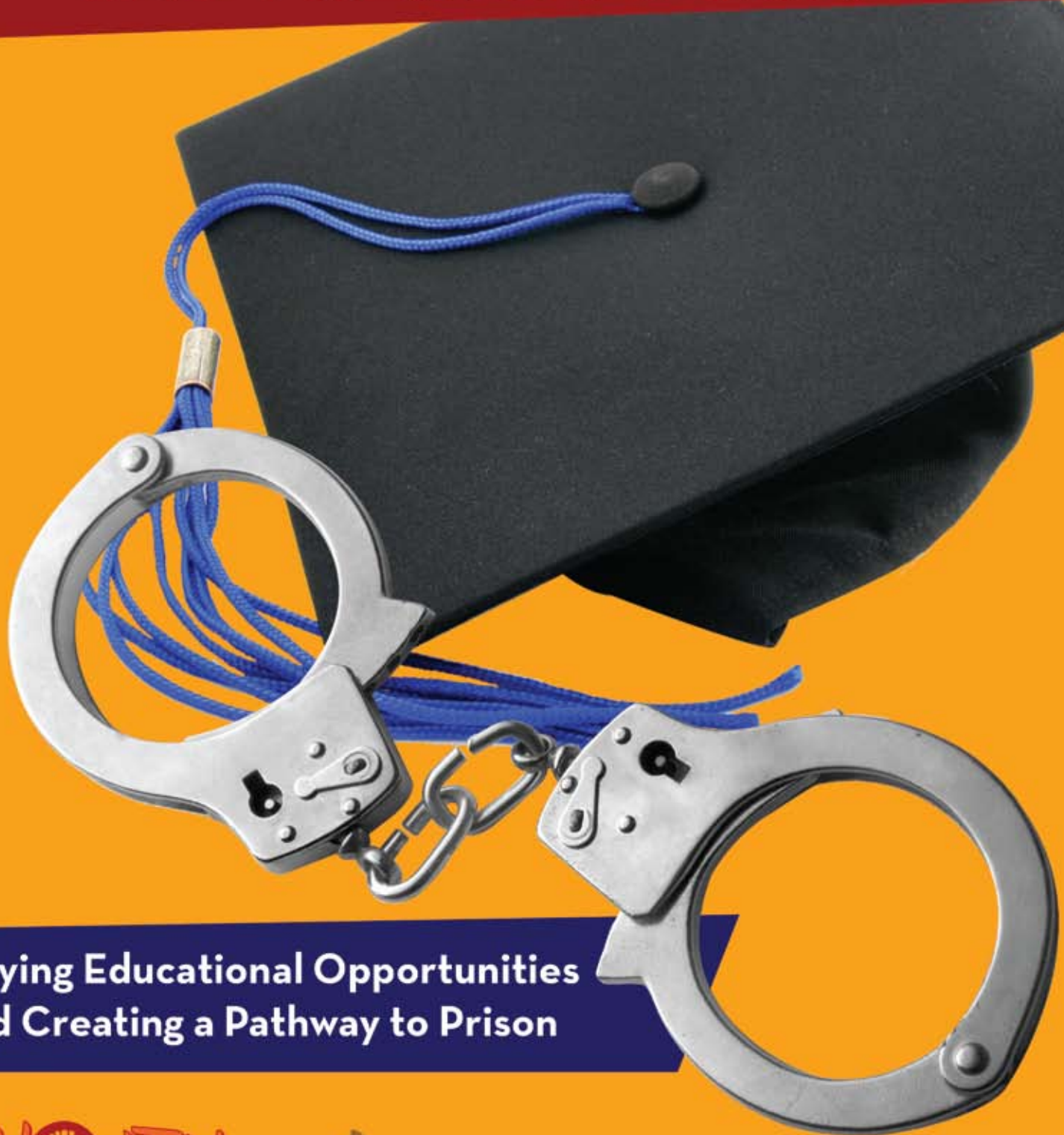


JANUARY 2011

ZERO TOLERANCE IN PHILADELPHIA



Denying Educational Opportunities
and Creating a Pathway to Prison

BY



&



ADVANCEMENT
PROJECT

In consultation with



ABOUT US



Youth United for Change (YUC)

