

Endnotes

- ¹ Interview with John Wright, Criminal Justice Undergraduate Program Director, University of Cincinnati, Division of Criminal Justice.
- ² U.S. Department of Education, National Center for Education Statistics, *Literacy Behind Bars: Results from the 2003 National Assessment of Adult Literacy Prison Survey* (May 2007), Table 3-1. Calculations by Children's Defense Fund.
- ³ Interview with Dr. Frank Putnam, Scientific Director, Every Child Succeeds.
- ⁴ Interview with Dr. Frank Putnam, Scientific Director, Every Child Succeeds.
- ⁵ U.S. Department of Education, National Center for Education Statistics, *America's Kindergarteners, Early Childhood Longitudinal Study—Kindergarten Class of 1998-99, NCES 2000-070* (February 2000), Tables 2, 3 and 4.
- ⁶ Interview with Dr. Judith Van Ginkel, Department Head, Every Child Succeeds.
- ⁷ Christopher J. Mumola, "Incarcerated Parents and Their Children," *Bureau of Justice Statistics Special Report* (August 2000), at <http://www.ojp.usdoj.gov/bjs/abstract/iptc.htm>.
- ⁸ Department of Health and Human Services, Centers for Disease Control and Prevention, "First Reports Evaluating the Effectiveness of Strategies for Preventing Violence: Early Childhood Home Visitation and Firearms Laws," *Morbidity and Mortality Weekly Report*, Vol. 52, No. RR-14 (Washington, D.C.: October 3, 2003), p. 6.
- ⁹ Interview with Dr. Frank Putnam, Scientific Director, Every Child Succeeds.
- ¹⁰ U.S. Department of Education. National Center for Education Statistics, *supra* note 5 at ix. From parent ratings, at least 82 percent of the kindergartners engaged in prosocial activities; in teacher rating, 75 percent. Problem behavior was relatively infrequent; teachers reported that 10 to 11 percent of kindergartners argue or fight with teachers often or get angry easily often to very often. Teachers rated a smaller percentage of African American children than White children in the "often/very often" column in all three categories of prosocial behavior: 68 percent (Black) to 76 percent (White) in accepting peer ideas, 71 to 80 percent in forming friendships, and 44 to 55 percent in comforting others. The rating for Hispanic children fell between the Black and White groups.
- ¹¹ *Ibid.* at ix.
- ¹² Jennifer Mrozowski and John Byczkowski, "Kicked Out of Kindergarten," *The Cincinnati Enquirer*, February 22, 2004.
- ¹³ ABT Associates, Inc., *Conditions of Confinement: Juvenile Detention and Corrections Facilities* (Washington, DC: Office of Juvenile Justice and Delinquency Prevention, 1994). As cited in Children's Law Center, Inc., *The Special Needs of Youth in the Juvenile Justice System: Implications for Effective Practice* (Covington, Ky.: June 2001), p. 20.
- ¹⁴ Interview with Dr. Michael Sorter, Director, Psychiatry, Children's Hospital of Cincinnati.
- ¹⁵ Dorothy Otnow Lewis, "Conduct Disorder," *The Comprehensive Textbook of Child and Adolescent Psychiatry*, 3rd Edition, Melvin Lewis, Ed. (Baltimore, Md.: Williams and Wilkins, 2001), p. 566.
- ¹⁶ *Ibid.* at 566.
- ¹⁷ Debra Jasper and Spencer Hunt, "Cases Swamp Children's Hospital," *The Cincinnati Enquirer*, March 22, 2004.
- ¹⁸ Debra Jasper and Spencer Hunt, "Cases Swamp Children's Hospital."
- ¹⁹ Julie Goodman, "Mental Health Facilities May Open in September," *Clarion-Ledger*, May 12, 2004.
- ²⁰ Senate Bill No. 3119 (1999) as cited in the Mississippi State Department of Health Annual Report (1999), at <http://www.msdh.state.ms.us/msdhsite/index.cfm/19,45,89,pdf/agencyannrpt99.pdf>.
- ²¹ Julie Goodman, "Mental Health Facilities May Open in September."
- ²² Interview with Margaret Burley, Ohio Coalition for the Education of Children with Disabilities, at <http://www.ocecd.org/index.html>.
- ²³ Jennifer Mrozowski and John Byczkowski, "Kicked Out of Kindergarten," *The Cincinnati Enquirer*, February 22, 2004.

