robert's parents hired an attorney. After multiple court appearances, the case against Robert was dismissed. Although charges were dropped, Robert's family still had to pay court costs.

During the following school year, Robert and his family were issued a court summons to answer a petition for truancy. Robert's parents hired a lawyer and pled not guilty at the initial hearing since they felt they had not been properly informed by the school. However, by the next hearing, the family changed their plea to guilty as they were advised that they didn't have a case against the school. Robert was given six months of probation to monitor his school attendance and academic status and was also ordered to complete ten hours of community service. Robert incurred court fees and a

fine. According to his parents, Robert is bored and turned off by school and refuses to complete homework. Robert has consistently received failing grades for the past school year and has gotten into trouble for working on his laptop instead of doing classwork. His parents are frustrated with the school and lack of options for their son, who they feel is a bright student who tests well but doesn't like to engage in regular classwork. Robert successfully completed the courts orders; however, the core issue of his school disengagement still presents as a problem. Robert has since enrolled in another high school where his parents feel he has a better chance of passing his classes based on their grading policies and curriculum options.

### **Case 3**

Mary (pseudonym) got sick in 2014 during her sophomore year due to medication issues that evolved into kidney problems as reported by her mother. According to her mother, Mary's illness was the major reason she accumulated school absences during her sophomore year. Mom made attempts to keep Mary (who was 16 at the time of the incident) caught up with her work by offering to pick up missed assignments and even allowing Mary to remain after school in the evening to get extra help with her academics. Mary is diagnosed with ADD/ADHD and Other Academic/Learning Disability and has an active 504 Education Plan which outlines learning accommodations. Mary's mother kept in contact with the school counselor to explore other educational options to suit Mary's needs as she felt her absences exasperated her preexisting academic issues. Even though Mary brought in doctor's notes and notes from her mother as excuses for her

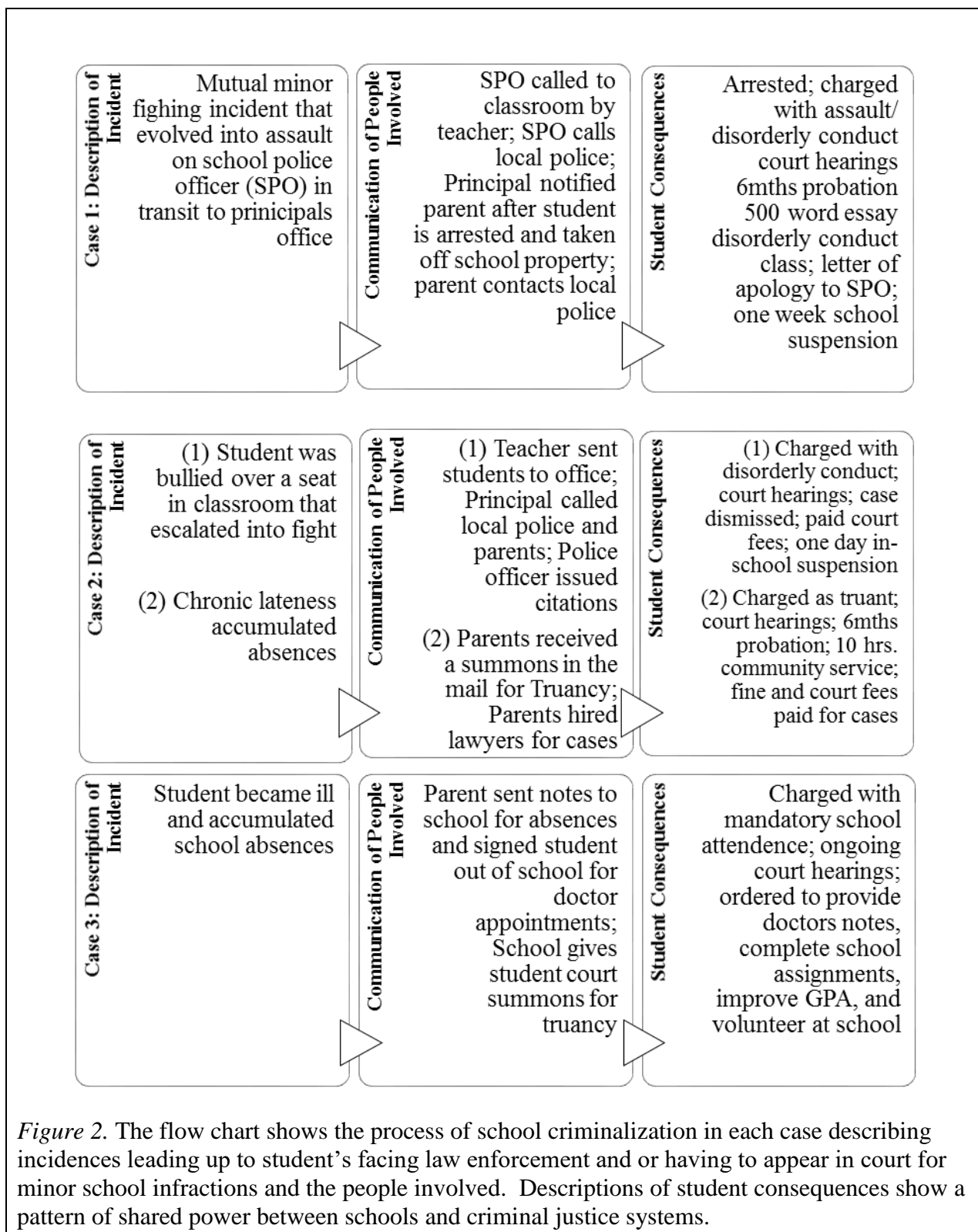
absences, she was eventually handed a summons from school to appear in court for truancy.

Mary and her mother began attending truancy court (in an office setting with a truancy liaison) in December of 2014 and subsequent months following the initial court hearing. Being charged with Mandatory School Attendance, Mary was ordered to attend school on time each day and bring proof of her attendance to each meeting. In addition to providing signed attendance documents, Mary was also ordered by the court to complete all class assignments, improve her GPA, and volunteer at school. There was no acknowledgement on any court documents that Mary was on a 504 Education Plan because she needed small group instruction and extended time to complete work. Mary continued to have medical issues and was likewise required by the court to continue providing doctor's notes for missed schools days. Interestingly, the court provided Mary with late notices to excuse her for being late to school on mornings she was schedule to appear in court.

Mary's mother decided to enroll her in their states online virtual academy for the next school year to accommodate her learning needs. The courts continued to require Mary to attend truancy hearings even though she was no longer enrolled in her former brick and mortar school. Growing frustrated with the court processes, Mary's mother insisted her daughter's case be closed since she no longer attended the school where she received the truancy summons. After almost a year attending court hearings and at the mother's behest, Mary's truancy case was finally dismissed.

**Results:****Research Question One: How do families describe the process of school criminalization?****Shared Power between Schools and Criminal Justice Systems**

I created a flow chart (See Figure 2) to give a holistic view of how parents in each case described how their children were criminally processed for minor behavior incidents or ongoing situations that occurred in school:



### **Threat of Jail**

Once schools turned these cases over to law enforcement or the courts, dealing with the criminal justice aspect of their children's discipline became a priority for parents. John and Mary's parents described patterns of compliance to avoid their children being incarcerated:

They were telling me if he had got into any trouble with him being on probation, that they was going lock him up and would be held at the detention center until the next court date. (Case 1)

Prior to that I just went, that's my child I'm going to go with her and do what I have to do cause it wasn't like you know they had mentioned to her ok that if you don't stay in here and do what you supposed to do she was going do that weekend program which meant she was going have to go to jail and sit in jail over the weekend and they would make sure she was coming to school when she wasn't coming to school. (Case 3)

### **Communication Issues**

Although schools and criminal justice systems shared discipline power in these cases, there were patterns in which schools, law enforcement, and courts were not on one accord and seemed disconnected from student's core issues. In case one, John's mother questioned why her son's community worker wasn't called to intervene in his situation:

When that incident happened with my son, I went up to the school and asked them, "Where was his IEC or ICE worker?" Even me with my documents in front of me and the friend, the documents in front of him they still was trying to tell us he never had a worker until I said yes he do and I presented my documents, and my friend presented his documents and instead of them looking at the documents they were wanted to know who this man was with me.....this is was at the school, I had called a meeting.

