

## Beyond School-to-Prison Pipeline and Toward an Educational and Penal Realism

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Much scholarly attention has been paid to the school-to-prison pipeline and the sanitized discourse of “death by education,” called the achievement gap. Additionally, there exists a longstanding discourse surrounding the alleged crisis of educational failure. This article offers no solutions to the crisis and suggests instead that the system is functioning as it was intended—to disenfranchise many (predominately people of color) for the benefit of some (mostly white), based on economic principals of the free market. We begin by tracing the economic interests of prisons and the prison industrial complex, juxtaposing considerations of what we call the “educational reform industrial complex.” With a baseline in the economic interests of school failure and prison proliferation, we draw on the critical race theory concept of *racial realism*, to work toward a theory of educational and penal realism. Specifically, we outline seven working tenets of educational and penal realism that provide promise in redirecting the discourse about schools and prisons empowering those interested in critically engaging issues of racism that permeate U.S. orientations to education and justice.

This is not a fun article. It is not fun to write, nor do we suspect readers will find it enjoyable to read. In fact, none of the articles in this special edition of *Equity & Excellence in Education* are likely fun to read, nor is the topic of the so-called school-to-prison pipeline or what we call “death by education” particularly pleasant to discuss. Much attention has been paid to the school-to-prison pipeline (Archer, 2009; Christle, Jolivet, & Nelson, 2005; Cole & Heilig, 2011; Cooc, Currie-Rubin, & Kuttner, 2012; Darenbourg, Perez, & Blake, 2010; Feerman, Levick, & Mody, 2009; Fowler, 2011; Kim, Losen, & Hewitt, 2011; Skiba et al., 2003; Tuzzolo & Hewitt, 2006; Smith, 2009; Wald & Losen, 2003; Winn, 2011; Winn & Behizadeh, 2011), the sanitized discourse of death by education called the achievement gap (Abdul-Adil & Farmer, 2006; Burris & Welner, 2005; Darling-Hammond, 2010; Fasching-Varner & Mitchell, 2013a; Ford, 2010; Gillborn, 2008; Gregory, Skiba, & Noguera, 2010; Gutiérrez, 2008; Irizarry, 2011a, 2011b; Irvine, 1990; Ladson-Billings, 2006; Lee, 2002; Lipman, 2011; Milner, 2010; Noguera, 2001; Noguera & Wing, 2006), and there exists a longstanding discourse surrounding the alleged crisis of educational failure (Apple, 1992; Berliner & Biddle, 1995; Glasser, 1997; Lipman, 2011; McDermott, 1974; Orivel,

1986; Ravitch, 1987; Taubman, 2007; Trueba, 1988; Varenne & McDermott, 1998). This article offers no solutions to the crisis; in fact, our fundamental premise is that there is no crisis because each institution—the educational system and the criminal justice system—is functioning per their design and the demands of the society. Racial and ethnic disparities, therefore, can best be understood not as dysfunctions of these important and foundational social institutions but rather as expected outcomes.

Current and historic educational reforms have treated racial and ethnic disparities as dysfunctions and have not, (un)surprisingly, resulted in variation of incarceration rates for black and Latino populations compared to their white peers or equally disproportionate outcomes in achievement between white and non-white student populations. If there is no “crisis,” then how do we conceptualize what is happening in society as it relates to the linkages between education and the criminal justice system? And how do we account for the enduring racial divide in the American educational and justice systems as well as in the broader society? In the words of political pundit and native son of the nation’s leader in the percentage of residents it locks up, Louisiana’s James Carville, we suggest “It’s the economy, stupid.” There is big business and economic gains through the inflation of the prison-industrial (Kirkham, 2012) and educational reform-industrial (Fasching-Varner & Mitchell, 2013a) complexes. Those economic imperatives, centered in a materialist thirst produced by the desert of the free market, we suggest, are largely subterfuge, associated with decades of reform that, to date, have rendered no significant gains in education for populations of color. In a classic illustration of neoliberalism, the political economy of the market fuels mounting incursions by the private sector into both schools and prisons, as well as in the most intimate facets of our lives, providing ever-expanding markets for new revenue. Simply stated, without school failure there is no opportunity for an educational reform-industrial complex, and without people to punish, similarly, there is no need for the prison-industrial complex. Juxtaposed with the collection articles in this special edition of *Equity & Excellence in Education*, both school reform and the prison industry are currently multi-billion-dollar industries (Gaes, Camp, Nelson, & Saylor, 2004).

This piece, then, represents our attempt at diving into the rabbit hole(s) of contradictions associated with life and death in our United “Carceral” States of America (Meiners, 2010). Bill Ayers has often suggested that engaging contradictions is the best hope to reframe the conversation. By working against privileged interests we “dive into the contradictions head-first” and we hope “to engage that thorny and contested space” where realism and honesty might help us to chart the next steps (Ayers, 2014). We suggest recognizing that the policies by which we educate and police/punish are not only inextricably linked but that their joined-at-the-hip relationship is part of an economic imperative of free-market capitalism. Engaging in this said realism affords a glimpse into the work of freeing ourselves from the illusion that change is likely to occur without stopping our efforts to change it—the contradiction of realism. Once free of the intentionally nebulous illusion of change, we can begin working within the contradictions, not to back away from action but instead to draw our work together in a collective and organized way to honestly speak the reality while fighting that devil 24/7 (Stovall, 2013). What this special edition hopes to do, in reality, is to let readers wrestle with contradictions to inform their work moving forward.

