

Lawrence Hardy

Juvenile Injustice

Alarming statistics of criminalized minority student behavior have led some districts to rethink how they handle discipline and security



As schoolhouse fights go, it wasn't that remarkable: two ninth-grade boys throwing punches in the hallway over a perceived slight, or perhaps a look one gave the other earlier in the day. Somewhere in the mix: jealousy over one boy contacting the friend of the other's girlfriend, the details lost in a haze of adolescent intrigue.

This much can be established regarding the recent altercation at Theodore Roosevelt High School in Los Angeles: There was one bloody nose.

But if the fight wasn't extraordinary, the school's response was. No one was suspended. Police weren't called, and no charges were filed. Instead the boys and their parents met with school principal Ben Gertner the next day and agreed to let the whole thing cool down.

"Punches don't solve anything," Gertner recalled one of the parents saying.

Why was the school's commonsense response extraordinary? Because in an era of widespread zero tolerance and mounting complaints that districts are "criminalizing" discipline, this 3,000-student school in the poor, largely Hispanic community of Boyle Heights is doing something different.

"It started with this idea that you want to emphasize, define, and teach behavioral expectations, instead of waiting for students to break the rules," says Gertner, principal of Roosevelt's School of Communications, New Media, and Technology.

Roosevelt is part of a growing movement to rethink rigid zero-tolerance policies, which affect all types of schools, but particularly those that serve large numbers of minority students. It is spurred in part by a creeping law enforcement mentality that critics say is less about creating safe and nurturing schools than

preserving institutional order—often by suspending or expelling the very students who need help the most.

Across the country, state legislatures, school districts, counties, and other municipalities have stepped up efforts to address what some critics have called the “school-to-prison pipeline.” Within the past two years, state legislatures in Virginia and Washington state have passed laws aimed at overly harsh truancy procedures. Florida and other states have amended their zero-tolerance laws to allow schools more discretion in disciplinary cases. In Wisconsin, the Appleton Area School District, with the help of the MacArthur Foundation and Outagamie County, has introduced a program called Positive Behavioral Interventions and Supports (PBIS).

The movement is backed by numerous studies; books such as *Homeroom Security*, by University of Delaware criminologist Aaron Kupchik; an indictment of overly harsh disciplinary policies; and the national advocacy group Dignity in Schools, which calls for “solutions not suspensions.”

At a packed forum on discipline and minority students sponsored by NSBA’s National Black Caucus during the annual conference in Boston in April 2012, participants vowed to make the issue a priority.

“It’s like the system is designed to keep you out of school,” said Caucus President Paul Chatman, board chairman of California’s Ocean View School District. “What is designed to keep you in school?”

Alarming statistics

The issue’s urgency was underscored last spring when a U.S. Department of Education survey of 72,000 schools found black students made up 18 percent of those enrolled but accounted for 35 percent of students suspended once, and 46 percent of those suspended more than once. They also represented 39 percent of all expulsions.

“Education is the civil rights issue of our generation,” Secretary of Education Arne Duncan said after releasing the report, which also cited disparities in access to college-level classes such as calculus. “The undeniable truth is that the everyday education experience for too many students of color violates the principle of equity at the heart of the American promise.”

The discipline statistics may sound alarming, but they are nothing new. In 2011, for example, the Council of State Governments’ Justice Center found that nearly 60 percent of the 1 million Texas public school secondary students followed for more than six years were suspended or expelled. African-American students and those with specific educational disabilities were disproportionately disciplined. Sixty-nine percent of Texas’s public school students are nonwhite.

A 2010 report by The Civil Rights Project at UCLA found that the suspension rate for middle school students in the nation’s 18 largest urban districts was 22.2 percent—double the national average. A report the same year by the American

Civil Liberties Union found a huge increase in suspensions in New York City schools, which accompanied a growing law enforcement presence. In 2008-09, the report said, one out of 14 students was suspended, compared with one out of 25 in 1999-2000. Black students, comprising 33 percent of the student body, served 53 percent of the suspensions over the past 10 years, the report said.

The persistent notion that the discipline playing field is actually level—that is, that black and Hispanic students are disciplined more harshly because they commit more of the serious offenses—has been challenged by years of academic studies, says David Green, senior policy analyst at the University of Illinois’ Center for Preventive Research and Development.

Police presence also has been beefed up in many schools, despite the lack of research showing that such strategies are effective.

Green points to a 2006 report by the federal Office of Juvenile Justice and Delinquency Prevention, which looked at a baseline of 17-year-old white and black males who were asked if they “ever engaged” in certain delinquent behaviors. Researchers found a general rough equivalence in these behaviors. Seventeen percent of whites said they had sold drugs, versus 13 percent of blacks; 25 percent of whites had perpetrated an assault with an intent to seriously hurt the victim, compared to 36 percent of blacks; 17 percent of the white youths said they had carried a handgun, versus 15 percent of blacks.