- ²⁴ Jennifer Mrozowski and John Byczkowski, "Kicked Out of Kindergarten."
- ²⁵ Interview with Shannon Starkey, Director of Children's Home.
- ²⁶ Provided by Christine Wolff, Assistant Communications Manager in the School and Community Engagement Department, Cincinnati Public Schools. The exact per pupil figure is \$10,981.
- ²⁷ Cincinnati Public Schools Code of Conduct, at <http://www.cps-k12.org/general/discipline/Codes/CodeConduct.html>.
- ²⁸ Ohio Department of Education, at <http://www.ode.state.oh.us/Data/default.asp>.
- ²⁹ Johanna Wald and Dan Losen, "Defining and Redirecting a School-to-Prison Pipeline," *New Directions for Youth Development*, 2003 Fall (99), pp. 9-15 (Cambridge, Mass.: Civil Rights Project, Harvard University).
- ³⁰ R.J. Skiba, A. Simmons, I. Staudinger, et al., *Consistent Removal: Contributions of School Discipline to the School-Prison Pipeline*. Paper presented at the Harvard Civil Rights Project's School-to-Prison Pipeline Conference, Cambridge, Mass. (May 16-17, 2003).
- ³¹ R.J. Skiba, M.K. Rausch and S. Ritter, "Children Left Behind: Series summary and recommendations." (Bloomington, Ind.: Center for Evaluation and Education Policy, 2004), at <http://ceep.indiana.edu/ChildrenLeftBehind>.
- ³² L.M. Raffaele Mendez and H.M. Knoff, "Who Gets Suspended from School and Why: A Demographic Analysis of Schools and Disciplinary Infractions in a Large School District," *Education and Treatment of Children*, 26 (1) (2003), pp. 30-51.
- ³³ Jennifer Mrozowski and John Byczkowski, "Kicked Out of Kindergarten."
- ³⁴ Jennifer Mrozowski and John Byczkowski, "Kicked Out of Kindergarten."
- ³⁵ U.S. Department of Health and Human Services, *Youth Violence: A Report of the Surgeon General* (Washington, D.C.: U.S. Department of Health and Human Services, January 2001).
- ³⁶ Johanna Wald and Dan Losen, "Defining and Redirecting a School-to-Prison Pipeline," *New Directions for Youth Development*, 2003 Fall (99), pp. 9-15 (Cambridge, Mass.: Civil Rights Project, Harvard University) citing C.A. McNeely, J.M. Nonnemaker and R.W. Blum, "Promoting School Connectedness: Evidence from the National Longitudinal Study of Adolescent Health," *Journal of School Health*, Vol. 72 (4), 2002.
- ³⁷ Sandra B. Simkins, Amy E. Hirsch, Erin McNamara Horvat and Marjorie B. Moss, "The School to Prison Pipeline for Girls: The Role of Physical and Sexual Abuse," *Journal of Children's Legal Rights*, Vol. 24, No. 4 (Winter 2004), pp. 56-72.
- ³⁸ Hamilton County Juvenile Court Annual Report 2003, at http://www.hamilton-co.org/juvenilecourt/Annual_Report/Stats.htm, p. 42.
- ³⁹ Jennifer Mrozowski and John Byczkowski, "Black Students Disciplined More," *The Cincinnati Enquirer*, February 22, 2004.
- ⁴⁰ Interview with Janet Walsh, Chief Officer for School and Community Engagement, Cincinnati Public Schools.
- ⁴¹ Interview with Janet Walsh, Chief Officer for School and Community Engagement, Cincinnati Public Schools.
- ⁴² M.L. Froning, *Employment Opportunity in the Schools: Job Patterns of Minorities and Women in Public Elementary and Secondary Schools, 1974*. Research Report No. 51 (Washington, D.C.: Equal Employment Opportunity Commission, 1976). "Just the Facts: Educators for the New Millennium," a report prepared by Frederick D. Patterson Research Institute.
- ⁴³ U.S. Department of Education, National Center for Education Statistics, *Digest of Education Statistics 2001*. (Washington, D.C.: 2001), Supplemental Table 42, at <http://nces.ed.gov/programs/digest/d01/dt042.asp>.
- ⁴⁴ U.S. Department of Education, National Center for Education Statistics, *Schools and Staffing Survey (SASS) 1999-2000*. (Washington, D.C.: 2001), Supplemental Table 100, at <http://nces.ed.gov/programs/digest/d03/tables/xls/tab100.xls>.
- ⁴⁵ Leon A. Higgenbotham, Jr., *In the Matter of Color: Race and the American Legal Process: The Colonial Period* (Oxford, England: Oxford University Press, 1978).
- ⁴⁶ *The Intolerable Burden*, documentary, 2004. Directed by Chea Prince. Produced by Constance Curry.
- ⁴⁷ Interview, "The Moses Factor," *Mother Jones Magazine*, May-June 2002, p. 60.
- ⁴⁸ Interview with Willena White, Principal of the North Delta Alternative School.

