

# ZEROING IN ON ZERO TOLERANCE

## How Did We Get Here?

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 during a juvenile crime wave in the late 1980s.<sup>18</sup> Congress acted, passing the Gun-Free Schools Act of 1994, which required states to enact laws mandating the expulsion of students found on school property with firearms. Most states and school districts reacted by going above and beyond the federal mandate, passing laws and policies that required expulsion or suspension for the possession of all weapons, drugs and other serious violations committed on or off school grounds.

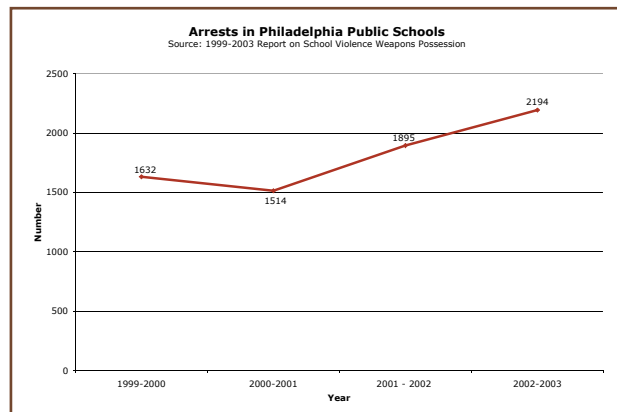
While zero tolerance once required suspension or expulsion for a specified list of serious offenses, it is now an overarching approach toward discipline for potential weapons, imaginary weapons, perceived weapons, a smart mouth, headache medicine, tardiness, and spitballs. Punishment through exclusion from the classroom has become the rapid-response to every act of misconduct or perceived misconduct. From 1974 to 2000, the number of students suspended out-of-school increased from 1.7 million to 3.1 million.<sup>19</sup> Research conducted over the past five years has detailed the growing use of suspensions for trivial conduct, much of which is subjectively labeled “disrespect,” “disobedience,” and “disruption.”<sup>20</sup>

In recent years, traditional school punishments have been supplemented by criminal penalties. Even harmless 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., “terroristic threatening” for playing cops and robbers, or assault for throwing a snowball) would never constitute a crime if an adult were involved. Schools have unreasonably raised the stakes for certain adolescent behaviors.

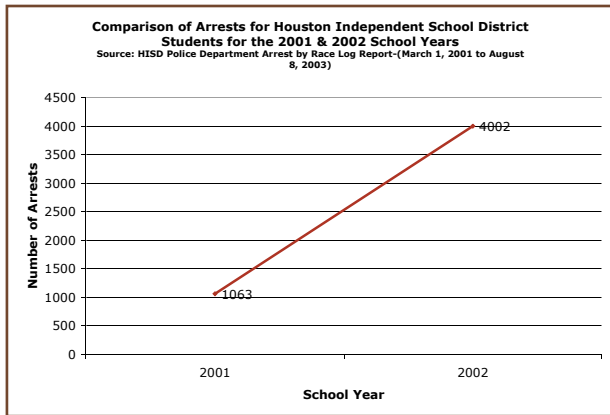
*“You may end up on Forth and Walton Way (at jail), picking up your child if your child can’t behave.”*

*—Dr. C. Lake, Superintendent, Richmond County, GA (discussion with parents about a rise in middle school fights)<sup>21</sup>*

While national data is not available, data from various districts, including those that are the focus of this report, indicate the growing trend toward using arrests to address school disciplinary matters.<sup>22</sup> For example, the number of arrests in Philadelphia County schools has increased from 1,632 during the 1999–2000 school year to 2,194 in 2002–2003.



Houston Independent School District also experienced a rise in school-based arrest. A large number of the arrests in Houston were for minor offenses. For example, in 2002, of the 4,002 arrests of youths by Houston Independent School District Police, 660, or almost 17%, were for disruption (disruptive activities, disruption of classes, and disruption of transportation). Another 1,041 arrests, or 26%, were for disorderly conduct.



Teachers and school officials contend that the reasons for this strict treatment of students include:

- Averting tragedy by cracking down on minor conduct before it becomes serious<sup>23</sup>
- Detering misconduct by providing youths a “wake-up call”
- Limiting legal liability by treating all misbehavior as serious
- Shifting youths into the juvenile justice system to give them the help that schools will not or cannot provide
- Creating an environment conducive to learning by removing children who do not want to learn

Advocates, parents, and youths believe that this overly harsh treatment of youths is due to:

- Pushing out allegedly low-performing youths in an era of high-stakes testing, and
- Perpetuating the structural racism that has resulted in the over-criminalization and incarceration of people of color and that is victimizing younger and younger people of color.