She also described how she didn't like how the officer with the courts handled her son:

The officer was on one side of the table, then it was two chairs on the other side which me and my son sat on. And he (an officer from the juvenile detention

center) had his computer. The way he was talking to my son, I didn't like how he was talking to my son. I asked my son to step out of the room, and I told the officer I'm his mom and I'm a single mom and I don't like how you are talking to my son. He was telling me, some kids need discipline. I said, some school police need training because my son did not assault her.

Mary's mother described communication issues between school and court concerning her daughter's illness:

She [truancy liaison] didn't know all these other things we were being told back and forth though. She didn't know that my daughter had gone through these different things these rules that the school was giving. This is information that the school is giving, saying well she's not here so this is what she's going have to do.

She's not going to come to school sick. She ended up going to school feeling sick, she said no mom I'm going to go anyway so I can try get through with all of this. And she went and threw up everywhere... What I really didn't like was that the lady at court, she was thinking that ok well, every time my child had to come to court I'm bringing her to the doctor. It just so happened that because of the medication that she was taking on top of the other medication that she was taking for ADD, they were interacting with each other. It made her worse than she had ever, you know?

She was like you all coming in here with all these excuses all this time. I said look, you can call it excuses but it's actually the doctor's fault for giving her the wrong medication to begin with. They were getting frustrated and aggravated behind something I had no control over which was my daughter's illness.

### **Seeking Outside Support and Challenging the System**

Parents described how they sought support outside of school to help them manage their cases as well as challenge the criminalization of their children. Family support systems were different in each case. Robert's parents hired lawyers. For their first case, Robert's father explained, "I did go to the lawyer, and the lawyer presented it to the district attorney and explained everything that went on. And it sounded like the district



attorney was thinking well maybe we don't have much of a case against [Robert] so they dropped charges against [Robert].” For their truancy case:

This is after the fighting incidence. He did have to go to truancy court. I hired a lawyer again. I think the law states we were supposed to be warned that he may be referred to the court but we were not warned. So I thought maybe that was a way out of all of this, so I hired a lawyer again. Apparently the law is really vague so it really doesn't matter.

Besides hiring attorneys, Robert's family also had the added support of a local advocacy organization, “There is an agency that was trying to help us, a non-profit agency...that's what is was called. They have a case worker, she is assigned to our case. She goes to all the meetings, she talks to [Robert] with us, *what would you like to do, if you had an option to do something else, what would it be?* So she has him thinking on that kind of stuff.

John's mother reached out to her sister and made contact with a school stakeholder in her district to support her during school meetings following her son's arrest. She described the schools reaction to her support:

And then, I didn't even mention how it was a lady knocking on my door and she's telling me she's the school counselor, and I never saw this lady a day in my life, a day in my life. I said which school are you from, and she called out the school. And I said I don't know you, and I asked my son, do you know her? He said no. All of that, they were trying, it's just like when she came to the house she was trying to ask me who was [Mister] that was with me. They was too busy trying to figure out who he was because he stood his ground and he knew what he was talking about. The same documents I had, he had as well. So, when they kept asking, “Well who is he?” he stood up and introduced himself. He let them know who he was and where he was from, and they were kind of upset that he was even there. And I said that that was my support there, and I also had my sister, my older sister. She's 60. She was up there with me. And we were all upset with this school.

Mary's mother identified, "As far as support goes, the only real support she had was me and her dad. He had to work so he may have gone once or twice because I wasn't able to go but at the same time we made sure she was there when she needed to be." Mary's mother also stood up for herself and challenged the truancy liaison for continuing court hearings when she had Mary enrolled in a different school setting:

But I talk to the lady myself and let her know this is what I was told, I had a letter. I told her too because I had talk to my daughter's counselor and I let her know this is not working, they are keeping her in truancy... But it's the court system, even that young lady, the last day that we went to court I'm being told, she was saying she was going to schedule my daughter to come back, and I said you know what this is it, we're not coming back.

**Research Question 2: How are families personally affected when students are criminalized at school for minor behavior?**

**Punished by Two Systems**

Families in each case were affected by consequences given by schools and courts.

John received the following student outcomes:

- 5-day school suspension
- 6 months' probation
- Written apology to SPO
- Attend a class on the effects of Disorderly Conduct
- Curfew

Robert received the following consequences for his incidences:

- 1-day school suspension (for fight)
- 6 months' probation and attend court hearings (truancy)
- Check on summer school for needed classes (truancy)
- 10 hours community service (truancy)
- Lawyers' fees (both cases)
- Court fees (both cases)

Mary's court stipulations were as follows:

- Attend court hearings
- Must attend school daily and on time
- Must provide doctors notes for all missed days
- Get teachers to sign off on attendance tracker
- Complete all school assignments
- Improve GPA
- Volunteer at school

### **Alone, Stressed, Afraid, and Frustrated**

Psychological distresses emerged as parents described how their families were effected by school criminalization. Trying to separate patterns of *fear, frustration, stress, and feeling alone* was challenging as these emotions converged in statements made by parents as they revealed their feelings. John's mother describes how dealing with their case elicited emotions of fear and worry:

I lost some sleep at night worried about it, because he is my baby boy. And I never been through anything like this before. And I just felt alone at the time it

felt like it me and my son against the world. I lost my mom in '07, and I felt like if my mom was there she would have been right there with me. I know for a fact she would have. But it was just me. And being that I had not been through anything like this before, I was scared for my son. I didn't know the outcome. I didn't know how serious it could have been, I didn't know. And everything worked out.

Mary's mother was also afraid for her daughter when she stated, "And that was my biggest fear. I don't need my daughter going to jail behind a miscommunication, a misunderstanding that could have been settled had everybody, and the school make sure the court, that everybody on the same page." Robert's father expressed frustration with their truancy case as well as Robert's opposition toward school. Throughout the interview, the dad specified there weren't enough school options for their son:

On top of it, this truancy thing, and it's just awful. It makes everyone, parents view the school adversarially. The school doesn't present enough options for [Robert] so you'd want to go to school. We are just considering pulling him out and we can homeschool here. That's another difficult burden for us to handle. I think that's our only option.

Well, it's all very stressful. I mean we have a strong-willed child who knows what he thinks and who is willing to not back down. I don't know, I'm not that type of person, I wouldn't be willing to break him. You know what I mean? I don't want him to go the wrong path and do things wrong. But I want him to discover what he is good at, what he's capable at, and to be willing to try new things. I don't want to break him. I'm a farm kid. I've had horses and I've trained horses myself. I never want to see a horse down trodden. I want them to have spirit, I still want them to behave. And so that's what I'm doing with [Robert], so.....

It was emotional for Mary's mother to go back and forth to court for an issue she felt was confusing due to differences (in her opinion) between school attendance rules and attendance rules of the court:

It was emotional for one because I mean dealing with the court system down here it's like.... One thing I'm thankful for, the young lady that she worked with from truancy, I don't know her exact title I know she's with truancy, she was kind of lenient I understand she had to do her job. But I let her know everything that I was told to do. I followed those rules and I brought her all the paper work that was needed to be brought in. But she was looking at it, *well she still needed to be in school*. Ok well this is what I was being told one thing. It's like I'm being told one thing and her rules and her laws was something different from what I was being told.

So that's where the confusion came in a lot. Because the school is saying as long as she had a doctor's note and as long as I kept her home I wrote something too. I'm not just trying to keep my child home, she need to be in school. So that information I received from the school was one thing, but when I get to court, I'm telling her what the school said, and no this is the way it is supposed to be. So the school and the court need to get on the same page. And you have me running back and forth to court, she my daughter coming back once a month coming to court.

She went on to describe how her daughter was effected by going back and forth to court and how court was an obligation they needed to fulfill:

Mentally, my daughter was the one that really needed to be, trying to focus on what was needed for her to be ok. When everything was going back and forth she was getting frustrated, she was like mom I don't want to go to court. And I'm like no you got to go to court. She was like why am I still going? It wasn't even explained to her why she had to continue to go. I was like you just have to show up.

Mary's mother was equally frustrated about, "Taking time out of our day to go and deal with things that I think they could have really handled differently. They probably could have handled it in a different way. For everybody to be on the same page like the school and the courts and we wouldn't have had to be going back and forth." Robert's parents felt similar pressures about their obligations to the courts when his father stated, "It's just a matter of fact we have to do this, I mean we don't want to do this. But we're made to do this though."

### Unfavorable View of Schools and Courts

The experience of having children criminalized for minor behavior, resulted in parents having less than favorable views about schools and courts. John's mother did not feel supported by their school principal and felt the principal was disengaged from students in her school building:

The principal that I felt didn't have my son's back, she didn't have any of the kids back. It was a time I went up to the school and as I'm walking there, there's a fight out in the yard and I go straight to the office. Once you get in the office it's like a counter, and behind that counter is the principal's office. I went to the counter and open the door she's in there eating chicken, I said did you know there was a fight outside and there's fighting, she said, *child please I'm having lunch*. I knew she didn't care about our kids.