is an organization made up of young people acting on their own behalf to improve the quality of public education. YUC is building a youth-based, democratic organization with the power to hold school officials and government accountable to meet the educational needs of Philadelphia public school students. This is done through a process of community organizing where a diverse group of youth come together, identify common concerns and act collectively on their own behalf. YUC believes that every young person deserves a quality public education that prepares him or her for success at a 4-year university, for a living wage job, and for active participation in civic life.



Advancement Project

is an innovative civil rights law, policy, and communications “action tank” that advances universal opportunity and a just democracy for those left behind in America. We believe that sustainable progress can be made when multiple tools—law, policy analysis, strategic communications, technology, and research—are coordinated with grassroots movements.



The Education Law Center

is a non-profit legal advocacy and educational organization dedicated to ensuring that all of Pennsylvania’s children have access to a quality public education. ELC’s role in this report was that of consultant. Specifically, ELC provided information on legal mandates for schools in Pennsylvania and on a number of specific cases involving individual children that ELC has encountered over the past two years

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Denying Educational Opportunities and Creating a Pathway to Prison

By Youth United for Change & Advancement Project
In consultation with the Education Law Center - PA

January 2011

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INTRODUCTION

During the late 1990s and early 2000s, and particularly after the tragedy at Columbine High School, “zero-tolerance” school discipline swept the country.¹ School districts across the nation began adopting harsh, unforgiving policies and practices that emphasized the long-term exclusion of students who violated school rules.² Simultaneously, schools began relying more on the police and juvenile courts to address school-based behavior.³ The consequences of this policy shift were dramatic, and there have been many lessons learned. However, the most important takeaway from this period is simple: Zero-tolerance school discipline has clearly failed as a policy.

Zero tolerance has not made schools safer or improved educational quality.⁴ It has needlessly undermined students’ opportunities to learn, pushed more youth out of school and into the juvenile and criminal justice systems, harmed countless families and communities, and wasted taxpayers’ dollars.⁵ As a result, over the last several years, a national movement has emerged to end its use.⁶ School districts across the country, large and small, rural and urban, have taken dramatic steps to address the devastating impact these policies and practices have had on students, families, and communities.⁷ State lawmakers – from all across the political spectrum – have responded to this crisis by passing a number of new laws aimed at undoing the damage of zero tolerance and restoring some common sense to our school disciplinary practices.⁸ And the particularly severe impact zero tolerance is having on students of color has been identified as a priority issue by both the U.S. Department of Justice and the U.S. Department of Education.⁹ Nevertheless, the School District of Philadelphia continues to promote the use of zero tolerance, thus turning many schools into hostile and alienating environments for children and youth across the City.

Philadelphia has become an outlier. There may be no other large, urban school system that matches the District in its promotion of zero tolerance and in the heavy use of out-of-school suspensions, expulsions, disciplinary transfers to alternative schools, referrals to law enforcement, and school-based arrests.¹⁰ Some of these punishments are undoubtedly warranted. But the tragedy of the zero-tolerance approach is that school exclusion and police involvement have not been limited to serious offenses that pose an ongoing threat to school safety. Instead, they are routinely used for relatively minor, or even trivial, behavior. Thus, many, and perhaps most, of the punishments issued in Philadelphia are unwarranted.

The District defends its use of this zero-tolerance approach by claiming that it is necessary to keep schools safe.¹¹ Of course, the importance of school safety cannot be overstated. But as will be described below, zero-tolerance practices have not made schools safer, and actually appear to be making Philadelphia schools *less* safe. Moreover, these practices have created significantly worse learning environments across the District, and have put the educational opportunities of tens of thousands of Philadelphia’s children and youth at continuous risk.

