

# School House to Big House

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In 1991, the Australian Government released the Royal Commission into Aboriginal Deaths in Custody Report. Of the 339 recommendations, *Recommendation 62* identified that there was an alarming over-representation of Indigenous youth in contact with the criminal justice system. The report called for immediate action by governments to develop strategies that would urgently reduce retention rates of Indigenous youth within the prison system. Analysis of the literature indicates that almost three decades after the release of this report, the high numbers of Indigenous youth who are incarcerated, or who have come into contact with the juvenile justice system remains the same. Although there is a good deal of literature investigating the criminological characteristics of this phenomena; there is a substantial gap in the literature surrounding the educational exclusion of young Indigenous males from the formal education system. This paper focusses specifically on the literature surrounding student exclusion from state schools and how this may provide some insight into the subsequent over-representation of young Indigenous males within the Queensland juvenile justice system.

■ **Keywords:** education, exclusion, Indigenous males, juvenile detention

In the United States, there has been considerable research undertaken regarding the educational exclusion of young males who are from minority groups and their subsequent criminalisation and detention (Howard, 2008; Noguera, 2008; Raible & Irizarry, 2010; Warde, 2013). In Australia, however, there has been very little research conducted in relation to the connection between educational exclusion and the over-representation of young Indigenous males in juvenile detention. Raible and Irizzary (2010) made distinct parallels between punitive measures, exclusion from schools and the incarceration of young males from an ethnic minority background. In their research, Heilbrun, Cornell and Lovegrove (2015) also identified that African American children were most at risk of the 'zero tolerance' policy reforms. Their study indicated a host of negative consequences resulting from the suspension and exclusion of young people from schools, including higher levels of contact with police and higher levels of incarceration in juvenile justice facilities.

Stanesby and Thomas (2012) argue that non-Indigenous people are blind to their own 'whiteness', privileging their own social constructs and negating those that they do not understand.

Non-Indigenous leaders in education and teachers in schools must endeavour to deconstruct their 'whiteness' in order to understand why 'white privilege' is maintained and most importantly, what that means for those children

who are disempowered and marginalised in the schooling system by this particular social construction.

This paper has arisen from the first author's PhD project, which specifically focusses on the educational exclusion of young Indigenous males and their subsequent over-representation in Queensland juvenile detention centres. The research conducted to date clearly indicates that this is a significantly under-researched area that requires immediate attention in order to effect the change. The second author is the supervisor responsible for overseeing the study. This particular paper offers a review of current literature and policy. Subsequent papers will build upon this with the inclusion of empirical data emerging from the doctoral project.

## The 'School to Prison Pipeline'

While considerable international research has been undertaken in the United States on the 'school to prison pipeline' (see, Kim, Losen, & Hewitt, 2010; Pane & Rocco, 2014), to date there has been very little research conducted in Australia on this issue. Although, Behrendt, Cunneen

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and Libesman (2009) offered exceptional insights into the incarceration of Indigenous peoples in Australia, and Weatherburn (2014) has addressed Indigenous incarceration from a criminological perspective; there has been minimal research conducted in the area of educational exclusion and the high incarceration rates of Indigenous children, except perhaps for Partington, Beresford and Gower's work *Reform and Resistance in Aboriginal Education* (2012). More recently, Amnesty International (2015) commissioned a report on overincarceration of Indigenous peoples in Australia. However, this report did not investigate in any detail the relationship between education and the over-incarceration of Indigenous children. Further highlighting the need for research in this area, the *Royal Commission into the Protection and Detention of Children in the Northern Territory* which was tabled in Parliament on 17 November 2017, investigated the conditions for children who are incarcerated in the Northern Territory. The findings of the Commission's report clearly identify that there is significant need to reform the education provided to at risk Indigenous youth (Department of Prime Minister and Cabinet, 2017).