Robert's father felt schools should handle their own behavior issues and that courts were unnecessary:

In my day, the principle when I was in school, handled everything and it didn't seem to cause any issues. She was judge and jury and she brought parents together. To me it seems like the courts are a waste of time. They're wasting taxpayer money, they're wasting judges time, unless it's just a way for people to have jobs, I don't know, I hate to think that.

Mary's mother suspected, "It's the court system that try to keep these kids and what I really believe they do they try to keep them." While Mary's mother did not have a favorable view of the court system, she did however, explain her relationship with the school remained intact:

It was the same, nothing changed. I wouldn't have any, the type of person I am, I'm like I don't have to deal with them on a daily basis, I had to deal with them only because my child was at that school. Whenever they had an issue that went on that I wasn't in agreement with, to me can we make an appointment and I'd come sit down and talk to you. I talked to the principal many times. And it was sometimes when my daughter was acting up in school, it wasn't like she was, you know nobody is an angel.

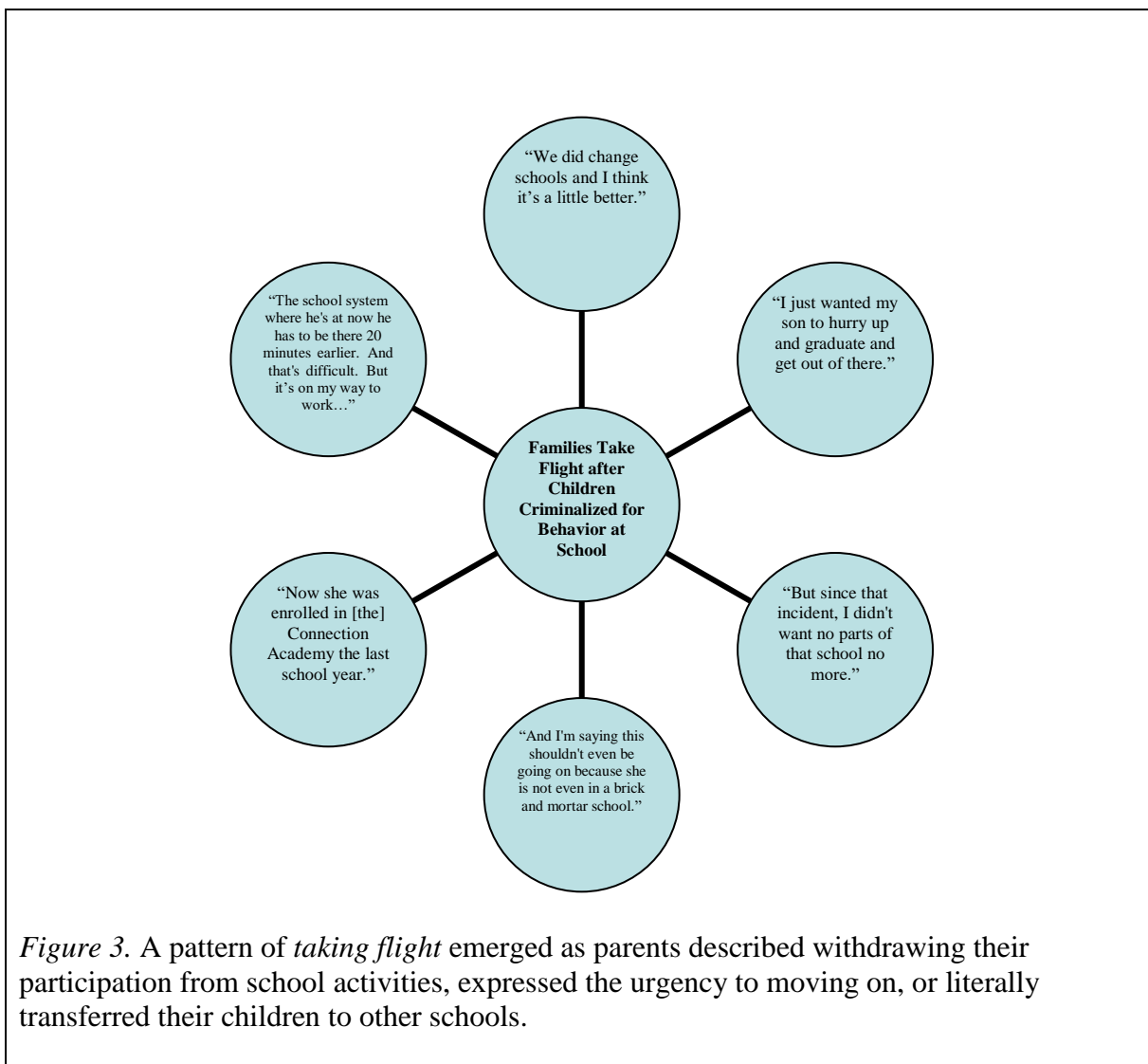
Parents asserted their own narratives with regard to what was happening with their children:

He just kept saying, *mom they're lying, they're lying*. I can tell when he's telling the truth and when he's lying. And talking to the [support person] made me aware that my son didn't do anything. I have older kids. My oldest son is 27, my other son is 24 my daughter just turned 21, and he's 15, so they were like we know he has a bad attitude at times, but I can't see him hitting on a female officer. (John's Mother-Case 1)

Personally I think the law is wrong. If a child is forced to go to school and forced do all the work that they want them to do. Even though, we have no options, I mean he's a bright child and we have no options to say, well, take all the tests if you know all the material and move on and go ahead. That's our most difficult point. (Robert's Father-Case 2)

For the most of it I know my child. She had never been like that before. She was telling me Mom I'm not feeling well, I can't do it. She wasn't feeling well, the school was making it like I was making excuses for my daughter, that's what the lady told me. (Mary's Mother-Case 3)

## Taking Flight





Robert's family transferred to another school district while Mary's mother enrolled her in a virtual academy to suit her learning and health needs. While John remained at his middle school until the end of the year, his mother withdrew from being active at the school. She also began driving her son to the train in the morning and picking him up every day from school.

### **Research Question 3: What do families know about school criminalization?**

#### **Researching School Issues and Alternatives**

John's mother did not have any direct knowledge of school criminalization prior to this study. Out of the three families, Mary's mother had extensive knowledge concerning school criminalization. Due to her own advocacy and research efforts with a local organization, Mary's mother made references about school-to-jail issues in her area:

One thing I know the recidivism rate, our kids black kids in [our area] they being pushed into the court system quicker than other kids of another color, another race.

You know minorities, our brown children I call them it's ridiculous because like you know the school-to-prison-pipeline, they have schools already set up where the kids are walking with their hands behind their back in a straight line. I mean I understand that you have to discipline, but when you have to walk in a straight line with your hands behind your back, see that's what they do in juvenile detention centers even schools.

Mary's mother made a reference to a well-known advocate for school discipline reform

(Teske, 2012):

But a lot of our schools in the school system here, it seems they calling the police for a lot of different things on kids being placed in the program for minor infractions. Overall you know the suspension rate is higher as I don't know what. Which I don't think is right because they should find some other alternative solution instead of constantly sending our kids home and Judge Teske from Clayton Co. Georgia, he was saying when your child is at home they be on

vacation and they using up your electricity, eating up your food and then they call friends to come over and you at work and they eating up your food and using up your electricity, Judge Teske he pointed out that children they need to be in school.

Dealing with his son's truancy case prompted Robert's father to research information about truancy: "I looked up the laws. To me, from what I understand in [our state], the school system by law is supposed to alert the parents that they're in the process or will file a petition in to the court about truancy. But we didn't get that." Robert's father broadened his research base looking for school alternatives and learning more about truancy issues:

Well yeah. I have been reading. Are you familiar with Peter Gray's work? He's a psychologist and he writes a lot of Op-ed pieces on the internet. I honestly feel that he's right on point as far as the education system is, the way it is, the way it should be. And yeah he's very concerned about many kids wind up in jail just because the way the school system is. He has a lot of great articles it's a proponent on something called the Sudbury Schools, I wish we had one around here. I think there's one in [another area] I think they call it. The way that school is organized, its children, I guess he would best describe it, it's a democratic school. The kids decide what they are going to learn. The teachers there are coaches basically. The emphasis is that school should be play and everything should be learned through play. Kids do really, really well apparently. That lets me know.....that's not the way the world is for the rest of us.

