

EXECUTIVE SUMMARY

Education on Lockdown: The Schoolhouse to Jailhouse Track, is Advancement Project's second examination of the emergence of zero tolerance school discipline policies and how these policies have pushed students away from an academic track to a future in the juvenile justice system. School districts have teamed up with law enforcement to create this "schoolhouse to jailhouse track" by imposing a "double dose" of punishment - suspensions or expulsions *and* a trip to the juvenile court - for one act of childish misconduct.

This report is intended to ignite a dialogue about the negative side effects of the use of law and order approaches to address typical student misbehavior, and to encourage efforts toward reform. *Education on Lockdown* profiles three school districts - Denver, Chicago and Palm Beach County - where this track is in full operation and where communities are beginning to realize and address its adverse impact.

This report dissects the schoolhouse to jailhouse track by examining:

- How zero tolerance, a policy originally designed to address the most serious misconduct, morphed into a "take no prisoners" approach to school discipline issues and created a direct track into the juvenile and criminal justice systems;
- The expanding role of law enforcement measures in schools;
- The disparate impact of these practices on students of color; and
- How the track is unfolding in: Denver, Chicago, and Palm Beach County.

The first section of *Education on Lockdown* zeros in on zero tolerance with a discussion of the evolution of zero tolerance in public schools.

Zero tolerance, a term taken from the war on drugs (where law enforcement agencies swiftly and harshly responded to drug offenders), was initiated in school districts in numerous states during a juvenile crime wave in the late 1980's. Congress later passed the Gun-Free Schools Act of 1994, which required states to enact laws mandating that schools expel any student found on school property with a firearm. Many states, however, went above and beyond the federal mandate, passing laws that required expulsion or suspension for the possession of all weapons, drugs and other serious violations on or around school grounds.

In recent years, traditional school punishments have been supplemented by criminal penalties. Even non-violent acts are now subject to citations (tickets) or arrests and referrals to juvenile or criminal courts. In fact, in many instances the charges (e.g., battery for pouring a carton of chocolate milk over the head of a classmate) would never constitute a crime if an adult were involved. Schools have unreasonably raised the stakes for certain adolescent behaviors.

In the second section of the report we examine the changing role of police in schools.

There is much debate about how to improve school safety. Many districts have taken the easiest route – increasing the number of police patrolling hallways and giving them a greater role in disciplinary matters. In a growing number of schools, police are hired on a full-time basis. These officers are often assigned from local police departments to augment the school security staff. In other places, such as Houston, Palm Beach County, and Los Angeles, school districts have established their own police force.

Also, in an attempt to improve safety, schools have beefed up security measures to include: cameras, metal detectors, tasers, canine units, and biometric hand readers.

While these measures produce a perception of safety, there is little or no evidence that they create safer learning environments or change disruptive behaviors. There is however, evidence that these tactics unnecessarily thrust more youth into an unforgiving penal system.

The third section of the report examines the disproportionate impact that zero tolerance policies have on children of color.

Racial disparities in school discipline have been documented for over thirty years. With the increased presence of police in public schools, mandatory punishments, and the expanded use of suspensions and expulsions, students of color are getting pushed out or thrown out of schools at alarming rates. While anecdotes help to tell the schoolhouse to jailhouse story, the data included in this report also illustrates the grim picture students of color face in school.

Across the board, the data shows that Black and Latino students are more likely than their White peers to be arrested in school, regardless of the demographics of the school's enrollment. Researchers conclude that racial disparities cannot be accounted for by the socioeconomic status of students. Nor is there any evidence that Black and Latino students misbehave more than their White peers. Race does, however, correlate with the severity of the punishment imposed with students of color receiving harsher punishments for less severe behavior.

The fourth section of the report tells the tale of three school districts by mapping their schoolhouse to jailhouse tracks.

DENVER, COLORADO

Like most school districts across the country, Denver Public Schools (DPS) has drawn a line in the sand and is taking a zero tolerance approach to school discipline by using both school disciplinary measures and police involvement to address even the most trivial acts of student misconduct.