- ⁴⁹ American Bar Association, Juvenile Justice Center, National Juvenile Defender Center, *Justice Cut Short: An Assessment of Access to Counsel and Quality of Representation in Delinquency Proceedings in Ohio* (March 2003), p. 49, at http://www.njdc.info/pdf/Ohio_Assessment.pdf.
- ⁵⁰ Sara Rimer, "Unruly Students Facing Arrest, Not Detention," *New York Times*, January 4, 2004.
- ⁵¹ Interview with Judge James A. Ray, Lucas County, Ohio, Juvenile Court.
- ⁵² Sara Rimer, "Unruly Students Facing Arrest, Not Detention."
- ⁵³ Sara Rimer, "Unruly Students Facing Arrest, Not Detention."
- ⁵⁴ Laurence Steinberg, "Juveniles on Trial: MacArthur Foundation Study Calls Competency into Question," American Bar Association, *Criminal Justice Magazine*, Vol. 18, No. 13 (1993), at <http://www.abanet.org/crimjust/juvjust/cjmag/18-3ls.html>.
- ⁵⁵ Ebony Reed and Lila J. Mills, "East, South High Schools Add Security, Tighten Rules," *Cleveland Plain Dealer*, April 2, 2004.
- ⁵⁶ Interview with Tom Mooney, President, Ohio Federation of Teachers.
- ⁵⁷ James P. Comer, *Waiting for a Miracle: Why Schools Can't Solve Our Problems and How We Can* (New York: Plume, 1998), p. 89.
- ⁵⁸ Interview with James Comer, Maurice Falk Professor of Child Psychiatry at the Yale Child Study Center.
- ⁵⁹ Interview with James Comer, Maurice Falk Professor of Child Psychiatry at the Yale Child Study Center.
- ⁶⁰ Interview with Janet Walsh, Chief Officer for School and Community Engagement, Cincinnati Public Schools.
- ⁶¹ James P. Comer, *Waiting for a Miracle: Why Schools Can't Solve Our Problems and How We Can* (New York: Plume, 1998), p. 89.
- ⁶² Johanna Wald and Dan Losen, "Defining and Redirecting a School-to-Prison Pipeline," *New Directions for Youth Development* 2003 Fall (99), pp. 9-15 (Cambridge, Mass.: Civil Rights Project, Harvard University), citing "Abandoned in the Back Row: New Lessons in Education and Delinquency Prevention," Coalition for Juvenile Justice, 2001 Annual Report.
- ⁶³ Interview with Mississippi State Senator Willie Simmons.
- ⁶⁴ Jay Heubert and Robert M. Hauser, *High Stakes: Testing for Tracking, Promotion and Graduation*, Board on Testing and Assessment, Commission on Behavior and Social Sciences and Education, National Research Council (Washington, D.C.: National Academy Press, 1999), p. 129.
- ⁶⁵ Karl Alexander, Doris Entwisle and Nader Kabbani, "The Dropout Process in Life Course Perspective: Early Risk Factors at Home and at School," *Teacher's College Record*, Vol. 103, No. 5 (New York: Teachers College, Columbia University, October 2001), p. 775.
- ⁶⁶ Robert Balfranz, Kurt Spiridakis, Ruth Neild, et al., "High Poverty Secondary School and the Juvenile Justice System: How Neither Helps the Other and How That Could Change," *New Directions for Youth Development*, 2003 Fall (99), pp. 71-89 (Baltimore, Md.: Johns Hopkins University, 1999).
- ⁶⁷ Sandra B. Simkins, Amy E. Hirsch, Erin McNamara Horvat and Marjorie B. Moss, "The School to Prison Pipeline for Girls: The Role of Physical and Sexual Abuse," *Journal of Children's Legal Rights*, Vol. 24, No. 4 (Winter 2004), pp. 56-72.
- ⁶⁸ Robert D. Hoge and D.A. Andrews, "Youth Level of Service/Case Management Inventory" (Ottawa, Ontario: Carlton University).
- ⁶⁹ Interview with Hunter Hurst, Director, National Center for Juvenile Justice.
- ⁷⁰ Interview with Hunter Hurst, Director, National Center for Juvenile Justice.
- ⁷¹ The Sentencing Project, *Drug Policy and the Criminal Justice System 2001* (Washington D.C.: The Sentencing Project, 2001), p. 3, at <http://www.sentencingproject.org/pdfs/5047.pdf>.
- ⁷² American Bar Association, Juvenile Justice Center, National Juvenile Defender Center, *Justice Cut Short: An Assessment of Access to Counsel and Quality of Representation in Delinquency Proceedings in Ohio* (March 2003), p. 4, at http://www.njdc.info/pdf/Ohio_Assessment.pdf.
- ⁷³ Hamilton County Juvenile Court Annual Report 2003 (Cincinnati, Ohio: 2004), p. 8, at http://www.hamilton-co.org/juvenilecourt/Annual_Report/Stats.htm.

