

Reframing the School-to-Prison Pipeline: The Experiences of Latin@ Youth and Families

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Abstract

In this paper, I argue that school-to-prison pipeline (SPP) research on Latin@s shows the existence of an interconnected system of policies and social practices, in and out of schools, punitive and non-punitive in nature, which together work to criminalize Latin@ students and their families. This intersection (Crenshaw, 1991) and multiplicity (Hames-Garcia, 2012) of oppressive immigration, mass incarceration and schooling systems, among other factors, shapes the process and outcomes of Latin@s' criminalization (Scott & Saucedo, 2013; Timmons Flores, 2013; Campano et al, 2013). As a result, I believe we must re-conceptualize the "pipeline" metaphor in a way that views policies and social practices that criminalize Latin@ students and their families as part of an interconnected, interdependent system or web. Such an expansion of how we understand this term challenges a central assumption inherent in this "pipeline" metaphor; that the criminalization of youth flows unidirectionally and unidimensionally from schools to prisons and that disruption of such criminalization should be primarily focused on fixing punitive policies in schools. Advocacy and research efforts built upon the reconceptualization of this system or web would address the criminalizing social practices and policies that, while interconnected with much of the existing SPP literature, have been largely missed in the dominant SPP discourse.

Over the last decade, education, sociology and legal scholars have been researching the school-based criminalization of minoritized youth in the United States, particularly as it relates to high U.S. incarceration rates, in order to account for, and disrupt, a disturbing relationship between schools and prisons (e.g., Advancement Project, 2005, 2010; Wald & Losen, 2003). What the research on this relationship has yielded is the "School-to-Prison Pipeline" (SPP), a theory that suggests punitive school policies, such as detentions, suspensions and truancy policies, among others, disproportionately punish minoritized students³¹ pushing them out of schools and consequently sharply increasing the likelihood they will end up incarcerated³² (e.g., Advancement Project, 2005, 2010; Croger & Hewitt, 2011; Skiba et al., 2011; Wald & Losen, 2003, 2011).

Overall, SPP research proposes that there is a direct and explicit connection between institutionalized racism in schools and the growing mass incarceration crisis in the U.S. SPP studies often indicate that the factors constructing the "pipeline" – Jim Crow legacies (Alexander, 2010), zero tolerance policies (Advancement Project, 2005, 2010), high stakes testing (Advancement Project, 2010), and the "race threat hypothesis" (Wald & Losen, 2011) for example – do not all, or completely, originate within schools (Morris, 2012). Yet SPP studies are anchored on the "pipeline" metaphor, which implies "the school" as the universal starting point (point A) of the criminalization pipeline and "the prison" as the universal ending point (point B) of it.

It is crucial to note that this "pipeline" metaphor has successfully shaped SPP advocacy efforts, making clear that there is a troubling relationship between schools and prisons and, in doing so, pointed to two sites – the education and criminal justice system – and to specific policies – zero tolerance policies in schools and discriminatory juvenile justice system policies – as central targets in the imperative to disrupt the SPP. In doing so, however, the research has also encouraged a linear (school → prison), simplistic and deterministic understanding of the school-based criminalization of minoritized youth. Even so, the "pipeline" metaphor has

31. Compared to White students, African Americans are 3 times more likely to be suspended and 3.5 times more likely to be expelled while Latin@ students are 1.5 times more likely to be suspended and twice more likely to be expelled than White students (Croger & Hewitt, 2010).

32. Currently, Latin@s make up 53% of U.S. prison population and African Americans make up 37% of it (Federal Bureau of Prisons, 2013).

gone almost completely unchallenged by SPP researchers and legal or education practitioners³³. As a result, SPP scholars and advocates of disrupting the SPP have risked ignoring – and thus not researching and addressing – criminalizing policies and social practices that do not originate solely within the school. Consequentially, practices and policies that do not result in students’ deterministic interactions with the criminal justice system yet still crucially shape the school-based criminalization experiences of minoritized students and their families, have similarly gone under-researched within the SPP field.

It is also important to highlight that dominant SPP research has focused on the “Black-White dyad” (Portillos, Gonzalez, & Peguero, 2012) of school-based criminalization. As a result, the study of the criminalization experiences of African American male students has been prioritized (Morris, 2012) while the study of the school-based criminalization experiences of other minoritized students (e.g., female, Latin@s, Native Americans, LGBTQ students) have been marginalized (Gebhard, 2013; Meiners, 2011, 2006; Morris, 2012; Portillos, Gonzalez, & Peguero, 2012) and thus make up a very small percentage of the SPP research.

As a result of my interest in these characteristics of the SPP literature, in this thinking paper I review the nascent SPP research that moves beyond the dominant focus on school-based criminalization experiences of African American males and into that of the less researched experiences of Latin@ students and families. As I do so, I challenge the dominant “pipeline” metaphor and argue that SPP research on Latin@s shows the existence of an interconnected system of policies and social practices, in and out of schools, punitive and non-punitive in nature, which together work to criminalize Latin@ students and their families. I argue that, for this community, the intersection³⁴ (Crenshaw, 1991) and multiplicity³⁵ (Hames-Garcia, 2012) of oppressive immigration, mass incarceration and schooling systems, among other factors, shape the process and outcomes of Latin@s’ criminalization (Campano et al., 2013; Scott & Saucedo, 2013; Timmons Flores, 2013).