Zero Tolerance Hits Home

Just within the time this report was being researched and written, four student members of Youth United for Change have been unnecessarily arrested, transferred to disciplinary alternative schools, or faced expulsion proceedings due to the inflexibility of zero-tolerance policies. These accomplished students and community leaders have had their lives upended and educational opportunities diminished because of the misguided application of these policies.



It is true that the District is faced with numerous incidents of unacceptable behavior within many of its schools, such as classroom disruptions and fighting. However, it is also true that a large percentage of normal, healthy adults committed the very same acts in their youth, but were allowed to stay in school and learn from their mistakes. Indeed, we know that all children and adolescents will make missteps as they mature. In fact, they will make many of them; that is an essential and undeniable part of growing up. And when given the opportunity, they can learn meaningful lessons from those mistakes about how to act in the classroom, get along with each other, become better students, and lead healthier lives. The tragedy of zero tolerance is that it is counter-productive, because it prevents students from having that opportunity. Instead, we impede their development and limit their life chances by taking them out of the learning environment and often sending them into the juvenile and criminal justice systems. In short, we have created a “School-to-Prison Pipeline” in which Philadelphia’s young people are being treated as if they were disposable.

Nearly all of the students expelled in 2008-09 were between the ages of 8 and 14, and the most common ages of the expelled students were 11 and 12.

Additionally, zero tolerance appears to be contributing to poor levels of academic achievement throughout the District. This should be unsurprising, given the massive amount of learning time lost due to these policies and practices. Moreover, while many policymakers around the City are rightfully concerned with the “dropout crisis” and the racial gap in academic achievement, what usually goes unnoticed is how inter-connected zero tolerance is with these problems, and how it actually makes them even worse.¹² The students facing the devastating effects of zero tolerance are the same ones struggling academically in school, and they are overwhelmingly Black and Latino and youth with disabilities. These young people already have to struggle to catch up to peers who have been provided greater educational opportunities, and zero tolerance sets them back even further, not only with respect to their counterparts in Philadelphia, but outside the City as well. These young people are, in effect, being penalized for having the misfortune of attending schools that have set them up to fail.

This is not just an educational policy issue. It is a vital question of community health and well-being. As a result of zero tolerance, there are tens of thousands of students being removed from their schools and sent into the streets or jails of Philadelphia every year. These children and youth are far less likely to graduate high school – and far more likely to wind up being incarcerated – because of these misguided policies and practices.¹³ That has serious implications for what our neighborhoods look like, where our tax dollars go, and how safe and prosperous Philadelphia will be in the future.

Fortunately, this is a very solvable problem. But we have to start by recognizing that school safety and school discipline are not “youth problems.” Adults need to accept responsibility for ignoring warning signs from students; for over-reacting to developmentally normal behavior and youthful mistakes; for needlessly limiting students’ educational opportunities; for often viewing and treating students of color differently than their peers; for pushing the so-called “bad kids” out of school; and for creating school climates in which young people are treated as dropouts- or criminals-in-waiting. All young people deserve a full and equal opportunity to receive a high-quality education, but the overuse of harsh, zero-tolerance school discipline has prevented that from happening in Philadelphia. It is, quite simply, time to stop “getting tough,” and instead get smart about how we treat our young people.

OVERVIEW

Zero-tolerance philosophy and tactics come directly from the adult criminal justice system and the “War on Drugs.”¹⁴ This same approach was a significant contributor to the United States’ prison population nearly tripling in just 20 years – from 1987 to 2007 – resulting in the U.S. now having the highest incarceration rate, and the most incarcerated persons, of any country in the world.¹⁵ Nevertheless, education policymakers decided to expand the scope of these policies and practices beyond adults to include children and adolescents.¹⁶ The result has been a blurring of the line between the education system and the juvenile justice system, with public school students becoming perhaps the most “policed” group in the country, outside of prison and jail inmates.¹⁷

