SCHOOLS OR PRISONS

A REPORT ON THE OVERLAP OF THE EDUCATION SYSTEMS AND THE CARCERAL AND PUNISHMENT SYSTEMS IN ILLINOIS

BY THE FUTURE JUSTICE LAWYERS OF CHICAGO - JULY 2024

Chicago Appleseed Center for Fair Courts is a volunteer-led, collaborative 501(c)(3) non-profit organization advocating for fair, accessible, and anti-racist courts in Chicago, Cook County, and across the state of Illinois.

The Chicago Council of Lawyers is Chicago's public interest bar association, advocating for the fair and effective administration of justice.

This report was researched and written collaboratively by the members of the Future Justice Lawyers of Chicago with assistance from Hannah Cole, Danni Gerace, Maris Medina, Malcolm Rich, and Alexis Schwartz.

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Authored by the Future Justice Lawyers of Chicago,
a program of Chicago Appleseed Center for Fair Courts
and the Chicago Council of Lawyers

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FOREWORD[1]

This report is authored by the second-ever class of the Future Justice Lawyers of Chicago (FJLOC). Each FJLOC member was a full-time student at a Chicago university during the 2023-2024 academic year and plans to attend law school. Each completed the FJLOC program in addition to doing their schoolwork, and each did so without being compensated in any way. None received a dime, a promise of a job or a recommendation, or any other perk. They did get some free lunches, but they got those whether they satisfied their FJLOC obligations or not.

Each FJLOC member must satisfy two obligations: (1) complete at least one individual project on an issue of injustice in our community, and (2) meaningfully contribute to a group project addressing an issue of injustice. This report is a result of their group project. This report does not reflect any work the FJLOC members did for their individual projects. Some FJLOC members did court watching in Cook County Circuit Courts for their individual projects. Others wrote papers, in which they addressed topics such as Chicago's diversion and deflection programs, the political influences in Chicago's judiciary, and the underfunding of Public Defenders' offices. These papers are remarkable under most standards, but they are even more so considering that none of the FJLOC members who wrote them are lawyers or even law students.

For this report, FJLOC members performed tasks and attended seminars that will benefit them in law school and in their legal careers. They interviewed experts and analyzed relevant publications, including court decisions. They examined laws and government policies. They wrote, edited, rewrote, and edited again. They attended many in-person and online meetings, including seminars conducted by professors and deans from Brown University, Northwestern University, and Lake Land College, a community college located in Mattoon, Illinois, which has a contract with the Illinois Department of Corrections to provide technical training to incarcerated persons in 25 Illinois prisons.[2]

The FJLOC is a part of the Collaboration for Justice, a shared undertaking by the Chicago Appleseed Center for Fair Courts and the Chicago Council of Lawyers. These organizations have collaborated for over twenty-seven years to confront systemic problems in our legal system, and each see the FJLOC as fitting squarely within its mission and traditions.

Chicago Appleseed and the Chicago Council provide each FJLOC member with their own Lawyer Advisor. The Lawyer Advisors are licensed attorneys who perform roles for FJLOC members similar to that of supervising attorneys in the legal profession and research and writing instructors in law schools. Many also provide their FJLOC members with mentoring and advice on preparing for law school and beyond. The FJLOC Advisors are at the center of the FJLOC program, and make it readily scalable. Eight students finished last year's program. 27 finished this year.

Prospective FLJOC members learn about the FJLOC program during the fall of their academic year from professors and staff at their schools. These academic professionals make this program possible. You will see why we are delighted to work with these talented professionals if you read the summary statements about the FJLOC members. The students from their schools who finish the FJLOC program are extraordinary. Please take the time to read their report. Their work will show you how extraordinary they are.

[1] By David Schrodt, Board Member of the National Appleseed Network, Board Member of the Chicago Council of Lawyers, and Leader of the Collaboration for Justice's FJLOC Working Group.
[2] "Lake Land College Department of Correction Programs." (2020). Lakeland College's Department of Corrections. Accessible at: https://www.lakelandcollege.edu/wp-content/laker-documents/dv/ir/EAR%202021%20DOC.pdf

FJLOC MEMBERS & REPORT AUTHORS

Delia Acuna is a fourth-year at the University of Chicago completing a double major in Global Studies and Human Rights and a minor in Quantitative Social Analysis. After receiving her Bachelor's degree, she is looking to obtain legal work experience and then enroll in law school. She is thankful to be part of the Future Justice Lawyers of Chicago program through which she had the opportunity to court-watch every week.

Khadija Ahmed is a senior at Northwestern University majoring in Journalism and Environmental Sciences with a minor in Data Science. She is currently an apprentice at the Investigative Project on Race and Equity. Khadija has previously published articles on law enforcement's use of deadly force in mental health crises as well as the disproportionate impacts of plastic pollution. She holds a passion for environmental justice and is interested in pursuing law as a means to guarantee remedial action and protection for those who need it most.

Yessenia Alcantara is a first-generation sophomore at the University of Illinois Chicago. She is studying Criminology, Justice, and Law on a pre-law track. For as long as she can remember, she's wanted to be a lawyer. With a legal career, she's enthused to help people and improve the legal system.

Ruqayyah Alvi is a junior at the University of Illinois Chicago, currently majoring in Criminology, Law, and Justice. She plans to attend law school and hopes to become an immigration lawyer.

Tesneem Amine is a spring 2024 graduate of the University of Illinois Chicago, where she has earned a Bachelor of Arts in Criminology, Law, and Justice (CLJ) as well as a minor in psychology. Throughout her academic career, Tesneem has demonstrated her passion for justice which has led to her being awarded the Social Justice Award from the CLJ department at UIC. As an Arab American, Tesneem aspires to help in the fight for justice.

Diana Ascencio is a junior at the University of Illinois Chicago, planning to graduate by December 2025 with a degree in Finance. She loves educating others on how to invest and save so they can be financially free. She has been curious about the practice of law since high school. Diana used to think becoming an immigration lawyer was just a dream, but she is confident now that she is joining the next generation of future justice lawyers.

Anthony Calixto is a fourth year at the University of Chicago, majoring in Public Policy with minors in Religious Studies and Quantitative Social Analysis. His policy interests are education, criminal justice and housing. He has previous experience working for the Cook County Public Defender and the Mexican American Legal Defense & Educational Fund. He aspires to become a justice lawyer in the future serving those most in need.

Juan Cardenas is a senior at the University of Chicago majoring in Sociology and History. His research interests span the history of policing to political violence in Latin America. In the FJLOC, Juan has combined his passions for social justice, law, and research to examine the school-to-prison pipeline's role in expanding punitive systems and its devastating impact on juvenile development. He is a first-generation student, the son of immigrants from Michoacán and Guerrero, Mexico, and he aspires to become an attorney practicing in both Mexico and the United States.

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Guadalupe "Lupe" Cuellar is a senior at the University of Illinois Chicago, double majoring in Political Science and Economics, with a double minor in Linguistics and Mathematics. Lupe was born and raised in the Quad Cities and moved to Chicago to pursue a college education. Lupe is the daughter of Mexican immigrants. She hopes to be the first in her family to receive a college education and attend law school. Lupe's biggest goal is to make the legal system more accessible for marginalized communities.

Sophia Galindo is a sophomore at the University of Illinois Chicago majoring in Criminology, Law, and Justice. She is also minoring in Spanish for Law and Business Professions. She plans to become a criminal defense attorney in hopes of combatting the injustices faced by defendants. The Future Justice Lawyers of Chicago has helped her gain a better understanding of the injustices that exist in her communities.

Lauren Hanna is a senior at the University of Illinois Chicago, majoring in Political Science, with a concentration in Law and Courts and a minor in Social Justice. Lauren has interned for the past 6 months at the Women's Division at Cook County Jail in its Higher Education Collaborative and is entering her second year serving as the Vice President of Internal Affairs for TEDxUofIChicago. For the past year, Lauren has also worked as a Research Assistant, studying defendants in the global War on Terror and FBI counterterrorism strategies. Lauren hopes to become a criminal defense attorney and chip away at the dehumanizing aspects of courts and incarceration.

Lizbeth Herrera Gomez is a third year student at the University of Chicago. She is double majoring in Political Science and Law, Letters, and Society with a minor in Gender and Sexuality Studies.. She currently has an internship at the Mexican American Legal Defense and Education Fund, which is the nation's leading Latino legal civil rights organization, and aspires to pursue a career in law, specifically in civil rights.

Yaquelin Hinojosa-Fuentes is a senior at the University of Illinois Chicago, where she is majoring in Political Science with a concentration in Law and Courts. Yaquelin is a member of Phi Alpha Delta, a pre-law fraternity, and the Political Science Honor Society. She came to the United States at the age of 5 with her Mexican immigrant parents and has always been a passionate learner. She plans to attend law school and practice law in a way that allows her to advocate for those whose voices may not always be heard.

David Karpinski is a spring 2024 graduate of the University of Illinois Chicago with a major in Political Science. He was in the Honors College and was inducted into Phi Beta Kappa. He is now pursing a Master's in Public Policy at the University of Chicago and plans to attend law school after completing that program. David did his individual project on the politicization of judicial elections in Cook County and possible solutions to that could depoliticize and improve how Cook County judges are installed.

Manroop Kaur is a sophomore at the University of Illinois Chicago, studying Criminology, Law, and Justice, with a minor in Social Justice and Sociology. Manroop is passionate about justice would like to work to address systemic injustices. This passion is reflected in her FJLOC individual project, in which she addressed the underfunding of public defenders.

Anthony Montoya is scheduled to graduate from the University of Illinois Chicago in August with a major in Political Science and a minor in Public Policy. Anthony is a native of the Brighton Park neighborhood in Chicago He personally experienced juvenile incarceration and considers the mentoring he received then as foundational for changing the

course of his life. Anthony believes deeply in early intervention and restorative justice practices and has dedicated himself to criminal justice reform and to addressing societal barriers faced by many of Chicago's youth. Anthony is an appointed member to the Lt. Governor Stratton's Restore, Reinvest and Renew (R3) Program Board, which solicits and approves R3 funding. Anthony also serves as a commissioner on the Juvenile Justice Commission, where he participates in the federally mandated State Advisory Group to the Governor, the General Assembly, and the Illinois Department of Human Services.