Thus, as I broadly synthesize the literature, I argue for a reconceptualization of the “pipeline” metaphor in a way that views policies and social practices that criminalize Latin@ students and their families as part of an interconnected, interdependent system or web. Such an expansion of how we understand this term challenges, among other things, one of the current implications inherent in this “pipeline” metaphor; that the criminalization of youth flows unidirectionally from schools to prisons (Richardson & Judge, 2013), that it originates at the school and, subsequently, that disruption of such criminalization should be primarily focused on fixing punitive policies schools.

This framework shift would allow scholars and practitioners to better understand and address the “multiple pipelines” (Richardson & Judge, 2012) that intersect (Crenshaw, 1991) and mutually constitute each other (Hames-Garcia, 2012) to form a criminalization web or system. Thus, advocacy and research efforts built upon this framework would continue to disrupt criminalization in the education and criminal justice systems yet expand to address criminalization policies and social practices that fall outside the school-prison pipeline metaphor and are interconnected to those already identified in the SPP literature. For example, in the case of the criminalization of Latin@ youth and families, the deportation of Latin@ immigrant youth and/or their families would become part of the ongoing SPP research and advocacy efforts (Scott & Saucedo, 2013; Timmons Flores, 2013) in order to most effectively understand and address this population’s school-based criminalization.

33. Richardson & Judge (2013), Scott & Saucedo (2013) and Morris (2012) are the only scholars I have found have suggested that the “pipeline” metaphor might not accurately explain the criminalization experiences of minoritized youth in schools. I explicate their critiques later in this paper.

34. Kimberly Crenshaw’s (1991) “intersectionality” concept refers to the ways in which ascribed social categories (race, gender, sexuality, class, etc.) intersect in ways that shape people’s experiences. Therefore, an intersectional approach to social inequity is essential to understanding the ways in which oppression is experienced as various minoritized identities intersect. In the case of the SPP experiences of Latin@s, I find that Crenshaw’s intersectional approach to analysis critically allows us to see that oppressive systems (of immigration, incarceration, schooling, among others) intersect, and as they do, their intersection defines the criminalization experiences of Latin@s.

35. Michael Hames-García’s (2011) concept of “multiplicity,” builds upon Crenshaw’s “intersectionality” one, and argues that assigned identity categories (citizenship, ethnicity, race, religion, gender, etc.) not only intersect but also are interdependent and “necessarily constitute one another” (Campano et al., 2013, p.317). In the context of the SPP experiences of Latin@s, the concept of “multiplicity” allows us to see that systems of oppression not only intersect, as Crenshaw’s intersectional analysis puts forth, but also are interdependent and mutually constitute one another (Campano et al., 2013), so that the criminalization experiences of Latin@s (a heterogeneous community) are shaped by their identities’ multiplicity and by the multiplicity of the systems that criminalize them.

Overview

In order to address the question of how the criminalization of Latin@s in schools takes place, and also to construct the argument above, I first present a brief review of the “school-to-prison pipeline” literature³⁶ (e.g., Advancement Project, 2005, 2010; Bahena et al., 2012; Cregor, Hewitt, 2011; Kim, Wald, Losen, 2010; Losen, Hewitt, 2010; NAACP Legal Defense Fund, 2005; Meiners, 2011, 2007; Richardson & Judge, 2012; Scott, Saucedo, 2012; Welch, Payne, 2011; Wald & Losen, 2003) as it has been framed over the past decade by the mass incarceration crisis (Alexander, 2010) and the prison-industrial-complex (Davis, 2003). In this section I highlight the main arguments made in the research about these students’ experiences and consider their implications for Latin@s.

Next, I review the nascent “school-to-prison pipeline” literature on Latin@s (Gonzales & Portillos, 2007). Peguero, 2013, 2012, 2011, 2009, 2008; Peguero & Shekarkhar, 2011; Portillos, Gonzalez, & Peguero, 2012; Rios, 2011, 2006; Scott & Saucedo, 2013; Sallo, 2011; Timmons Flores, 2013). Here, I pay attention to how scholars define “criminalization” of Latin@ youth and families and argue that this body of research shows the existence of a web of policy and social practices within, through and outside of schools that – influenced by criminality myths derived from current immigration policy in U.S – position Latin@ students and families as criminals.