Reams of research and many years of lived experience with zero tolerance have demonstrated that it simply does not address the problem it was intended to solve. Instead, it has created a whole slew of other problems, such as dramatic increases in the use of lengthy out-of-school suspensions, expulsions, disciplinary transfers to alternative schools, referrals to law enforcement, and school-based arrests across the country.¹⁸ Research conducted across the country has also demonstrated that this approach fails to promote school safety, academic success, or healthy communities. For example:

- Removing a student from school appears to predict higher rates of future misbehavior;¹⁹
- Schools with higher rates of suspension and expulsion have less satisfactory ratings of school climate;²⁰
- Zero-tolerance school discipline is associated with an adverse impact on individual and school-wide academic performance;²¹
- Zero-tolerance discipline can make students feel less “connected” to school, which is linked to increased likelihood of engaging in risky behaviors, violence, and alcohol or substance abuse;²²
- Suspension and expulsion are associated with a higher likelihood of school dropout;²³
- Suspension and expulsion increase the likelihood that the child or youth will enter the juvenile or criminal justice systems;²⁴ and
- Zero-tolerance practices have a huge, negative economic impact on communities in both the short and long terms.²⁵

The consequences are even more severe if the student is arrested or given a citation. These students face serious consequences within the justice system, but also when applying for college, the military, or a job.²⁶ Youth are also frequently traumatized by these experiences, and become more alienated from their schools, families, and communities.²⁷ Moreover, these students face an increased likelihood of not graduating from high school and ultimately winding up in jail or prison.²⁸ In short, the evidence is clear that zero tolerance has been deeply harmful for students and their families, and has led to the significant deterioration of communities.

School District of Philadelphia Enrollment 2009-10

Total	165,694
Black	59.9%
Latino	17.7%
White	13.4%
Asian/Pacific Islander	6.5%
Multi-Racial	2.3%
American Indian/Alaskan Native	.2%

Within Philadelphia, our research has indicated that the zero-tolerance experience has been similar. In fact, due to the particularly severe brand of discipline applied by the District, the negative effects appear to be especially pronounced. Among the findings discussed below are the following:

- (1) Every year, tens of thousands of young people – and especially youth of color and students with disabilities – are being criminalized in Philadelphia schools or are being pushed out of school by the use of out-of-school suspensions, disciplinary transfers to alternative schools, and expulsions.**
- (2) Many, and perhaps most, of these harsh disciplinary actions are in response to low-level behavior that does not pose a serious threat to school safety and does not necessitate removal from school.**
- (3) Philadelphia is punishing the same behavior far more harshly than it did just a few years ago, and also appears to be criminalizing its students far more often than other Pennsylvania school districts for the same behaviors.**
- (4) The police and security forces within many Philadelphia schools are extremely large, have fundamentally changed the student experience within those schools, and have contributed to a culture of violence and aggression within schools.**
- (5) There is evidence to suggest that students of color are being punished more harshly than their peers for the same behavior.**
- (6) There are strong negative relationships between the use of exclusionary discipline and both graduation rates and academic achievement rates, meaning that schools with high suspension and arrest rates are far more likely to have low graduation rates and low achievement levels.**
- (7) The implementation of zero tolerance costs the City tens of millions of dollars every year, while student support services go relatively under-funded.**
- (8) Charter schools in Philadelphia appear to have disciplinary practices that are as harsh, or even harsher, than traditional public schools.**

To its credit, the District has taken some small steps toward addressing some of these issues, just not enough of them.²⁹ Indeed, District leadership often appears to be conflicted on this issue. For example, within a span of just three months, Superintendent Arlene Ackerman made two separate, wholly incompatible public statements about school discipline. In the first, she promoted the use of school-based interventions and urged that severe disciplinary measures like transfers to alternative schools only be used as a “last resort.”³⁰ In the second, she issued a grim reminder to students that there would be “zero tolerance” and that any “act of violence” would automatically result in a 10-day out-of-school suspension and a recommendation for expulsion.³¹