While the above mentioned Royal Commission highlights the need for reform in the Northern Territory, we must not fall guilty of thinking that this is the only state or territory in Australia that has significant problems within the current juvenile justice system. In the 2015–2016 period, there were 187 youths in detention in Queensland, 82% of whom, were young males and alarmingly over half of these, 55% were young Indigenous males. During this time, Queensland also had more than 1500 young Indigenous people who were placed under community supervision, the third highest number out of all states and territories in Australia. Figures show that young Indigenous people are kept in detention for nearly two weeks longer than their non-Indigenous counterparts (Australian Institute of Health and Welfare, 2017). These figures are of great concern and warrant the need for further investigation.

Cunneen and Libesman (2000) argued that the correlation between past government policies and the continued removal practices of children by government, ascribes new contemporary examples of forced separation of children from Indigenous families. The separation by child welfare and protection removals or through the criminalisation of Indigenous children can lead to incarceration and permanent separation from families. Intergenerational trauma has had an overwhelming effect on many Indigenous people's lives (Atkinson, 2002). This phenomenon is not unique to Indigenous people in Australia; studies show that many of Canada's First Nations, Métis and Inuit peoples, who also experienced European subjugation and control during invasion and colonisation, now suffer from intergenerational trauma, deep social and economic disadvantage and high rates of incarceration (Jackson Pulver et al., 2010). Exclusion from education has also been iden-

tified as a contributing factor to the early incarceration of young people (Heilbrun et al., 2015; Raible & Irizarry, 2010; Welch & Payne, 2010).

## Closing the Gap Reform

In 2008, the Council of Australian Governments (COAG) recommended six priority areas as a matter of urgency. Three of these targets directly related to the improvement of educational outcomes for Indigenous children and were flagged as critical, and subsequently student attendance was included as a target in 2014. The education targets were as follows:

- To ensure access to early childhood education for all Indigenous four-year olds in remote communities within five years;
- To increase school attendance (included 2014);
- To halve the gap in reading, writing and numeracy achievements for children within a decade; and
- To halve the gap for Indigenous students in year 12 attainment rates by 2020.

Despite government support for CTG reforms, we see only a slight improvement in year 12 retention of Indigenous students. Out of the four overall targets in education, three are not on track. The Prime Minister's response in 2016 to the CTG report acknowledged that, 'the original target to ensure access for all Indigenous four-year-olds in remote communities to early childhood education expired unmet in 2013' (Commonwealth of Australia, 2016, np.). This target was then revised to 95% by 2025. Further highlighting the lack of success stemming from the CTG reforms, data shows that, attendance for Indigenous children in years one to ten remains considerably lower than for non-Indigenous children and very remote areas have the lowest attendance rates at school for Indigenous children (Commonwealth of Australia, 2017).

Markiewicz (2012), however, contends that trying to 'evaluate' Indigenous outcomes becomes highly problematic, as there are many other factors affecting Indigenous peoples that can contribute to successful or unsuccessful outcomes when it comes to education. Davis (2012) agrees that the *Closing the Gap* reforms are situated within a Western framework and do not afford Indigenous peoples the opportunity to engage in 'discourse or debate' about these critical issues (p. 173). Changing the outcomes of policies such as *Closing the Gap*, appear to resist Indigenous community voices about ways in which this disparity can be overcome, and seldom is there a thoroughness in the analysis of why improvements have not occurred. Governments and their agencies continue to use Western schemas to 'fix' the contemporary disparities, which were created by the dominant colonialist society in the first place. The inability to reduce the disparity in the areas of education, health, welfare and employment for Indigenous peoples

should be considered a critical priority for the Australian government (Altman, Biddle, & Hunter, 2009; Hoy, 2009).