Finally, in my last section and conclusion, I point to gaps and current directions in the literature in order to propose further research that a) more complexly theorizes the “pipeline” metaphor (Morris, 2012; Richardson & Judge, 2013; Scott & Saucedo, 2013); b) considers the nascent research on “cimmigration” from legal studies (Sen & Mamdou, 2008; Stumpf, 2006) and theorizes on its implications for the school-related experiences of Latin@ families; c) takes up critical race theory analysis frameworks, such as LatCrit (Fernández, 2002; Portillos, Gonzales, & Peguero, 2012; Solórzano & Delgado Bernal, 2001; Solórzano & Yosso, 2002); and d) expands the research on the SPP to include the experiences of parents and families (Campano, Ghiso, Yee, & Pantoja, 2013; Cregor & Hewitt, 2011; Dyrness, 2011; Jasis & Ordoñez-Jasis, 2011; Jimenez-Castellanos, Gonzalez, 2012). I close by presenting the theoretical and advocacy implications of carrying out more complex studies so that we may best understand and address the equity issues for Latin@s within and beyond educational institutions in the United States.

The School-to-Prison Pipeline

This section provides a brief overview of dominant SPP research in order to contextualize the review of the SPP research as it relates to the experiences of Latin@s in U.S schools³⁷. Below, I first present the statistics that give shape to the pipeline and then present the key factors that the literature argues explain these SPP statistics and therefore prove the existence of the SPP.

Overall, SPP studies focus on the high correlation between a) the increasing rates of school suspension and school drop out of African American and Latin@ students in the United States and b) the rapidly growing incarceration rates of these populations in the US. According to recent data from US Department of Education Office of Civil Rights, there has been a 50% increase in school suspensions and expulsions since 1970, making these the highest rates of punitive school incidents in U.S history (Crogen & Hewitt, 2011). Compared to White students, today African Americans are three times more likely to be suspended and 3.5 times more likely to be expelled while Latin@s are 1.5 times more likely to be suspended and twice more likely to be expelled (Crogen & Hewitt, 2010). Further, Latin@s currently make up around 35% of the prison population while African Americans make up about 37% of it (Federal Bureau of Prisons, 2013).

36. This conceptual piece is intended to present a broad picture and synthesis of the topics addressed in the SPP literature and is not intended to be comprehensive. The literature reviewed in this paper was found in peer-reviewed publications and was gathered through online searches using the following terms: school to prison pipeline; Latino; immigrants; immigration; race; zero tolerance policy; criminalization; behavior problems; child behavior; young children; violence; prison; education; deviance; penalty; discipline; gender; high school; school; educational environment; educational legislation; mothers; parent attitudes; Latino parents; Hispanic Americans; student behavior; family school relationship; minority group children. Databases used for the review include: EBSCO MEGAFILE (Education Full Text (H.W. Wilson), Education Index Retrospective: 1929-1983 (H.W. Wilson), ERIC), Google Scholar, ISI Web of Knowledge, Franklin – Penn Library Catalog, Amazon; and JSTOR.

37. For concise comprehensive SPP reviews see Richardson & Judge, 2013, Advancement Project 2010, 2005 and Crogen & Hewitt, 2010, among others.

Across SPP research, these alarming statistics are shown to correlate and used to demonstrate that disproportionate punishments in schools for minoritized populations result in disproportionate incarceration for these very populations (e.g., Advancement Project, 2005, 2010; Bahena et al., 2012; Cregor & Hewitt, 2011; Kim, Wald, Losen, 2010; Losen & Hewitt, 2010; NAACP Legal Defense Fund, 2005; Wald & Losen, 2003; Welch & Payne, 2011).

Factors Contributing to the SPP

Disproportionate and Discriminatory Punitive School Policies

Central SPP studies demonstrate that discriminatory and disproportionate punitive school policies overwhelmingly criminalize minoritized youth in U.S. public schools. A representative SPP study is Skiba et al. (2011) research where, using disciplinary data collected from four hundred elementary schools in the United States, the authors showed that African American and Latin@ students were punished in schools at much higher rates than their White counterparts. Specifically, the study revealed that, while Latin@ and African American students tended to be suspended for what Skiba et al. called “subjective” reasons, such as “disrespect,” White students were punished for “objective” reasons, such as “smoking” (Croger & Hewitt, 2011, p. 5). In an earlier (2000) paper, Skiba concluded that none of the SPP studies “provide any evidence that racial discrepancies in school punishment can be accounted for by disproportionate rates of misbehavior” (as cited in Richardson & Judge, 2013). This is an important claim consistent across SPP literature, and one further strengthened in a study by Welch and Payne (2011), which concluded that school exclusionary discipline policies were harsher in schools where African American students made up the majority of the student body. The authors claim that the “race threat hypothesis” is correct: the racial composition of a school directly shapes which kind of disciplinary policies are enacted there, so that schools with a minority-majority population enact more “zero tolerance” disciplinary policies in response to a perceived “race threat” irrespective of actual student behavior.

A Criminal Justice System that Reflects Jim Crow Legacies

The “race threat hypothesis” that Welch and Payne (2011) prove in their central SPP study aligns with Michelle Alexander’s (2010) argument that the racial caste in the U.S. did not end but remains alive today in a redesigned manner. This, she explains, means the racism that sustained Jim Crow laws in the U.S prior to the Civil Rights movement today shape a criminal justice system that disproportionately incarcerates African American women and men, criminalizing their behavior in a manner wholly inconsistent with how the White population’s behavior is policed and punished.