Similarly, in October 2008 the Superintendent instituted a major policy change aimed at giving students permanent expulsions – meaning they will not be allowed back into District schools – for certain behaviors.³² The vast majority of the students who had their educational rights subsequently revoked by the District were Black and Latino.³³ Yet in an interview a year later, she referred to education as a “modern-day civil rights issue,” and lamented that “the majority of young people we are failing in this school system are African-American and Hispanic young men.”³⁴

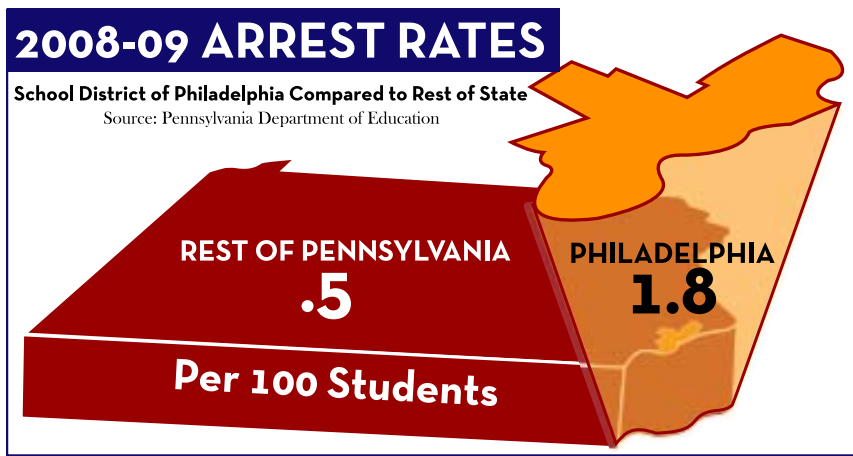
On the other hand, the recent report by the School Reform Commission’s Dropout Taskforce is to be applauded for recognizing many of the failings of the zero tolerance approach, and recommending significant policy changes.³⁵ This is a positive development, and one that is sorely needed. With an abysmal four-year graduation rate of 48%,³⁶ Philadelphia can ill afford to lose any more students to zero tolerance.

FINDINGS

While there are dozens of potential consequences to choose from when a student has violated school rules,³⁷ there are four that are particularly harsh and have the most potential to damage a student’s educational opportunities and outcomes: (1) referrals to law enforcement and/or school-based arrests; (2) out-of-school suspensions; (3) disciplinary transfers to alternative schools; and (4) expulsions. These disciplinary consequences will be the focus of this report.

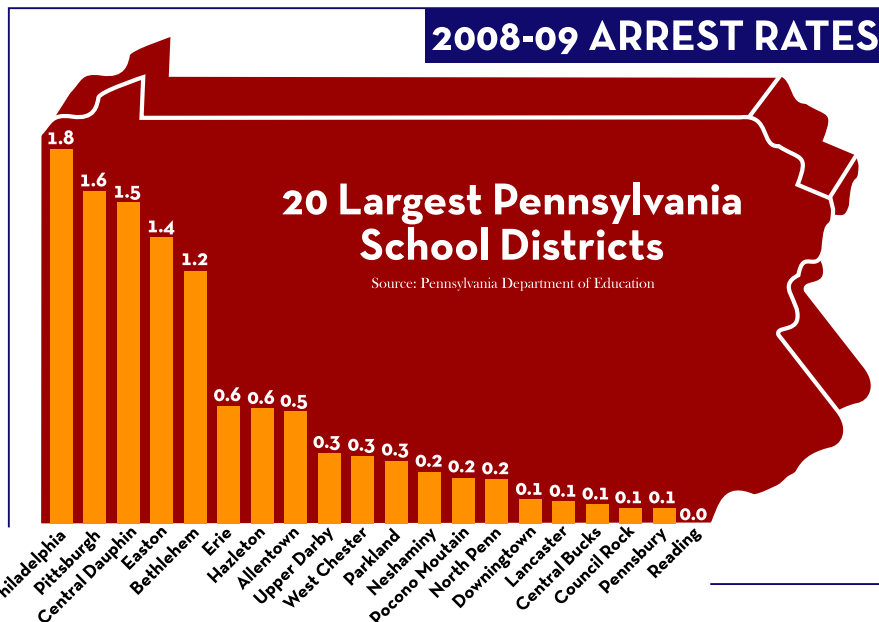
School-Based Arrests and Referrals to Law Enforcement