A discourse about the relationship between race, failure, and poverty has swirled around the U.S. educational system since the onset of compulsory schooling (Anderson, 1988; Mitchell, 2010). For example, in our work as educators we have joined the collective voice of critical

scholars who have documented the way that the patrician class primarily responsible for establishing the U.S. public school system never intended for poor/working-class children to receive the same quality of education or access to wealth as the ruling class (Cleaver, 2005; Fordham, 1996; Siddle-Walker, 2001; Watkins, 2001). Despite pervasive meritocratic narratives heralding the importance of greater discipline and personal responsibility for children of color as referenced by *Forbes* magazine contributor Gene Marks' now-infamous 2011 open letter "If I were a Poor Black Kid," for the most part, the idea of education providing a silver bullet for systemic social ills and economic stratification has simply not been realized (Samuels, 2004). Similar conversations take place concerning prisons, suggesting "the rhetoric of color-blind racism" curiously intertwined with personal responsibility "would have us believe that this situation is the unfortunate result of disproportionate black and Latino participation in crime" (Brewer & Heitzeg, 2008, p. 629). It is, consequently important to note that "the role of criminal justice in policing, prosecuting, imprisoning, and executing people of color has deep historical roots" that are well documented (Brewer & Heitzeg, 2008, p. 630).

In both the case of education and prisons, the idea of crisis is pivotal in moving the arguments along from all points within the sociopolitical spectrum from far right to far left. We fundamentally reject the discourse of crisis. We suggest, following earlier arguments in our own work, that the systems in place that organize both prisons and schools are far from a broken complex—they are well-oiled machines furthering the economic imperatives of the free market. Further, we believe that by bolstering the economy, they continue to benefit those with significant wealth and access and that school failure and expanding prisons themselves represent remarkably stable and predictable market opportunities, no doubt oppressive to working-class communities of color caught in the collective grindhouse, but the perfect environment to incubate the growth of the market (Fasching-Varner & Mitchell, 2013a, 2013b).

At professional conferences we attend, it is alarming to see the lines outside the convention center to get the morning coffee from national chains while we attend session after session centered on the seemingly mysterious complexity of engaging populations of color, fighting standardized testing, and dealing with teacher accountability. We see colleagues from around the world, milling over these problems, ironically in environments such as conference centers and hotel ballrooms that depend on cheap labor. We watch as colleagues gathered in major cities across the country practically trip over the homeless, the poor, or populations of color to have these conversations. To be clear, we as editors have struggles with these real problems ourselves, both the educational inequities and our participation as actors within, and beneficiaries of, the free market. But we have to engage the contradiction that our obsession with all things consumer-driven, particularly service-based, contributes to the need to have segregated populations for whom the educational system intentionally must fail. Our ability as a society to obtain cheap goods and services is premised economically on employees not making living wages, outsourcing manufacturing work to countries outside of the United States willing to pay even lesser wages, and segregating the population through primary, secondary, and tertiary schooling (Shajahan, 2013). In essence, we play a real-life version of the Milton Bradley game of *Life*, whose consequences represent very real access and segregation based on the economic system's need to sort to maintain its equilibrium.

We begin in this piece by overviewing the complexities of the mass incarceration of populations of color, particularly black and Latino populations, along with the economic considerations in place. From that departure point we extend the concept of racial realism brought to us from Critical

Race Theory (CRT) to advance a new concept we call *educational and penal realism*. This form of realism takes what we present about prisons here, along with what has been widely discussed in terms of educational inequity, to highlight some key tenets that might help turn the field away from idealism or a false hope for change. Away from false idealism we might more practically and pragmatically work within the contradictions of our schooling and penal complexes.

## PEOPLE OF COLOR AND THE U.S. PRISON POPULATION

Over 2 million individuals are incarcerated in the U.S. (Sentencing Project, 2012). Between 1925 and 1972, the prison population increased by more than 200%; since that time, the number of prisoners grew over 700%. By 2008, the total number of people incarcerated in the U.S. reached a record high. One in 100 adults in the U.S. were incarcerated in 2010 (Pew Center, 2010). The U.S. incarceration rate is the highest in world (Sentencing Project, 2012).

Upon further examination of the prison population, we find that most prisoners are male. In fact, over 93% of incarcerated people are male. Although Blacks comprise about 13% of the U.S. population, nearly 40% of people in state or federal prisons were black in 2012. “Black males have a 32% chance of serving time in prison at some point in their lives; Hispanic males have a 17% chance; white males have a 6% chance” (Sentencing Project, 2012). According to the Sentencing Project, the rate of incarceration for black women was 2.5 times higher than the rate for white women. The incarceration rate for white males was 681 per 100,000; 89,200 per 100,000 for black males; and 39,200 per 100,000 Latino males (Austin et al., 2007).

Scholars have identified a number of causes contributing to the mass incarceration of individuals in the U.S, including the mass incarceration of people of color. During the early 1970s, “change was fueled by stiffer sentencing and release laws and decisions by court and parole boards, which sent more offenders to prison and kept them there for longer terms” (Pew Center on the States, 2010). The prison population grew “not because of growing crime rates, but because of changes in sentencing policy that resulted in dramatic increases in the proportion of felony convictions resulting in prison sentences and in the length-of-stay in prison that those sentences required” (Austin et al, 2007, p. 1). Steiker (2012) came to the sobering conclusion that, “the incarceration rate for black Americans relative to white Americans is higher than it was before the Civil Rights Movement” (Steiker, 2012, p. 1). Some 20% of black males between the ages of 25 and 44 experienced imprisonment at some point in their lives (Austin et al., 2007). The incarceration rate of black males is, as Austin et al. (2007) described it, “a national tragedy.”

### Effects of Mass Incarceration on the Black Population

Mass incarceration impacts society in many ways, and at many levels (Thomas, 2013). It impacts the individual behind bars and their families and communities (Geller, 2013). The growth in the black male prison population exacerbates a host of persistent social problems in the black community.