As can be seen by the conclusions of the studies above, SPP research is grounded on the correlation between high rates of school punishment of African American students and high incarceration rates of these very youth. Thus, the clarity of “the problem” as visualized through the “school-to-prison pipeline” metaphor provides a concrete site of research and advocacy (i.e., disciplinary policies in schools as they connect to the criminal justice system) and heightens the urgency of disrupting this link. This solid framework has a great merit; it has been very useful in evidencing injustice and mobilizing educators, families and advocacy groups towards de-criminalizing minoritized youth and communities.

Approaches to Disrupting the SPP

While many SPP studies do indicate that the factors constructing the pipeline – Jim Crow legacies, “zero tolerance” policies and high stakes testing³⁸, for example – do not all (or completely) originate within schools

38. Dominant SPP research has not, as a whole, identified high stakes testing as a central factor in the SPP. However, a recent report (2010) by the Advancement Project (*Test, Punish, and Push Out: How “Zero Tolerance” and High-Stakes Testing Funnel Youth into the School-to-Prison Pipeline*) centers this issue as a school-based non-punitive policy that criminalizes minoritized students. Because I could not find other studies that followed up this report and due to time and scope limitations, I did not include a dedicated section in this part of the paper on high-stakes testing. However, a review of studies that center high-stakes testing policies and practices in the conceptualization of the SPP would greatly contribute to the process of reframing the SPP.

(e.g., Advancement Project, 2010; Alexander, 2010), as a whole SPP studies largely support a faulty assumption: that the relationship between point A in the pipeline, “the school”, and point B in the pipeline, “the prison”, is unidirectional (school leading to prison). For example, recent SPP publications, such as Kim, Losen and Hewitt’s (2010) *Disrupting the School-to-Prison Pipeline: Structuring Legal Reform* and Bahena et al.’s (2012) *Disrupting the School-to-Prison Pipeline*, primarily focus on researching and fixing school policies and therefore disrupting the pipeline where the metaphor suggests it begins. These scholars and practitioners propose, for example, curbing zero tolerance policies and implementing “restorative justice” or “positive behavior support” practices within schools in order to weaken the relationship between schools and prisons (Bahena et al, 2012; Kim, Losen, Hewitt, 2010), in a process that begins at the school.

Though solutions like these have proven to be successful programs for decreasing punitive incidents and punishment in schools (e.g., Mirsky, 2003), minoritized youth criminalization continues to take place in schools via criminalizing policies and practices that are not necessarily disciplinary in nature and/or born solely within schools. Thus, conceptualizing schools as “point A” and as the central target for action limits the SPP discussion and advocacy to particular policies within specific sites and hinders larger possibilities for sustained change.

The Need to Rethink the “Pipeline” Metaphor

As an educator and researcher, one of my concerns with this “pipeline”-driven school-centered research and advocacy approach lies in how it impacts education policy. Overwhelmingly, schools and educators are seen as the “point A” of larger societal inequities, such as issues of access to higher education, health or economic disparities, and other social inequities, which have complex, society-wide origins. Therefore, citing public schools as “point A” in the pipeline can be used by public school critics to raise support for the privatization of education (i.e. increase creation of charter schools), as well as for mandating militarization and high standardized testing regimes. All of these “solutions” get implemented for the sake of addressing the supposed “point A” of numerous societal ailments. A second crucial concern – one which gets my focus on the experiences of Latin@ children and families – is that in embracing a point A → point B approach, the research and policy discourse ignores the web of systems which support and contribute to the relationship between schools and incarceration. Even systems widely recognized as broken and as contributing to educational equality, such as U.S immigration policy, are neither objects of study nor targets for reform within SPP research.

SPP Factors as Interconnected

Noting this very issues, Richardson and Judge (2013) thoughtfully caution SPP scholars and practitioners to consider the “causal connections”, the “magnitude and directions,” as well as the “theoretical and methodological consequences” (p. 1) of framing this criminalization phenomenon using the “pipeline” metaphor. At the heart of their complex argument is the following multi-tiered claim: The common trend in the SPP literature of contrasting student behaviors and positioning “racial disparities as the predictable outcome” (p.4) of such behaviors risks conceiving of these factors as individually independent when, in actuality, all behaviors and events “are embedded, or indebted, to others, and are so across different times and locations” (p.4) while also not always, necessarily or purposefully intending to work together. Thus, in SPP studies, while the interconnectedness of factors (students’ race, school policies, gender, etc.) are acknowledged in the literature as causing the SPP, their intersectionality (Crenshaw, 1991) and multiplicity (Hames-Garcia, 2011) tends to be “blurred or only verbally acknowledged” (Richardson & Judge, 2013, p. 4) and single factors with “significant” statistical relationships are the only ones studied. Thus, Richardson & Judge’s assertively propose that, instead, SPP factors get understood and studied as interdependent ones that behave in relation to each other. This would imply viewing the currently recognized SPP outcome – incarceration – as an outcome of these intersecting relationships and the “pipeline” as an interconnected system.