Olivia Moreno is a third year at the University of Chicago, majoring in Global Studies with a concentration in Global Law, and minoring in both Spanish and Health and Society. She is a member of UChicago's pre-professional technology fraternity Kappa Theta Pi, University Theater, and Chicago Street Medicine. She previously interned at the Innocence Project Delaware, and is grateful for her experience with FJLOC, where she learned about systemic injustices in her community and ways she can help combat them.

Abhi Nimmagadda is a senior at Northwestern University studying Comparative Literature and Asian American Studies. He is from Crown Point, Indiana. He is very happy and proud to have been a part of such a wonderful and caring cohort of peers and mentors.

Madison Peón (pronounced Pay-Own) attends the University of Illinois Chicago and is majoring in Criminology, Law, and Justice, with minors in Political Science and Social Justice. Madison is a senior resident assistant and serves as a student aid for UIC's student legal services. She is a native of the Uptown neighborhood in Chicago and has a passion for social justice and community building.

Damilola Olabanji is a student at Northwestern University studying social policy, integrated marketing communications, and legal studies. For the past two years, she has interned for the City of Evanston and assisted the Reparations Program while working as a campus Residential Assistant. She is also involved in the African Student Association, Black Mentorship Program, Impact, Books and Breakfast, and FMO: Dillo Day Second Stage. She is originally from the Detroit metro area.

Sanjana Rajesh is senior at Northwestern University majoring in Legal Studies and Asian American Studies. She is the Community Relations Co-Chair for the Asian Pacific American Coalition (APAC) at Northwestern. She also co-founded and was Co-President of The Jasmine Collective, which is focused on South Asian political education, and was Co-Director of the Northwestern University Community for Human Rights, where she was a leading planner of the largest undergraduate human rights conference in the country. She is passionate about multiracial coalition building, gender justice, and human rights and in the future hopes to work in community organizing and as a movement lawyer.

Ananya "Anna" Ramesh is a sophomore at the University of Illinois Chicago majoring in English and Political Science. This year, she interned at the Illinois Appellate Court, First District and participated in the Donald J. Weidner Summer for Undergraduates Program at Florida State University College of Law. Anna is also an Executive Board member of UIC's Pre-Law Society and is the founder of Accessing the Law, a website for students interested in pursuing a legal career. This fall, Anna is interning with Illinois JusticeCorps and starting a research project under UIC's Department of Political Science to study education-based solutions to the low voter turnout of college students.

Emma Van Steertegem is a fourth-year at the University of Chicago, where she studies History and Philosophy. She is excited to present her work with FJLOC, as well as to continue exploring how law might serve meaningful change.

Dea Talleli is a junior at the University of Illinois Chicago majoring in Criminology, Law, and Justice. Dea is involved with the national service fraternity Alpha Phi Omega and the UIC pre-law society. She works at the Leadership and Civic Engagement office at UIC and tutors at the UIC writing center. Dea is originally from Albania. She moved to the Chicago area at age 13.

Charlotte (Qianchi) Wang graduated summa cum laude from the University of Chicago in 2024 with triple majors in Economics, Law, Letters and Society, and Gender and Sexuality Studies. Her passion lies in advocating for gender justice, particularly within the legal system. Charlotte's honor thesis critically examines the intersection of domestic violence and the legal system, with a focus on gender discrimination in self-defense law.

INTRODUCTION[3]

Almost everyone who has taken an introductory economics class knows about "Guns or Butter." This simple phrase displays the complex and difficult balance that governments try to achieve with their limited resources, with "Guns" representing defense spending that protects a nation against external threats and "Butter" representing civilian spending to improve the lives of the nation's citizens. Governments make similar choices all the time in allocating their limited resources, usually without naming the choice and often without even acknowledging it. Another template that can be used to frame the difficult balance a government must try to strike with its limited resources is "Schools or Prisons."

Almost everyone agrees that governments should allocate resources to educating its citizens and to incarcerating criminals. No government has unlimited resources for a perfect education system or a perfect punishment and carceral system, but economic and other data makes clear that the choices a government makes in spending on one system impacts the spending on the other and has consequences in our communities and on the quality of people's lives. Consequently, FJLOC members in their report follow the "Guns or Butter" paradigm. They use "Schools" to represent the public education system and "Prisons" to represent criminal punishment and carceral systems.

In preparing this report, the FJLOC members examined the overlap in the School and Prison systems. Interestingly, the FJLOC members found that one feature the data reveals is that there is not a bright line separating education in Schools and punishment in Prisons. One can find punishment in Schools similar to that you find in Prisons, and one can find education in Prisons much like that happening in Schools. Indeed, Schools have incorporated Prison features so frequently with highly correlative consequences that the practice and the consequence has a name: "The School-to-Prison Pipeline." The FJLOC members have not used that name in this report, but instead have focused on the Prison features themselves that Schools have incorporated. There is no catchy name commonly used for education in prisons, but perhaps there should be. The FJLOC members make clear in this report that the data supporting use of education in prisons is so effective that a fair name could be "The Prison Education-to-Reformation Pipeline."

The FJLOC members start their report by examining features of Prisons that have moved into our Schools. They look at the history of Schools incorporating these features of Prisons and what the data reveals about this. They show how the data makes clear that these Prison features in Schools fall most heavily on Black students.

The FJLOC members then examine features of our Schools that have moved into Prisons. They consider the nature of these programs and their costs and benefits. They consider the impact the programs have on prisoners' lives, their families, and the communities in which they live upon release. The FJLOC members finish their analysis of the data by looking at taxes and what schools and prisons get when they use funds to implement the features of one system into the other.

The FJLOC members end their report with a Call to Action in which they make recommendations for, among other things, using alternative school paradigms to those currently in place, that implement features of Prison and for expanding the scope and reach of education in Prisons.

[3] By Malcolm Rich, Chicago Appleseed Center for Fair Courts Internship & Pro Bono Coordinator and Immediate Past Executive Director of Chicago Appleseed and the Chicago Council of Lawyers.

We note that this report will not expressly address two issues that weigh heavily on how the state and local governments in Illinois use their limited resources for Schools and Prisons: gun violence and teacher pensions. It is well reported that gun violence is an epidemic in certain parts of Chicago and surrounding Cook County. Students living in certain areas risk being shot whenever they walk outside—and sometimes even risk being shot in their homes. Students who must always be mindful of the risks of being shot whenever they are outside their school will understandably have trouble focusing on learning inside the school. Educators cannot attend to their primary mission if they are managing metal detectors or addressing the risk of bullets flying in their schools, much less teaching a class of students where one is missing because they were shot. Jennifer VanderPloeg, the project manager of CPS' Sustainable Community Schools offered a simple truth: "If [a student is] carrying around a load of trauma, having a lot of unmet needs, or other things [they're] worrying about, then [they] don't have the brain space freed up for algebra."[4] Perhaps because it is so immense, we do not address the issue of gun violence in this report.

As with the issue of gun violence, perhaps because the teacher pension issue is also so large, we do not address it in this report. Teacher pensions are a significant expense for Illinois and for local governmental authorities.[5] The costs of these pensions, their underfunding, and their impact on state and local economies is well-reported elsewhere.[6] Indeed, many reports conclude that Illinois' pension problems are the worst in the country.[7] Nevertheless, we do note both issues have a significant impact on the topics of education and incarceration, which as noted above, are inseparable on many levels.

[4] Bryant, J. (2024, June 17). "After Years of Failed Education Reforms, Chicago Embraces Community Schools." *CounterPunch.org*. Accessible at: https://www.counterpunch.org/2024/06/17/after-years-of-failed-education-reforms-chicago-embraces-community-schools/

[5] "State of Pensions 2023." (2023). *Equable Institute*. Accessible at: https://equable.org/wp-content/uploads/2023/07/Equable-Institute_State-of-Pensions-2023_Final.pdf

[6] McKinney, D. (2015, August 10). "The Illinois Pension Disaster: What Went Wrong?" *Crain's Chicago Business*. Accessible at: https://www.chicagobusiness.com/static/section/pensions.html

[7] Bauer, E. (2023, August 1). "No Hope in Sight for Chicago's Worst-In-The-Nation Pension Plans." *Forbes*. Accessible at: https://www.forbes.com/sites/ebauer/2023/08/01/no-hope-in-sight-for-chicagos-worst-in-the-nation-pension-plans/

Chapter 1: **Incorporating Prison Features into Schools**

Some politicians and school administrators have long advocated for incorporating features of Prisons into Schools.[8] These features include use of security officers, severe punishments without hearings and without consideration of consequences, zero tolerance policies, and punishing persons with mental and behavioral disabilities.[9] History reveals that Schools, which have education as their primary goal, have incorporated these and other Prison hallmarks into their structures.[10] History also reveals that this movement of Prison features into Schools was typically grounded in racial discrimination and the fear that accompanies it.[11]

According to teacher and scholar Louis Mercer, the very first police officers present on Chicago Public School (CPS) grounds were officers of the Youth Division, which had, in the 1940s, been newly expanded by then Mayor Martin Kennelly to mostly break up school fights.[12] Notably, these officers were mostly women, and their presence in schools was limited.[13] CPS did not materially expand the presence of officers on school grounds until 1966, when the Board of Education funded off-duty police officers to act as security guards for CPS schools.[14] School and police administrators euphemistically referred to police in schools as School Resource Officers (SROs), and this term continues to be used today.[15] In 1966, the Chicago Police Department (CPD) and CPS formalized their relationship.[16] In contrast to the officers of the Youth Division, these officers put into schools in the mid-60s were armed, were often in uniform, and, most importantly, were authorized to arrest students.[17]

CPS had two primary motives for increasing police in schools in the mid-60s.[18] First, the Chicago Teachers Union (CTU) pushed for this initiative with then-CTU President John Fewkes utilizing instances of violence against teachers to demand the presence of police officers on school grounds in a bid to secure bargaining power.[19] Fewkes delivered on his campaign promise in 1966 when CPS recognized the CTU as the sole bargaining unit for CPS teachers.[20]

Second, White Chicagoans pushed for more police in schools in reaction to the changes brought on by the Civil Rights Movement.[21] White administrators heard the voices of Black and Brown students as they had not before, and the

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[8] *See* Kunichoff, Y. (2017, October 31). "Where the Pipeline Begins: A History of Police in Chicago Public Schools." *South Side Weekly*. Accessible at: https://southsideweekly.com/where-the-pipeline-begins-history-police-chicago-public-schools-cps/. *See also* Wall, P. (2023, March 8). "Lawmakers Across U.S. Push for Harsher School Discipline as Safety Fears Rise." *Chalkbeat*. Accessible at: https://www.chalkbeat.org/2023/3/28/23658974/school-discipline-violence-safety-state-law-suspensions-restorative-justice/

[9] Mallett, C.A. (2016). The School-to-Prison Pipeline: A Critical Review of the Punitive Paradigm Shift. *Child and Adolescent Social Work Journal,* 33, 15–24. https://doi.org/10.1007/s10560-015-0397-1

[10] Kunichoff, Y. (2017, October 31). Where the Pipeline Begins: A History of Police in Chicago Public Schools. South Side Weekly. Accessible at: https://southsideweekly.com/where-the-pipeline-begins-history-police-chicago-public-schools-cps/

[11] *Id.*

[12] *Id.*

[13] *Id.*

[14] *Id.*

[15] "School Resource Officer." (n.d.) Illinois Law Enforcement Training and Standards Board. Retrieved from: https://www.ptb.illinois.gov/training/school-resource-officer/

[16] *Supra* note 10.

