

# CHICAGO, ILLINOIS

Chicago Public Schools Facts and Figures (2003-04)	
Total Student Enrollment	434,419
Student Demographics:	
Native American	0.2%
African-American	50.3%
Asian/Pacific Islander	3.2%
Latino	37.2%
White	9.1%
Percentage of students from low-income families (receive reduced-priced or free lunch)	84.9%
Number of Schools	613
Source: Chicago Public Schools, At a Glance, www.cps.k12.il.us/AtAGlance.html (last visited Feb. 9, 2005)	

## The Problem

Chicago Public Schools (CPS) has become infamous for its harsh zero tolerance policies. Although there is no verified positive impact on safety, these policies have resulted in tens of thousands of student suspensions and an exorbitant number of expulsions. The trend in Chicago has been difficult to document, largely because of the school district's refusal to provide data to advocates.<sup>80</sup> Where data has been published, it is often conflicting or inexplicable. However, even by its own numbers, CPS has aggressively ignited a schoolhouse-to-jailhouse track that is ravaging this generation of youths. CPS's failure to provide reliable school discipline data, however, gives rise to concern that the impact of this track may be even more alarming than it appears.

### LACK OF RELIABLE DATA

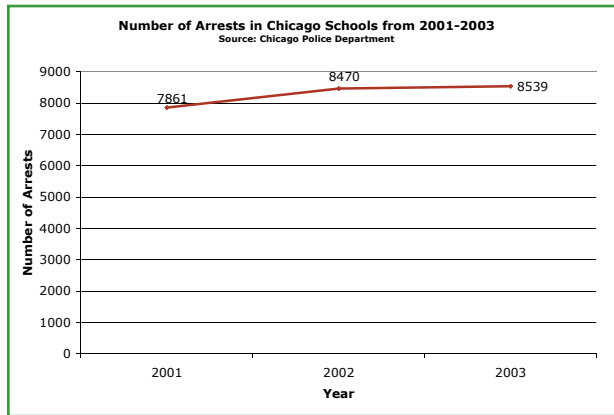
CPS has a record of failing to provide data, and thus accountability, to the public on school discipline issues. For example, in a recent issue of *Catalyst-Chicago*, it was noted that parents on the South and West sides have had difficulties obtaining suspension and expulsion data.<sup>81</sup> In fact, *Catalyst-Chicago's* request for similar data under the Freedom of Information Act was denied.<sup>82</sup>

In 1995, the State of Illinois mandated that school districts ensure safe schools by imposing a minimum one-year expulsion for any student in possession of a weapon on school grounds.<sup>83</sup> CPS's zero tolerance policies go way beyond state requirements to include a list of 11 mandatory expulsion offenses (e.g., robbery or arson), 9 offenses for which students may be arrested (e.g., fights between two or more people), and 28 offenses for which students must be arrested (e.g., vandalism or false activation of a fire alarm).<sup>84</sup> Unlike many other school districts, CPS's code of conduct specifies behavior that may result in arrest.

CPS has clearly implemented a full-throttle zero tolerance approach that excludes thousands of students from the classroom each year. From 1994 to 2003, the annual number of elementary school suspensions more than doubled from 8,870 to 20,312. In the 2002–2003 school year, more than 29,700 children were suspended from CPS. Every day, on average, more than 266 suspensions are doled out by CPS during the school year.<sup>85</sup>

Even worse, Chicago has developed a reputation for routinely using a more drastic and devastating measure for typical misbehavior—expulsion. There is some disagreement about the exact number of CPS students expelled annually. In 2002–2003, CPS reported that 712 students were expelled;<sup>86</sup> however, news accounts cite that the number of expulsions has mushroomed from 32 in 1995 to 3,000 in school year 2003–2004.<sup>87</sup> In fact, in *Opportunities Suspended: The Devastating Consequences of Zero Tolerance and School Discipline*, we noted that in 1999, CPS projected that there would be 1,500 expulsions during the 1999–2000 school year.<sup>88</sup> These school exclusions are often accompanied by an arrest—leaving these youths with fewer opportunities to learn and with a juvenile or criminal record.