Richardson’s and Judge’s (2013) argument stands out in the larger SPP literature as confronting the prevailing assumption that the relationship between schools and incarceration is unidirectional, deterministic and experienced by Latin@s and other minoritized groups in ways similar to that of African American students.

I here take up their critique and build upon it by suggesting that Hames-Garcia's (2011) and Crenshaw's (1991) intersectional and multiplicity frameworks be utilized in researching the roles of additional institutions, systems and student/community populations not yet considered in the dominant "pipeline"-anchored SPP research.

The Need to Understand the SPP Beyond White-Black Experiences

As mentioned earlier, mainstream SPP research has historically focused on the school-based criminalization experiences of African American males in relation to those of White males (Portillos, Gonzalez, & Peguero, 2012). There are, however, a small number of scholars who have begun to expand SPP research in ways that reflect the need to consider other SPP factors outside of punitive school policies, a discriminatory criminal justice system and the experiences of African American males. For example, Morris (2012), who is interested in the SPP experience of Black girls, calls for SPP researchers to go beyond studying the SPP in the context of African American males and apply "rigorous intersectional [Crenshaw, 1991] and comparative analysis" (p.3) that questions the epistemological assumptions of dominant SPP research and works to develop "culturally competent, gender-responsive policies" that may more effectively disrupt the pipeline (p.3). Similarly, Meiners (2011, 2006) encourages researchers and practitioners to study the SPP experiences of LGBTQ students, particularly through feminist theoretical frameworks. Similarly, Gebhard (2013) points out the absence of the study of "aboriginal youth's" experiences in the SPP literature. Relatedly, Morin (2009), writing about Latin@s and incarceration, highlights that we must pay attention to the role that "myths [that link] criminality to immigration status" (Oboler, 2009, p. 2) play in the experiences of this population.

Finally, Timmons Flores (2013) and Scott and Saucedo (2013) argue that SPP researchers must study the role that deportation, (and its related incarceration), play within the SPP experiences of Latin@s and immigrant communities, in general. Along with other scholars researching families and incarceration (Gadsden & Genty, in press), Timmons Flores (2013) argues that SPP research and advocacy must expand to include the criminalization experiences of parents and families. As a whole, I believe the arguments of these non-mainstream SPP scholars provide a strong rationale for examining the uses and limitations of the current "pipeline" metaphor, and further expanding the SPP focus beyond experiences of African American male students, so that school-based criminalization may be more complexly understood and most effectively addressed.

SPP Research on Latin@ Youth

In this section, I review the nascent SPP research on the experiences of Latin@ youth. The concept of "criminalization" is one consistently present across this non-mainstream SPP research branch. Thus, in this section I position this term as central to demonstrating how the SPP literature on Latin@ experiences – albeit not quite questioning the direction, causality and advocacy implications of the "pipeline" metaphor – portrays school-based criminalization as an interconnected system (Richardson & Judge, 2013) or web of policies and practices that together criminalize Latin@ youth and families. Thus, the research described below does not fully anchor itself on a "pipeline" metaphor. Further, it contains studies which have made a concerted effort to portray Latin@s and Latin@ immigrants as a heterogeneous groups whose criminalization experiences must be studied through theoretical frameworks that account for this characteristic, such as Critical Race Theory's "LatCrit" (Portillos, Gonzales, & Peguero, 2012). In terms of organization, I begin this section by describing how two central studies conceptualize "criminalization" in ways that resemble a web metaphor.

From there, I briefly discuss the key roles that schools, immigration and families play in the criminalization web that this literature identifies³⁹.

Conceptualizing "Criminalization"

39. Due to time and space limitations, this section does not include all SPP studies that address the criminalization experiences of Latin@ youth. Instead, I focus on a small number of representative studies that portray larger trends in the literature as they relate to a) identifying specific points in a web of criminalization, and b) to applying non-mainstream theoretical frameworks, such as LatCrit, as analytical tools. Further, the particular points in the web on which I focus (schools, immigration and families) are a few from a larger number of the factors and actors (not all reviewed here) that are criminalization players.

Based on his ethnographic study on the criminalization of Black and Latino boys in California, sociologist and ethnic studies scholar, Victor Rios, defines “criminalization” as “the [systematic] process by which styles and behaviors are rendered deviant and are treated with shame, exclusion, punishment, and incarceration” by a “youth control complex” – i.e. “schools, police, probation officers, families, community centers, the media, businesses, and other institutions” (Rios, 2011, p. XIV). This framework speaks to Richardson’s and Judge’s (2013) proposal to reconceptualize SPP as a system of interconnected factors, Rios (2011) theorizes school-based discrimination in a way that usefully avoids the unidirectional and essentializing implications of a “pipeline” metaphor. His proposal of a “complex” allows one to see the interconnectedness of various criminalizing institutions (Richardson & Judge, 2013) and factors, along with their “intersectionality” (Crenshaw, 1991) and “multiplicity” (Hames-Garcia, 2011). Furthermore, by suggesting a “complex”, Rios shifts the origin (point A in the SPP concept) of criminalization away from schools and towards a system. As a result, we are forced to notice that there are interactions between institutions and actors, which together position students as criminals. Further, in a “complex” metaphor, imprisonment (point B in the “pipeline” metaphor) is one, out of various, possible outcomes.