[17] *Id.*

[18] *Id.*

[19] *Id.*

[20] *Id.*

[21] *Supra* note 10.

administrators perceived this as a threat.[22] These administrators were discomforted by the students' activism and responded to it by calling in the police to quell it.[23]

The reactivity evidenced in CPS during the last sixty years has mirrored what is going on in education policies nationwide.[24] Throughout the 1960s and 70s, punishments used in connection with civil rights disputes disproportionately fell upon Black students.[25] Schools phased out corporal punishment, and in place of this, they made student suspensions and expulsions more common.[26] Schools often gave these serious punishments without giving the student a hearing. In 1975, the United States Supreme Court in *Goss v. Lopez* ruled this was unconstitutional. The Supreme Court ruled that school disciplinary actions made without a hearing against a student that resulted in their suspension or expulsion violated the student's Fifth Amendment due process rights.[27] This ruling changed the manner in which schools made these serious punishments, but schools continued to use them.[28]

The 1980s saw a shift towards strict and extreme punishments in line with the "Tough on Crime" movement.[29] This political movement essentially criminalized much youth behavior, with almost all the behavior criminalized being that of Black and Brown youth.[30] Crime rates were falling in the early 1990s, but politicians continued to push for harsh penalties, including the infamous "Three Strikes and You're Out" laws, which put persons in prison for life if they committed three crimes, often with little regard to the seriousness of the crime.[31] School policies in the 1980s and 1990s followed the lead of the government approach to crime and criminal systems and became more strict and more punitive, including through the use of zero tolerance policies.[32] Education scholar Christopher Mallet provides an insightful analysis on this development.[33] In his research, he traces the intertwined growth of schools and juvenile courts to the increased use of criminal punishment mechanisms in schools.[34] He shows how a collaborative paradigm emerged between these two institutions, with zero-tolerance policies used in both.[35]

Zero-tolerance policies are a mainstay of the Prison features that have moved into Schools.[36] A product of the federal government's War on Drugs campaign of the 1970s and 1980s that was "originally created for the adult criminal system," Schools adopted zero-tolerance policies for a wide variety of student issues.[37] The Gun-Free Schools Act of

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[22] *Id.*
[23] *Id.*
[24] *See* Wall, P. (2023). "Lawmakers Across U.S. Push for Harsher School Discipline as Safety Fears Rise." *Chalkbeat*. Accessible at: https://www.chalkbeat.org/2023/3/28/23658974/school-discipline-violence-safety-state-law-suspensions-restorative-justice/
[25] *Id.*
[26] *See* Lokot et al. (2020) Corporal punishment, discipline and social norms: A systematic review in low- and middle-income countries. *Aggression and Violent Behavior*, *55*. https://doi.org/10.1016/j.avb.2020.101507.
[27] *Goss v. Lopez*, 419 U.S. 565 (1975). https://supreme.justia.com/cases/federal/us/419/565/#tab-opinion-1951045.
[28] *See* Swem, L. (2017, March 23-25). Goss v. Lopez to Today: The Evolution of Student Discipline [Paper presentation]. *School Law Seminar*, Denver, CO, United States. https://cdn-files.nsba.org/s3fs-public/08.%20Goss%20v.%20Lopez%20to%20Today%20Paper.pdf
[29] *Supra* note 2.
[30] *Supra* note 10.
[31] *Supra* note 2.
[32] Perera, R. & Diliberti, M. (2023). Survey: Understanding how U.S. public schools approach school discipline. *Retrieved from:* https://www.brookings.edu/articles/survey-understanding-how-us-public-schools-approach-school-discipline/
[33] *Supra* note 2.
[34] *Supra* note 2.
[35] *Id.*
[36] McNeal, L. (2022). A Call to Action: Zero Tolerance for the School-to-Prison Pipeline. *Idaho Law Review*, 57, 663-688. https://digitalcommons.law.uidaho.edu/cgi/viewcontent.cgi?article=1233&context=idaho-law-review
[37] *Id.*

1994 was also a significant driving force behind zero-tolerance policies.[38] Initially requiring one-year expulsions for weapon possession, the mandate soon expanded to include non-weapons offenses like alcohol and drug use, all of which were based on the zero-tolerance movement.[39]

State and federal legislation in the 1990s and the early 2000s further increased punitive measures, such as trying more juveniles as adults and minimizing rehabilitative options.[40] The fallout from school shootings, notably Columbine in 1999 and Sandy Hook in 2012, also amplified the security measures in Schools, reinforcing the punitive paradigm.[41] Other common features in Schools include metal detectors, locker searches, and surveillance cameras.[42] Harsh conditions and policies for students become increasingly widespread across public schools.[43]

The harshness of school disciplinary policies is evident in Chicago and elsewhere. "Anyone who disrupts a learning environment will be excised out of the equation," notes Bruce Boyer, a law professor at Loyola University Chicago.[44] He says many public and charter schools take extremely aggressive approaches to what he classifies as typical adolescent behavior.[45] This behavior may include violations of the school dress code or being perceived as being disrespectful.[46] South Carolina leads the country in suspending the most preschool students.[47] These suspensions typically follow expected preschool behavior such as throwing tantrums, throwing blocks, or hitting.[48] Psychology professor Kate Zinsser wrote in *The Conversation* that preschool youths are expelled for "developmentally normal behaviors" like crying excessively, although this behavior is largely a form of communication at this age.[49]

Chapter 2: **Problems with Schools Using Prison Features**

Data began to develop in the wake of the increased use of Prison features in Schools that showed there are problems with the paradigm. Notably, the separate features of the Prison system that have moved into Schools have not operated in vacuums. They work together.[50] Prison system policies such as zero-tolerance increase the need for police officers to be present in Schools.[51] Police officers more frequently than school staff employ harsh tactics such as physical restraint and are often inclined to give automatic punishments that result in a student receiving suspensions

[38] *Supra* note 2.
[39] *Id.*
[40] *Id.*
[41] *Id.*
[42] *Id.*
[43] *Id.*
[44] FJLOC Interview of Professor Bruce Boyer.
[45] *Id.*
[46] Discipline | National Center on Safe Supportive Learning Environments (NCSSLE). (n.d.). *National Center on Safe Supportive Learning Environments*. Accessible at: https://safesupportivelearning.ed.gov/topic-research/environment/discipline
[47] Rege, R., Rainville, J., Texas Appleseed, & South Carolina Appleseed. (2024). *FJLOC meeting presentation by school to prison Pipeline - National Experts* [Conference - Zoom].
[48] "Addressing the Causes of Preschool Expulsions & Finding Alternatives." (2023). healthychildren.org. Accessible at: https://www.healthychildren.org/English/news/Pages/addressing-the-causes-of-preschool-expulsions-and-finding-alternatives.aspx#:~:text=%22When%20preschoolers%20hit%2C%20kick%2C,in%20aggressive%20or%20harmful%20ways.
[49] Zinsser, K. (2021, August 16). "250 preschool kids get suspended or expelled each day - 5 questions answered." *The Conversation*. Accessible at: https://theconversation.com/250-preschool-kids-get-suspended-or-expelled-each-day-5-questions-answered-164905
[50] *Supra* note 2.
[51] *Id.*

and out-of-class time.[52]

Jerri Katzerman, the Southern Poverty Law Center's Deputy Legal Director, noted that the increase of police officers in Schools has caused a direct increase in the number of students who move from the education system into the carceral system.[53] Within CPS, during the 2011-2012 academic year, 3.6% of African American high school boys were arrested for incidents that occurred at school, which equates to about 1 in 28 students.[54]

Data shows that Schools do not add Prison features without negative impacts to their education cultures and the experiences of students.[55] Police in Schools and the Prison structures they enforce are fairly seen by students as cultivating punitive cultures, as opposed to nurturing, educational environments.[56] When enforced in Schools, Prison policies restrict certain behavior and assign serious consequences to students if they commit even the smallest violation.[57] For instance, a 5-year-old student from a Pittsburgh suburb was suspended for donning a 5-inch plastic ax as a part of his Halloween firefighter costume.[58] The School officials insisted they had to follow the zero-tolerance policy against weapons.[59] Education law scholar Laura McNeal notes that zero tolerance policies "remove school administrators' discretionary power in determining the appropriate disciplinary response by mandating predetermined consequences for specific offenses."[60]

Scholars Paul J. Hirschfield and Katarzyna Celinska agree. They highlight that putting Prison features in Schools transfers disciplinary authority from school authorities, such as teachers, to the police, who are "insensitive" to the needs of students and parents.[61] Hirschfield and Celinska also posit that putting Prison features in Schools establish inflexible relations of power, leading to school cultures where students and parents feel they have little say or influence.[62] Prison features in Chicago Schools show these extremes, such as enforcing zero-tolerance policies for minor acts such as disruptive behavior and tardiness.[63]

Specific research findings confirm the experiences of students and parents in Schools that have incorporated Prison features. Research has found that federal grants for police increase discipline rates in middle schools by 6%.[64] A 2015 research study revealed that schools that introduce police into all school levels show a 21% increase in discipline