### Educational Institutions

Educational institutions remain places of inequality, and in most instances they lack inclusion of what Martin (2003) insists are Indigenous ways of knowing, ways of being and ways of doing. There is also resistance by some educational institutions and school communities to become culturally competent (Parbury, 1986; Perso, 2012), therefore, denying Indigenous students a culturally safe space in schools. Mellor, Corrigan, and the Australian Council for Educational Research (2004) suggested that 'cultural competence is the explicit recognition and affirmation of a student's cultural identity' (p. 34). Hart, Whatman, McLaughlin and Sharma-Brymer (2012) contended that 'schools are sites that have long-established non-Indigenous hegemonic methods of curricular decision making' (p. 3). Eurocentric practices continue to shape the curriculum of schools, despite the mounting evidence that successful outcomes in education for Indigenous children transpires when Indigenous Knowledges and perspectives are embedded into the curriculum. One can only conclude that these barriers continue to exist because of the continual need to impose dominant societal constructs upon Indigenous peoples.

Indigenous experts in the field of education correctly point out that Indigenous children must and should be able to recognise their culture within systems of education (Martin, 2005; Phillips, 2012; Sarra, 2009; Whatman & Duncan, 2012). Therefore, practicing educators who are predominantly non-Indigenous persons must examine their role in the construction of social realities in classroom settings and challenge the dominant hegemonic discourses that continue to control educational institutions (Hickling-Hudson, 2005; Hickling-Hudson & Ahlquist, 2003; Moreton-Robinson, Singh, Kolopenuk, & Robinson, 2012).

Sarra (2008) claims that instilling a sense of self-worth and pride in being 'strong and smart' in Indigenous children critical. However, he also identifies that there is an austere lack of teacher knowledge in engaging with Indigenous children and teacher understanding of Indigenous Knowledges and perspectives is for the most part, nonexistent (Sarra, 2008). While some teachers are now endeavouring to work positively to embed Indigenous Knowledges and perspectives into the curriculum, ensuring that Indigenous children see themselves represented inclusively within a school and classroom environment (Mellor, Corrigan, & Australian Council for Educational Research, 2004; Ockenden, 2014), there are still many teachers that resist inclusive practices (Gray & Beresford, 2008).

Many Indigenous peoples have had negative experiences with schooling and education (Ockenden, 2014) and in the past were subjected to discriminatory poli-

cies and high levels of overt racism within the schooling system (Hayes, Johnston, Morris, Power, & Roberts, 2009; Zubrick et al., 2006). However, contemporary educational policies and practices continue to impact upon Indigenous peoples' connection to the schooling system and in some instances Indigenous people view schools as punitive environments and have a deep mistrust of those who are in positions of power.

### Connection to Culture

Numerous educators come to their teaching practice with little or no understanding of Indigenous Knowledges and perspectives (Keenan, 2009) and most, without any historical knowledge of the policies and practices, forced upon First Nations peoples of Australia. Stanesby and Thomas (2012) argued that non-Indigenous people are blind to their own 'whiteness', privileging their own social constructs and negating those that they do not understand.

There is some truth to the claim that non-Indigenous peoples often consider themselves at the 'centre or core of the nation' (Elder, Ellis, & Pratt, 2004, p. 209). Therefore, non-Indigenous leaders in education and teachers in schools must endeavour to deconstruct their 'whiteness' in order to understand why 'white privilege' is maintained and most importantly, what that means for those children who are disempowered and marginalised in the schooling system by this particular social construction.

Moreton-Robinson (2015) highlights that non-Indigenous peoples maintain 'white' dominant structures to ensure positions of authority and control. Negative stereotyping of Indigenous children and locating deficits within Indigenous children and in their home and family life to explain away poor outcomes has been an ongoing practice by policy-makers and educators for many years (Ainge, 2002). Indigenous and non-Indigenous scholars continue to challenge teacher thinking around 'deficit discourses', which are consistently directed towards Indigenous children (Harrison, 2011; Sarra, 2003).

Moreton-Robinson (1998) further argues that, whiteness controls institutions, which are expansions of 'white Australian culture and are ruled by that culture's values, beliefs and assumptions' (p. 11). Barnhardt (2005) concurs and suggests that

Many Indigenous as well as non-Indigenous people have begun to recognize the limitations of a mono-cultural, single-stream education system and new approaches have begun to emerge that are contributing to our understanding of the relationship between Indigenous ways of knowing and those associated with Western society and formal education. (np.)