Similarly to Rios’ (2011) “complex,” in their study on how “Chicanas/os and school officials perceive and experience ... [punitive] techniques as part of a broader process of criminalization” (p. 172), Portillos, Gonzalez and Peguero (2012), do not take up a “pipeline” metaphor. Instead, they build upon Engel and Silver’s (2001) definition of criminalization as “unfair punishment in a specific setting” (p. 173) and further conceptualize this phenomenon as “a broad process where multiple criminal justice policies and agencies are used to disproportionately process Latina/o youth through the criminal justice system” (p. 173, emphasis mine). Though their definition does not provide a clear web-like visual, such as a “complex” (Rios, 2011) or system (Richardson & Judge, 2013), the description of a “broad process” with “multiple” actors, stands in sharp contrast to a “school-to-prison pipeline” metaphor, which clearly identifies two specific actors in the narrow criminalization process that this pipeline creates. Further, “broadness and multiplicity of actors” connotes that criminalization takes place across more sites than just “the school”, that there is an interaction between multiple “policies and agencies” and that there are more outcomes than becoming part of the criminal justice system. As these two representative studies show, the “pipeline” metaphor has been far less utilized and centered in research pertaining to the criminalization experiences of Latin@s in schools.

The Role of Schools in Criminalization Web

As I mentioned in the introduction to this section, SPP studies that focus on Latin@s’ experiences of school-based criminalization identify specific actors in the criminalization system, “complex” or “broad process” in schools. In this subsection, I present three arguments⁴⁰ on the role that schools play in the criminalization system that SPP researchers on Latin@s’ experiences put forth, and which portray the school as one of many players in the criminalization process. It is imperative to note that each of these arguments about the criminalization roles of schools are equally about the role of the Jim Crow legacies of the U.S. criminal justice system and about the Eurocentric ideologies in U.S. society as they are about their manifestations within schools.

Criminalization in schools leads to multiple outcomes. A key finding that Rios (2011) discusses in his study, one which speaks specifically about the “outcome” of the criminalization “complex” of Black and Brown bodies in schools – is that criminalization can also lead youth to develop a critical consciousness which allows them to see the dynamics of this criminalization complex and denounce the oppression they endure. Students might still end up dropping out, as Fine (1991) argues in *Framing Dropouts: Notes on the politics of an urban public school*. Yet, as she points out, and as Rios likely believes, their leaving school is often a choice made as a result of developing this critical consciousness and recognizing the institutional racism that criminalizes them within and beyond school. What Rios and Fine propose here are important points to consider; they allow us to

40. These are not the only three arguments that this literature presents on the role of schools in the criminalization experiences of Latin@ youth. However, due to space and time limitations, I present these three as representative of larger trends. There likely are other studies, which highlight additional contributions by schools to the criminalization of this community.

conceive of student agency and to also recognize that critical consciousness development – as a result of school disciplinary policies shaped by a racist criminal justice system – does not always guarantee, or imply, a different outcome than incarceration. It does, however, imply different dynamics and causations to incarceration within the criminalization web of policies and practices that shape school environments.

Similarly to how Rios' introduces agency and critical consciousness as a possible outcome of schools' punitive policies, Portillos, Gonzales and Peguero (2012), use their findings to argue that criminalization is “one possible outcome of school security measures” (p. 172) and not the sole one, since in some instances their study's Chicano/a students did find that punitive school policies “provide[d] [Chicano/a students with] a sense of security” (p.172). Thus, though their overall findings do support the claim that punitive school policies turn schools into “racialized spaces” – which the authors define as criminalizing places (resulting from discriminatory school security measures and Eurocentric ideologies) that disproportionately punish and devalue the language and culture of racial and ethnic minorities – the authors also emphasize that these spaces are not experienced by all students as criminalizing. Portillos, Gonzales and Peguero (2012) present a complex argument which I believe results from their choice to move beyond the “pipeline” metaphor, as well as to center Critical Race Theory's Lat Crit⁴¹ as a central analytical framework. Their claims, along with Rios' (2011), provide a more complicated understanding of the role that schools play in the process of criminalization of Latin@s while still proving that inequity and injustice are prevalent in schools and have serious racialized consequences.