The mass incarceration of black males impacts families, particularly children. More than half of prisoners in state and federal prisons are parents with minor children (Sentencing Project, 2012). Over the past few decades, the number of fathers and mothers in prisons increased. Between 1991

and 2007 the number of imprisoned fathers increased by 76%, while the number of mothers in prison increased by more than 120%. “Black children are 7.5 times more likely and Hispanic children are 2.6 times more likely than are white children to have a parent in prison” (Sentencing Project, 2012). Most of these parents were physically present in the lives of their children prior to their incarceration. Once incarcerated, parents were often in prisons located more than 100 miles from their most recent address.

The Sentencing Project reported that ex-offenders faced a number of challenges providing for their children. Parental rights may be terminated when a child is in foster care for 15 of the past 22 months, in accordance with the Adoption and Safe Families Act of 1997. Under the Welfare Reform Act of 1996, people convicted of felony drug crimes can no longer receive Temporary Assistance for Needed Families. A history of incarceration also limits housing options. Public housing authorities can deny access to public housing to individuals convicted of a drug-related crime or a violent crime based on the Violent Crime Control and Law Enforcement Act of 1994. Mass incarceration “may be undermining. . .institutions of social control such as families and communities” (Lynch & Sabol, 2004, p. 268). When limited in such a way, one’s potential for future access to the benefits of the free market are extremely limited, essentially eliminating any competitive threat, real or perceived, these folks might make to those with wealth and access.

Lynch and Sabol (2004) conducted a study investigating whether or not increases in incarceration affect the ability of residential neighborhoods to serve as an agent of social control. Clustering of incarceration was evident in small areas within Cleveland and Baltimore, for example. Racial residential segregation, concentrated poverty, and the targeting of neighborhoods by selected law enforcement agencies are among some of the plausible explanations for the observed clustering of incarceration.

### Mass Incarceration and the Production and Reproduction of Racial Wealth Inequality

The Pew Charitable Trust (2010) examined the impact of mass incarceration on economic mobility, revealing dire consequences for all parties involved. The findings showed serving time reduced wages for men by about 11 percent. “Incarceration depresses the total earnings of white males by 2 percent, of Hispanic males by 6 percent, and of black males by 9 percent” (Pew Charitable Trust, 2010, p. 4). The findings also revealed that “former inmates experience less upward economic mobility than those who are never incarcerated” (Pew Charitable Trust, 2010, p. 4). Moreover, “family income averaged over the years a father is incarcerated is 22% lower than family income was the year before a father is incarcerated. Even in the year after the father is released, family income remains 15% lower than it was the year before incarceration” (Pew Charitable Trust, 2010, p. 4).

Given that parental income and parental educational attainment are strong predictors of children’s socioeconomic status, these findings are cause for alarm (Pew Charitable Trust, 2010). Perhaps even more alarming was the absence of indicators of asset ownership in the Pew Charitable Trust (2010) study, and others.

Income and assets are not one and the same. Researchers have consistently shown that traditional measures of socioeconomic status (e.g., income, education, occupational prestige) do not

paint an adequate picture of the true nature of the overall economic well-being of an individual, household, or community (Martin, 2013). Oliver and Shapiro (1995) reminded us that many are income rich and asset poor. Individuals or households with relatively high levels of income may carry heavy debt loads and possess relatively few assets, leaving them at-risk during harsh economic times.

Despite the overwhelming evidence of the existence of wealth inequality and asset poverty, especially racial wealth inequality and black asset poverty, little, if any, attention is devoted to the impact of mass incarceration on the types and levels of assets owned by ex-offenders, their families, and their communities, which is particularly important as many are locked up and locked out of the wealth accumulation process and because few individuals will die in jail or prison. As Travis (2005) stated, they all come home. Many return home, still in debt to society, relying on the goodwill of already strapped family members and friends (Martin, 2012).

The racial wealth gap and the overrepresentation of Blacks among the asset poor can only get worse as Blacks, especially black males, continue to be incarcerated in such great numbers, and for longer periods, than in any other time in our history. One need only look at recent data on differences in the types and levels of assets owned for Blacks versus Whites.

Data from the U.S. Census Bureau showed differences in the median value of assets for black and white households. In 2011, the overall net assets were \$110,500 for Whites and only \$6,314 for Blacks. Excluding equity in home ownership, the median net worth for white households was \$33,408 in 2011, compared to \$2,124 for black households. Racial differences were observed on other asset holdings, including regular checking accounts, stocks and mutual fund shares, equity in business or profession, rental property, and 401k and thrift savings plans (U.S. Census Bureau, 2013a).

On average, white households had more than three times the amount black households had in regular checking accounts. The median average for white households in 2011 was \$800, compared to \$242 for black households. While Whites reported an average of \$24,000 in stocks and mutual fund shares, Blacks reported only \$4,750. Households led by Whites reported \$10,000 in equity in business or profession, and black households reported one fifth of that amount, or \$2,000. For white households with rental property, the value of said property was \$180,000; the value of rental property for black households was \$150,000. The median value of 401k and thrift savings plans was \$35,000 for white households and less than half of that for black households. The median value of 401k and thrift savings plans was only \$12,000 (U.S. Census Bureau, 2013a).

About one third of white households reported having a regular checking account in 2011, compared to about one quarter of black households. Although almost 25% of white households had stocks and mutual fund shares in 2011, less than 7% of blacks possessed these assets. Similar patterns were observed with respect to business ownership, rental property, and 401k and thrift savings plans. Over 15% of Whites owned a business compared to 6.4% of black households. About 6% of Whites had rental property in 2011, but less than 3% of Blacks had rental property. Almost half of white households possessed a 401k and/or thrift savings plan compared to about 32% of black households (U.S. Census Bureau, 2013b).