⁷⁴ United States Department of Labor, "Employment Situation Summary" (Washington, D.C.: U.S. Department of Labor, September 2004), at <http://www.bls.gov/news.release/empsit.nr0.htm>.

⁷⁵ U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, Census of Juveniles in Residential Placement Databook, "Detailed Offense Profile by Placement Status for United States, 2003" at http://www.ojjdp.ncjrs.org/ojstatbb/cjrp/asp/offense_Adj.asp. Calculations by Children's Defense Fund.

⁷⁶ American Bar Association, Juvenile Justice Center, National Juvenile Defender Center, *Justice Cut Short: An Assessment of Access to Counsel and Quality of Representation in Delinquency Proceedings in Ohio* (March 2003), p. 1, at http://www.njdc.info/pdf/Ohio_Assessment.pdf.

⁷⁷ United States House of Representatives Committee on Government Reform, Minority Staff Special Investigations Division, "Incarceration of Youth Who Are Waiting for Community Mental Health Services in the United States" (July 2004), at http://govtaff.senate.gov/_files/040707juvenilereport.pdf.

⁷⁸ Robert Pear, "Many Youths Reported Held Awaiting Mental Help," *New York Times*, July 8, 2004.

⁷⁹ American Bar Association, Juvenile Justice Center, National Juvenile Defender Center, *Justice Cut Short: An Assessment of Access to Counsel and Quality of Representation in Delinquency Proceedings in Ohio* (March 2003), at http://www.njdc.info/pdf/Ohio_Assessment.pdf.

⁸⁰ Children's Defense Fund interview with Dave Schroot, Deputy Director of Ohio's Department of Youth Services, in March 2004.

⁸¹ Interview with Sheila Bedi, attorney, Southern Poverty Law Center.

⁸² Eric Stringfellow, "Lawmakers Must Listen to Juvenile Justice Ideas," *Clarion-Ledger*, July 1, 2004.

⁸³ Mississippi Department of Youth Services, Division of Youth Services, statistics as of March 15, 2004.

⁸⁴ Mississippi Department of Youth Services, Division of Youth Services, statistics as of March 15, 2004.

⁸⁵ Ford Foundation Report interview with James Bell, attorney, Youth Law Center, Spring 2003, at http://www.fordfound.org/publications/ff_report/view_ff_report_detail.cfm?report_index=398.

⁸⁶ U.S. Department of Commerce, Bureau of the Census, Annual Estimates of the Population, 2003, at <http://www.census.gov/popest/national/asrh/NC-EST2006-asrh.html>; U.S. Department of Justice, Federal Bureau of Investigation, *Crime in the United States 2003* (October 2004), Table 43; and U.S. Department of Juvenile Justice and Delinquency Prevention, Census of Juveniles in Residential Placement Databook, at <http://www.ojjdp.ncjrs.org/ojstatbb/cjrp/>. Calculations by Children's Defense Fund.

⁸⁷ Interview with Hunter Hurst, Director, National Center for Juvenile Justice.

⁸⁸ U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, Office of Applied Statistics, 2005 National Survey on Drug Use and Health, Table 1.74B, "Illicit Drug Use in Lifetime, Past Year, and Past Month among Persons Aged 12 to 17, by Racial/Ethnic Subgroups: Percentages, Annual Averages Based on 2002-2003 and 2004-2005"; National Center for Juvenile Justice, "Juvenile Arrest Rates by Offense, Sex, and Race" (March 19, 2007), at http://ojjdp.ncjrs.org/ojstatbb/crime/excel/JAR_20070222.xls; and U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, Census of Juveniles in Residential Placement Databook, "Offense Profile of Committed Residents by Sex and Race/Ethnicity for United States, 2003: Rate per 100,000 juveniles," at http://www.ojjdp.ncjrs.org/ojstatbb/cjrp/asp/Offense_Committed.asp?state=0&topic=Offense_Committed&year=2003&percent=rate.