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[52] *Id.*
[53] Elias, M. (2013). The school-to-prison pipeline. *Southern Poverty Law Center*. Retrieved from https://www.learningforjustice.org/magazine/spring-2013/the-school-to-prison-pipeline
[54] Stevens et al. (2015). Discipline Practices in Chicago Schools. *The University of Chicago Consortium on Chicago School Research*. Accessible at: https://news.wttw.com/sites/default/files/article/file-attachments/CCSR%20Discipline%20Report.pdf
[55] Cuellar, A. E., & Markowitz, S. (2015). School suspension and the school-to-prison pipeline. *International Review of Law and Economics, 43*, 98–106. https://doi.org/10.1016/j.irle.2015.06.001
[56] *Id.*
[57] Caldwell, D. (1998, November 3). Kindergartner suspended for bringing toy ax. *Deseret News*. Retrieved from https://www.deseret.com/1998/11/3/19410186/kindergartner-suspended-for-bringing-toy-ax
[58] *Id.*
[59] *Id.*
[60] McNeal, L. (2022). A Call to Action: Zero Tolerance for the School-to-Prison Pipeline. *Idaho Law Review*, 57, 663-688. https://digitalcommons.law.uidaho.edu/cgi/viewcontent.cgi?article=1233&context=idaho-law-review
[61] Hirschfield, P. J., & Celinska, K. (2011). Beyond fear: Sociological perspectives on the criminalization of school discipline. *Sociology Compass, 5*(1), 1–12.
[62] *Id.*
[63] Stevens et al. (2015). Discipline Practices in Chicago Schools. *The University of Chicago Consortium on Chicago School Research*. Accessible at: https://news.wttw.com/sites/default/files/article/file-attachments/CCSR%20Discipline%20Report.pdf
[64] Weisburst, E. K. (2019). Patrolling public schools: The impact of funding for school police on student discipline and long-term education outcomes. *Journal of Policy Analysis and Management, 38*(2), 338–365. https://doi.org/10.1002/pam.22116

rates.[65] Research shows other negative effects too. Federal grants for police in schools correlate to decreases in high school graduation rate and college enrollments.[66] Children who experience expulsion or suspension are twice as likely to repeat a grade level.[67] Students who are introduced to the juvenile legal system have a much higher risk of remaining involved in the carceral system.[68]

Students who need counseling and mental health treatment in Schools that have incorporated Prison features frequently do not receive the support they need. Instead, these students often face the police and, as a result, their troubles are exacerbated.[69] When subjected to harsh disciplinary tactics, impacted students are deprived of their right to an education and have a higher chance of developing mental health issues such as anxiety, depression, alienation, and trouble forming future healthy relationships.[70]

The data also shows that harsh disciplinary measures disproportionately affect students with disabilities.[71] According to Renuka Rege, a Senior Staff Attorney at Texas Appleseed, the disabilities of students are often not identified in schools, and, when identified, their role in the alleged incident or incidents is not evaluated before the disabled children are sent to court.[72] Lori M. Kozinia, a teacher with 15 years in the CPS system confirms this is true in Chicago schools too, where harsh discipline policies fail to adequately account for emotional and behavioral disorders when punishing behavioral issues.[73] It is not a coincidence that about 65-70% of youth involved in the juvenile legal system have a disability.[74]

Jesse Rula, a Stand Advocacy Fellow, educator, parent, and community leader, was directly impacted by punitive-focused schools. Rula recalls, "What I wish my teachers and school staff would have known was that my behavior was a cry for help."[75] During Rula's high school years, she was expelled from two different schools for behavior that was non-disruptive.[76] She recognizes that her barrage of problems at home took an immense toll on her mental health, but she is also certain that being expelled from school did not help her.[77]

The combination of zero-tolerance rules with suspension or expulsion punishments are especially problematic. This

[65] Fisher, B. W., & Hennessy, E. A. (2015). School resource officers and exclusionary discipline in U.S. high schools: A systematic review and meta-analysis. *Adolescent Research Review*. Accessible at: https://link.springer.com/article/10.1007/s40894-015-0006-8
[66] Weisburst, E. K. (2019). Patrolling public schools: The impact of funding for school police on student discipline and long-term education outcomes. *Journal of Policy Analysis and Management, 38*(2), 338–365. https://doi.org/10.1002/pam.22116
[67] Fabelo et al. (2011). Breaking Schools' Rules: A Statewide Study of How School Discipline Relates to Students' Success and Juvenile Justice Involvement. *Council of State Governments Justice Center.* Accessible at: https://csgjusticecenter.org/publications/breaking-schools-rules/
[68] Petrosino et al. (2010). Formal system processing on juveniles: Effects on delinquency. *Oslo: Campbell Systematic Reviews* 6. DOI:10.4073/csr.2010.1
[69] Washington, K. (2021, May 24). School Resource Officers: When the Cure is Worse than the Disease. *ACLU of Washington*. Accessible at: https://www.aclu-wa.org/story/school-resource-officers-when-cure-worse-disease
[70] *Id.*
[71] Rege, R., Rainville, J., Texas Appleseed, & South Carolina Appleseed. (2024). *FJLOC meeting presentation by school to prison Pipeline - National Experts* [Conference - Zoom].
[72] *Id.*
[73] FJLOC Interview of Lori Koziana.
[74] Unlocking Futures: Youth with Learning Disabilities and the Juvenile Justice System. (2023, August 10). National Center for Learning Disabilities. Accessible at: https://ncld.org/wp-content/uploads/2023/08/NCLD-Unlocking-Futures-Final-7th-Dec-Updated-.pdf
[75] Rula, J. (2023, March 2). "I Was Expelled – My Behavior Was A Cry For Help." *Stand.org*. Accessible at: https://stand.org/colorado/our-stories/category/legislation/page/4/
[76] *Id.*
[77] *Id.*

combination deprives students of education opportunities, increases the likelihood of future disciplinary infractions and removes them from the classroom causing them to fall behind in school.[78]

Removing distressed students from schools has been shown to have an overall negative effect on the school.[79] Research from the American Psychological Association Zero Tolerance Task Force "indicates a negative relationship between the use of school suspension and expulsion and schoolwide academic achievement, even when controlling for demographics such as socioeconomic status."[80]

Several studies have shown that students in schools with increased security do not feel safer despite escalations in surveillance and increased police presence.[81] Not only does safety continue to be a concern among students, but academic achievement and school climate satisfaction have declined in schools that have shown rises in suspension and expulsion.[82] Koziana highlighted that "in an effort to keep kids from being kids, [some are] trying to lock [schools] down with all of…these restrictions, and what ends up happening is [students] have nowhere to go."[83]

One of the most troubling results of Schools incorporating Prison features into their operations is a notable increase in incarceration rates in the community. A study conducted by education scholars Stephen Billings, Andrew Bacher-Hicks, and David Deming in 2021 found that students who attended stricter schools are more likely to drop out of high school, not attend a 4-year university, and be incarcerated as adults.[84] This is why these policies are collectively commonly referred to as the foundation of "the School-to-Prison Pipeline."

Chapter 3: **Prison Features in Schools Mostly Impact Black Students**

Chapter 1 of this report shows that the incorporation of Prison features into Schools was most often grounded in racial discrimination and related fears. As such, some purposes that underly Schools' adding Prisons features to their operations have met their goal. Studies consistently find that the use of Prison features in Schools have a disproportionate and discriminatory effect on Black students.[85]

Scholars Kelly Welch and Allison Ann Payne conducted a study on Prison features in schools hypothesizing that the racial composition of the student body in a school significantly influences the use of zero-tolerance policies,

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[78] McNeal, L. (2022). A Call to Action: Zero Tolerance for the School-to-Prison Pipeline. *Idaho Law Review*, 57, 663-688. https://digitalcommons.law.uidaho.edu/cgi/viewcontent.cgi?article=1233&context=idaho-law-review

[79] "Are Zero Tolerance Policies Effective in the Schools?" (2008, December). American Psychological Association Zero Tolerance Task Force. Accessible at: https://www.apa.org/pubs/reports/zero-tolerance.pdf

[80] *Id.*

[81] McNeal, L., & Dunbar, C. (2010). In the Eyes of the Beholder: Urban Student Perceptions of Zero Tolerance Policy. Urban Education, 45(3), 293-311. https://doi.org/10.1177/0042085910364475;
Bracy, N. L. (2011). Student Perceptions of High-Security School Environments. Youth & Society, 43(1), 365-395. https://doi.org/10.1177/0044118X10365082

[82] "Are Zero Tolerance Policies Effective in the Schools?" (2008, December). American Psychological Association Zero Tolerance Task Force. Accessible at: https://www.apa.org/pubs/reports/zero-tolerance.pdf

[83] *Supra* note 73.

[84] Billings et al. (2021). Proving the School-to-Prison Pipeline. *Education Next*. Accessible at: https://www.educationnext.org/proving-school-to-prison-pipeline-stricter-middle-schools-raise-risk-of-adult-arrests/

[85] Welch, K., & Payne, A. A. (2012). Exclusionary School Punishment: The Effect of Racial Threat on Expulsion and Suspension. Youth Violence and Juvenile Justice, 10(2), 155-171. https://doi.org/10.1177/1541204011423766; Hoffman, S. (2014). Zero Benefit: Estimating the Effect of Zero Tolerance Discipline Policies on Racial Disparities in School Discipline. *Educational Policy*, 28(1), 69-95. https://doi.org/10.1177/0895904812453999

suspension, and expulsion.[86] They reached this hypothesis because of prior research that shows racial threat increases the risk of harsh discipline in schools.[87] Welch and Payne's findings supported their hypothesis, finding that after controlling for crime-related influences such as school delinquency, drug use, teacher victimization, and perceived school risk, having a greater proportion of Black students was a significant predictor for the use of extreme disciplinary measures.[88] This study, comprised of information from 294 public schools spread out across the nation, illustrates that this discriminatory impact exists throughout our country.[89]