It is by challenging these dominant structures in all areas of education that change will occur. It requires non-Indigenous policy-makers, university institutions who educate and train preservice teachers and those who are presently in the education system to challenge the

status-quo, in order to achieve equitable outcomes for Indigenous children and their families.

### Punitive Disciplinary Policy

In 2016, the Australian Bureau of Statistics (ABS) identified that there were 207,852 Indigenous students enrolled throughout Australia, with the majority attending government schools. Indigenous students in Queensland accounted for approximately one quarter of all Indigenous students in Australia. Many of these students have considerably different life opportunities, depending on where they reside (Rigney, 2011). The current enrolment of all students in Queensland State Schools is 543,011 of which 52,463 (or 9.7%) identify as Indigenous Australians (ABS, 2016).

In the current *space* and *place* of schooling, many Indigenous children continue to feel excluded and do not see themselves represented within the school system (Malin & Maidment, 2003). Enthusiasm to attend or engage with school and learning can become problematic when Indigenous students see themselves continually excluded. Research shows that Indigenous children are much more likely to disengage from schooling at an earlier age (Bourke, Rigby, & Burden, 2000). Students' truancy or disengagement whether by choice or enacted through school behaviour management policies may be reflected in the inappropriate punitive practices that schools continue to use. Although using intervention strategies can assist in getting students back into school; upon their return to the classroom, change is not occurring, the cycle is repeated and the truancy and disengagement continues. In other words, it is about the student making changes, rather than teachers or schools recognising that there may be possible shortcomings in their practices. In many instances, Indigenous children (particularly boys) are suspended or excluded from schooling at much higher rates than their non-Indigenous counterparts (Bourke et al., 2000) and research shows this can lead to an increased possibility of incarceration (Anderson, 2012).

Gray and Partington (2012) maintain that schools are places that can 'challenge the active participation' of Indigenous boys, consequently resulting in behaviour management issues which then need to be addressed (p. 163). Unfortunately, these issues in many circumstances are addressed with punitive measures that may result in suspension or exclusion from school. It has also been highlighted by Gray and Partington (2012) that some educators can worsen the reasons for antisocial behaviour in children while also having the capacity to prevent it.

In some situations, there are Indigenous students who deliberately resist the schooling system and seek out suspension and exclusion to avoid learning if they are having academic or social difficulties (Harrison, 2011; Herbert, Anderson, Price, & Stehbins, 1999). Other Indigenous

students can find themselves dealing with suspensions or exclusions when they retaliate to racist actions or comments inflicted by other students or teachers (Groome & Hamilton, 1995; Harris & Malin, 1994; Malin, 1997; Partington, 1994). Suspensions and/or exclusions create situations whereby students feel a sense of powerlessness and there have also been associations made between suspension and exclusion and antisocial or aggressive behaviours (Michail, 2011). Walker (1993) claimed:

Our kids face racial problems from day one at school, and have to cope with growing up at home with such strong cultural values and being so proud of who they are and then going out and mixing with the wider society to be confronted with bigots who have few clues about the sensitivities of our people (p. 52).

Partington, Waugh and Forrest (2001) indicated that in schools there is an inconsistent approach to how students are disciplined and maintain that in some instances students are punitively excluded from the classroom rather than the teacher addressing the root of the behaviour. Harrison (2011) also points out that teachers need to be aware of the tone of language they are using in conversations with Indigenous students and during discussions with the parents of Indigenous children when trying to address difficult situations. Often there are predeterminations made by teachers and school administrators surrounding the child's family background and socio-economic circumstances, which can critically influence outcomes for Indigenous children and their engagement with the school.

### Educational Reform

In 2014, the conservative government in Queensland, introduced lengthier punishments for students in Queensland schools. The Department of Education Training and Employment (DETE) (2013), Queensland also gave principals greater autonomy to exclude students, reducing options for appeal against suspensions and exclusionary practices.