Ultimately, there is no evidence that zero tolerance measures alone are effective in changing misbehavior or preventing violence.<sup>24</sup> The high rate of recidivism of suspended youths indicates that out-of-school suspension is an ineffective deterrent and, in fact, for some students it acts as a reinforcer.<sup>25</sup> Further, although the purpose of out-of-school suspensions and expulsions is to teach students a lesson about misbehavior, many students view

these punishments as being based more on the reputation of students than on their behavior and thus unfairly target certain groups of students—e.g., students of color.<sup>26</sup> Similarly, the use of criminal penalties for minor conduct not only engenders a sense of unfair treatment, it also adversely impacts students’ self-perceptions.<sup>27</sup> These devastating consequences of zero tolerance and the schoolhouse to jailhouse track clearly dictate that these practices should be used only as a last resort.

### **Law Enforcement Goes to School**

*The morning of November 5, 2003, seemed like a typical school day at Stratford High School in Goose Creek, South Carolina. Students mingled in the crowded hallways as they prepared for their next class. Then a police SWAT team entered the school. With guns drawn, the SWAT team with dogs stormed the hallways, screaming at the teens, shoving them to the ground, and holding some of them down with guns pointed at their heads. Students who did not respond in a split second to the orders barked at them were handcuffed.*

**“When I saw that man with a gun in my face, I wasn’t even sure he was a police officer because he did not have a full uniform on. I thought there was a terrorist attack or something. But when I tried to run, another police officer put a gun in my face.”**  
-Carl Alexander, 15-year-old student<sup>28</sup>

*“They hit that school like it was a crack house, like they knew there were crack dealers in there with guns,” stated Elijah Simpson, parent of a 14-year-old student caught in the raid and a deputy sheriff and SWAT team member. “A school drug raid is not a SWAT team situation....” Simpson’s son was held at gunpoint and detained on his knees facing the wall during the raid.<sup>29</sup>*

*The horrifying raid at Stratford High School has left an indelible mark on the minds of the students whose rights and self-esteem were attacked that day, but it also left an imprint on the minds of many Americans who saw the videotape of the raid on television. Innocent youths treated like hardened criminals in the one place that is supposed to be safe, secure, and sheltered from the problems of the streets—their school. The school allegedly requested law enforcement assistance to address a suspected drug problem. Law enforcement excused its commando-style raid by stating that where drugs are found, weapons are also typically found. The raid turned up no drugs and no weapons at Stratford High School.*

This is the new face of school safety. In an attempt to improve safety, schools have beefed up security measures to include: police officers, cameras, metal detectors, tasers,<sup>30</sup> canine units, and biometric hand readers.<sup>31</sup> While these measures produce a perception of safety, there is no evidence that they create safer learning environments or change detrimental behaviors. There is, however, evidence that these tactics unnecessarily thrust more youths into an unforgiving penal system.

There is much debate about how to improve school safety. Many districts have taken the easiest route—increase the number of police patrolling hallways and give them a greater role in disciplinary matters.

- In New York City, for example, Mayor Bloomberg created a special team of the New York Police Department to target 17 “Impact Schools,” which were so designated because of their incidents of crime. An additional 150 police officers were detailed to these “troubled” schools.<sup>32</sup> This increased police presence has created controversy. Most recently, a Bronx high school principal was charged with second degree assault and obstructing governmental procedure when he attempted to stop a police officer from arresting a student who the officer was

attempting to ticket for disorderly conduct. The principal of Bronx Guild High School had previously complained that the heavy police presence at the school has increased hostility between students and staff.<sup>33</sup>

- In Washington, D.C., elected officials also reacted quickly to calls for enhanced safety by increasing police presence in schools. In response to several fights and a tragic murder at a D.C. public high school, and apparently without consulting school officials, Mayor Williams announced a plan to have the Metropolitan Police Department take control of school security. Although many education officials were concerned about this move, politics in response to bad public relations ruled the day.<sup>34</sup>

Police are integrated into schools in various ways. In some districts, local police departments assign officers to schools to perform specific duties pursuant to an agreement (or Memorandum of Understanding) with the school district. In other places, like Houston, Los Angeles, Baltimore, Miami, and Palm Beach County, school districts have their own police departments, with all the powers of local police but with jurisdiction limited to school grounds. In addition to police officers, schools often employ their own security officers or subcontract with a security firm.