Another study found the same discriminatory impact as Welsh and Payne, determining that Black male students are four times more likely to be suspended than their peers, with an alarming amount of the suspensions based on subjective rather than objective analysis.[90] Research from the Association for Behavior Analysis International and the United States Department of Education found that during the 2013-2014 academic year, while 15% of students in American public schools were Black, they received as many as 39.3% of all out-of-school suspensions.[91] Black male students, specifically, experienced the highest rates of all out of-school suspensions at 17.6% across American public schools.[92] The U.S. Department of Education reported that in the 2011-2012 school year alone, 20% of Black boys and more than 12% of Black girls received an out-of-school suspension across American public schools.[93] In the 2015-2016 school year, although Black children only made up about 15% of all students in America, they made up 31% of those arrested or referred to police for in-school behavior.[94] During the 2013-2014 academic year in CPS, 33% of Black boys received out-of-school suspensions compared to 13% of Latino boys and 6% of white and Asian boys.[95] Further, the disproportionate impact that Prison features in Schools had on Black students is not constant over time. Data shows that as Prison features increased in Schools, the disproportionate impact they had on Black students also increased.[96]

The disproportionate impact of Prison features in Chicago schools falling on Black students is in no small part another consequence of the city's long history of segregation and of its unequal treatment of schools in Black neighborhoods. As recently as 2012, 70% of all Black students in Chicago attended schools that were predominantly Black.[97] Schools

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[86] Welch, K., & Payne, A. A. (2012). Exclusionary School Punishment: The Effect of Racial Threat on Expulsion and Suspension. Youth Violence and Juvenile Justice, 10(2), 155-171. https://doi.org/10.1177/1541204011423766
[87] *Id.*
[88] *Id.*
[89] *Id.*
[90] Bell, C. (2015). The Hidden Side of Zero Tolerance Policies: The African American Perspective. *Sociology Compass*, 9, 14–22. https://doi.org/10.1111/soc4.12230
[91] Henry et al. (2021). Ending the School-to-Prison Pipeline: Perception and Experience with Zero-Tolerance Policies and Interventions to Address Racial Inequality. National Center for Biotechnology Information. https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8359632/
[92] *Id.*
[93] Civil Rights Data Collection. (2014 March). U.S. Department of Education for Civil Rights. Accessible at: https://civilrightsdata.ed.gov/assets/downloads/2011-12_CRDC-School-Discipline-Snapshot.pdf
[94] School-to-Prison Pipeline Statistics. (2023). *American Bar Association*. Accessible at: https://www.americanbar.org/groups/diversity/racial_ethnic_justice/projects/school_to_prison/statistics/#:~:text=26%25%20of%20students%20were%20Hispanic,for%20in%2Dschool%20behavior.%22
[95] Guiltinan et al. (2015). Discipline Practices in Chicago Schools. *University of Chicago Consortium on School Research*. Accessible at: https://consortium.uchicago.edu/publications/discipline-practices-chicago-schools-trends-use-suspensions-and-arrests
[96] Supporting the call for police free schools in Illinois. (n.d.) *Illinois Families for Public School*s. Accessible at: https://www.ilfps.org/police_free_schools
[97] Moser, W. (2012, September 20). "Chicagoland Schools: For Blacks, the Most Segregated in the Country." *Chicago Magazine*. Accessible at: https://www.chicagomag.com/city-life/september-2012/chicagoland-schools-for-blacks-the-most-segregated-in-the-country/

in the South and West sides, where neighborhoods tend to be predominantly Black, are consistently the most underfunded, and at highest risk for closing.[98] The end of the CPS school year in 2013 marked the largest single mass closure of public schools in the nation's history.[99] 88% of the students affected by the CPS school closures were Black.[100] On the other hand, schools with more minority students spend more money on school security.[101]

CPS magnet and selective enrollment schools reflect the city's segregation and the disparate impact of Prison features in Schools.[102] These schools, which opened in 1980 following a court-mandated desegregation consent decree filed by the United States against the Chicago Board of Education, require students to meet certain criteria to attend, unlike the neighborhood schools that populate the rest of CPS.[103] The racial make-up of these schools is not close to reflecting the racial diversity of the city at-large, and attempts to make a tier-based admissions system that factored in economic and racial hardship have so far proven ineffective.[104] These schools are out of reach for most Black students in Chicago and have not incorporated Prison features nearly as much as non-magnet and non-selective enrollment schools.[105]

The increase in charter schools in Chicago magnify the effects of racial segregation in the city and also magnify the disparate effect of Prison features on Black students.[106] Following the implementation of Renaissance 2010, a CPS project that aimed to expand the reach of charter schools in Chicago, public school closings have become increasingly more common, as the better-funded charter schools outcompete the local neighborhood schools.[107] Charter schools disproportionately expel Black students and do so in ways that the law prevents public schools from doing, often without the transparency protocols that public schools must adhere to.[108] Ultimately, charter schools limit the educational opportunities that Black students are able to access.[109]

Students are not the only ones impacted by harsh disciplinary policies. Families are deeply impacted by them too. Scholar Jessica L. Dunning-Lozano coined the term "secondary discipline" to describe how low-income Black and

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[98] Parrish, M. & Ikoro, C. (n.d.). "Chicago Public Schools and Segregation." *WTTW*. Accessible at: https://interactive.wttw.com/firsthand/segregation/chicago-public-schools-and-segregation
[99] Vevea, B. (2023, July 25). "Chicago closed 50 schools 10 years ago. What's happened since then?" *Chalkbeat Chicago*. Accessible at: https://www.chalkbeat.org/chicago/2023/7/25/23806124/chicago-school-closings-2013-henson-elementary/
[100] Ewing, E. (2018, December 6). "What led Chicago to shutter dozens of majority-black schools? Racism." *The Guardian.* Accessible at: https://www.theguardian.com/us-news/2018/dec/06/chicago-public-schools-closures-racism-ghosts-in-the-schoolyard-extract
[101] Peterson, E. (2021). Racial Inequality in Public School Discipline for Black Students in the United States. Accessible at: https://ballardbrief.byu.edu/issue-briefs/racial-inequality-in-public-school-discipline-for-black-students-in-the-united-states#:~:text=Schools%20with%20higher%20percentages%20of,a%20larger%20presence%20of%20SROs.
[102] *Supra* note 98.
[103] *See U.S. v. Board of Education of the City of Chicago*, 80 C 5124 2004). Accessible at: https://casetext.com/case/us-v-board-of-education-of-the-city-of-chicago-2#:~:text=In%201980%2C%20the%20United%20States,decree%20that%20resolved%20the%20litigation.
[104] *Supra* note 98.
[105] *See* Peterson, E. (2021). Racial Inequality in Public School Discipline for Black Students in the United States. Accessible at: https://ballardbrief.byu.edu/issue-briefs/racial-inequality-in-public-school-discipline-for-black-students-in-the-united-states#:~:text=Schools%20with%20higher%20percentages%20of,a%20larger%20presence%20of%20SROs (explaining that schools with more minority students spend more on school security).
[106] *Supra* note 98.
[107] *Id.*
[108] *Id.*
[109] *Id.*

Latina mothers are subjected to punishments that mirror those given to their children.[110] At the Disciplinary Alternative Education Program (DAEP) in Texas, for example, Black mothers are prevented from entering the school premises if they're dressed "inappropriately."[111] And since DAEP viewed good parenting as the explicit responsibility of women, mothers and grandmothers were understood to be both "the cause and solution to children's lowered performance or failure in school."[112] This narrative was then furthered when Black and Latina mothers couldn't effectively advocate for their children, when, in reality, they just lacked the skills, financial resources, time, and flexibility of their White counterparts.[113]

Chapter 4: **Learning from the Data**

The overwhelming data showing that incorporating Prison features into Schools results in negative consequences has brought positive changes. The evidence shows that both the State of Illinois and the City of Chicago have learned from the data that has accumulated over the years. Each has taken action to limit or remove Prison features from Schools.

In 2016, the State of Illinois passed a law imposing limits on the use of zero-tolerance policies within public schools.[114] Its impact was immediate. There was a significant correlation between Illinois' implementation of the law and a major decrease in juvenile delinquency cases in Illinois.[115] According to the annual Illinois Juvenile Detention Data Report, more than 11,000 juveniles were admitted into Illinois detention centers in 2015, the year before Illinois passed the law.[116] By 2017, the number of juveniles that Illinois admitted to detention centers decreased by 15%.[117] In 2019, this number decreased even more to 8,287 admissions in the state.[118] Although punitive-focused policies haven't been completely eliminated in Illinois schools, there is a noticeable difference between the years before and after Illinois passed this law.[119]

The City of Chicago and the CTU have totally changed their positions on police in schools from when Chicago gave police significant authority inside schools in the 1960s. During the Lightfoot administration, CPS halved its contract with CPD and authorized each local school council to remove police entirely from its respective school.[120] The number

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[110] Dunning-Lozano, J. L. (2022). Secondary Discipline: The Unintended Consequences of Zero Tolerance School Discipline for Low-Income Black and Latina Mothers. *Urban Education*, *57*(9), 1511-1538. https://doi.org/10.1177/0042085918817343
[111] *Id.*
[112] *Id.*
[113] *Id.*
[114] Moreno, I. (2016, September 18). "Illinois schools eliminating zero-tolerance policies." *Associated Press.* Accessible at: https://apnews.com/illinois-schools-eliminating-zero-tolerance-policies-0b2a9d71927a40e79e26b7455f69ed6f
[115] Comparison Summary and Data Trends of Illinois Juvenile Detention Data Report. (2020). *Illinois Juvenile Justice Commission.* Accessible at: https://ijjc.illinois.gov/wp-content/uploads/2021/08/IJJC-2017-2018_Detention_Data_Comparison_Summary_Final.pdf
[116] *Id.*
[117] *Id.*
[118] "Juvenile Detention Admissions in Illinois." (2019). Kids Count Data Center. Accessible from: https://datacenter.aecf.org/data/tables/10901-juvenile-detention-admissions#detailed/2/any/false/1729,37,871,870,573,869/any/21193,21194
[119] Comparison Summary and Data Trends of Illinois Juvenile Detention Data Report. (2020). *Illinois Juvenile Justice Commission.* Accessible at: https://ijjc.illinois.gov/wp-content/uploads/2021/08/IJJC-2017-2018_Detention_Data_Comparison_Summary_Final.pdf
[120] Macaraeg, S. (2023). Chicago Board of Ed renews CPD contract for school resource officers, but that doesn't account for all the police in CPS schools. *Chicago Tribune.* Accessible at: https://www.chicagotribune.com/2023/06/28/chicago-board-of-ed-renews-cpd-contract-for-school-resource-officers-but-that-doesnt-account-for-all-the-police-in-cps-schools/

of police in schools decreased drastically as a result of this action.[121]