The Queensland *Education Amendment Bill* directed that discipline in schools would be strengthened by the following:

- Providing principals with stronger disciplinary powers and more flexibility and bolstering the grounds for autonomy around discipline decisions;
- Suspension and exclusion; and
- Reducing administrative burdens to enable firm and timely responses to problem behaviour (DETE, 2013).

These reforms were pushed through Parliament with little consideration or research undertaken by the government as to what impact they would have on young people and their educational opportunities. Daly (2013) points out in the *National Research Review into Student*

*Suspensions*, that there is no merit in the suspension, or expulsion of students, as there are usually other underlying causes of problems, which are ultimately not being addressed. Daly (2013) also states that, 'the link between socioeconomic disadvantage and student suspension is clear' (p. 18). Simultaneously, the introduction of significant reforms to the *Queensland's Youth Justice Act 1992 (QLD)* affecting young people coming into contact with the juvenile justice system occurred (Hutchinson, 2014).

Although it will not be discussed in this paper, some of these changes meant the contravention of several articles, under the *Convention of the Rights of the Child*. However, with a change of government, some of these castigatory reforms have since been repealed.

While the paper reports on a harsh reality, it does not by any means intend to dismiss the excellent work of many dedicated people employed in the education system. There have been some promising advances by individual schools who have established meaningful relationships and partnerships with their local communities. Correspondingly, the Australian Institute for Teaching and School Leadership (AITSL) promotes important strategies for teachers to develop their professional practice across all stages of their teaching career. Three pivotal areas which AITSL champion to support inclusive practices within their professional standards framework are as follows:

1.4 *Strategies for Teaching Aboriginal and Torres Strait Islander Students*: which supports teachers to demonstrate a broad knowledge and understanding of culture, cultural identity and linguistic background of students from Aboriginal and Torres Strait Islander backgrounds.

2.4 *Understand and Respect Aboriginal and Torres Strait Islander People*: thereby promoting reconciliation between Indigenous and non-Indigenous Australians and being able to demonstrate a broad knowledge of, understanding of and respect for Aboriginal and Torres Strait Islander histories, cultures and languages, and

4.1 *Support Student Participation*: In doing so, teachers identify strategies to support inclusive student participation and engagement in classroom activities.

The implementation and the effective application of these strategies by lead educators must be a priority. Furthermore, there must be consistent support and training made available for those teachers who struggle to understand how to put these strategies into practice.

## Incarceration

Turning our attention briefly to international research, Heilbrun et al., (2015) found that children in minority groups in the United States were most at risk of the 'zero tolerance' policy reforms. Their research indicates a host of negative consequences resulting from the suspension and exclusion of young people from schools, including higher levels of contact with police and higher levels of

incarceration in juvenile justice facilities (Heilbrun et al., 2015).

In Australia, Indigenous young people are much more likely to be 'issued a warrant or arrested' compared to that of their non-Indigenous counterparts, '(49.6% compared to 24.6%)'. Other data indicates that non-Indigenous young people are also more likely to receive a caution from police than Indigenous young people '(39.1% and 20.3%, respectively)' (Commission for Children and Young People and Child Guardian, 2013, p. 133). In Queensland, young Indigenous males make up a greater percentage of all of those young males who are incarcerated, and although the data varies across states and territories the commonality is that young Indigenous people are 'over-represented at all stages of the criminal justice system' throughout Australia (Higgins & Davis, 2014, p. 2).