While CPS claims that it does not maintain data relating to the number of arrests on school grounds, such data is available through the Chicago Police Department. According to that department, a growing number of youths, especially students of color, are being arrested in Chicago public schools. In 2003, 8,539 youths were arrested in public schools.<sup>89</sup>

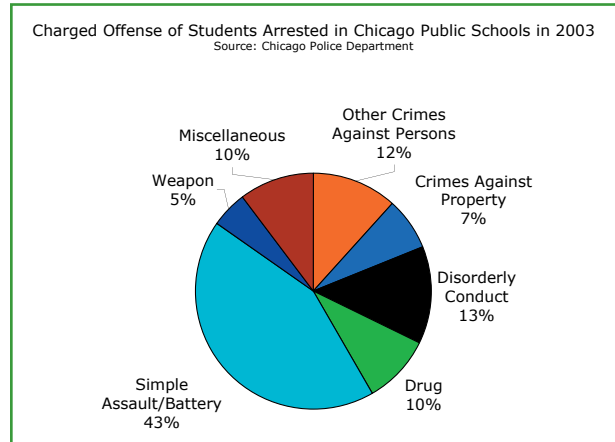


In Chicago, the schoolhouse-to-jailhouse track is often set in motion for children at an early age. Of the 2003 arrests, an astounding 830, or almost 10%, were arrests of children aged 12 and under.<sup>90</sup>

Number of Chicago Public School Students Arrested by Age: 2003	
	Number Arrested
7-year olds	4
8-year olds	17
9-year olds	52
10-year olds	98
11-year olds	196
12-year olds	463
13-year olds	810
14-year olds	1363
15-year olds	2176
16-year olds	1827
17-year olds	1089
18-year olds	444

Source = Chicago Police Department

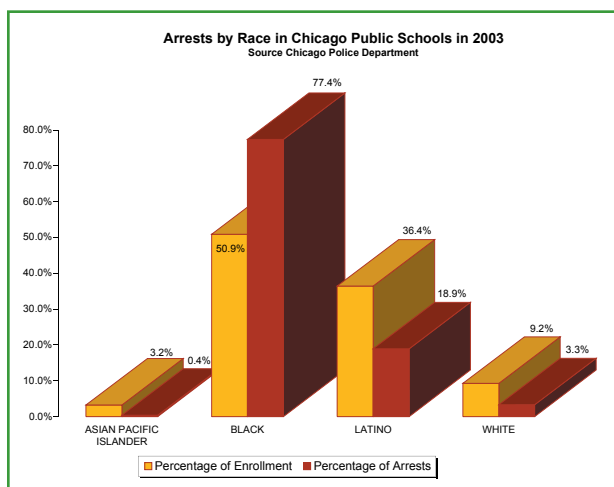
An analysis of these arrests demonstrates that a majority of them did not involve serious crimes. In 2003, more than 40% of arrests were for simple assault or battery—more than three times the number of any other category of offenses. (See Appendix I for list of offenses.) These offenses involve no serious injuries and no weapons and are often nothing more than a threat or minor fight.



Police reports disclose that students are often arrested and charged with “aggravated assault,” which requires use of a weapon. This weapon is often nothing more than a student’s “hands and feet.” According to one Chicago juvenile public defender, the number of school-based referrals to juvenile court has increased significantly over the past five years, especially for schoolyard fights. Another public defender remarked that she has received cases as ridiculous as students being prosecuted for snowball fights.<sup>91</sup>

### Race Matters

Chicago’s zero tolerance policies and practices fall more harshly on Black students. In 2003, Black students constituted 50% of student enrollment but more than 77% of arrests in schools.



This racial disparity mirrors the racial disparities in suspensions and expulsions. For example, while Black students were 51% of enrollment in 2002–2003, they were 76% of suspensions and almost 78% of expulsions. Further analysis of the district’s suspensions indicates astonishing disparities: between 1999 and 2003, Black students averaged 84% of all elementary school students suspended.<sup>92</sup> More than half of the students suspended in 2003–2004 were African-American boys.<sup>93</sup> These combined racial disparities are all part and parcel of a zero tolerance system that is targeting children of color.