The Chicago Teachers Union in February 2024 stated it did not believe that police in schools made the schools safer.[122] Instead, the CTU demanded the removal of police from schools and requested instead that CPS give increased trauma support for students, use restorative training practices and methods, and install holistic safety practices.[123] The ongoing calls to remove police from CPS finally prevailed at that same time. In February, the Chicago Board of Education unanimously passed a resolution that aims to remove police from schools by the start of the 2024-2025 school year.[124] The Board's president indicated that previously participating schools will receive funding to invest in alternative safety strategies.[125] This policy change came after hours of public comment from students, parents, and aldermen in support of the change.[126] Many students and parents cited the presence of police in Chicago schools as being a significant reason relatively high numbers of students ended up incarcerated.[127]

Chicago schools are now looking to community-based organizations for guidelines on alternatives to police in schools.[128] One of these organizations is BUILD Inc., a Chicago non-profit organization that is respected nationally in gang intervention, violence prevention, and youth development.[129] Sean Price, BUILD Inc.'s director, highlighted alternative options that some schools have been exploring, like hiring a school climate and culture coordinator.[130]

Chicago's Community Schools Initiative is another way Chicago is attempting to change the paradigm.[131] The Community Schools Initiative aims to provide resources and support for students and families beyond academics, with a goal of creating stable, supportive environments in the schools.[132] Instead of paying for police, the Community Schools Initiative uses funds for additional staff to run after-school programs, to provide childcare support, and to help families access social safety nets like Medicaid or housing assistance.[133]

There is also awareness that schools need to do more than just shift the paradigm. Effective implementation of the different approaches requires special attention to each school districts' context and its specific problems, as well as enforcement of the new programs and policies.[134] Education scholar Christopher A. Mallett proposes that it is the responsibility of professional social workers to educate themselves on their communities' stance on use of Prison features in schools and issues surrounding it, recognize what needs to change, and "lead the way across schools" to

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[121] *Id.*
[122] Potter, J. (2024, February 22). *School Resource Officers Don't Make School Safer. School Resources Do.* Chicago Teachers Union. Retrieved July 7, 2024, from https://www.ctulocal1.org/posts/school-resource-officers-dont-make-school-safer-school-resources-do/
[123] *Id.*
[124] Guffey et al. (2024, February 23) Chicago Board of Education Moves to Pull Resource Officers out of Schools. *Chicago Tribune*. Accessible at: https://www.chicagotribune.com/2024/02/22/chicago-board-of-education-moves-to-pull-sros-out-of-schools/.
[125] *Id.*
[126] *Id.*
[127] Franza, S. & Perlman, M. (2024, February 22). Chicago Board of Education votes to remove Chicago Police officers from schools. CBS News. Accessible at: https://www.cbsnews.com/chicago/news/chicago-board-of-education-to-vote-resource-officers/
[128] *Id.*
[129] *Id.*
[130] *Id.*
[131] "Community Schools Initiative (CSI)." (n.d.) Chicago Public Schools. Accessible at: https://www.cps.edu/about/departments/community-schools-initiative/
[132] *Id.*
[133] *Id.*
[134] *Supra* note 2.

encourage rehabilitation.[135]

Chapter 5: **Education in Prisons**

Perhaps the most obvious overlap of education and incarceration in Illinois is the teaching that is done in prisons and jails. Our research reveals that just as Illinois Schools have integrated features of Prisons, so too have Illinois Prisons integrated features of Schools. The Illinois Department of Corrections brings different forms of education into many Illinois prisons.[136] Likewise, Cook County and other jurisdictions in Illinois bring many forms of education into their jail system.[137]

The Rand Corporation produced a lengthy report in 2014 based on an extensive study it did on correctional education for incarcerated juveniles and adults throughout the country.[138] The study expressed that prison education encompasses a range of programs, most of which can be categorized as adult primary education, secondary education, vocational training, and higher education.[139] Some correctional facilities, including facilities in Illinois, offer basic primary education to improve imprisoned people's literacy and numeracy skills, which provides a foundation for further education and vocational training.[140] Some facilities, including facilities in Illinois, offer vocational training to provide imprisoned people with certifications and practical skills in trades such as plumbing, carpentry, and automotive repair, directly enhancing imprisoned people's employability upon their release.[141] Some facilities offer college courses and even university degree programs.[142] Indeed, Northwestern University, one of the nation's most prestigious universities, offers Bachelor of Science degrees through programs at Logan Correctional Center, a women's correctional facility in Illinois, and at Statesville Correctional Center, a men's correctional facility in Illinois.[143]

The education programs that exist in Illinois jails and prisons include primary education to help incarcerated people get basic literacy and math skills.[144] Cook County offers further education programs such as Secondary Education/GED and Specialized Programs. Secondary Education/GED Programs allow imprisoned people to earn high

[135] *Id.*
[136] Northwestern University (2024). Northwestern University Prison Education Project Programs. Retrieved from: https://sites.northwestern.edu/npep/programs/. *See also* Prison Neighborhood Arts/Education Project (n.d.). PNAP Classes at Stateville Mens Prison. Accessible at: https://p-nap.org/classes/; Lake Land College Department of Correction Programs." (2020). Lakeland College's Department of Corrections. https://www.lakelandcollege.edu/wp-content/laker-documents/dv/ir/EAR%202021%20DOC.pdf
[137] Cook County Sheriff's Office (2024). *Cook County Educational Programs*. Retrieved from: https://www.cookcountysheriffil.gov/departments/cook-county-department-of-corrections/programs-and-services/educational/. *See also* Millikin University (n.d.) *Shakespeare Corrected at Millikan*. Retrieved From: https://millikin.edu/shakespeare-corrected-millikin
[138] Davis, L et al. (2014), How Effective is Correctional Education, and Where Do We Go from Here? The Results of a Comprehensive Evaluation. *Rand Corporation*. Accessible at: https://www.rand.org/content/dam/rand/pubs/research_reports/RR500/RR564/RAND_RR564.pdf
[139] *Id.*
[140] *See* "Danville Correctional Center." (n.d.) Illinois Department of Corrections. Accessible at: https://idoc.illinois.gov/facilities/allfacilities/facility.danville-correctional-center.html
[141] *Id. See also* Lake Land College Department of Correction Programs." (2020). Lake Land College's Department of Corrections. Accessible at: https://www.lakelandcollege.edu/wp-content/laker-documents/dv/ir/EAR%202021%20DOC.pdf
[142] Davis, L et al. (2014), How Effective is Correctional Education, and Where Do We Go from Here? The Results of a Comprehensive Evaluation. *Rand Corporation*. Accessible at: https://www.rand.org/content/dam/rand/pubs/research_reports/RR500/RR564/RAND_RR564.pdf
[143] Northwestern University (2024). *Northwestern University Prison Education Project Programs*. Retrieved from: https://sites.northwestern.edu/npep/programs/
[144] Illinois Coalition for Higher Education in Prisons (2024). Programs in Illinois. Accessible at: https://ilchep.org/programs-in-illinois/.

school equivalency diplomas while in jail.[145] Specialized Programs allow the Cook County Jail to partner with organizations to offer unique educational opportunities.[146] For example, the Reading Between the Lines program fosters critical thinking through literature, and ConTextos focuses on writing and conflict resolution.[147] Jenna Pasanen, a doctoral candidate in Criminology, Law, and Justice at the University of Illinois Chicago (UIC) and Rhea Ballard-Thrower, the Dean of UIC Libraries, help provide different educational programs in the Cook County Jail system.[148] They acknowledge that many barriers exist to implementing education programs in penal systems, but neither doubt the worth of these programs.[149]

Some universities in Illinois have their students working with imprisoned people inside correctional facilities. The University of Chicago offers mixed-enrollment classes at Statesville Correctional Facility that have the university's undergrads going inside the prison to take a class side-by-side with imprisoned people.**[150]** Millikin University in Decatur, Illinois offers a program on Shakespeare that has its students working with incarcerated people at the Decatur Correctional Facility.[151]

Universities and colleges outside of Illinois have long histories with education in prison. Temple University has operated the Inside-Out Prison Exchange for over 25 years.[152] This program has imprisoned people and non-incarcerated students taking college courses together inside prison.[153] Institutions like Georgetown University and Piedmont Virginia Community College have tailored degree programs for incarcerated students.[154]

Alan Mills, a leading Chicago public interest lawyer and the Executive Director of the Uptown People's Law Center, emphasizes that it is important for incarcerated people to be offered a wide range of education opportunities.[155] Sometimes correspondence courses like those offered by Blackstone fit best.[156] Sometimes colleges offering classes inside prisons are most needed.[157] Often GED and adult basic education programs are most valuable.[158] Mills highlighted that Illinois requires adult basic education, noting that although it is not universally provided, it remains a critical component of prison education.[159]

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[145] Cook County Sheriff's Office (2024). Cook County Educational Programs. Accessible at: https://www.cookcountysheriffil.gov/departments/cook-county-department-of-corrections/programs-and-services/educational/.
[146] *Id.*
[147] *Id.*
[148] FJLOC Interview with Jenna Pasanen.
[149] *Id.*
[150] Prison Neighborhood Arts/Education Project (n.d.). PNAP Classes at Stateville Men's Prison. Accessible at: https://p-nap.org/classes/.
[151] Millikin University (n.d.) Shakespeare Corrected at Millikan. Retrieved From: https://millikin.edu/shakespeare-corrected-millikin
[152] Temple University (2024). The Inside-Out Center. Retrieved from: https://liberalarts.temple.edu/research/labs-centers-and-institutes/inside-out-center/about
[153] *Id.*
[154] Georgetown University (2024). Prisons and Justice Initiative. Retrieved from: https://prisonsandjustice.georgetown.edu/programs/scholarsprogram/#:~:text=The%20program%20launched%20in%202022,University%20College%20of%20Arts%20%26%20Sciences. *See also* Piedmont Virginia Community College (n.d.). PVCC Higher Education in Prison Program. Retrieved from: https://www.pvcc.edu/pvcc-higher-education-prison-program#:~:text=The%20Higher%20Education%20in%20Prison,leads%20to%20post%2Drelease%20success.
[155] FJLOC Interview with Alan Mills.
[156] *See* Blackstone Career Institute. (n.d.) Accessible at: https://blackstone.edu/
[157] FJLOC Interview with Alan Mills.
[158] *Id.*
[159] *Id.*