⁸⁹ The Sentencing Project, "Federal Crack Cocaine Sentencing" (July 2007). Under the mandatory minimum sentencing laws established by Congress in 1986, defendants convicted of selling 500 grams of powder cocaine or five grams of crack cocaine receive five-year sentences. For five kilos of powder cocaine and 50 grams of crack, the penalty is ten years. Thus there is a 100:1 ratio. Simple possession of any quantity of powder cocaine by first-time offenders is considered a misdemeanor, punishable by no more than one year in prison. Simple possession of crack cocaine is a felony, carrying a five-year mandatory sentence.

⁹⁰ American Bar Association, Juvenile Justice Center, National Juvenile Defender Center, *Justice Cut Short: An Assessment of Access to Counsel and Quality of Representation in Delinquency Proceedings in Ohio* (March 2003), p. 17, at http://www.njdc.info/pdf/Ohio_Assessment.pdf.

⁹¹ American Bar Association, Juvenile Justice Center, *Understanding Adolescents: A Juvenile Court Training Curriculum*, Module 5, *Special Ed Kids in the Justice System* (2000), p. 12.

⁹² Interview with Dan Losen, Harvard Civil Rights Project. The data used for this calculation were from 2001, U.S. Department of Education, Office for Special Education Programs (OSEP). Raw data at www.ideadata.org.

⁹³ Michael Faenza, Christine Siegfried and Jenifer Wood, *Community Perspectives on the Mental Health and Substance Abuse Treatment Needs of Youth Involved in the Juvenile Justice System* (National Mental Health Association, n.d.).

⁹⁴ Youth Law Center, *Ford Foundation Report* interview with James Bell, attorney, Spring 2003 issue, at http://www.fordfound.org/publications/ff_report/view_ff_report_detail.cfm?report_index=398.

⁹⁵ Letter dated June 19, 2003, to Mississippi Governor Ronnie Musgrove from Ralph F. Boyd, Jr., Assistant Attorney General, U.S. Department of Justice, at www.usdoj.gov/crt/split/documents/oak_colu_miss_findinglet.pdf.

⁹⁶ John Fuquay, "Juvenile Centers Called 'Worst' in U.S." *Clarion-Ledger*, July 2, 2004.

⁹⁷ Children's Defense Fund research of major U.S. newspaper articles.

⁹⁸ Interview with Aldine Gaspers, Superintendent of the Ohio River Valley Juvenile Correctional Facility.

⁹⁹ Carrie Spencer, "Abuses Alleged at Prison for Girls," *Columbus Dispatch*, July 30, 2004.

¹⁰⁰ Annie E. Casey Foundation, "A Matter of Choice: Forks in the Road for Juvenile Justice," *AdvoCasey*, Vol. 5, No. 1 (Spring 2003), p. 16, at [http://www.aecf.org/upload/Publication Files/juvenile justice at crossroads.pdf](http://www.aecf.org/upload/Publication%20Files/juvenile%20justice%20at%20crossroads.pdf)

¹⁰¹ Douglas W. Nelson, "On Adolescent Crime: Time to End Fad Justice," *AdvoCasey*, Vol. 5, No. 1 (Spring 2003), p. 2.

¹⁰² Annie E. Casey Foundation, "A Matter of Choice: Forks in the Road for Juvenile Justice," p. 17.

¹⁰³ Jenifer Warren, "Spare the Rod, Save the Child," *Los Angeles Times*, July 1, 2004.

¹⁰⁴ Jenifer Warren, "Spare the Rod, Save the Child."

¹⁰⁵ Interview with Hunter Hurst, Director, National Center for Juvenile Justice, and Ed Latessa, Director of Division of Social Justice, University of Cincinnati.

¹⁰⁶ James Comer, *Waiting for a Miracle: Why Schools Can't Solve Our Problems and How We Can*. (New York: Plume, 1997), p. 90.

¹⁰⁷ Robert Balfranz, Kurt Spiridakis, Ruth Neild, et al., "High Poverty Secondary Schools and the Juvenile Justice System: How Neither Helps the Other and How That Could Change," *New Directions for Youth Development*, 2003 Fall (99), pp. 71-89 (Baltimore, Md.: Johns Hopkins University, 1999). Johanna Wald and Daniel J. Losen, Eds., *Deconstructing the School-to-Prison Pipeline: New Directions for Youth Development #99* (Jossey-Bass, 2003).