There are also disparities with regard to the treatment of children with disabilities. Although there is no data available relating to the number of children with disabilities arrested in school, William Siffermann, Deputy Director of the Juvenile Probation & Court Services Department, estimates that at least 70% of the students referred to the State’s Attorney’s Office are in special education programs or have some sort of behavioral or learning disability.<sup>94</sup> According to one CPS high school assistant principal, Chicago schools tend to apply the Uniform Disciplinary Code regardless of whether the disciplinary violation was due to the student’s disability.<sup>95</sup> As a result, children with special needs are inappropriately disciplined and sometimes arrested for conduct that is caused by their disability. Also, it is unclear whether school security guards and school-based police officers are trained to deal with students with disabilities and therefore may be more apt to misinterpret

behavior that is merely a manifestation of a student’s disability.

### *The Role of Police*

One of the more visible effects of the crackdown on student discipline in Chicago is the growing reliance on school police and security measures. The militarization of Chicago’s schools has had a detrimental impact on students. For example, in February 2003, a 7-year-old boy was cuffed, shackled, and forced to lie face down for more than an hour while being restrained by a security officer at Parker Community Academy on the Southwest Side.<sup>96</sup> Neither the principal nor the assistant principal came to the aid of the first grader, who was so traumatized by the event he was not able to return to school.

CPS has a huge security budget; in 2003–2004, the district’s security budget was \$53 million.<sup>97</sup> The school district employs 1,700 security staff,<sup>98</sup> which is nearly three times as many as five years ago.<sup>99</sup> There are also armed, uniformed Chicago police officers in every high school and in some in K-8 and middle schools. Every K-8 school also employs an off-duty Chicago police officer as the head of security.<sup>100</sup>

In addition, all schools are equipped with metal detectors, and, as of August 2003, 46 schools had X-ray machines to scan student backpacks and book bags, with another 36 schools slated to receive them.<sup>101</sup> In 2003, 201 schools had video security systems,<sup>102</sup> and 12 schools had extensive exterior digital surveillance cameras.<sup>103</sup>

While many of the people interviewed agreed that the presence of security guards and police officers is needed, the extent of that presence is an issue of contention. Many people believe that schools do not need such a large and imposing security force, and that the security personnel detract from the learning environment. For example, a Chicago public high school teacher commented that while the security guards were seemingly there to keep order within the school, they were often an unwelcome disturbance and were too frequently unprofessional.<sup>104</sup>

*“To move to Zero Tolerance doesn’t match up with the court system. We have to become more actively involved in helping schools focus [on] finding a better way to accomplish school safety. We need to go back to CPS and offer alternative programs instead of juvenile court. There should be a track, an actual program, depending on what the violation was, and the disciplinary measures should be something in school they have to attend . . . there should be a community solution. . . We must separate discipline from security.”*  
*-William Siffermann, Deputy Director of the Juvenile Probation & Court Services Department*

*After* *being suspended] I missed some class. I even missed a test. I got a chance to make up the work, but since it piled on top of the work I already had, I couldn’t make it all up. Also, if you miss a certain number of days, your grade automatically drops, no matter what. . . . I kind of stopped caring. I would ditch school more often. . . . I had been trying to keep up with my grades, but I was already too far behind. I knew that, no matter how hard I had tried, I wouldn’t be able to make a difference now. Security guards literally all knew me, so they would always be looking for me and harassing me. They would always be treating me like I was a troublemaker.*

*-Ismael, Chicago Public School Student*

*On a typical Wednesday afternoon, J.D., a 15-year-old freshman, left school after his classes ended at 2:30 and headed to the bus stop to catch the 151 bus home. J.D. was one of many students waiting for the bus that day. While waiting, two students got into a fight. The police arrested the young boy accused of starting the fight. When J.D.’s bus arrived, he hopped on and went home.*

*The following day, J.D. was pulled from his class, searched twice – first by school security, and then by detectives – and subsequently arrested. As if that weren’t traumatic enough, J.D. was taken to the police station where charges were filed against him. Why? For the fight at the bus station the previous day. Somehow, school officials believed that J.D. had been involved in the fight and had him arrested.*