Scholars Emily Pelletier and Douglas Evans, in their 2019 study, illuminate the profound impact of these programs: "Participants developed prosocial bonds with social institutions upon reentry as a result of participation in the education program. Prosocial bonds facilitated improved relationships with their families, motivation to pursue education and preparedness for employment opportunities."[160] Pasanen emphasizes that providing education in the carceral world establishes a humanizing and liberatory space, stating "[t]he jail environment with its rules and identical uniforms is designed to take away any individuality from its residents, but during our time together, the participants are treated as students whose perspectives are valued."[161] Critically, these spaces allow students to share their lived experiences as they intersect with violence, juvenile justice, and disability justice.[162]

Professor and scholar Jody Lewen explains that the purpose of prison education at large not only transforms the lives of students and facilitators; it also chips away at the dehumanizing aspects of incarceration as a whole.[163] Bringing education into the carceral world has the capacity to serve as an intervention to challenge mainstream rationales and the societal lenses that justify incarceration.[164] Prison education serves a threat to narratives that those incarcerated are just "bad people" who "deserve correction," which stems from the lack of misinformation and ignores any nuanced research of pathways to crime.[165]

In the media outlet *The Conversation*, David, a former incarcerated person who completed a vocational program during his incarceration, gave a powerful example of how education can benefit a prisoner while incarcerated and after being released.[166] David said after completing the vocational program, he started to feel that he had far more at stake than during his previous encounters with the legal system and now "had too much to lose."[167] David seized every opportunity to expand his knowledge in prison, eventually advancing to become a Ph.D. candidate in criminal studies.[168] For him, education transformed into a gateway to a new life, "a way out" of his past.[169] This path empowered him to support himself through legitimate means and become a contributing member of society.[170]

Chapter 6: **Freedom, Taxes, Schools, and Prisons**

While the focus of this report is not to address the purposes of the school and prison systems, we know from our research that the two systems work together, often in ways that are not apparent from the outside of both. Each address in real ways a fundamental idea we hold dear in America: freedom. As this report shows, the reality of freedom is much more challenging than the idea. The school and prison systems also overlap in a real way with a fundamental idea with which America struggles: taxes. Taxes and how the funds from taxes are used underlie both Prisons and

[160] Pelletier, E., & Evans, D. (2019). Beyond Recidivism: Positive Outcomes from Higher Education Programs in Prisons. Journal of Correctional Education (1974-), 70(2), 49–68. https://www.jstor.org/stable/26864182
[161] *Id.*
[162] *Id.*
[163] Lewen, J. (2014). Prison Higher Education and Social Transformation. Saint Louis University Public Law Review. Accessible at: https://scholarship.law.slu.edu/cgi/viewcontent.cgi?article=1066&context=plr
[164] *Id.*
[165] *Id.*
[166] David Honeywell. (2022, Dec. 19). A Prison Education Saved Me from a Lifetime behind Bars. *The Conversation*. Accessible at: https://theconversation.com/a-prison-education-saved-me-from-a-lifetime-behind-bars-54458
[167] *Id.*
[168] *Id.*
[169] *Id.*
[170] *Id.*

Schools. How well each system functions depends in some essential manner on the funds available to it from taxes.

Prisons are expensive. In fiscal year 2022, Illinois spent $45,828 to incarcerate each individual in prison.[171] The American Civil Liberties Union of Illinois reported that the state spends more than $1.4 billion on prisons each year.[172] Despite these remarkable expenses, evidence shows that incarcerating people does not reduce overall crime.[173] Much of this cost is due repeat arrests;[174] 76% of all incarcerated people are rearrested within five years, and most of them return to prison.[175]

Schools are expensive too. In 2024, CPS has an operating budget of $8.5 billion.[176] CPS per student spending is approximately $29,900, while Illinois per student spending is approximately $24,000.[177] The school and prison systems get their funds for paying these expenses by levying taxes.[178] Illinois has significantly more students than incarcerated people, so the overall costs of Illinois Schools is much more than that of Illinois Prisons, but the Illinois taxpayers spend almost twice as much on each incarcerated person in their prison system than they do on students across the state.

The two systems rely largely on different taxing sources. Kindergarten through twelfth grade public education in Illinois is largely funded by real estate taxes assessed on the real properties located in the school districts.[179] Local schools do receive meaningful funds from the state and federal governments, but state funds are largely for targeted programs, projects, or expenses, and the federal funds largely come with restrictions or conditions.[180] In contrast, the

[171] Deen, J. (2022). Financial Impact Statement. Illinois Department of Corrections. Accessible at: https://idoc.illinois.gov/content/dam/soi/en/web/idoc/reportsandstatistics/documents/FY22-Financial-Impact-Statement.pdf

[172] "Broken: The Illinois Criminal Justice System and how to Rebuild it." (2017, December 1). ACLU of Illinois. Accessible at: https://www.aclu-il.org/en/news/broken-illinois-criminal-justice-system-and-how-rebuild-it

[173] Stemen, D. (2017 July). The Prison Paradox: More Incarceration Will Not Make Us Safer. *Vera Institute*. Accessible at: https://www.vera.org/publications/for-the-record-prison-paradox-incarceration-not-safer

[174] "The Cost of Recidivism." (2023 April). Justice Center: The Council of State Governments. Accessible at: https://csgjusticecenter.org/wp-content/uploads/2023/04/The-Cost-of-Recidivism-Infographic_508v2.pdf

[175] Hatcher, M. (2017, August 8). 76% of all inmates end up back in jail within 5 years. Here's how I broke the cycle. Vox. Accessible at: https://www.vox.com/first-person/2017/8/8/16112864/recidivism-rate-jail-prostitution-break-cycle

[176] "Chicago Public Schools FY2024 Budget." (n.d.) Chicago Public Schools. Accessible at: https://www.cpsboe.org/content/documents/fy2024_budget_hearing_presentation.pdf

[177] Dabrowski, T. & Klingner, J. (2023, November 7). Illinois per student spending jumps to nearly $24K, CPS at nearly $30K. Wirepoints. Accessible at: https://wirepoints.org/illinois-per-student-spending-jumps-to-nearly-24k-cps-at-nearly-30k-wirepoints-quickpoint/#:~:text=Chicago%20Public%20Schools&text=CPS%20will%20spend%20nearly%20%249.5,just%20under%20%2421%2C000%20per%20student.

[178] Chicago Public Schools. (n.d.). Revenue. Accessible at: https://www.cps.edu/about/finance/budget/budget-2024/revenue-2024/#:~:text=The%20largest%20share%20of%20l ocal,and%20viability%20of%20the%20District. *See also* Jackson-Bryant, G. (2015, July 23). Crowded House: Illinois' Costly Prison Problem. Illinois Policy. Accessible at: https://www.illinoispolicy.org/crowded-house-illinois-costly-prison-problem/#:~:text=The%20Illinois%20Department%20of%20Corrections,nonpartisan%20criminal%2Djustice%20research%20foundation.

[179] Illinois Association of School Boards. (2022). *Understanding school finance*. https://www.iasb.com/IASB/media/General/understanding-school-finance.pdf. See also Chicago Public Schools. (n.d.). Revenue. Accessible at: https://www.cps.edu/about/finance/budget/budget-2024/revenue-2024/#:~:text=The%20largest%20share%20of%20local,and%20viability%20of%20the%20District.

[180] *Id.*

Illinois carceral system is largely funded by income taxes on Illinois residents.[181]

Of course, governments can hold taxes down by better using the funds received. As Chicago has recognized, spending less on prison features in schools is one way to do this. As shown in Chapters 2 and 3 of this report, data shows that spending money to add Prison features to Schools does not lead to better results. As also shown in Chapter 2 of this report, students attending schools that incorporate Prison features are much more likely to end up actually incarcerated than schools that do not. In fact, the data also shows that these Prison features perform an important function, that they in essence operate as a "pipeline" for moving individuals from school into prison.[182] And, again, incarcerating people isn't inexpensive.

Sometimes reality requires that we must spend money in certain ways to reduce total spending. The data shows this is clearly true for spending money to educate incarcerated people. In fact, the data is quite dramatic in showing that the higher level of education a someone has, the less likely they are to be rearrested.[183] According to a RAND Corporation study, mere participation in prison education programs lowers rearrest rates by 43%.[184] For those who earn degrees, rates of rearrest is lower still.[185] The rearrest rate is 14% for those who obtain an associate degree, 5.6% for those who obtain a bachelor's degree, and 0% for those who obtain a master's degree.[186] Again, the rearrest rate for people who have an education level of a master's degree or higher is effectively zero.[187] The higher the education, the lower the risk of continued engagement in the criminal legal system.[188]

Becoming college-educated is an increasingly important marker of employability, with 72% of jobs requiring a postsecondary education by 2031.[189] Society further saves money by helping people get jobs because formerly imprisoned people with jobs have less need for public assistance and are better equipped to contribute to society via taxes and purchasing power.[190] The law will require that at some time almost all of these people be released into society.[191] The data shows that education in prison even at the lowest levels helps these people.[192] Vocational training

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[181] Jackson-Bryant, G. (2015, July 23). Crowded House: Illinois' Costly Prison Problem. Illinois Policy. Accessible at: https://www.illinoispolicy.org/crowded-house-illinois-costly-prison-problem/#:~:text=The%20Illinois%20Department%20of%20Corrections,nonpartisan%20criminal%2Djustice%20research%20foundation
[182] *Supra* note 2.
[183] Davis, L et al. (2014), How Effective is Correctional Education, and Where Do We Go from Here? The Results of a Comprehensive Evaluation. *Rand Corporation*. Accessible at: https://www.rand.org/content/dam/rand/pubs/research_reports/RR500/RR564/RAND_RR564.pdf
[184] *Id. See also* Pattillo, M. (2024). Presentation to FJLOC via Zoom.
[185] *Supra* note 183.
[186] *Id.*
[187] *Id.*
[188] *Id.*
[189] Center on Education and the Workforce. (2024, May 3). *After everything: Projections of jobs, education, and training requirements through 2031*. CEW Georgetown. https://cew.georgetown.edu/cew-reports/projections2031/#:~:text=By%202031%2C%2072%20percent%20of%20jobs%20in%20the,openings%20will%20require%20at%20least%20some%20college%20education
[190] *Id*.
[191] Hughes, T. and Wilson, D. (2004). Reentry Trends in the United States. U.S. Department of Justice Bureau of Justice Statistics. Accessible at: https://bjs.ojp.gov/content/pub/pdf/reentry.pdf
[192] Skorton, D., & Altschuler, G. (2013, March 25). "College behind bars: How educating prisoners pays off." *Forbes*. https://www.forbes.com/sites/collegeprose/2013/03/25/college-behind-bars-how-educating-prisoners-pays-off/?sh=57033c9c2707

offers a concrete path away from criminal activity and towards successful societal reintegration.[193]

Study after study confirms that education in prison correlates highly with reduced rates or reincarceration.[194] By reducing recidivism through education, society saves $4 to $5 in reimprisonment costs for every $1 it spends on prison education, and this return on investment does not even include the cost of damage done by crime.[195] Spending money to educate incarcerated people is a good choice if we want to reduce overall taxes needed for the prison system.