I read about, when I started reading about the truancy issues, we have it bad in [our state], but there's other places that have it a lot worse. Texas seems to be almost criminal when you talk about the court systems there. I think kids at that time I think they have like 5 absences and all of a sudden they get sent to truancy court, there's a \$500 fine, and they just keep locking them all up. And you can't go to prison in Texas if you're under 17 for truancy. The second you turn 17, they take you right out of school and put you in jail if you can't afford the fine. I think it's wrong, I think [our state] truancy laws most of them if you want to know anything about [our state].

## Self-Advocacy

Encountering law enforcement and going to court for their children's behavior, led parents in each family to take a stand and advocate for themselves. Mary's mother did not directly use an advocate for her daughter's truancy case, but she did rely on her advocacy connections for information about her daughter's case:

But I had people down here that know the laws in juvenile court and truancy and all of that and they told me look that if you need me to come down there because she really not supposed to do that, she really wasn't even supposed to be going back after she stop going to brick and mortar school. When she switched schools, she wasn't even supposed to go back to court.

While John's mother wasn't knowledgeable about school criminalization, she recognized the value of having supporting documents to help advocate on her son's behalf:

So, I got in touch with community [center] because that's where these adults come from to help these children in schools. I went up there and asked for documentation of all his re-evaluations and everything. She gave me a nice size envelope. I never took it up there until I got in touch with a friend of mine that works with the school board and I asked him if he could attend this meeting with me.

Outside of court, Robert's parents attempted to deal with their son's core issues which was his opposition toward school:

So we had taken him to counseling and the counselor said there is nothing more I can do either. She said he had some type of oppositional defiant disorder. Right now or did. He doesn't act out, he never acts in anger, he doesn't yell at a teacher, he just will say *no and I'm not doing it*. And I guess that gets their goat you know. That's what she felt. I don't know, she did recommend another agency which is a gov't agency so we could all work together you know and help guide him. But we....My wife and I work and make too much money to qualify for that. That's how we were part of the [advocacy organization] thing, that's the only thing we could do.

## Summary of Findings

Investigating how families experienced school criminalization, three central themes emerged based on patterns of responses to the three research questions:

- “Families Caught Between Two Institutions”
  - Shared Power Between Schools & Criminal Justice System
  - Threat of Jail
  - Communication Issues
  - Punished by Two Systems
- “Breaking Bonds Between Schools and Families”
  - Alone, Stressed, Afraid, and Frustrated
  - Unfavorable View of Courts & Schools
  - Taking Flight
- “Families Taking a Stand”
  - Finding Support and Challenging the System
  - Researching Schools Issues & Alternatives
  - Self-Advocating

Parents described being *caught between two institutions* as they explained how their children were criminalized for minor offenses. Families had to comply with discipline rules of schools, law enforcement, and courts. Once law enforcement or courts were involved to handle a behavior infraction, the power to discipline was shared between schools and these systems. Parents described instances where schools and courts were not on one accord and even disconnected from their children’s core school

issues. Students in this study faced consequences at school and at court for their minor behavior issues. Parents had to deal with the threat of jail of their children for non-compliance of court orders.

The theme of *breaking bonds between schools and families* emerged as families described their fears and frustrations dealing with school criminalization processes. Parents also described feeling alone and stressed as they had to navigate through their cases as well as continue dealing with their children's core school issues. The negative effects of school criminalization led parents to have unfavorable views about their schools and court systems to the point of taking flight. Parents withdrew their children from schools as well as their school support.

While school criminalization was a negative experience for families, parents described how *taking a stand* helped them through the process. Parents sought outside support or engaged in self-advocacy in an effort to challenge the criminalization of their children. Parents were prompted to research school criminalization issues and alternative school solutions, as well as reach out to advocacy organizations to increase their knowledge about how to handle their cases. In Chapter 5, I go into more detail about how my results extend what is known about how families experience school criminalization. I interpret results in the context of the conceptual framework of Critical Conscious (Freire, 1970) as well as describe the potential impact for positive social change within the boundaries of this study. Recommendations are given based on parent suggestions, current literature, and my expertise in the field of public school education.

## Chapter 5: Discussion, Conclusions, and Recommendations

### Introduction

The purpose of this study was to investigate how families experienced school criminalization. Much has been written about school criminalization through descriptive statistics and literary commentaries (Dahlberg, 2012; Hirschfield & Celinska, 2011; Theriot, 2009). However, little is known about the personal costs to families when their children are criminalized for minor behavior infractions school. The voice of the family is necessary to learn more about this phenomenon from the perspective of those with firsthand knowledge. I conducted a multi-case study to explore how families described the process of school criminalization based on their experiences and how their families were effected by its consequences. Conducting case study research is a good way of getting on the inside of an issue, aggregating multiple source data by way of personal accounts and documented evidence.

Three key findings emerged regarding how families experience school criminalization: (a) *Families Caught Between Two Institutions*, (b) *Breaking Bonds Between Schools and Families*, and (c) *Taking a Stand*. School criminalization placed families in the middle of shared power between schools, law enforcement, and court systems. Bonds were broken between schools and families as parents experienced fear and frustration with school criminalization processes, forcing families to take flight and transfer to other school settings. Parents took steps to get help for their cases by hiring attorneys, reaching out to advocacy organizations, and showing determination through self-advocacy. I applied the conceptual framework of critical consciousness (Freire,

1970; Gil, 1992) to my study by framing interview questions to collect reflective case histories and also pull together recommendations from parents for positive social change concerning school discipline.

### **Interpretation of Findings**

#### **Criminalizing Minor Infractions**

A critical construct of school criminalization is schools merging with law enforcement and courts to discipline students for minor infractions such as fighting, truancy, and insubordination (Browne-Dianis, 2011; Edmiston, 2012; Hirschfield & Celinska, 2011). Students in my multi-case study were criminalized for minor fighting incidents and truancy. Families involved in the truancy cases in the present study were summoned by juvenile and municipal court systems to answer charges for their children's school absences. Conflicts between families and schools in these cases was beyond the scope of court involvement. In studies by Dahlberg (2012), Kim (2010), Langberg et al. (2011), and Theriot (2009), disorderly conduct was found to be the most common citation for minor school offenses. In the present study, students in the first two cases engaged in mutual fights with classmates that did not involve weapons or imminent threat to school safety. This was Robert's (Case 2) first recorded school fight and he was charged with Count I, Disorderly Conduct. John's case was referred to a Youth Aid Panel (that specifically handled minor offences) for alleged assault. Attendance at class on the effects of disorderly conduct was a stipulation of the panel agreement.

## **The Role of Law Enforcement in Schools**

Positioning law enforcement within school environments has been cited as the key reason school arrests and court referrals are at the heart of school criminalization expansion (Dahlberg, 2012; Edmiston, 2012; Sussman, 2012). Determining the role and effect of law enforcement in schools is beyond the scope of the present study. However, the present study may shed some light on different ways in which law enforcement is used in school criminalization cases. In Case 2, the school principal reported the fighting incident to the local police after the incident was over. An officer was sent to interview the students involved and issue juvenile court referrals. The parents of these students were called to the school and present during police questioning. In this case, arrests were not warranted and the students went home with their parents. The role of the police officer was clearly as law enforcement acting on behalf of his legal jurisdiction. In Case 1, a school police officer (SPO) was permanently stationed at the school. According to the students' notice of suspension, the SPO was also referred to as school personnel. This confirms Coon and Tavis (2012) assertions that embedded school police officers have dual roles, one as officers of law and the other as school personnel.

Studies by Dahlberg (2012) and Theriot (2009) resulted in significant findings concerning associations between school criminalization and on campus presence of school police officers. In the first case, the SPO was called to the classroom to escort the students involved in fighting to the principal's office. According to student witnesses, the students had stopped fighting before the SPO arrived. On the way to the principal's office, student in case one resisted the SPO and allegedly hit her on the arm trying to



break away from her. This resulted in the SPO arresting the student for assault and calling local police. The parent in this case was called after her son had been arrested and taken into police custody. The mother in this case had to contact the local police department to verify her son's detainment and had to wait hours for his release. It cannot be said for sure if the situation presented in Case 1 was incensed by the presence of the SPO as conferred in research by Langberg et al. (2011), Price (2009), and Theriot (2009) concerning using school police officers to discipline students. However, families in these two cases had distinctive encounters with law enforcement in relation to school discipline. In Case 1 the school police officer acted as school personnel (disciplinarian) and as an arresting officer. The police officer called to the school in Case 2 operated solely as law enforcement from a local police station.

