



Education experts blast DOJ's apparent call for race-based system of punishment of schoolkids

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Education experts blasted a recent Department of Justice directive, which they say seems to advocate a racial quota system for punishing school kids for such transgressions as being late or chewing gum in class.

The memo, jointly released by the departments of Justice and Education on Wednesday, urges public schools to ditch so-called "zero tolerance" policies the feds claim disproportionately affect minority students. The letter, which was sent to all public schools, said even well-intentioned policies are discriminatory if they end up being applied in greater proportion to minority children.

"Schools ... violate Federal law when they evenhandedly implement facially neutral policies and practices that, although not adopted with the intent to discriminate, nonetheless have an unjustified effect of discriminating against students on the basis of race," read the letter. "Examples of policies that can raise disparate impact concerns include policies that impose mandatory suspension, expulsion, or citation (e.g., ticketing or other fines or summonses) upon any student who commits a specified offense — such as being tardy to class, being in possession of a cellular phone, being found insubordinate, acting out, or not wearing the proper school uniform."

Experts interviewed by FoxNews.com said punishments should be meted out to school kids who break the rules - without regard to their race. And some say that if minority children are more likely to violate school rules, then going easy on them for disrupting class will only hurt their better-behaved classmates - who are also likely to be minorities.

"They are right that expelling a student would hinder their academic performance," Andrew Coulson, Director of the Cato Institute's Center for Educational Freedom said to FoxNews.com. "But it is outweighed by keeping them in the school, as it affects the performance of other students."

Coulson referred to a [Study](#) in 2011 by a University of Rochester Professor who suggested that cutting out-of-school suspensions completely would actually widen the academic achievement gap between African-American and white students.

Achieving a balanced quota in imposition of punishments can't even be done on a school-by-school basis, he said.

“It’s not possible to equalize unless you increase practice of the policy at schools with a large African-American student body and decrease it at schools with a large white student body,” he said. “It’s the only solution that’s been suggested, but if they do it, it will hurt the academic performance of all students and those students will likely be African-American.”

Frederick Hess, director of education policy at the American Enterprise Institute, told the [Daily Caller](#) the letter was “troubling,” and an attempt to intimidate schools into initiating bad policy.

“As best I can tell, they are telling schools that even if you have policies that are clearly neutral, that are clearly evenhanded, that are clearly designed to create safe environments for students and educators, DOJ still might come down on you like a ton of bricks,” Hess said.

The guidelines are not the first time the Obama administration has bucked prevailing crime and punishment policies over concerns they were unfair to minorities. Attorney General Eric Holder announced last summer that he was instructing federal prosecutors to stop charging nonviolent drug offenders with crimes that carry mandatory minimum sentences, a change affecting crack cocaine sentences that have disproportionately affected minorities.

But going after schools is a new step, even though the federal school discipline recommendations are nonbinding. They encourage schools to ensure that all school personnel are trained in classroom management, conflict resolution and approaches to de-escalate classroom disruptions — and understand that they are responsible for administering routine student discipline instead of security or police officers.

However, Education Secretary Arne Duncan has acknowledged the challenge is finding the proper balance to keep schools safe and orderly.

Other experts say that zero tolerance policies affect not just particular minority groups but all students, especially young male students, unfairly.

“The Attorney General was right, but if you look across the board, boys are being punished for simply being boyish,” Christina Sommers, a resident scholar for the American Enterprise Institute, told FoxNews.com, referring to recent stories about how young male students were suspended and expelled for making a gun gesture with their finger and making a play weapon from a Pop Tart.

“It’s just the way they play, but the policy doesn’t allow for common sense.”

Sommers suggest that disciplinary issues need to be dealt with on a case by case basis.

“[Zero Tolerance] was originally designed to avoid litigation but the end result was injustice,” she said. “Students do not form it and they wind up becoming more alienated as a result.”

“I wish Secretary Holder would consider the full impact the policy has on ALL young boys.”