“Wealth isn’t just money in the bank, it’s insurance against tough times, tuition to get a better education and a better job, savings to retire on, and a springboard in the middle class. In short, wealth translates into opportunity,” stated McKernan et al. (2013, p. 1). Those who are locked up are locked out of the wealth accumulation process and are faced with very limited opportunities, both for themselves and for their families and communities.

Changes to mandatory sentences for drug offenses are expected to alleviate some of the pain of prison. President Obama recently commuted the sentences of eight individuals sentenced under some of the nation's harshest and most racially discriminatory laws. One of the individuals was a student at Southern University in Baton Rouge, Louisiana. Clarence Aaron

had no previous criminal record. He introduced his cousin and some friends from Mobile to a classmate in Louisiana. They wanted to make a cocaine deal. Aaron was paid \$1500. Arrested in a cocaine conspiracy, he received life without parole. The others, all with long criminal records, were arrested first and testified against Aaron. His cousin got probation. The so-called kingpin received 12 years. Aaron became the poster boy in the fight against mandatory federal drug sentences, conspiracy laws, and a federal justice system that encouraged testifying against others in plea deals. (Albrecht, December 19, 2013)

The war on drugs, which Alexander (2010) claimed started before the actual drug epidemic, is being replaced by strategies allegedly aimed at curbing violent crimes and breaking up gang activities. The seemingly colorblind tactics involve the profiling of Blacks, especially black males in poor communities. The tactics involve racially profiling poor black males as potential perpetrators of violence and poor black neighborhoods as danger zones. Stop-and-frisk in New York and civil gang injunctions in California are two examples. The direct, as well as the collateral, damage caused by these tactics is far reaching. Stop-and-frisk and civil gang injunctions do the work in the colorblind era that discriminatory policies such as redlining did in the Jim Crow era. They mark the black body and black space as hazardous and inferior, therefore unworthy of assimilation.

### The Economic Benefits of a Growing Inmate Population

While understanding the financial impact prison has on those incarcerated, it is equally important, if we are to understand that there is no crisis in place for "the system," to also understand the economic benefits in place creating prisons. That is to say that while the prison culture has negative social and financial impacts on the individuals being "punished," it has great rewards for those in the prison business. Engels (1843), in his famous piece *Outlines of a Critique of Political Economy*, asserted, "The struggle of capital against capital, of labour against labour, of land against land, drives production to a feverpitch at which production turns all natural and rational relations upsidedown" (p. 1). While it appears unnatural and irrational to want to incarcerate individuals, doing so in ways that disproportionately impact populations considered by the dominant factions of society to be without value eliminates that segment of the population from accessing the wealth of the dominant group. Such an approach also creates an industry (infrastructure, employment, and market) in keeping those "undesirables" away from wealth and access. In essence, those in prison do not simply help maintain the balance of wealth and power, they actually serve to create larger differences between the "haves" and the "have nots." Not only do the imprisoned remain poor, but their families (as shown earlier) remain poor, helping those with power and privilege to gain more. As Engels (1843) asserted, "with the fusion of the interests now opposed to each other there disappears the contradiction between excess population here and excess wealth there" (p. 5). Neutralizing and isolating a segment of the population and

creating an industry whose sole purpose is to neutralize and isolate works in tandem to reproduce inequities that allow both wealth and poverty to grow in disproportion.

Chang and Thompkins (2002) asserted, “the dominant classes use imprisonment as a means of political, economic, and social control” (p. 47). One end of that social control is seeking to create economic market balance. That is, the state adjusts incarceration practices to match the economic equilibrium within the society. In times of low unemployment, less imprisonment occurs, but “when unemployment is high, the state imprisons greater numbers to absorb surplus labor and suppress social unrest associated with economic deprivation” (Chang & Thompkins, 2002). Chang and Thompkins (2002) also suggested, “increases in the unemployment rate, poverty, income inequality, racial conflict, and political conservatism contribute to an increase in the incarceration rate, independent of the crime rate” (p. 47).

A major shift in economic trends of modern times traces back to the Reagan administration’s military-like assault on the economy in which the privileged became more privileged and the masses were fed the lie that money would trickle down as a result of protecting and privileging the wealthy—*Reaganomics*. The early 1980s mark a decisive turn, which has only accelerated as time passes, toward leveraging crime, punishment, and incarceration as a neauveaux industry—a mechanism for wealth to replicate and for those not deemed worthy to produce more than they consume. Many benefit from our industrial approach to incarceration, including “construction companies, architects, and the suppliers of high-tech surveillance equipment and other materials [who] earn profits when a new prison is built. . .[creating] the transformation of prisoners into profits” (Sudbury, 2004, p. 12). As Samara (2000) suggested, the 1980s and 1990s saw a widespread and swift expansion of prison construction. The 21st century has seen that expansion of prisons notably shift toward privatization. Private prisons turn profit by lowering labor costs, which Chang and Thompkins (2002) have noted are responsible for upwards of 60% of prison budgets. Lowering labor costs means accessing a labor force just slightly beyond those imprisoned, who are willing to work for low wages, often in rural communities plagued by the elimination of manufacturing industries (Chang & Thompkins, 2002; Hallett, 2002; Samara, 2000; Sudbury, 2004). Our industrialized approach to punishment “has become a key economic development strategy for rural towns devastated by the economic restructuring brought about by globalization” (Sudbury, 2004, p. 13). Consequently, rural communities in need of economic stimulation are willing to provide cheaper labor costs for private prisons, expanding the profit margins for the corporations that run these prisons. The landscape, then, is rural communities engaged in battles to make the most attractive offer for private prisons to invest. According to Samara (2000), “much like Third World nations competing to attract foreign investment, rural communities fighting each other for prisons risk engaging in a race to the bottom and becoming dependent on their community’s new employer and the crime that supports it” (p. 42). The business of prisons is big, and to put the picture into better perspective, “the United States spends more than \$146 billion dollars on the criminal justice system, including police, the judiciary and court systems, and corrections. More than \$50 billion of this is spent directly on corrections” (Brewer & Heitzeg, 2008, p. 637). Put differently, if the judiciary, police, and criminal justice system were a country, it would be 57 out of 200 in top GDP and would rank higher than the lowest 67 countries combined (World Factbook, 2014).