A Call to Action

We discovered in our research for this report that School and Prison systems in Illinois overlap in many unexpected ways. Schools incorporate Prison features, and Prisons provide formal education to incarcerated people in many different facilities in many different ways. Significant research has been done on these aspects of the two systems. The often-used phrase "The School-to-Prison Pipeline" reflects the data that connects Schools with Prisons when the Schools implement features of Prisons. As noted in the Introduction to this report, the data for education in prisons also merits its own metaphorical pipeline name, in this instance: "The Prison Education to Reformation Pipeline." The data showing the value of education in Prisons is that strong.

As this report shows, we have reviewed significant amounts of data on how the School and Prison systems overlap. We have also discussed these aspects of the systems with experts, people involved in the systems, and people impacted by them. We recognize from the research we have done that the systems can be improved, that Schools can better serve the needs of their students, and that Prisons can do more with education inside their facilities. We ask that you consider this report a call to action to help achieve these goals.

For School Districts, School Administrators, and Community Leaders:

The funds that have been used to implement Prison features in Schools can be better used. Some of us attended CPS schools. We are aware of the stresses students face today. We are also aware of the real safety risks. We think any decisions should be made with input from experts with an understanding of the specific issues at hand. In this regard, we recommend that school systems increase social workers' involvement in the organization and planning of curriculums and policies. We also recommend school systems increase the number of social workers in schools who are trained to help students and who have a deeper understanding of the issues confronting the schools they are hired to help. We recommend the funds that were used to employ police be used to employ social workers and teachers to reduce the social worker to student and teacher to student ratios, ratios that data shows do have a direct correlation with the success of students.[196]

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[193] Cook County Sheriff's Office. (n.d.). Educational programs. Retrieved May 15, 2024, from https://www.cookcountysheriffil.gov/departments/cook-county-department-of-corrections/programs-and-services/educational/
[194] *Id.*
[195] The Editorial Board. (2016, February 16). "A college education for prisoners." *The New York Times*. https://www.nytimes.com/2016/02/16/opinion/a-college-education-for-prisoners.html
[196] "Everything You Need to Know About Student-Teacher Ratios." (2019, December). The Hun School of Princeton. Accessible at: https://www.hunschool.org/resources/student-teacher-ratios#:~:text=The%20student%2Dteacher%20ratio%20has,to%20the%20specific%20learning%20styles; Coyle, S. (2019). Evolving

We recommend that school districts do more to implement programs that are alternatives to using features of Prison. There are many programs that research has shown can get better results, including School-Wide Positive Behavioral Interventions and Supports (SW PBIS), Social and Emotional Learning (SEL), Restorative Justice Programs, and Disciplinary Alternative Education Programs (DAEPs). At the same time, before a school district implements any program and while any program is being implemented, we recommend that the school pay careful attention to the context and specific issues at the school.

We strongly believe the history of racial segregation and discrimination that underly and support the harsh systems in certain schools be acknowledged by the school systems involved, including the systems that exist on the state level. Further, we believe that decision makers should consider this history when creating new paradigms and implementing alternative systems. We recommend school districts include restorative justice practices and other systems that take this history into account. We recommend, too, that schools do more to understand the consequences of this history. What role does this history play in current behaviors. Can there be better approaches than using rules and punishments that are applied in a manner that has significant racial disparities? What is involved in the subjective judgments of misbehavior?

According to sociologist Eve Ewing, a huge source of the economic burdens borne by some CPS schools is their inability to fundraise.[197] We ask that community leaders outside these communities create connections with these underfunded schools. We ask that Chicago consider and surrounding communities consider what the more affluent communities might do to help those schools that do not have the means to operate schools that can meet state requirements.

We consider it wrong for the state to set education requirements for schools and then fail to ensure that the funding level the state has determined is required to for a school to meet such requirements is available that school. If the state requires schools to satisfy certain education requirements, it should make sure the schools have the funds needed to meet these requirements. Otherwise, the state is dooming schools to fail, which is how the system currently operates. Specifically, we recommend that Illinois aim to increase funding for the Evidence-Based Funding (EBF) model by $500 million to ensure a fully-funded EBF by 2030. This will help schools in Illinois to be funded equitably and help all school satisfy the education requirements of Illinois has set. Likewise, we recommend that Illinois work with the federal government to provide more funding that is flexible and unrestricted for low-income and high-need schools. It should oppose funding that the federal government ties to programs for police in schools and similar “security” measures.

For Illinois Leaders in Higher Education and of Correctional Systems:

The education programs that universities and colleges have implemented in Illinois prisons and jails are working. We encourage all parties who can to do more of them. We recommend universities and colleges to seek opportunities to provide education to imprisoned people inside prisons and jails. We encourage the Illinois Department of Corrections and local jails to find more ways to bring education into their facilities. The data shows the benefits of education in Prisons are immense, including in terms of economic and financial measurements. We could find no data that does

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Education — School Social Workers: Vital, Valuable, Visible. *Social Work Today*. Accessible at: https://www.socialworktoday.com/archive/SO19p8.shtml

[197] *Supra* note 98.

not support investing more into education in prisons.

We also recommend that the various types of education continue to be expanded. The data shows that primary education, secondary education, university and post-university education, and education in the trades are all good investments for carceral systems to make. We recommend too that prisons and jails take advantage of available technologies, including expanding digital access and providing digital learning devices, to help imprisoned people with their learning and their learning opportunities, provided that they should always consider the imprisoned person's competency with such technologies. The prisons and jails should meet incarcerated people where they are and provide incarcerated people with the education that fits their needs.

Policymakers and institutional leaders can also use education in prisons to address other needs. Data shows that our country is lacking sufficient numbers of people going into the trades and that many trades provide excellent opportunities for employment with good wages.[198] We recommend colleges and universities advocate for funding of this kind of education in prisons. Considering this, we recommend that programs like that provided by Lake Land College be continued and even expanded.

For Policymakers and Researchers:

We note that, beyond the remarkably low re-arrest and reincarceration numbers, we did not find sufficient data on employment and wages of released persons who have received in-prison education and training to include such data in this report. Thus, we recommend that more research be done into the impact of prison education, specifically explaining important measurable variables other than recidivism. With that said, given the data, we are confident that researching what people do outside of prison after completing education in prison will provide more support for education in correctional facilities.

We also found that more research could be done in respect of the features of Prisons in Schools. For example, in light of the increasing reach of surveillance systems in schools, it would be valuable to have a better understanding on how this increased surveillance impacts the relationships between students and teachers, what it does to the school environment generally, and what impact it has on student learning and perspectives. It would also be helpful to have a better understanding of whether other variables beyond race, disability, and school funding correlate with the School-to-Prison Pipeline.

For the Chicago Legal Community:

This report began with a recognition that the School and Prison systems in Illinois do not have unlimited resources. Chicago Schools exist throughout the city. They operate in some areas where few lawyers ever venture. CPS, the local school councils, and their administrators are seeking different ways to meet the needs of their students. In doing this, they are using different paradigms than that which has been tried for many decades. They are working with organizations that have expertise in real life issues the school communities and their students must live with every day.

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[198] Gross, A. and Marcus, J. (2018, April 25). High-Paying Trade Jobs Sit Empty, While High School Grads Line Up for University. National Public Radio. Accessible at: https://www.npr.org/sections/ed/2018/04/25/605092520/high-paying-trade-jobs-sit-empty-while-high-school-grads-line-up-for-university

Appleseed Centers in Texas, South Carolina, and other states have worked with law firms and attorneys to try and improve the education systems in their states. We call on the Chicago legal community to do what lawyers have done in these other jurisdictions. We ask that lawyers take their skills to these places that need them. Reach out to neighborhoods in Chicago and other communities in our area where the schools and students face remarkable challenges. Ask questions. Listen. Think, as lawyers are famously taught to do. Get involved. We know from all the work we did on this report that Chicago Appleseed and the Chicago Council of Lawyers will collaborate with you, will put you in touch with people and organizations who are involved in this process, and will support you.

For State and Federal Legislators and Chicago Leaders:

In our final plea, we ask that those that have the power over funding consider that the data supports the conclusion that money available for funding schools makes a difference in the success of the schools. We ask too that they also see the various systems, which might appear separate on their surfaces, in fact overlap in all sorts of ways. For example, legislators should be aware of the data that shows the intimate connection between publicly funded housing and the quality of the nearby public schools.[199] Along these same lines, we ask that long before Chicago considers closing any schools in the future, it first work to get more affordable housing near the at-risk school, which could enable more families to stay and enroll in the local schools. We also ask that legislators recognize that one significant source of the disparity in educational opportunities between students is location.[200] As such, we ask legislatures to understand that improving public transit could support more diversity in schools and better learning outcomes for students from marginalized backgrounds—students that the education systems and those controlling them have historically discriminated against.

[199] "Breaking Down Barriers: Housing, Neighborhoods, and Schools of Opportunity." (2016, April). U.S. Department of Housing and Urban Development. Accessible at: https://www.huduser.gov/portal/sites/default/files/pdf/insight-4.pdf

[200] Darling-Hammond, L. (2001). Inequality in Teaching and Schooling: How Opportunity Is Rationed to Students of Color in America. National Academy of Sciences. Accessible at: https://www.ncbi.nlm.nih.gov/books/NBK223640/

FUTURE JUSTICE LAWYERS

CHICAGO APPLESEED & CHICAGO COUNCIL OF LAWYERS