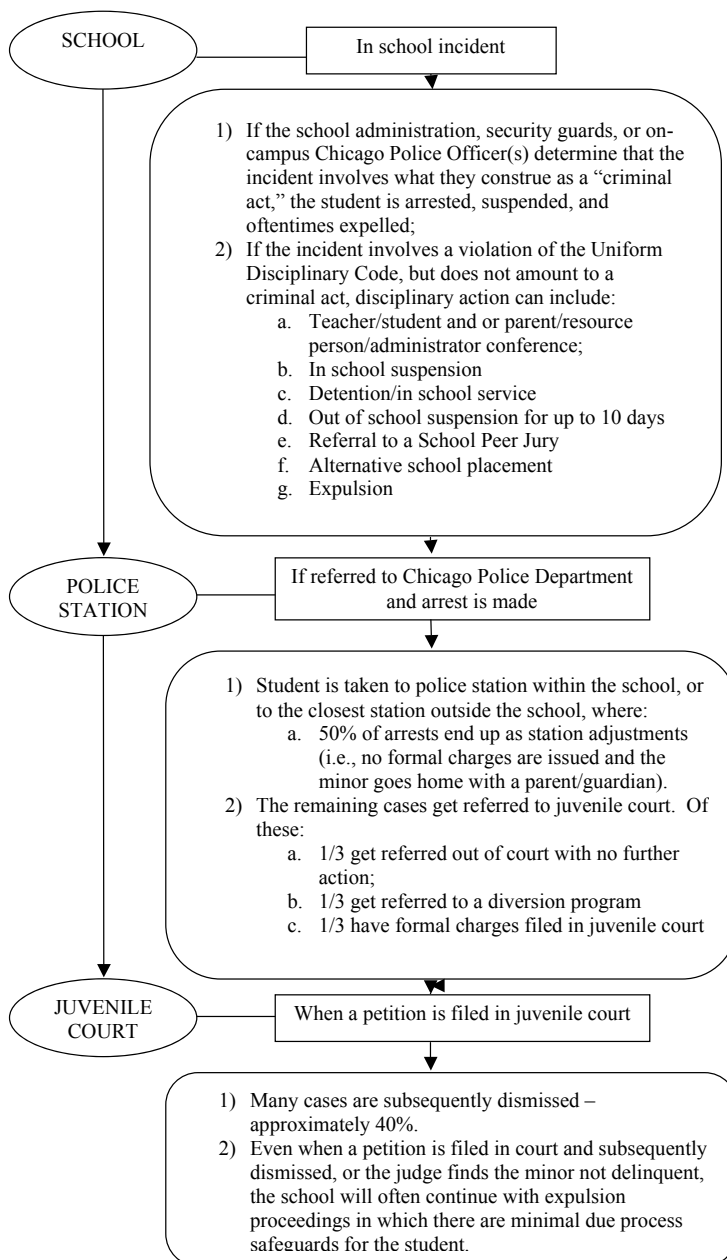
*suspended from school, J.D. spent the next several months traveling back and forth to juvenile court to fight his case. He also had his school expulsion case weighing on his mind.*

*Fortunately, J.D. was able to secure an attorney who was successful in getting his case in juvenile court dismissed. However, CPS maintained that he should be expelled and refused to drop the expulsion hearing. As the hearing began, prosecutors for CPS argued vehemently that J.D. had been the aggressor. But when CPS’s first witness – the victim – entered the hearing to testify, he exclaimed, “He wasn’t the one,” thus exonerating J.D.*