The dramatic rise in expulsions, suspensions, and referrals to law enforcement (through citations (tickets) and arrests) in DPS demonstrates that it is zealously cracking down on youthful behaviors. For example, between 2000 and 2004, DPS experienced a 71% increase in the number of student referrals to law enforcement. Most of these referrals were for non-violent, subjective behavior such as bullying and use of obscenities. Students of color are the target of these over zealous discipline practices. Black and Latino students are 70% more likely to be disciplined (suspended, expelled, or ticketed) than their White peers.

In Denver, school referrals to law enforcement typically result in a visit to juvenile court. These students are often placed on probation for up to a year or sent to a diversion program. Many parents, students and court officials believe that minor offenses should be resolved by the schools and not the juvenile court. The research shows that DPS's practice of shifting the responsibility of school discipline to school police and juvenile courts simply does not work, and more needs to be done to keep students in school and out of the juvenile justice system.

CHICAGO, ILLINOIS

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 increasing number of expulsions. The trend in Chicago has been difficult to document, largely because of the District's refusal to provide data to advocates. 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 youth.

For example, in 2003 over 8,000 students were arrested in CPS. More than 40% of these arrests were for simple assaults or batteries which involve no serious injuries or weapons and are often nothing more than threats or minor fights.

Seventy-seven (77%) of the arrests were of Black students even though they constituted only 50% of the student enrollment.

Most of these cases are so minor that institutions beyond the schoolhouse doors dismiss them or send the youth involved to diversion programs. While it appears that the State's Attorney and Chicago's juvenile court system often spare youths from the devastation of the schoolhouse-to-jailhouse track by diverting most cases out of court, CPS is working at odds with the courts – aggressively suspending, expelling, and insisting on the arrest of youths regardless of fundamental principles of fairness and necessity.

PALM BEACH COUNTY, FLORIDA

In Advancement Project's initial report documenting the unrelenting criminalization of students, we noted the continuing problem of the overuse of suspensions and the rising number of arrests by Palm Beach County School District Police for minor conduct. Public defenders and Legal Aid attorneys provided accounts that demonstrated that all too often students in Palm Beach County were being thrown into the juvenile justice system for instances that should have been handled by schools.

In the almost two years since the release of the first report, the number of arrests has only slightly declined; complaints remain that too many youth are being arrested for petty acts that would never result in an arrest and prosecution in the real world. With 1,105 arrests of students in 2003, 64% of these arrests were Black youth, who account for only 29% of enrollment. Further, it appears that the Palm Beach County State's Attorney's office continues to go overboard in prosecuting harmless behavior – assisting in the needless criminalization of Palm Beach County youth.

In the final analysis:

Schools continue to be safe havens for America's children. Rare occurrences of serious school violence, however, have caused school districts around the country to grapple with the issue of

school safety. While many agree that schools should be safe and conducive to learning; the way to achieve these goals is very much in dispute.

Right now, schools are overreaching by inappropriately adopting law enforcement strategies that are leading students unnecessarily into the juvenile or criminal justice systems. Through zero tolerance school discipline policies, some schools seem to be opting to discard students who are perceived as troublemakers and who could potentially disrupt learning. These strategies are being employed without regard for teaching youths how to change behavior, using punishments that fit the conduct, or acknowledging adolescent development.

These issues are not easy. Of course, school safety is important, however, a delicate balancing act must be applied. Research has shown that prevention and intervention programs are the most effective methods for addressing school violence and creating a productive learning environment. It is also more cost effective than hurling students into the juvenile justice system. State and local policy makers must examine the effectiveness of their school discipline policies and programs and take steps toward reforming this failing system. Some initial solutions follow:

- School districts should limit suspensions, expulsions and arrests to conduct that pose a serious threat to safety.
- Schools should adopt clear and concise school discipline guidelines that provide students and parents with notice of potential disciplinary actions for specific offenses.
- School districts should establish discipline oversight committees to handle complaints about school discipline practices and review discipline and arrest statistics to ensure that discipline is meted out in a fair, nondiscriminatory manner.

- Schools should adopt and provide adequate resources for school violence prevention and intervention programs that have been assessed for effectiveness.
- Schools districts need funding resources to expand their staff of guidance counselors and social workers who should provide counseling and support to students experiencing behavior and academic problems.
- School police should receive special training on how to effectively interact with youths and children with disabilities.