Once built, there is a need to fill the private prisons with “residents” and ensure they are there to stay for long periods of time and, hopefully, once let out, recidivate. The goal in these prisons, according to Samara (2000), is not rehabilitation or correction but, in fact, failure:



If the prison-industrial complex is successful, it will be the cause of its own demise. If it fails. . .this failure will be used to expand the industry. From the point of view of the prison business, then, failure is much more likely to lead to success. (p. 43)

Additionally, the private prison industry, according to Dolovich (2005), exerts considerable force, through lobbying, on legislators both for expansion and in sentencing. According to Sarabi and Bender (2000), through donations and hyper-lobbying think tanks, legislation is created that favors incarceration—the market has significant influence on our approaches to punishment. According to Sudbury (2004), the sphere of influence extends to prison guard unions, politicians, and the media, who use fear of crime and the criminalization of minority peoples as ways to advocate their own financial interests. Dolovich highlighted that “any time criminal justice policy is influenced by parties hoping to further their own financial interests through increased incarceration. . .is cause or concern” (p. 533). To provide a clear and succinct analysis of what is in place with respect to the prison-industrial complex, it is important to understand that

This complex now includes more than 3,300 jails, more than 1,500 state prisons, and 100 federal prisons in the United States. Nearly 300 of these are private prisons. More than 30 of these institutions are super-maximum facilities, not including the super-maximum units located in most other prisons. (Brewer & Heitzeg, 2008, p. 637)

While the academic conversation has consistently called the pipeline “school-to-prison,” including the framing of this special issue, the economic and market forces driving the prison-industrial complex urge us, as the editors of this special issue, to consider and reframe the pipeline as a “prison-to-school” pipeline. That is, we do not believe that incarceration occurs simply because crime is committed or because of cracks in the schooling system. We believe that the impact of prisons opens our vision to seeing that prisons demand a clientele, particularly given the relative economic instability over the last 35 years, save some time in the mid-1990s. This economic state requires prisons, as previously mentioned, to regulate unemployment and to create financial separation between races, ethnicities, and socioeconomic groups. Prisons, which are increasingly privatized, do not simply meet society’s demand for a space to execute punishment; they, in fact, create an entire enterprise and a well-lobbied one, whose base function rallies around having a population to punish. Without that population, the economic equilibrium is threatened as more people have a need for employment that would otherwise be locked up, and the prison profiteers lose serious wealth potential reality that the free market will not allow to come to fruition. Schools, consequently, are used as a social landscape, particularly within urban centers, to prepare the next generation of future inmates.

## EDUCATIONAL AND PENAL REALISM

Racial realism is a concept developed by legal scholar Derrick Bell addressing the permanence of race. Bell’s (1992) own articulation of racial realism asserted that

Black people will never gain full equality in this country. Even those herculean efforts we hail as successful will produce no more than temporary “peaks of progress,” short-lived victories that slide into irrelevance as racial patterns adapt in ways that maintain white dominance. This is a hard-to-accept fact that all history verifies. We must acknowledge it and move on to adopt policies based on

what I call: “Racial Realism.” This mind-set or philosophy requires us to acknowledge the permanence of our subordinate status. That acknowledgement enables us to avoid despair, and frees us to imagine and implement racial strategies that can bring fulfillment and even triumph (pp. 373–374)

According to Powell (1991), “the core message of *Racial Realism* is that the racial domination and subjugation of blacks in America is immutable. . . a permanent fixture in our society” (pp. 533–534). Delgado and Stefancic (2001) urged us to consider racism as intrinsic to the operation of our society, not as abnormal—both historically and contemporarily. The logic of Bell’s racial realism suggests that “systemic racism confers a permanent minority status to Blacks that is ignored in contemporary treatments of race,” where ideological dreams and articulations of equality permeate the discourse but rarely manifest in reality (Curry, 2008, p. 40). Bell (1992) argued that “casting off the burden of equality ideology will lift the sights, providing a bird’s-eye view of situations that are distorted by race” (p. 378). Bell (1992) highlighted that “many of the black people we sought to lift through law from a subordinate status to equal opportunity, are more deeply mired in poverty and despair than they were during the ‘separate but equal’ era, a reality confirmed not only through abysmal public schooling but also through the prison industrial complex,” which we have shown earlier disproportionately impacts communities of color (p. 374). Delgado (2000) added that “despite periodic ebbs and flows, the fortunes of blacks in American society remain roughly constant” (p. 285).

To this end, Bell (1992) asserted, “it is time we concede that a commitment to racial equality merely perpetuates our disempowerment. Rather, we need a mechanism to make life bearable in a society where blacks are a permanent, subordinate class” (p. 377). Those with a naïve or undeveloped understanding of Bell often cite that his racial realism sounds more like racial despair, using small incremental changes in a “better than nothing” approach to justify equality-based policy and practice. Similar discourses permeate both schooling and incarceration. Those within dominant groups and even those within disenfranchised populations often point to a particular program, a particular effort, or a particular approach as a justification that things are changing. The meta-analysis, however, reveals a public schooling system in many ways more segregated than during Jim Crow times, a prison system that harvests funds from the terrain of poor and urban landscapes through incarceration, and federal and state approaches that look to maintain status quo, at best, through human exploitation.