Schools reflect societal discriminatory practices. Grounding themselves in a LatCrit analysis framework, Portillos, Gonzales and Peguero (2012) explain that the school-based criminalization of Latin@ students takes place through the Eurocentric socialization that students experience in U.S. public schools, so that they are taught to accept their inferiority as students belonging to a culture with social practices, behaviors, knowledge, experiences, languages and cultures that do not match those privileged in schools (Solorzano & Delgado Bernal, 2001). Thus, central cultural practices such as speaking Spanish or hanging out in large groups with friends, for example, are deemed punishable in schools via “zero tolerance” policies and/or via the social and pedagogical practices of educators and administrators. As mentioned before, though these oppressive practices are reproduced within schools (Bourdieu, 1973) and thus shape the role that schools have in the process of criminalization, they do not solely originate in schools.

Therefore, though Portillos, Gonzales and Peguero (2012) describe these criminalization features as delivered within schools, they are careful to bring it a LatCrit framework to explain that the origin of criminalization are the Eurocentric and nativist ideologies that enter the schools and get reproduced there (Bourdieu, 1973). I would say that these ideologies result from the mutual constitution (Hames-Garcia, 2011) and intersection (Crenshaw, 1991) of various systems of oppression and that, together, they reshape each other and inform educational norms and expectations.

The Experiences of Families in the Criminalization Web

The relationships between the criminalization of students and the criminalization of their parents. An under-researched aspect of SPP in relation to Latin@s experiences is that which considers the role that the school-based criminalization of students has on their families. In his 2011 ethnography, Rios briefly discusses the concept of “courtesy stigma” (p.83), which he borrows from Goffman (1967), to describe the “countless descriptions [by school police officers and administrators] of parents as “deviants” by virtue of being related to the stigmatized, i.e. criminalized, youth (Rios, 2011, p.87). Unfortunately, beyond Rios' brief exploration, there is a crucial dearth of SPP literature that looks into this part of the criminalization web.

When considering how the criminalization of Latin@ parents affects their children, Campano et al. (2013)

41. Critical Race Theory (CRT) seeks to theorize race and racism as it intersects (Crenshaw, 1991) politically, structurally and representationally with other forms of oppression (sexism, classism, etc.), as well as to challenge mainstream ideologies and dominant Eurocentric epistemologies such as fairness, colorblindness, objectivity, truth and meritocracy (Sleeter & Delgado Bernal, 2004). One of the branches of CRT is LatCrit Theory, which layers CRT's intersectionality framing further by analyzing the heterogeneous positionalities, identities and racialized experiences of Latin@s in relation to language, culture, accent, gender, immigration status, migration, ethnicity and religion/spirituality, for example. Thus, when applied to analyzing the SPP as it relates to Latin@ families and children, LatCrit powerfully enriches the current analysis on the causes and consequences of school-based criminalization by bringing in these complex intersectionality layers and yielding a more nuanced understanding of it.

and Jimenez-Castellanos and Gonzales (2012) contribute important arguments. Campano et al. (2013) highlight the ways in which truancy policies in schools are disconnected from the realities of immigrant families, so that the bureaucratic and punishing truancy policies ignore the language, literacy, cultural and documentation practices that non-mainstream, non-white families engage in on a daily basis. In doing so, truancy policies position parents as criminals by making assumptions about their behaviors, intentions and abilities that are not culturally nor linguistically knowledgeable, and which assume ease of interaction with mainstream language and literacy practices, as well as with bureaucracy, schools, criminal justice and immigration systems, that is not present.

Thus, I believe this argument demonstrates that parents and students experience criminalization in interconnected, interdependent ways, so that the criminalization of one affects and defines the criminalization of the other. Hence, challenging this harsh treatment also requires intergenerational coalitional work. In their paper, Campano et al. (2013) emphasize the coalitional work that minoritized parents do engage in to help each other, and each other's children, move through the criminalization they face in schools, and in society as a whole. Regrettably, there is a lack of similar further research, contextualized in the SPP, which takes up this kind of resource-approach to how families and their children work experience criminalization and work, in coalition with each other, to challenge the criminalization they face in and beyond schools.

The School-based criminalization of families and students is defined by nativist ideologies that originate outside of this site. Timmons Flores (2013) and Scott and Saucedo (2013) also view the criminalization experiences of students as related to their parents', as well as fully influenced by nativist immigration ideology. For example, these authors argue that the myths of "immigrants as criminals"⁴² (Portillos, Gonzales, & Peguero, 2012; Scott, Saucedo, 2013) and prevailing stigmas such as "all Latin@s are undocumented" (Timmons Flores, 2013) have "made their way into schools and consequently exarcerbat[ed] the marginalization of an already vulnerable youth population: the children of immigrants" (Peguero, 2013).

Similarly to how Campano et al. (2013), Timmons Flores (2013) and (Peguero, 2013) argue that the criminalization experiences of students are tied to that of their parents and vice-versa, as well as to nativist ideologies, Jimenez-Castellanos and Gonzales (2012) have explored the effect that micro-aggressions on undocumented Latino fathers have on their levels of parental engagement (which connect to how their children are criminalized in schools). These authors' argument is simple: parents encounter severe micro-aggressions – related, among others, to their race, gender and immigrant status – which exclude them from the school community and which result in parents' signaling to the school that they do not value their children's education. One example of this process is Latin@ students' missing class because their parents fear immigration raids at schools, which is a fear that results from micro-aggressions targeting the parents' and families' immigrant status.