### **Criminalization of Marginalized Student Populations**

The criteria of my study did not require participants to be of any particular background since my goal was to explore what was unknown pertaining to family experiences. Maximizing literal replication logic (Yin, 2014), I was able to recruit families of varying demographics. It is widely known that minority students, students of low-income, and students with special needs are more likely to be disciplined harsher than their counterparts (Crutchfield et al., 2010; Irwin et al., 2013; Skiba et al, 2011). According to Hirschfield and Celinska, (2011), Krezmein et al. (2010) and Wilson (2013), school criminalization intensifies already disparaging treatment of these student populations. Student in Case 1 lives in the Northeast and was reported as an African-American from a middle-income family by his mother. He was diagnosed with conduct

disorder and ADHD and had a long history of school suspensions. When asked if there was anything else his mother would like to add to their case, his mother summed up her feelings with this statement:

No, I'll just be glad when he's finished out of school period, because that was a rough ride for me, from kindergarten to 8th grade. My child had been left back because of all those 1 day suspensions, and they wouldn't give my son make-up tests and everything. He went to summer school, he passed summer school. But when school opened back up, he was let down. I didn't give up, but I was just exhausted because of other personal things I was going through. And I told him let's just get through the rest of this year and move on.

Student in Case 3 was reported as being of mixed heritage and of a low socio-economic status from a southern state. The student in this case received special services to accommodate her learning disability and Attention Deficit Disorder (ADD) diagnosis. In her interview, the mother referred to her daughters' school issues when considering an alternate education setting in lieu of continuing truancy court:

So I made an appointment to go speak with the counselor, let her know what was going on. And like I said she was the one who had referred me to that school the [connections academy] and she was saying that you know, that way knowing she's in a 504 program, she got ADD, and she can be at home.

Kupchick (2009) submitted that school criminalization reaches across race, socio-economic status, and geographic location. Student in Case 2 was reported as White-German from a middle-class family from the Mid-West. Findings in the present study supports current research that maintains school criminalization effects marginalized student populations as well as students of diverse backgrounds.

### **Law Enforcement and Court Systems Disconnected from Student Issues**

Schools are typically safe zones for student growth. Browne-Dianis (2011), Lashley and Tate (2009), and Teske (2011) suggested using legal systems to discipline students for youth behavior was not in the best interest of student development. In the present study, courts did not address fundamental issues students were having. Families in each case had extenuating factors that led to their child's truancy charges; however, issues between schools and families were not handled by the courts. The courts addressed the legal issue of non-attendance by monitoring student attendance and academic progress during probationary periods. The courts also added other stipulations like community service (Robert's Case 2), school volunteerism, completing assignments, and improving GPA (Mary's Case 3) that seemed disconnected with the students' needs. Criminalizing Michael for truancy did not change his oppositional behavior toward school nor did the courts provide answers for his parents who sought alternative curriculum approaches. In Mary's case, the courts did not take into consideration she was a special needs student. Requiring her to complete assignments and improve her GPA was out of touch with her academic struggles and need for extended time on assignments and small group instruction. Criminalizing Mary for her school absences did not solve her health issues or lessen her need for doctor's visits.

Dahlberg (2012) and Theriot (2009) studied how in-school policing exasperated criminalization of minor offences especially for marginalized student populations. Up to the time of John's (Case 1) school arrest, he had been suspended from school over 40 times starting in the third grade, ranging from minor to serious behavior infractions. John

was also diagnosed with a conduct disorder, ADHD, and in need of clinical services. It is unclear how John's social-behavioral needs were recognized by the school, if at all. The juvenile court system did not address John's special needs except to obligate him to take a class on the effects of Disorderly Conduct. School safety is important; however, using school police officers and courts for minor behavior issues needs to be re-examined. John's encounter with his school's SPO was not productive as their encounter escalated to a more serious situation. In a similar case in a Virginia public school (Ferris, 2016), 11 year Kayleb Moon-Robinson diagnosed with autism was charged with disorderly conduct for kicking a trash can. His charge was elevated to felony assault after trying to break away from the police officer he encountered in his case. Although school police officers are supposed to be trained to work in school environments, how qualified are they to interact with special student populations? Further research in this area would be beneficial in understanding the intimate role of school police officers in school criminalization cases.

### **What Happens to Families When Students are Criminalized at School?**

Results from the present study affirm how school criminalization doesn't just affect students, but their families as well. When minor students are disciplined by legal systems, adult caregivers are drawn into these systems by default (Edmiston, 2012; Goodman, 2014; Kim, 2009; Schulman & Cauffman, 2011). In the present study, parents were required to comply with law enforcement and court systems to ensure their children fulfilled legal obligations. Parents were profiled in police reports, summoned to multiple court appearances, and made to sign legal documents while simultaneously dealing with

ongoing school issues. Robert's parents incurred legal and court fees in both of their cases even though the case involving the school fight was dismissed. Mary's mother expressed how she lost time from work and other personal obligations to accompany her daughter to monthly monitoring hearings. Families in each case had prolonged responsibilities to courts while their children remained on probation.

### **School Criminalization and Family Rights**

Determining if school criminalization posed a risk to families asserting their rights (Sussman, 2012) was not confirmed in the present study. While families did not have any choice but to submit to discipline measures specified by schools, law enforcement, and court systems, it was not met without resistance. John's mother opted to have her son's case handled by a youth panel in which she and John signed an agreement to adhere to the panel's stipulations. However she did challenge the schools handling of her son's case holding them accountable to his diagnosis and therapeutic plan prescribed by a community health organization. Robert's parents did hire attorneys for their cases, having the disorderly conduct case dismissed. Mary's mother did not have any representation for her daughter's case; however, she did assert her right to stop attending monthly hearings once she enrolled her daughter in a virtual academy. Issues of youth culpability in legal proceedings was not addressed in my study. I also did not address the matter of family rights in questioning and detaining minors. Results of my study did show clear differences in how John's and Robert's incidents were communicated to parents and how their cases were handled by law enforcement. Robert's mother was present while a local police officer questioned him about the

fighting incident. John was arrested and detained without proper parent notification. It was unclear if he was Mirandized. More studies are needed to investigate discrepancies in family rights concerning school criminalization processes.

## **Psychological and Educational Consequences Associated with School**

### **Criminalization**

Parents in my study expressed their frustrations and disillusionment being caught between schools and legal systems. Parents of John and Mary were afraid for their children as a result of being threatened with jail time if court orders weren't followed. Since going to court didn't solve ongoing school issues, parents were distraught trying to find alternative solutions to their children's school problems. Like families in Kim's (2009) case study, parents in the present study described how school criminalization negatively impacted their relationships with schools. Families breaking bonds with schools was a significant finding in my study. Families took flight either by enrolling their children in new school situations (Cases 2 and 3) or withdrawing school support and involvement as was the case with John's mother. My case was limited to interviewing parents, so my results do not reflect how the children in these cases coped with being criminalized for their behavior at school. Robert's father did express his son viewed the school unfavorably while Mary's mother said her daughter was equally frustrated and questioned why she kept having to go to court. More in-depth studies are warranted to examine the psychological effects of school criminalization specifically on students.

With regard to educational consequences, none of the students in my study were remanded to a juvenile detention facilities. John received the most severe consequences

since he was suspended from school for a week in addition to his arrest and subsequent legal obligations. John's case was the most critical of the three because he was already at risk academically due to a long history of school suspensions and learning deficits. Court monitoring of school attendance and academic progress did not help Robert or Mary with their personal school issues. Moving on to new school situations seemed to have had a positive effect on John and Robert as per their parents. In my last contact with John's mother, she shared John is now in high school and has had a successful freshman year. Robert seemed to be improving in his new high school setting when his mother and I last spoke. She also shared the school offered some curriculum alternatives to suit Robert's needs. In my most recent conversation with Mary's mother, I was informed Mary was working now but did not finish high school. She is hopeful Mary will eventually get her high school diploma and go on to take vocational or college classes.

### **Critical Consciousness and School Criminalization**

Applying the cyclical process of reflection, self-efficacy, and action (Freire, 1970) to access in-depth, data-rich, descriptions about school criminalization from the family perspective was appropriate. Positioning myself as a critical researcher, I aligned my research design and methodology with the principles of the framework fostering dialog (reflection) with participants. My line of questioning guided parents to define their cases and to give meaning (self-efficacy) to how their families were effected school by

criminalization processes. I inquired what parents knew about school criminalization, how they sought help, as well as asked them directly for recommendations (action) to improve school discipline practices.