The *Parents Involved in Community Schools v. School District N.1* (2007) and *Shelby County v. Holder* (2013) are examples of the federal government ensuring that any successes in civil rights and moves toward equality will be closely contained; ultimate progress will be ensured to be so discrete and incremental that no real change can be measured. Similarly, many states have adopted complete privatization of public schooling, turning over the control of schools to for-profit companies, while simultaneously adopting illogical and ill-informed common standards with accompanying testing (Taubman, 2007). It should be noted to this point that these efforts around standards and evaluation are not fiscally supported—that is, schools are not provided with the funding, support, or infrastructure to implement technology-based student assessment, yet they are required to implement the testing and are consequently left responsible for the complex technology that they cannot afford to comply with the testing requirements. Bell (1992) encouraged us, particularly those who are genuinely committed to change, to

simultaneously acknowledge that our actions are not likely to lead to transcendent change and, despite our best efforts, may be of more help to the system we despise than to the victims of that system we are trying to help. (p. 378)

As Ladson-Billings (2006) notably pointed out, many of the programs, approaches, and reform efforts (even those that are genuine in nature) are akin to paying interest on a debt whose principal is never addressed. For those looking to be profiteers from educational reform, there are significant economic gains to be had from that interest—that is, so long as the principal debt remains, the services of educational reformers will be necessary, and the “interest” paid toward the education debt materializes in real money for those in educational reform, regardless of whether or not reform actually occurs. The parallel phenomenon is true of our correction systems, as discussed earlier, in terms of the profit and growth potential being better served by never addressing the principal of the debts levied against those most vulnerable in our society. That is to say, in both education and in correction, there are more advantages, financially to those with wealth, to not fix the problems but rather to help exacerbate them to keep the educational reformers and prison profiteers in business.

The message of Bell’s racial realism, however, is to shift and change the way in which those committed to fighting racism operate, not that they accept the fact of racism without action. That is to say, racial realism is not content with accepting the permanence of racism in and of itself but accepting that the solutions to racism will never come from approaches within the oppressors’ playbook, calling on a different set of principles and approaches. This approach is similar to the plot of the play *Roar of the Greasepaint – Smell of the Crowd*, in which the dominant character, Sir, always beats his oppressed servant, Cocky, in their game precisely because he creates the rules and is willing to shift them at all costs to maintain control. It was only when Cocky changed the approach, or essentially started playing not only by his own rules but perhaps by his own game that he was able to make progress. So racial realism is, in fact, an activist project whose baseline assumptions acknowledge the permanence of racism and racists within the U.S. landscape while calling on action outside of the oppressors’ playbook.

So we end this article with what might be some beginning working tenets of educational and penal realism that will help those committed to change to renegotiate the ways in which they approach reform, while calling for and shedding a more direct light on those committed to profit in the name of change. In the spirit of racial realism, we articulate the following seven tenets.

There is no crisis in schools or prisons—each institution is functioning per their design and the demands of the society.

Curry (2008) suggested that “the common home remedy of denial” by those with ideological commitments to making change from within the system distract us from what is at hand. The increase in noise and clutter through the articulation of educational and correctional crisis has led to certain denials about what is happening both with corrections and with education. When the glasses of denial are removed, we see an educational system that has produced no sustained or substantive gains in achievement or access for children of color. Further, with respect to correctional institutions, there have been significant changes affecting populations of color over the past 20 years, but, as discussed earlier, those changes have further disenfranchised populations of color. The first tenet of realizing educational and penal realism is to question why have there been no gains for populations of color in schooling, yet significant and disproportionate punishment for people of color through the criminal justice system? The most direct answer is that both education (schools, universities, etc.) and the criminal justice system (police, courts, jails, prisons, etc.) are “the system,” or at least strong component representatives of the system” The free market economically drives the system within the United States, a market that requires stratified economic classes and a population of disposable (see tenet five) citizens who serve two corners of

the market—the educational reform and the prison-industrial complexes. Consequently, schools are doing their jobs, and were populations of color or poor populations to make significant gains, those gains would not be praised but instead would be immediately counterbalanced to maintain stasis.

Neither schools nor prisons will ever represent, serve, or address the interests of the most marginalized and underrepresented of society but they will do so for those from dominant and overrepresented factions of society.

As the framers of the constitution and founding fathers of the country intended, schools are designed, in principle, to ensure that a select group of the population (white, Christian, middle to upper class, and heterosexual) will have access. Over time, and with most distance from their creation, schools have had to open their doors to everyone, though they do not represent, serve, or address the interests of everyone. To combat the influx of the “undesirable” in schooling, the nation first created separate schooling options, under the yoke of Jim Crow segregation to ensure that white interests were taken care of, allowing for some select people of color to gain access, and likewise to ensure that the masses of people of color remained isolated from access. When it was realized that there was a larger financial interest, the white (not the right) thing to do, schools desegregated and created new mechanisms (magnets, schools-within-schools, suburban schools, honors programs, AP, increased private and selective admissions schools) to allow for physical integration while maintaining their core operating practice of benefiting Whites and keeping people of color sorted out from access. In more modern times, the rise of charters, expensive legislation, and standards movements with no teeth to bring about change (No Child Left Behind, Race to the Top, Common Core State Standards, and College Readiness Assessment) allow for schools to remain open to the entire public while serving only the limited interests of those dominant groups and the few token minorities allowed through. In recent times, even the Supreme Court has reversed its own stance in *Brown v. Board* in the *Parents Involved in Community Schools v. Seattle School District N.I* case when there was a realization that people of color may actually benefit from a schooling approach aimed at equity. The realist perspective, suggested Curry (2008),

points to the need of a continuing struggle and a deep-seated dissatisfaction with both the illusory progress given under the liberalist integration fantasy, and the realities of anti Black racism, black poverty, and Blacks’ vulnerability to white interests” as seen in schools. (p. 43)

Similarly, the criminal justice system selectively chooses which things they will prosecute: the sentencing guidelines for crimes that disproportionately affect populations of color, and the conditions of imprisonment that intensely isolate individuals from their home communities while creating market interests that serve largely white communities, creating a prison profit margin for dominant groups. To tenet one’s end—these schooling and prison practices are intentional.