The use of police and security devices is costly, although the federal government has provided funding assistance to many districts. In 2004, the U.S. Department of Justice, Office of Community Oriented Policing Services, gave \$60 million to school districts and police departments to hire police officers, also referred to as School Resource Officers (SROs).<sup>35</sup> An additional \$19.5 million was awarded for school safety resources and technology through the Safe Schools Initiative Program.<sup>36</sup>

Whether these measures enhance school safety remains undetermined; however, what is clear is that there are detrimental outcomes associated with the presence of law enforcement in educational environments.

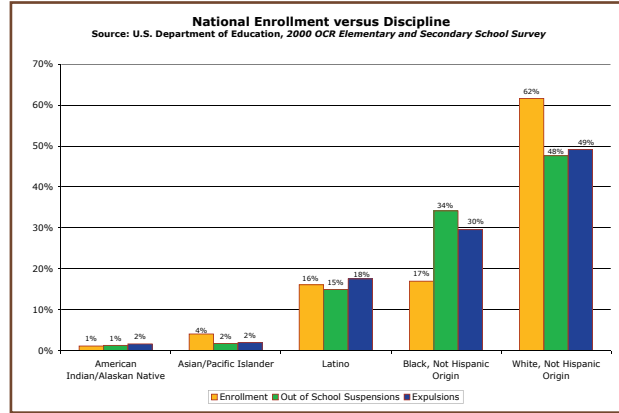
First, officers are often not trained to be in the hallways of elementary and secondary schools and thus may overreact to student behavior. For example, police reports relating to school incidents in Chicago show that most often the weapons used by youths charged with aggravated assault are “hands and feet,” which typically would not constitute deadly weapons if used by young children. Furthermore, in many school districts, a large number of tickets and arrests are for “disorderly conduct,” “detrimental behavior,” or “disruption.” Second, racial profiling by law enforcement, which has been well documented in many cities, may be used in schools as well. For example, in New York City, advocates have raised concerns about the growing presence in schools of police officers who belong to a department that has an infamous history of excessive use of force against people of color.

Whether the presence of law enforcement in public schools is effective in creating safe schools is yet to be determined. Ultimately, every community (students, parents, and school officials) should make such determinations. But before police are injected into educational environments, the entire school community must determine what role the police should play in the hallways of our schools.

### Racial Profiling

The existence of structural racism in our schools is nothing new. The very premise of the 1954 *Brown v. Board of Education* decision is that race is a determining factor in who receives quality education in the United States. Fifty years later, education policy and practice continue to single out students of color for disparate treatment.

Racial disparities in school discipline have been documented for more than thirty years. In 1975, the Children’s Defense Fund found that national suspension rates for Black students were two to three times higher than suspension rates for White students.<sup>37</sup> This pattern still holds true. In 2000, Blacks were 17% of public school enrollment nationwide and 34% of suspensions.<sup>38</sup>



With the increased referrals of these disciplinary issues to the juvenile justice system, students of color are more likely to be on the schoolhouse-to-jailhouse track than their White peers.<sup>39</sup> Although national school-based arrest data is not available, evidence from each of the districts examined in this report, as well as previous research, reveals these disparities.<sup>40</sup>

In fact, this pattern is true beyond the schoolhouse doors. The racial disparities of this track mirror the disparities in the juvenile and criminal justice systems—signifying that the track is merely a continuum of the over-criminalization of people of color. For example, in 2002, Black youths made up 16% of the juvenile population but were 43% of juvenile arrests, while White youths were 78% of the juvenile population but 55% of juvenile arrests.<sup>41</sup> Further, in 1999, minority youths accounted for 34% of the U.S. juvenile population but 62% of the youths in juvenile facilities.<sup>42</sup> Because higher rates of suspensions and expulsions are likely to lead to higher rates of juvenile incarceration,<sup>43</sup> it is not surprising that Black and Latino youths are disproportionately represented among young people held in juvenile prisons.

Researchers conclude that racial disparities cannot be accounted for by the socioeconomic status of minority students. Nor is there any evidence that minority students misbehave more than their White peers.<sup>44</sup> Race does, however, correlate with the severity of the punishment imposed, with students of color receiving harsher punishments for less severe behavior.

Furthermore, research pertaining to the treatment of minorities in the juvenile justice and criminal justice systems indicates that racially biased decision making occurs at every step of those processes.<sup>45</sup> Thus, it is more likely that disparities in the schoolhouse-to-jailhouse track are due to racism, individual and/or structural. These disparities ultimately exacerbate racial inequities in education.