Parents were organized and reflective in their efforts to participate in my study. They signed off on consent forms, completed full interviews, added credibility to their stories by providing multiple source data, and followed up with me to member check data. The psychological effects of school criminalization on Robert's parents, prompted them to research the issue further, increasing their self-efficacy. Mary's mother used her awareness of school criminalization from her advocacy work with a local organization to help her navigate court processes. Parents described ways in which they took a stand by challenging school and court outcomes and self-advocating to support themselves and their children. John's mother did not know much about school criminalization, but she became aware of the importance of having supporting documents to hold her son's school accountable for his behavioral needs.

The high point of applying the critical consciousness framework to research is the emergence of shared solutions and action steps between researchers and participants (Freire, 1970; Gil, 1992). Parents in my study shared change strategies based on their lived experiences. I incorporated their experiential knowledge and recommendations in a final brochure product (See Appendix I) to disseminate to parents, human service practitioners, attorneys, and school and juvenile justice stakeholders.



## Recommendations

### Advice and Recommendation from Parents

When parents were asked to share advice or recommendations for families and schools, the theme of *Schools and Families Accepting Responsibility* emerged. Parents in each case came to a consensus that parents in general need to be more involved in their child's education as well as be informed about broader issues that can affect how children are disciplined at school:

I would just say, be more involved with the school. Whatever documents that you have, make sure you keep them for back up. (John's Mother)

I think the only thing we can do is try to get involved in the schools to try to make the changes. I don't know that we can wait. (Robert's Father)

I recommend they [parents] stick closely to their child. Because all children, when our children get into a situation it's difficult for them to focus sometimes they have to back down because they afraid... But at the same time make sure you know the rules and regulations of the court of the truancy what's required. And the know rules and regulations of the school, the do's and don'ts, the can and can not's... Study and educate the children on those things too know your rights, even know your rights whenever the police approach you. (Mary's Mother)

Parents were in sync with current literature that suggested schools should not involve legal systems in addressing minor discipline matters (Browne-Dianis, 2011; Lashley & Tate, 2009; Teske, 2012). For parents in my study, it was all about schools reclaiming responsibility in restoring relationships and handling discipline issues:

I would tell the school they need to get more involved with their students. Know who is coming to their school and class pulling kids out their class for hours a day. Have a sign in sheet so you will know who was in and out the building. (John's Mother)

I think the schools need to take back ownership of their own discipline. If they can, I don't know what all schools chase. I know there are issues and I know they

are concerned about security and they should be... had a lot of horrible incidents in the past few years. But I think they need more reason, instead of, I think they need more authority to be able to deal with things. In my day, the principle when I was in school, handled everything and it didn't seem to cause any issues. She was judge and jury and she brought parents together. (Robert's Father)

I think schools need to come more to the table with families instead of, you know like in the beginning of school you have this orientation... At the same time learn about these issues, I think that they, if the school system did things a little different like I had mentioned, restorative justice practices (Mary's Mother)

### **Restorative Justice and Positive Behavior Intervention Support (PBIS)**

Implementation of PBIS and restorative justice practices are gaining some momentum in schools and juvenile justice systems in the United States seeking alternative resolutions for handling student behavior in a post-zero tolerance era (Lashley & Tate, 2009; Gonzalez, 2012; Teske, 2012). As a former behavior specialist on a PBIS team, I know first-hand how adopting and reinforcing school-wide positive behavior interventions can help improve overall school climate and reinforce school and family bonds. Further research in this area would be a step in the right direction as stakeholders are finding the use of such practices to increase school success for all students to be invaluable (Lashley & Tate, 2009; Swain-Bradway, Swoszowski, Borden & Spague, 2013). Gonzalez and Teske found that focusing on school inclusion practices to keep students in school can be effective in disrupting the school-to-prison pipeline.

### **Limitations of the Study**

My study consisted of three representative cases. According to Stake (1995) and Yin (2014), I met the basic threshold for a multicase study. Additional cases would have strengthened the confirmability of outcomes; however, there is credible transferability of patterns and overall themes across cases in the present study. Families represented in my study varied demographically and also had distinguishing circumstances that led to their children being criminalized for minor behavior issues. Parents were faithful in providing supporting documents which helped increase trustworthiness of their stories. I communicated with parents throughout the study to clarify any inconsistencies found and member check for accuracy. The process of recruiting, collecting and analyzing data for three cases was time consuming and overwhelming as noted by Baxter and Jack (2008) and Yin (2014). Having multiple researchers could have potentially increased access to more cases leading to a more robust cross-case analysis. Participation from parents was needed beyond my original timeframe. This could have run the risk of parents dropping out before my study was completed. Fortunately, my study participants remained for the duration of the study and offered feedback (member checking) when necessary. I managed my study with organized and consistent procedures using journaling and audit trails as suggested by Yin (2014). It was beneficial to keep recruiting new leads through online searches for advocacy organizations until I met my study sample goal.

### **More Studies Are Recommended**

My study is significant because research about how families experienced school criminalization was found lacking in current literature. The results of my study adds the voices of families to what is known about this phenomenon; however, my sample was limited. Duplicating this study would be useful to expand qualitative research in this area filling a critical gap in the knowledge base. More case studies are necessary to explore what families go through when children have actually been detained at juvenile detention facilities for minor offences as a result of school criminalization. Children in my sample were middle and high school students. Studies sampling families with children in elementary school who have been criminalized for minor behavior issues would help broaden the scope of qualitative research about this phenomenon. Minor children are protected populations, but knowing how they internalize school criminalization processes would provide critical information for therapeutic organizations, school social workers, counselors, and psychologists.

Questions remain concerning the critical role of law enforcement (either embedded or external) in connecting students and their families with court systems in school criminalization cases. The issue of communication between schools, law enforcement, and courts regarding addressing the needs of at-risk students during school criminalization processes was found to be noteworthy in the present study. A grounded theory approach may be what is needed to gain a comprehensive understanding about school criminalization from multiple perspectives (in addition to families) such as school

personnel, law enforcement officers, juvenile court judges, and lawyers who handle school criminalization cases.

### **Implications**

Positive outcomes of my study are promising. I've produced a brochure product that is accessible to variety of audiences interested in having a quick, easy to read, educational tool about how school criminalization affects families. I think my brochure can help increase public awareness about the seriousness of school criminalization in a tangible way. My brochure product is a simplistic, yet powerful instrument that can be used to generate conscious dialog at parent workshops, school meetings, legal reform seminars, and human services conferences. I formatted the brochure to define the issue of school criminalization, summarize my study results, illuminate the voice of families with direct quotes, and provide links to websites that provide more information about school discipline reform practices. I also provided contact information for further inquiries about my research.

Publication of my dissertation will help fill a critical gap in the literature concerning how families process and deal with having children criminalized at school for minor behavior issues. Researchers can now refer to the present study as a basis for increasing conceptual knowledge and qualifying descriptive statistics as it pertains to operationalizing school criminalization. The results of my study give some insight about the nuances of school criminalization processes and what happens on the inside of this issue concerning family experiences. Hopefully, my research will encourage more qualitative studies that will apply the framework of critical consciousness especially for

human services practitioners. As maintained by Gil (1992), individuals committed to human services are drawn into social justice advocacy by default. When working with marginalized populations, the socio-political constructs of classicism, racism, and genderism, must be taken into account in order to evaluate client issues holistically (Gil, 1992). I believe conscious raising (Freire, 1970) in research to be a positive step toward producing scholarship that bridges the gap between researcher and participant (or practitioner and client) to reflect a more symbiotic relationship.

### **Conclusion**

The main goal of this study was to humanize the school criminalization issue by illuminating the voices of families who have first-hand knowledge. The results of my study helps move the school criminalization conversation beyond descriptive and statistical dialog to incorporate the narrative of families who have lived this phenomenon. The next step is to create opportunities to disseminate this information so constituents already on the forefront of school discipline reform can be even more empowered to influence positive social change. School criminalization is a critical issue in the United States because it is happening, but little is known about the significant impact this phenomenon has on children and their families. When children are arrested at school or made to go to court for engaging in youthful behavior, we, as a democratic society must do more than talk about it, we must act. Forcing families into legal systems for minor school behavior issues goes against the fundamental relationship between schools and communities. When schools link with law enforcement and court systems to punish the basic right of children to be children, trust between families and schools erodes. The

ethicalness of such practices must be questioned and addressed.

