



A Time Out For Zero Tolerance

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New guidelines from the DOE seek to reduce zero tolerance policies. Jeff Deeney applauds:

As a social worker I've worked both in public schools and in the criminal justice system, so I've seen what it's like at both ends of the pipeline. I remember arriving for the first time at the probation department and immediately thinking that it was uncannily similar to the public high school I worked in just before I took the job. The metal detectors, the barking security demanding removal of items of clothing and access to bags, beeping wands waved around in people's personal space and the long line of black and Latino men and women stretching out the door all could have been transplanted from one institution to the other. The bigger picture, from my perspective, concerns America's continued struggle to get beyond its racially based fears and the impulse to monitor, control, discipline and punish black and Latino men for even the smallest infraction or else chaos will break loose in our cities. It starts as early as the first day of elementary school and for some will last until they get off parole. It makes one wonder how much of the problem we're creating through the solutions we've crafted.

The guidelines are meant to address the disproportionate impact of over-discipline on black and disabled students. Nicole Flatow has the numbers:

One in five black boys have received an out-of-school suspension, according to 2012 Department of Education data. And black students with disabilities are three times more likely to be expelled, a punishment that sets kids in zero-tolerance systems up for later criminal punishment.

Other regional statistics tell a similar story. In Chicago, for example, three-fourths of kids arrested in public school were black. This disparate impact perpetuates a cycle of criminal justice over-exposure that follows many African Americans throughout their lives and yields astronomical incarceration rates. Research suggests almost half of all black males are arrested by age 23. Years of zero tolerance and over-policing policies have manifest themselves in data: an estimated 49 percent of all young black males now enter the job market with an arrest record, as well as 44 percent of Hispanic males. These arrests not only impose obstacles to a lifetime of success; they also clog the criminal justice system. In testimony before the Senate Judiciary Committee earlier this year, a juvenile county chief judge in Georgia lamented that one-third of cases before him were students arrested not because they posed a threat, but because they "make adults mad."

Walter Olson, however, sees these guidelines as part of a pattern of government overreach:

The letter represents the culmination of a years-long drive toward imposing tighter Washington oversight on school discipline policies that result in “disparate impact” among racial or other groups. Policies that result in the suspension of differentially more minority kids, or special-ed kids, will now be suspect — even if the rate of underlying behavior is not in fact uniform among every group. (Special-ed kids, for example, include many placed in that category because of emotional and behavioral problems that correlate with a higher likelihood of acting out in misbehavior. Boys misbehave more than girls.) If the policy helps speed the correction of some overly harsh, mechanical school policies, both under the zero-tolerance rubric and otherwise, it may have some positive side effects. But the disparate-impact premise is a pernicious one that’s sure to create many new problems of its own.

Scott Shackford is also unimpressed:

[U]ltimately, this looks like a bunch of guidelines that will lead to the formation of school committees (funded with federal grants, perhaps?) that put more rules into place that will be pointed to the next time an official does something stupid like suspend a kid for chewing his Pop Tart into the shape of a gun. Can anybody provide an example of American jurisprudence where the institution of additional rules resulted in less callously managed punishment? Why should we expect any different from schools? What really needs to happen for significant change is that school districts need to be worried about the consequences to them for poorly managed school discipline. That’s why the Department of Justice’s emphasis on racial discrimination and the possibility of sanctions or lawsuits is so prominent – the DOJ has a stick to beat school districts with should they not comply. As for the “zero tolerance” nonsense, giving parents more choice and power on where their children attend school can serve as a useful pressure point to encourage school administrators to put an end to their petty tyrannies.