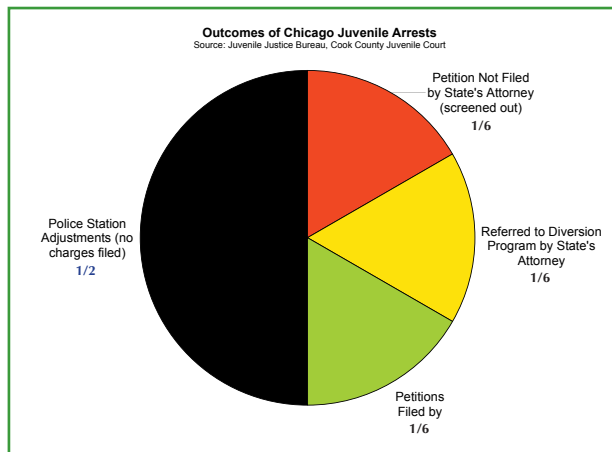
## The Chicago Route

Chicago’s schoolhouse-to-jailhouse track is fueled by the school district’s aggressive stance toward student misbehavior, even the most minor incidents. However, Chicago’s track is often stalled by other institutional systems (police and the State’s Attorney) that screen out a majority of cases because of their trivial nature; therefore, these cases never end up in the juvenile justice system. Unfortunately, these screening mechanisms have far too many cases being thrown at them by CPS.

### CHICAGO SCHOOLHOUSE-TO-JAILHOUSE TRACK



Arrests in Chicago public schools occur upon determination that the conduct at issue constitutes a criminal act. Often it is a stretch to characterize the acts of these students as criminal; however, school officials may instigate an arrest. Once an arrest is made, the arresting police officer may make a station adjustment (i.e., not file formal charges and send the youth home with a parent or guardian) or send the case to juvenile court. This initial decision is based upon the student's criminal history and the seriousness of the "crime." According to a Cook County Juvenile Court official, about one-half of the children arrested every year are station-adjusted, indicating that their "crimes" were not sufficiently significant to take them to the next step.<sup>105</sup>



Cases that progress to the next step are then sent to juvenile or criminal court. According to juvenile court officials, the outcomes are as follows: one third are dropped with no petition (charges) filed;<sup>106</sup> one third are referred to diversion programs;<sup>107</sup> and one third result in petitions (charges) filed by the State's Attorney.<sup>108</sup>

Again, these are discretionary decisions typically based upon a number of criteria including the provability of the charges, the youth's age and criminal history, the youth's attitude, the parent's attitude, the seriousness of the crime, and whether the victim wants to press charges.<sup>109</sup> Youths sent to diversion programs are generally first-time offenders, early offenders, and/or non-violent offenders.<sup>110</sup> Failure to complete a diversionary program may result in the filing of formal charges.

Upon completion of a diversionary program, charges are dropped, but a record of the arrest remains in existence until the youth has it expunged (removed).

Of the cases that result in a petition in juvenile court, a significant number (40%) are dropped after the arraignment process but before adjudication.<sup>111</sup> Cases that are not dismissed proceed to trial or are pled; most of these cases involve fighting. First-time offenders who plead guilty will typically have their charges dropped from aggravated battery to misdemeanor battery. Youths with prior charges and those who are found delinquent after a trial will usually be placed on probation for one to two years.

Chicago Public Schools' use of zero tolerance and school arrests is ruining the lives of many Chicago youths. These practices not only place the opportunity to learn in grave jeopardy, they also put youths at risk of incarceration. Of course, days missed due to out-of-school suspensions operate to the detriment of Chicago students who are under extreme pressure to pass high-stakes tests. Expelled students are clearly at a loss; these students are transferred to alternative schools, which one CPS assistant principal described as "warehouses for kids the CPS hopes will drop out."<sup>112</sup> Whether these schools are ineffective educational environments is unclear due to their total lack of accountability. Furthermore, the humiliation of being treated like criminals, especially for the youngest victims of zero tolerance, may leave deep emotional scars for those caught on the schoolhouse-to-jailhouse track.

It is particularly disturbing that the criminalization of Chicago students occurs even where the conduct does not rise to the level of a typical crime but is instead worthy of only school-based sanctions. For many of these students the adverse impact is felt regardless of whether the case is dismissed due to lack of evidence or seriousness. In the final analysis, it appears that while law enforcement and the juvenile court system often work to spare youths from the devastation of this track, CPS is working at odds with these stakeholders—aggressively suspending, expelling, and insisting on the arrest of youths regardless of fundamental principles of proportionality and necessity.