Examining the harmful consequences of school criminalization in the broader context of discipline and punishment from micro to macro levels of the American justice system, raises the bar of our examination to the human rights level. School criminalization can no longer be isolated as a school issue or juvenile justice issue as it has earned its place on the Mass Incarceration Continuum (AIA, 2015). School discipline policies in the United States have a long history of targeting and marginalizing vulnerable student populations, mirroring the historical effects of the overall criminal justice system on disenfranchised communities. Zero tolerance social policies emerged at the onset of the infamous War on Drugs waged against undervalued communities and their schools (Robbins, 2005). Millions of individuals are processed in and out of the criminal justice system in the United States (AIA, 2015) and school-aged children are swept into this overwhelming statistic. At the heart of school criminalization, school is the central focus of how families experience this phenomenon (See Figure 4). As a society, we can take better care of our children when they go to school and do more to preserve the sanctity of school and family relationships.





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## Appendix A: Study Flyer

# SHARE YOUR STORY



Are you a parent, an adult caregiver, or know someone in care of a minor child who has been referred to law enforcement, been arrested, or had to appear in court for minor, non-criminal school behavior, such as (but not limited to) disorderly conduct, truancy, minor fighting incidences, or profanity?

A doctorate student conducting a multi-case study wants to tell your story to bring awareness about school criminalization.

Please call

1-478-283-9840 or email [Monique.tate@waldenu.edu](mailto:Monique.tate@waldenu.edu)

**\*Participants will receive a \$20 gift card.**

## Appendix B: Participant Intake Data Research Form

\*Unique Identifier: \_\_\_\_\_

**Fluent in English Language** \_\_\_\_\_

Relationship to child \_\_\_\_\_

Age &amp; Grade of Child When Incident \_\_\_\_\_

Occurred \_\_\_\_\_

Special Needs Services: Yes or No \_\_\_\_\_

Was your child referred to law enforcement?  
\_\_\_\_\_

Was your child arrested? \_\_\_\_\_

Did your child have to appear in court? \_\_\_\_\_

Describe your child's behavior offense related to case  
\_\_\_\_\_

Is case still ongoing? \_\_\_\_\_

Do you have supporting documents? (Describe) \_\_\_\_\_

**Participant Demographics**

Age \_\_\_\_\_

Gender \_\_\_\_\_

Race/Ethnicity \_\_\_\_\_

Economic Status: High/Middle/Low \_\_\_\_\_

Notes: (Ask about interview contact preference)

**Phone Script:**

“Hello (name of participant). Thank you for responding to my study invitation. With your permission I would like to collect some background information so I can better understand your child’s case. (*Wait for response*) I would like to inform you this conversation as well as your identity is strictly confidential. (*Wait for response*). Let me tell you a little about myself (give a little info how I became interested in the study and my role as an educator). I also have to inform you because I am teacher, I am a Mandatory Reporter of Child Abuse. (*Give further explanation: “In most states, professions that engage in regular contact with children are listed as mandatory reporters”, offer link to website for more information*). You do NOT have to disclose any information you feel will harm your family. Would you like to continue? (*Wait for response, reassure confidentiality if necessary*). Thank you. (*Continue on with data collection. If criteria is met.....*). Thank you for this information, it was helpful getting to know you and your child’s case better. I have a few more screenings scheduled. I will follow-up with you this week. (*Wait for response*) What days and times would you be available for an interview?”

(*If criteria is not met.....*) “Thank you for sharing your information, but (give reason) your case does not meet the criteria of my study at this time. I would like to send you some information that could be helpful to you”. (Wait for response).

“Thank you again for your interest in my study. If you have any further questions or concerns, I can be reached at (Share contact info).”

**\*If participants call after recruitment sample has been met...inform participants.** “At this time, I have reached my limit of. Can I place your name on a referral list?” (*Wait for response, offer to send resources that can be helpful*)

## Appendix C: Interview Protocol

**Study:** Investigating How Families Experience School Criminalization: An Exploratory, Multi-Case Study

**Time of Interview:**

**Date:**

**Place:**

**Interviewer:** *Monique Tate*

**Interviewee (Unique Identifier):**

**Description of Project:**

*The purpose of the study is to investigate how family's process and deal with having children criminalized at school for minor behavior issues.*

**Questions:**

1. Tell me about your child [*Descriptive opener*]
2. Please describe the incident in which your child was referred to law enforcement, arrested, and or had to go to court for their behavior at school. [*Pertinent to central question #1 regarding family description of school criminalization processes*]

Follow-up questions:

- How did you find out about the incident?
- Can you describe who was involved in your child's case and their role? [*Pertinent to central question #1 regarding family description of school criminalization processes*]

**[CHECK-IN]**

3. What happened as a result of the incident? (If applicable, what happened in the courtroom?) [*Pertinent to central question #1 regarding family definition of school criminalization process*]

Follow-up questions:

- What was that experience like for you and your child? [*Pertinent to central question #2 regarding how families are affected school criminalization*]
- Can you describe any support or representation you/your child received during this incidence, if any? [*Pertinent to central question #1 regarding family description of school criminalization processes*]

**[CHECK-IN]**

4. How has your family been affected by this situation? [*Pertinent to central question #2 regarding how families are affected by school criminalization*]

Follow-up questions:

- How is your family coping with this situation? [*Pertinent to central question #2 regarding how families are regarding family description affected by school criminalization processes*]
- What has happened between your family and the school since the incident? [*Pertinent to central question #1 probing school criminalization processes as defined by families*]
- How would you describe your relationship with the school before this event?

**[CHECK-IN]**



5. Prior to this study, what did you know about school criminalization (or school to jail)?

*[Pertinent to central question #3 probing family knowledge of school criminalization process, a handout will be discussed at this time that summarizes school criminalization, critical conscious raising (Freire, 1970; Gil, 1992) ]*

6. What are your next steps as a family, or what steps have you taken to get help? *[Critical conscious raising question #3 (Freire, 1970; Gil, 1992)]*

Follow-up question:

- What if any, kind of support do you still need? *[Critical conscious raising question #3 (Freire, 1970; Gil, 1992)]*

**[CHECK-IN to begin to wrap up interview]**

7. Is there anything else you would like to add *[This would be an opportunity for participants to share/explain pertinent documents they would like to add to their case]*

Follow-up questions:

- What advice or recommendations do you have for other families who share this experience? *[Critical conscious raising question #3 (Freire, 1970; Gil, 1992)]*
- What advice or recommendations do you have for schools regarding your experience?
- Do you know of anyone else I could talk to regarding this issue? *[Standard closing question, gives additional information regarding central questions]*

Interview closing: *This concludes our interview. Thank you for participating. I am going to send out your \$20 gift card. After I transcribe your interview and receive your documents, I will forward a Case Description for you for review. If there are any changes you want to make or*

*anything you want to add, please do so and email or phone those changes to me. You will get a copy of the final project at the end of the study.*

## Appendix D: Introduction Letter for Gatekeepers

Greetings [insert name of gatekeeper],

My name is Monique Tate and I am a Human Services doctoral candidate at Walden University in Minneapolis, Minnesota. I am pursuing my dissertation topic on the impact school criminalization has on families. The purpose of my study is to explore how families' process and deal with having children criminalized at school for minor behavior issues. I am interested in interviewing parents or adult caregivers in care of minor children who have been referred to law enforcement, been arrested, and or had to appear in juvenile court for minor, non-criminal school behavior, such as (but not limited to) disorderly conduct, truancy, minor fighting incidences, or profanity. Criminal offences related to drugs, guns/weapons, and or imminent threats of violence are omitted from the study.

I would appreciate your help in connecting with parents or adult caregivers interested in sharing their stories with me or other knowledgeable persons. As an educator and mentor, I would like to help bring awareness about the seriousness of this issue. Attached is a flyer for you to pass on to potential families (**fluent English speakers only please**). Participants will receive a \$20 monetary gift. Thank you in advance for your help!

Appendix E: Study Invitation for Posting on Social Media

**SHARE YOUR STORY!**

Are you are a parent, adult caregiver, or know someone in care of a minor child who has been referred to law enforcement, been arrested, and or had to appear in court for minor, non-criminal school behavior, such as disorderly conduct, truancy, minor fighting incidences, or profanity? Are you a fluent English speaker? Please contact [Monique.tate@waldenu.edu](mailto:Monique.tate@waldenu.edu) or call 1-478-283-9840. I am a Human Services doctoral candidate at Walden University in Minneapolis, Minnesota. I am investigating how families experience school criminalization to raise awareness about how families are affected by this issue. Participants will be given a \$20 monetary gift. I look forward to connecting with you!

