



People Organized in Defense of Earth and her Resources



The Truth About Zero Tolerance

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Report by PODER's Young Scholars for Justice

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History

The Safe Schools Act was passed at the state level in 1995. Chapter 37 of the Education Code lays out the guidelines for zero tolerance, currently being implemented in schools K-12 across the nation. Under this law, schools are required to adopt a code of conduct with the purpose of creating a safer environment for students. Legislators, parents and teachers hoped violence would decrease and “students [considered] violent, abusive or chronically disruptive” would be removed from public schools. Students causing bodily harm to others (i.e. fighting) are to be removed and placed in an alternative education program. Students committing greater offenses (i.e. bringing guns, illegal knives, etc.) are to be expelled and even referred to the juvenile justice system.

The Reality

The purpose of Zero Tolerance is to create a safe environment in public schools by minimizing violence, alcohol and drugs. Since its implementation, the monitoring of students in public schools drastically increased (i.e. spending money on metal detectors, surveillance cameras, police officers, etc). Many schools have a zero tolerance policy towards possession of weapons, drugs, and any transgression, regardless of the circumstances. These indiscretions, whether minor or major, are punished according to explicitly recognized consequences, such as suspension and expulsion. This policy is often considered harsh in its implementation, as it leaves no room for extenuating circumstances (i.e. students are being suspended for bringing Midol or Tylenol).

Studies show that students of color are being affected disproportionately by this policy. Many of the offenses committed by students of color are actually non-violent, creating a parallel between schools and prisons. Students creating “disruption” may be removed from the classroom, sent to in-school-suspension, be referred to an outside agency or to a law enforcement agency. Unfortunately since this is at the teacher’s discretion it allows personal bias to influence the decision. If most of the individuals being suspended and/or expelled are students of color, it is no surprise to find many are also dropouts (research shows that students suspended/expelled are more likely to drop out of school). Join PODER’s Young Scholars for Justice to Repeal Zero Tolerance by circulating petitions, hosting forums and workshops to educate others about its impact on students of color, and participate publicly to voice your concerns.

Zero tolerance policies have brought a number of problems for youth of color:

- A denial of education
- A rise in dropout rates
- An increased rate of suspensions and expulsions
- A racially biased impact
- Overrepresentation of special education students or students with disabilities

Texas Statistics

- More than 1/3 of TX public school students dropped out in 2005-06
- DAEP programs have 5 times the dropout rate of mainstream schools.
- One in three juveniles sent to the Texas Youth Commission (TYC) are school dropouts
- More than 80% of TX prison inmates are dropouts.

PODER’s Young Scholar’s for Justice Youth Survey

This summer PODER’s YSJ distributed Juvenile Justice Survey’s at several recreation centers, and during the Juneteenth parade. We surveyed 126 youth of color, majority coming from LBJ, Austin High, and East Side Memorial High School. In total we surveyed students from 36

AISD schools. The majority of the students were from the 78702, 21, 23, 41, and 53 zip codes. 32 Students were Hispanics, 73 were Black, 6 other race, and 15 did not mention race. 101 students surveyed are low socio-economic students. Out of the 126 students surveyed, 90 said that they had been referred to in school suspension within the past school year. Some said they had been sent to ISS as much as 40 times in one year. The majority of the students sent to ISS were sent for class disruption, profanity, and truancy and more than half said that their teachers did not follow up on their assignments. Close to half felt that they fell behind on school work while in ISS.

In total 73 students said they had been suspended from school. The majority of the reasons for suspension were due to fighting. Of the students surveyed that said they had gone to ALC, 55% said they fell behind on school work while in ALC.

Overall, the youth surveyed felt the best alternatives to suspension and expulsion are to improve ISS, establish peer juries, provide services for parents, and create oversight committees to handle discipline.

PODER's YSJ's Alternatives to Zero Tolerance

- Involving youth through a governance council and intervention process to help find a solution
- School service program based on restorative justice to replace out-of-school suspension
- Implement in-school suspension that will give kids an opportunity to do school work, offer tutoring, community or school service
- Effective alternatives should involve students, families, and their communities.
- Establish oversight committees made up of students, teachers, and community members to handle discipline complaints, monitor police officers and security measures taken.
- Provide Peer Mediation or Peer Juries: Have students trained as peer jurors to work with students who have committed disciplinary offenses in an effort to connect them with community resources and to address root causes of their behavior and identify positive solutions. This would serve as an alternative to immediate expulsion.
- Productive Learning: Make In School Suspension (ISS) a productive learning environment for students, rather than allowing them to miss out on a days lesson plan.
 - Require teachers to send students lesson plans to ISS
 - Require teachers to follow up on students referred to ISS
 - Hire Certified teachers to monitor ISS classroom(s)
- Hire and retain well-qualified, experienced, certified teachers of color.

Successful Alternative Programs

- A key alternative to the zero tolerance policy is prevention, especially targeting at-risk populations. Risk factors include race, absence of a male or female role model, and the use of cigarettes or alcohol (*ABA Juvenile Justice Committee, 2001*).
- Violence prevention programs, such as Second Step (www.cfchildren.org), and Promoting Positive Thinking Strategies (www.drp.org/paths.html) offer curriculum that reduce behavioral problems and discipline referrals in schools (*NASP, 2008*).
- Furthermore, prevention programs that focus on helping students with emotional/behavioral disorders and social skill problems can potentially improve behavior and safety. These programs include: Stop and think (<http://www.projectachieve.info/home.html>) and Positive Behavioral Intervention and Supports (www.pbis.org) (*NASP, 2008*).
- Make and sign discipline contracts, which can be agreed upon by students, parents and school staff (*Casella, 2003*).

- Additionally, the use of school counselors, psychologists, and social workers along with the community and parents should be implemented in the prevention and intervention stages of behavioral issues (*NASP, 2008*)

Austin Independent School District 2007-2008 Disciplinary Records by Race

	African American	Asian	Hispanic	Native American	White
Overall Enrollment	12%	3.30%	58%	0.20%	26%
Expulsion	28.40%	0.00%	59.45%	0.00%	12.15%
JJAEP Expulsion	26%	0%	63%	0%	11%
DAEP Removal	28.29%	0.48%	57.82%	0.28%	13.13%
In School Suspension	24.39%	0.43%	64.75%	0.17%	10.26%
Out of School Suspension	28.42%	0.38%	61.15%	0.22%	9.83%

Disciplinary Records by Special Education & Economically Disadvantaged Students

	Special Education	Economically Disadvantaged
Expulsion	17.60%	58.10%
JJAEP Expulsion	12.96%	17.60%
DAEP Removal	12.75%	64.78%
In School Suspension	24.37%	77.42%
Out of School Suspension	28.50%	72.59%