Economic imperatives are the central driving force in decisions to sort and separate the marginalized from the oppressors both in education and correction.

The economy is the driving force behind the maintenance of oppression through schools and prisons. Not only is there money to be made through educational reform and penal institutions, but schools and prisons allow the society to select who will have access to the economy and at what levels. Decisions about housing, employment, access to goods and services, as well as the free

flow of knowledge and information have bookends in schools and prisons. While the approach has shifted post-civil rights in some surface-level ways, “what is not new is the racist and classist economic and political agenda that is foundational” (Brewer & Heitzeg, 2008, p. 630). The free market thrives by having a segment of the population it can remove, through prisons, from access to the employment market; the setup for that eventuality begins as early as kindergarten. We agree strongly when Brewer and Heitzeg (2008) state,

The prison industrial complex is an expression and re-articulation of the political economy of late capitalism. The intense concentration and privatization of wealth in a few hands continues unchecked in this country. Indeed, the unparalleled growth of corporate power is at the heart of the economic inequality African Americans and all working people are confronting. (p. 636)

Sudbury (2004) articulated that “companies such as Lehman Brothers [are] turning prisons into a commodity on the stock market and investors into jailors,” (p. 12), and we suggest both to Sudbury and Brewer and Heitzeg’s points that educational reformers and many urban educational settings provide a pedagogical pathway to prison that is intentional and that works in tandem with the prison-industrial complex. For the two educator authors of this article, this reality is all too apparent as we visit local schools in Louisiana (the largest police and prison state in the world) where kindergartners are walked on lines with their hands behind their backs in silence, expected to eat lunch in silence, and treated to a borage of crime-and-punishment pedagogical approaches engaged with a panoptic gaze, similar to the supermax prisons of our state (Foucault, 1977). Noguera (2003) stated, “schools sort children. . . and place them on trajectories that influence the economic roles and occupations they will assume as adults” (p. 344). In urban settings, “Disciplinary practices in schools often bear a striking similarity to the strategies used to punish adults in society. Typically, schools rely on some form of exclusion or ostracism to control the behavior of students” (Noguera, 2003, p. 342). Gregory, Skiba, and Noguera (2010) highlighted that the “use of school exclusion as a discipline practice may contribute to the well-documented racial gaps in academic achievement” (p. 59). Brewer and Heitzeg (2008), while addressing the prison-industrial complex, addressed the relationship to the educational reform industrial complex as well by succinctly addressing this tenet, stating,

the prison industrial complex is a self-perpetuating machine where the vast profits (e.g., cheap labor, private and public supply and construction contracts, job creation, continued media profits from exaggerated crime reporting, and crime/punishment as entertainment) and perceived political benefits (e.g., reduced unemployment rates, “get tough on crime” and public safety rhetoric, funding increases for police, and criminal justice system agencies and professionals) lead to policies that are additionally designed to ensure an endless supply of “clients” for the criminal justice system (e.g., enhanced police presence in poor neighborhoods and communities of color; racial profiling; decreased funding for public education combined with zero-tolerance policies and increased rates of expulsion for students of color; increased rates of adult certification for juvenile offenders; mandatory minimum and three-strikes sentencing; draconian conditions of incarceration and a reduction of prison services that contribute to the likelihood of recidivism; collateral consequences—such as felony disenfranchisement, prohibitions on welfare receipt, public housing, gun ownership, voting and political participation, and employment—that nearly guarantee continued participation in crime and return to the prison industrial complex following initial release). (p. 637)

Consequently, for many urban students the training they receive in schools involves preparing them to be the future prisoners, and this training is as important to the “welfare” of the free market

as is training the future presidents, scientists, and businesspeople. The separation and sorting of classes and peoples is reified through schools and recycled through prisons.

All actors in the system, whether well intentioned or not, both contribute to and benefit from educational and correctional oppression—desires to serve in activist roles have limits, through convergence with personal economic interests.

Even those with genuine interest in change operate within the landscape of educational and correctional racism and classism. Academics to activists and beyond are all players within the free market, creating a contradiction that is not often discussed: the interests in fighting “the system” are tempered by the fact that those actors are themselves “the system” and operate within the rabbit hole of the free market. Consequently, interests matter, and the level of activism one exhibits is often linked to the convergence such activism has with their interests—that is to say, when our interests are threatened by our participation or action, those interests cease to converge and our participation in change ends; the free market is willing to “take” from those who do not comply with the imperatives of the market. As educators (and particularly the member of our team who works directly with pre-service teachers), we can attest to the significant number of well-intended, middle-class, white females who make up the bulk of the U.S. teaching force. They often enter the profession well prepared in their subject matter but clueless about how to work in communities of color or to work within the realities we discuss in this piece. These understandings are vital for communicating their subject matter knowledge to their students. And despite the fact that we regularly hear pre-service teachers state that they went into teaching because “I love kids,” the fact is that lacking a measured purpose for entering the profession and, more importantly, meaningful understanding/critical consciousness about their positionality (Fasching-Varner, 2012) in that system, we see many well-intended teachers co-opted into being cogs in a system that produces/supports the type of race/class-based stratification in society we have discussed, to the financial benefit of those with power.

Because personal and private interests allow for human sacrifice, populations of color and those of poor socioeconomic standing will continue to be offered up in service of the historically and contemporarily overrepresented particularly through schooling and corrections efforts.