Like Campano et al. (2013), Jimenez-Castellanos and Gonzalez (2012) bring the concept of "funds of knowledge" (Gonzalez, Moll & Amanti, 2005) to frame the parents' resilience in the face of this criminalization through a resource-orientation lens. This is an analytical choice that I believe should be taken up in further SPP studies, in order to ensure that the criminalization experiences of Latin@s are not understood in simplistic, deterministic or deficit-oriented ways. Similarly, both of these articles seek to understand the criminalization effects of parents in relation to their children and vice versa, as well as to document the role that Eurocentric policies and ideologies in our society at large play within and beyond criminalization processes in and beyond schools, which I believe must also play a larger role in the SPP literature to come.

Finally, the immigration-based framing present across the literature I discussed in this section demonstrates that immigration policies and nativist ideologies, as they intersect with the criminal justice system⁴³

42. Relatedly, in a study focused on the role that generational immigration status and gender play on Latin@ students' criminalization in schools, Peguero and Shekarkhar (2011) found that second and third generation students are punished the most in schools and that Latinas have higher drop out rates than Latinos, a phenomenon which urgently requires further study. I have not included a longer review of this study within this section on immigrant families due to space and time limitations. Nonetheless, I want to emphasize that this study challenges the "all immigrants are criminals" myth since it argues that second and third generation youth have higher rates of misbehavior (though their rates of punishment are still discriminatory and disproportionate in relation to their actual rates of misbehavior), so recent immigrants do not misbehave at higher rates than U.S born students.

43. Legal studies scholar Juliet Stumpf (2006) has been researching the collaboration between the criminal justice and immigration systems and calling this scholarship's subject "criminalization." Her research helps one see how the education, criminal justice and immigration systems conspire to create a "school to deportation pipeline" (Timmons Flores, 2013), which identifies deportation (and its related incarceration) as a possible outcome of immigrant Latin@ youth and families criminalization in schools.

and education systems, are additional actors – not currently acknowledged in the dominant SPP research – in an interconnected, mutually constituting, system of practices and policies working together to construct and sustain the criminalization of Latin@s in schools.

Conclusion

In this paper, I have sought to review the SPP research, particularly the nascent SPP research that focuses on the criminalization experiences of Latin@ youth and families, in order to argue for the need to re-conceptualize the current “pipeline” metaphor that anchors dominant SPP studies. I have also sought to reframe SPP studies through intersectionality (Crenshaw, 1991) and mutual constitution frameworks (Hames-Garcia, 2012). My argument’s intention is that we may then view the multiple policies and social practices that together criminalize Latin@ students and their families as an *interconnected, mutually constituted and together forming an interdependent system or web* with factors and actors beyond the currently recognized education and criminal justice systems.

My hope is that this expansion and shift in how the criminalization of minoritized students is conceptualized would allow scholars and practitioners to gain a more nuanced, culturally responsive, and comparative understanding of the criminalization process as it manifests within and beyond schools and across communities. And, as a result, that advocacy and research efforts to disrupt the SPP would also target institutional policies and social practices that work together to powerfully impact school-based criminalization of minoritized students and yet remain largely ignored in the SPP literature.

As I sought to demonstrate in this paper, this re-conceptualization of school-based criminalization as a web more accurately illustrates Latin@s’ experiences of criminalization than the dominant “pipeline” metaphor does. Current SPP research on Latin@s shows that some of these currently overlooked actors include nativist immigration policies and related ideologies that sustain criminalizing myths about Latin@s, as well as discriminatory Eurocentric pedagogical and social, linguistic and literacy practices within schools that encourage minoritized students to commit symbolic violence (Bourdieu, 1973) on themselves (self-criminalize while believing it makes sense to do so). Indeed, the SPP criminalization of Latin@s we see is a result of injustices within the criminal justice and education systems but we must not limit our research and advocacy to these sites.

Finally, I also hope that this paper encourages researchers and practitioners to apply intersectional analysis frameworks, such as Critical Race Theory, concerned with understanding oppression in intersectional, non-essentializing and deterministic ways. As scholars whose work I reviewed here already urged us to do, we must pay careful attention to how all minoritized communities (families and children, male, female, transgender and gender non-conforming) experience criminalization within and beyond schools. Comparative and intersectional SPP research would benefit all criminalized and mainstream communities equally.

Researchers and practitioners committed to truly effective, culturally responsive and sustainable equity in schools must build on the incredibly useful groundwork of mainstream SPP scholars who constructed the pipeline metaphor and now reframe how we understand and attempt to disrupt criminalization in, and beyond, schools, in a way that most complexly and accurately illustrates what is going on in our communities. I hope this paper, which reflects a beginning and imperfect thinking-through SPP research on Latin@s, is a useful step for others in this process.

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