But 56 percent of the black 17-year-olds said that they had been suspended from school, twice the percentage of whites, Green says.

“In certain [school] environments, doing the same thing will get a different consequence,” Green says. “More black kids find themselves in a zero-tolerance environment in classrooms and schools.”

Academic researchers also have documented the mounting law enforcement presence, particularly in urban schools. While urban schools with large numbers of minority students make up only about 15 percent of the nation’s middle and high schools, Rutgers University sociologist Paul Hirschfield reported in 2009 that they account for about three-quarters of middle and high schools that subject students to daily metal detection scans. Police presence also has been beefed up in many schools, despite the lack of research showing that such strategies are effective.

“Who says schools have to hire police?” Hirschfield asks. “Where is the evidence that it makes school safer?”

Many school resource officers (SROs) do a good job of relating to students and mentoring them, Hirschfield says. Still,

police undergo fundamentally different training than teachers, and they look at school discipline from a different perspective.

“SROs bring to these non-traditional policing tasks a cognitive and professional orientation that leads them to define, symbolically if not legally, student problems as crime problems demanding a response that emphasizes enforcement over education or capacity-building,” Hirschfield and sociologist Katarzyna Celinska write in a review of the sociological literature called “Beyond Fear: Sociological Perspectives on the Criminalization of School Discipline.” “A ‘law enforcement logic’ can also spread to teachers and administrators and infuse other school practices.”

Some solutions

Have schools really become quasi fortresses that “criminalize” certain students? Many board members and administrators would disagree, saying such characterizations greatly exaggerate the degree to which schools have morphed into law enforcement institutions. Still, as Hirschfield’s report concludes, academic research is largely consistent in maintaining that a move toward greater criminalization of student discipline has occurred.

And that’s been enough to draw the attention of board members like Chatman, whose district serves 2,500 students in Southern California. Ocean View, near the largely Hispanic city of Oxnard, doesn’t have the huge suspension or expulsion issues of some of its larger neighbors, but Chatman says that any loss of educational opportunity needs to be addressed.

He says too many students were suspended for acting up in class, talking back to the teacher, or otherwise being disrespectful.

“We had been noticing that more and more kids in elementary school—third graders, fourth graders, second graders—have been suspended for days,” Chatman says. “I can’t even imagine how a kid can keep up.”

Chatman says he doesn’t want to take away a teacher’s right to suspend students, “but we, as a district, have to come up with a better solution than sending them home for three days.” One solution—in-school suspension—is largely out due to the cost of paying staff to watch the students. “When you’re a small district, that’s a financial hit,” he says. “We gave that up years ago.”

The solution, Chatman says, involves more frank discussions, more training for teachers, and better tracking of disciplinary violations and their consequences. In addition, the district has worked out an arrangement to send suspended students to the Ventura County schools, which operates alternative schools.

At the 85,000-student Austin Independent School District in Texas, principals, administrators, and other staff last year completed an exhaustive review of alternative education programs. The goal is to decrease the over-representation of minority students in the district’s Disciplinary Alternative

Education Program (DAEP) and to have the program itself place more emphasis on academics and individual student support.

The district also has adopted a sophisticated online child study system that tracks individual and group progress in a host of areas.

“Our child study system looks at academics, behavior, and attendance because we know they’re all related,” says Andri Lyons, the district’s assistant director of student services/discipline.

Bringing all together

In August, a group from the Labor/Community Strategy Center Community Rights Campaign held a rally outside the headquarters of the Los Angeles Unified School District (LAUSD) to protest what it called the inordinate amount of discipline citations given to black students. Of 33,845 citations issued between 2009 and 2011, 18 percent went to African Americans, although black students made up only 10 percent of the population, the group said.

The district disputed the group’s figures, saying they were outdated. And it said LAUSD is making comprehensive changes, such as cutting the number of suspensions substantially during the past school year.

LAUSD’s Theodore Roosevelt High has been rethinking disciplinary policies for more than a decade and continues to work on specific ways to reinforce positive behavior and improve the school climate, says Gertner, the principal. The school has defined six behavioral expectations, which the students determined themselves based on the “Rough Riders,” the school’s mascot: Respect, Intelligence, Dignity, Empowerment, Resilience, and Support.

More work still needs to be done on specific ways to reinforce positive behavior, Gertner says, but already the school has initiated “Rider Bucks”—little perks that students can earn for good behavior.

“Probably not anything that’s going to cost a lot,” Gertner says. “We don’t have a lot of money.”

The school has worked with the California Conference on Equity and Justice to develop more positive disciplinary formulas, such as “harm circles” that bring together antagonists to help them realize whom their actions might be hurting.

It was a harm circle of sorts that Gertner convened with the two students who had been in the fight, accompanied by their parents. The students were respectful. The parents showed concern. “It wasn’t like, ‘Oh, we left and everyone’s going to be best friends,’” Gertner says, but clearly, something positive was accomplished.

“In the past,” says Gertner, “I never would have brought the parents ... together.” ■

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