Research has also shown that police have discretionary powers to caution or charge those taken into custody and in most cases Indigenous youth are less likely to be diverted away from the court systems, which may indicate 'systemic bias' (Allard et al., 2010; Cunneen, Collings, & Ralph, 2005; Wundersitz & Hunter, 2005). Behrendt et al. (2009) suggest that 'to a large extent, police determine which young people will enter the juvenile justice system, as well as the terms on which they enter' (p. 96). Data shows that Indigenous youth and minority groups are more likely to meet with physical aggression and 'intimidation' from police (Crime and Misconduct Commission (CMC), 2009). In most cases, young people 'are afraid to report incidents for fear of police retaliation or because they feel threatened by police warnings against making a complaint' (CMC, 2009, p. 9). Indigenous youth account for 43% of those who were charged in a Queensland court during the 2014–2015 period. The negative results of police contact can be particularly harmful to young Indigenous males, most of whom have experienced more than one incidence of contact with police since reaching the age of 10 years. According to police data, in the states of Queensland and Western Australia, as well as in the Northern Territory, it appears that Indigenous youth 'come into contact with the police disproportionately in comparison with their non-Indigenous counterparts' (CMC, 2009, p. 38).

There has been minimal research conducted in Australia which has investigated the benefits of early intervention strategies based within local Indigenous communities. Further, there is also a significant gap in knowledge about the connection made between exclusion from school and incarceration. At this stage, it is not clear to what extent early support programs may have on the incarceration or recidivism rates of young Indigenous peoples (Cubillo, 2013).

The *Community Services Act* (2007) is the legislation employed by the Queensland government to categorise funding available to vulnerable groups within the community. This mechanism supports young Indigenous peoples

who have been involved in the juvenile justice system and in 2016, the Queensland government continued to fund the following programs:

- Young offender support services.
- Employment project officer programs.
- Specialist counselling services.
- Bail support services.
- Supervised community accommodation services.
- Logan learning initiative.

However, even with these support programs in place, we have seen little improvement overall. One positive and specifically, Indigenous led strategy is the forming of the new Youth Justice First Nations Action Board (YJFNAB) at the end of 2016, which is the first of its kind in Australia. The YJFNAB representatives include Indigenous Youth Justice workers from throughout Queensland who continue to work to support young Indigenous peoples across Queensland at the local level.

Cubillo (2013) states that, the application of a 'data driven and fiscally sound justice reinvestment approach' (pp. 16–17) may decrease offending and imprisonment rates. Whereas, Bratanova and Robinson (2014) maintain that, 'justice reinvestment would require a change of emphasis for the Queensland Government, from discouraging youth offending by punitive action to tackling youth crime before it eventuates' (p. 2). It is in this space that education may play a significant role to prevent the incarceration of young people. It has been shown that education is a vehicle for social and economic change and can be instrumental in alleviating poverty and also increasing the life expectancy of Indigenous Australians. By improving educational outcomes for Indigenous children, other social determinants, such as future employment and income are greatly improved, thereby reducing the risk of crime and incarceration (Henson, 1991).

Another support mechanism established in Queensland in 1997, was youth conferencing. However, in early 2013, the conservative government amended the *Youth Justice Act* (1992) and established that police have sole autonomy as to whether they refer a young offender to youth justice conferencing and that courts would no longer have the discretion to do so. Again, this gives police significant unrestricted powers in relation to the initial legal procedures concerning the incarceration of young people.

## Conclusion

It has been identified that there has been little research conducted in relation to Indigenous children who are suspended and/or excluded from education and their subsequent over-representation in juvenile detention. Sustained effort is required by those who are currently responsible for the development of policy, which

directly affects poor schooling outcomes, particularly, for young Indigenous males. Data also suggests the possibility of 'systemic bias' (Cunneen, 2005) in the education and criminal justice systems for young Indigenous males. This paper maintains that there is a lack of inclusion of Indigenous histories, knowledges and perspectives in schools, and that the cultural capacity of many non-Indigenous educators is severely lacking. Critically, Indigenous voices in the decision-making processes must be prioritised and communities must have greater input into legislation and policy development in these areas.

Serious changes need to be made at all levels of the education system from the grass-roots level in schools, to those who are developing and implementing policies at the top, as well as teacher training at universities. There needs to be appropriate and rigorous accountability of educational outcomes, if not, the system will continue to fail Indigenous children. It is up to all involved in education to promote positive, constructive and meaningful dialogues to create change and in doing so, build genuine partnerships with Indigenous communities.

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