Appendix F: Audit Trail Checklist for Multi-Case Study

**Audit Trail Checklist: Multi-Case Study**

Date \_\_\_\_\_

- Review journal notes & procedures \_\_\_\_\_
- Label and review artifacts and documents \_\_\_\_\_
- Review member checking \_\_\_\_\_
- Upload data in NVivo \_\_\_\_\_
- Log off computer/make sure cabinet is locked \_\_\_\_\_
- Completed interview protocols placed in notebook \_\_\_\_\_
- Documents, notebook, audio tapes, &
  - External hard drive placed in locked file cabinet \_\_\_\_\_
- Recharge audio equipment \_\_\_\_\_
- Check batteries (if necessary) \_\_\_\_\_
- Return phone calls, answer emails, open mail \_\_\_\_\_

**Audit Trail Checklist: Multi-Case Study**

Date \_\_\_\_\_

- Review journal notes & procedures \_\_\_\_\_
- Label and review artifacts and documents \_\_\_\_\_
- Review member checking \_\_\_\_\_
- Upload data in NVivo \_\_\_\_\_
- Back up data on external hard drive \_\_\_\_\_
- Log off computer/make sure cabinet is locked \_\_\_\_\_
- Completed interview protocols placed in notebook \_\_\_\_\_
- Documents, notebook, audio tapes, &
  - External hard drive placed in locked file cabinet \_\_\_\_\_
- Recharge audio equipment \_\_\_\_\_
- Check batteries (if necessary) \_\_\_\_\_
- Return phone calls, answer emails, open mail \_\_\_\_\_

## Appendix G: Gatekeeper/Stakeholder Organizations

1. Safequalityschools.org
2. Advacmentproject.org
3. Youth4justice.org
4. Aclu.org/school-prison-pipeline
5. Commondreams.org
6. <http://prisonersfamilyconference.org/>
7. Juvenile Justice Information Exchange
8. Rethinkingschools.org
9. Dignity in Schools Campaign
10. Campaign for the Fair Sentencing of Youth
11. FFLIC.org
12. [www.legalaidnc.org/acs](http://www.legalaidnc.org/acs)
13. Human Rights Coalition
14. Mistakeskidsmake.org
15. Children's Law Center
16. Parent 2 Parent
17. Color of Change
18. Georgia Voices
19. DJJ-GA
20. Scjustice.org
21. Respect Alliance-
22. Gwinnett STOPP
23. Teamchild.org
24. TN Voices for Children
25. Disabilityrightstn.org
26. NB Children & Family Foundation
27. SPEAK OUT
28. Children's Defense Fund

## Appendix H: Codebook

## Codebook: Overview

<b>Research Questions</b>	<b>1-How do families described the process of school criminalization?</b>	<b>2-How are families personally affected when students are criminalized at school for minor behavior?</b>	<b>3-What do families know about the issue of school criminalization?</b>	<b>Critical Consciousness  What advice or recommendations do you have for other families? Schools?</b>
<b>Categories</b>	Description & Communication of Incident  Law Enforcement & Arrest Process  Court Process  People Involved	Student Outcomes & Social Consequences  Effect on Families & Their Feelings	Reflection, Action & Awareness	Reflection, Action & Awareness
<b>Patterns</b>	Shared Power Between Schools & Criminal Justice System  Threat of Jail  Communication Issues  Punished by Two Systems	Alone, Stressed, Afraid, and Frustrated  Unfavorable View of Courts & Schools  Taking Flight	Finding Support and Challenging the System  Researching Schools Issues & Alternatives  Self-Advocating	Parent Empathy for Systems  Parents Be More Involved & Be Informed  Schools Take More Responsibility & Be More Involved With Families
<b>Themes</b>	“Caught Between Two Institutions”	“Breaking Bonds Between Schools and Families”	“Taking A Stand”	“Schools & Families Accepting Responsibility”

## Code Book: Definition of Category Codes

<b>Code: Category</b>	<b>Code: Color</b>	<b>Definition</b>	<b>Source</b>
Description & Communication of Incident	Green	Data describing what, when, where, how child was criminalized for minor behavior; how incident was communicated to parents, school authorities, legal systems	Interview Q 2-3, school incident records, personal communications, health records, police reports
Law Enforcement & Arrest Process	Purple	Data describing the role of law enforcement and how student was arrested	Interview Q 2-3, school incident records, police reports *Arrest process only relevant to Case 2
Court Process	Blue	Data describing court experiences	Interview Q 2-3, court documents
People Involved	Orange	Data describing who was involved in the incident at school, law enforcement, courts	Interview Q 2-3, school incident records, police reports, court documents
Student Outcomes & Social Consequences	Red	Data describing outcomes of the incident and consequences for child and family,	Interview Q 2-4, school incident records, police reports, health records, court documents
Effect on Families & Their Feelings	Yellow	Data describing how families were effected by school criminalization and how they coped with the situation	Interview Q 4
Reflection, Action & Awareness	Pink	Data describing what parents knew about school criminalization and their recommendations for positive social change	Interview Q 4-7



## Codebook: Explanation of Emergent Pattern Codes

<b>Pattern</b>	<b>Corresponding Category</b>	<b>Explanation</b>
Shared Power Between Schools & Criminal Justice System	Description & Communication of Incident Law Enforcement & Arrest Process Court Process People Involved	School criminalization processes involves joint power between schools, law enforcement, and courts to discipline students and mandate procedures to parents in all cases
Threat of Jail	Law Enforcement & Arrest Process Court Process	Parents ordered to follow rules of legal systems to avoid further criminalization of their children in cases 1 & 3
Communication Issues	Description & Communication of Incident	Communication gaps between schools, law enforcement, courts and families, lack of awareness of student's school history and core issues in all cases
Punished by Two Systems	Student Outcomes & Social Consequences	Students and families deal with consequences required at school and stipulated by law enforcement and courts in all cases
Alone, Stressed, Afraid, and Frustrated	Effect on Families & Their Feelings	Psychological distresses emerged as parents described how their families were effected by school criminalization in all cases
Unfavorable View of Courts & Schools	Effect on Families & Their Feelings	Families estranged from schools and courts during school criminalization processes in all cases
Taking Flight	Effect on Families & Their Feelings	Families taking their children away from schools where criminalization took place in cases 2 & 3 and lessening their school support in case 1
Finding Support and Challenging	Description &	Parents sought outside help

the System	Communication of Incident People Involved	during school criminalization processes in case 1 & 2, Parents injected their own narrative regarding the criminalization of their children in all cases
Researching Schools Issues & Alternatives	Reflection, Action & Awareness	Parents were prompted to research school criminalization issues or draw from prior knowledge (case 2 & 3), search for school options (case 2 & 3)
Self-Advocating	Reflection, Action & Awareness	Parents created their own support systems in all cases
Parent Empathy for Systems	Reflection, Action & Awareness	Parents recognized validity of school and court procedures in cases 2 & 3
Parents Be More Involved & Be Informed	Reflection, Action & Awareness	Parents recommended increases in school involvement (case 2 & 3) and overall knowledge of school issues in all cases
Schools Take More Responsibility & Be More Involved With Families	Reflection, Action & Awareness	Parents recommended schools take ownership of discipline in all cases and increase contact with families in case 3

## Codebook: Explanation of Developing Themes

<b>Theme</b>	<b>Corresponding Patterns</b>	<b>Explanation</b>
“Caught Between Two Institutions”	<p>Shared Power Between Schools &amp; Criminal Justice System</p> <p>Threat of Jail</p> <p>Communication Issues</p> <p>Punished by Two Systems</p>	Families dealing with school criminalization had to adhere to discipline actions and outcomes of schools, law enforcement, and courts concurrently
“Breaking Bonds Between Schools and Families”	<p>Alone, Stressed, Afraid, and Frustrated</p> <p>Unfavorable View of Courts &amp; Schools</p> <p>Taking Flight</p>	School criminalization resulted in strained relations between families, schools, and legal systems
“Taking A Stand”	<p>Finding Support and Challenging the System</p> <p>Researching Schools Issues &amp; Alternatives</p> <p>Self-Advocating</p>	Families strategized to be informed and create support systems to improve outcomes
“Schools & Families Accepting Responsibility”	<p>Parent Empathy for Systems</p> <p>Parents Be More Involved &amp; Be Informed</p> <p>Schools Take More Responsibility &amp; Be More Involved With Families</p>	Parents offered change strategies to improve discipline of minor offences, relationships between schools and families, and parental knowledge about school issues

Appendix I: Final Report Brochure

SEE ATTACHMENT