One of the first economic principles we learn as a child is that fiscally, 100% of wealth and assets is the maximum that can be worked with. If a society had 100 people, and one person possessed 80% of the wealth and assets within that society, the others would be left with only 20% to be distributed among the other 99 people, and those assets would not likely be distributed evenly. Those other 99 people could not equally possess 80%; 100% is the maximum that can be distributed. The economic system of the free market, consequently, needs ultimate winners, relative winners, relative losers, and ultimate losers to function. This reality “requires that we accept the fact that not all students will succeed and that some students must be deemed expendable so that others can be saved” (Noguera, 2003, p. 346). Prisons provide a convenience in that they generate income for those who are already resourced while eliminating the competition from those incarcerated. K–12 schools as preparation for future participation in society serve as a 13-year lesson in creating winners and losers and helping tertiary institutions of education pluck out a selective group to be in the relative and ultimate winner categories. Obviously, there are exceptions (Bill Gates with no tertiary education is an ultimate winner, and Bernie Madoff with tertiary education became an ultimate loser), but the rule of the economy systematically plays

out to ensure that members of society have access to their portion of the 100% of wealth that is available to them, and most often that level is bound. Because “public schools in the hyperghetto have . . . deteriorated to the point where they operate in the manner of institutions of confinement whose primary mission is not to educate but to ensure custody and control,” the links between an education that has sacrificable students and a prison waiting to receive sacrificed citizens is an important nexus (Noguera, 2003, p. 349). Schools and prisons are key institutions in regulating who has access to how much of that wealth—and their relationship is hyperconnected at all points.

Equality is a ruse aimed at distracting the populous. Even if equality were achievable, the term suggests that the dominant group is still the valued group furthering assimilationist principles geared toward the privileged.

Equality means achieving likeness—but likeness with what? In the case of civil and human rights, the principle of equality suggests that those marginalized in the system ought to “work” toward likeness with those for whom the system is working. This stance is problematic, as it further bolsters the relative position of those in power and puts the onus for change on those already oppressed, suggesting to them that the goal is to be like your oppressor. Such an approach “replaces the existence of a people with the caricatures of that people embraced by the imagination of whites” (Curry, 2008, p. 42). Schools, typically staffed by white females (Fasching-Varner, 2013), work to create winners out of those most willing to sell out their race and for boys their gender to model white female lower-middle-class beliefs (Fordham, 1996, 1988; Fordham & Ogbu, 1986; Young, 2007, 2010). Equality is not only insulting, but it is assaultive unless the equality is to have those from dominant groups receive the same and equal access that those of color currently receive and hold the difference in trust to rebuild a new reality—not only is that solution not likely, it works against the free market, which, as we have already articulated, will always win. Consequently, given the previously discussed tenet of disposability, schools and prisons do not seek equality; they seek equal replication of the society (with its asymmetrical favoritism toward the privileged), and both institutions are agents of replication. Curry (2008) stated, and we agree, “equality only serves as an imaginative allure—a fantasy, and this is the reality that must be conceptually disengaged” (p. 42).

Equity, consequently, is the only potential course of action that could counterbalance the racist underpinnings of both educational and correctional structures.

Equity is significantly different from equality. The principal of equity allows the creation of solutions that intentionally treat people differently to remedy past treatment. As a society, we do not simply get to walk away from hundreds of years of oppression quietly and imagine a space where we all get to be equal. That ideological stance ignores realities that equity does not ignore. Equity, fiercely and unapologetically, works to divert and invest resources in disproportion to counteract what had already been in place, and its goal is, with time, to work toward equality. Equality without equity is fantasy, as it asks us to ignore the intentional abuses and mistreatment of people who created the unbalance to begin with. The hypothetical “take from the rich and give to the poor” solution articulated above might work toward equity; that is, no new society created in the image of all of its people could be imagined until those with power and privilege experience oppression and marginalization for such a time that they understood, through a lived experience, the feelings of those who have received the losing end of the oppressor-oppressed paradigm.

Similarly, oppressed and marginalized people would need to experience the power and benefits of privilege, not simply watching those qualities from a distance, before the bargain and negation of a new society could be structured. We realize that such a stance is not realistic within the current system, and that imagining it does little good, but confronting oppression day by day and step by step in an unapologetic way may help us work toward that equitable end, and in the short term at least annoy and bother those with power through the threat of this solution. Bell (1992) reminded us that confrontation with our oppressors is not our sole reason for engaging—continued struggle can bring about unexpected benefits and gains that in themselves justify continued endeavor. The fight in itself has meaning and should give us hope for the future (p. 378).

## CONCLUSION

In conclusion, it is our aim that this piece, as well as the others in this special issue, provide the space to wrestle with key issues and contradictions about what we have characterized as a manufactured crisis. Further, we hope that readers are compelled to begin the no doubt laborious, but still critical, work of simultaneously disjoining and reconfiguring the political economy of schooling, incarceration, and the free-market system in the United States. In *Zami a New Spelling of my Name* (1982), Lorde insightfully cautioned that one of the primary ways that oppression maintains its influence is by trapping both the oppressed and oppressor in a prison of political apathy once they conceptualize the totality and systemic nature of their position in the system. The concept of educational and penal realism is our offering, to disrupt the illusion at the root of the apathy that Lorde laments. At its core, educational and penal realism potentially opens the prison gates and surfaces the absurdity of the manufactured crisis and its resulting hollow answers. Consequently, the seven working tenets of educational and penal realism offer individual and systemic entry points to initiate the vitally needed “recruitment of educators who will question the tendency to punish through exclusion and humiliation, and who see themselves as advocates of children and not as wardens and prison guards” (Noguera, 2003, p. 350). And in a basic sense, the fact that the role of teacher/warden and student/inmate are synonymous highlights the significance of the conversation conducted through this edition of *Equity & Excellence in Education*. As we promised in the beginning, it will not be fun; there is no happy ending, but the work must be done.

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