Across the country, there is a growing trend of relying on police and law enforcement to address school disciplinary matters, resulting in sharp rises in the criminalization of children and adolescents within schools.³⁸ Unfortunately, the School District of Philadelphia has become part of this trend; indeed, it appears to be among the very worst districts in the country for sending its students to the juvenile and criminal justice systems.



A shocking number of Philadelphia children and youth are arrested and referred to law enforcement in school each year. For example, in 2008-09, there were 4,423 incidents involving law enforcement in the School District of Philadelphia, resulting in 2,943 arrests of students.³⁹ Compared to the rest of Pennsylvania, *Philadelphia students were arrested in school nearly three-and-a-half times more often.*⁴⁰

To put that in perspective, we compared Philadelphia to the other 19 largest school districts in the state. According to the most recent data available, from 2008-09, Philadelphia had by far the highest arrest rate among those districts.⁴¹ Philadelphia’s arrest rate was between three and *25 times higher* than most of the other districts.⁴² In fact, one single high school in Philadelphia – Lincoln High School – had more arrests in 2008-09 than 17 of the other 19 largest school districts in the state (only Pittsburgh and Bethlehem had more than this one school).⁴³



While many may assume that these disparities are due to there simply being more “arrestable” behavior within Philadelphia, the available evidence does not support this conclusion. For example, the 2008-09 “school safety incident” data for Philadelphia was compared with the data from the rest of the state. The rest of the state had more than five times as many incidents as Philadelphia, but both possessed roughly the same percentages of incidents from the various categories – assault, theft, disorderly conduct, weapons offenses, drug offenses, etc.⁴⁴ However, in Philadelphia, students were arrested for these incidents nearly *twice* as often as they were in the rest of Pennsylvania.⁴⁵ This strongly suggests that Philadelphia children and youth are being criminalized more than their peers across the state for the same behaviors.



Philadelphia not only appears to be over-criminalizing its students relative to other districts around the state; it is also relying more on the police to handle discipline than the District itself did in years past. Indeed, for the same types of behavior, it is now far more likely that schools will call police than it was just a few years ago. For example:

- 17% of incidents categorized as “assault on student” resulted in police notification in 2005-06; in 2009-10, it was 42%.⁴⁶ In other words, within just a four year span, it became about two-and-a-half times more likely that police would be called for the same category of behavior.
- 58% of drug and alcohol use and possession offenses resulted in police notification in 2005-06; in 2009-10 it was 73%.⁴⁷
- For the entire collection of offenses the District classifies as “serious,” police are notified far more often. In 2005-06, these offenses resulted in a call to the police 34% of the time, but in 2009-10, police were called in 54% of the incidents.⁴⁸

School District of Philadelphia’s Increasing Reliance on the Police		
2005-06 Percentage of Offenses Resulting in Notification of Police		2009-10 Percentage of Offenses Resulting in Notification of Police
34%	All Serious Disciplinary Incidents	54%
17%	Assaults on Students	42%
58%	Drug and Alcohol Use/Possession	73%

Source: Pennsylvania Department of Education

The widespread criminalization of children and youth, under any circumstances, should be deeply disconcerting. That it is happening needlessly is an outright tragedy. Unfortunately, the School District of Philadelphia has refused to comply with public records laws and release important data regarding the underlying causes of these thousands of student arrests. Nevertheless, we have heard from dozens of students who report being arrested in school for a variety of low-level behaviors

that are both typical of children and youth and do not pose a serious, ongoing threat to school safety. Examples reported in the student surveys, interviews, and focus groups include:

- Talking back to an adult
- Having a cell phone in school
- Being late to school or cutting class
- Smoking
- Making graffiti
- Minor fights or physical altercations⁴⁹

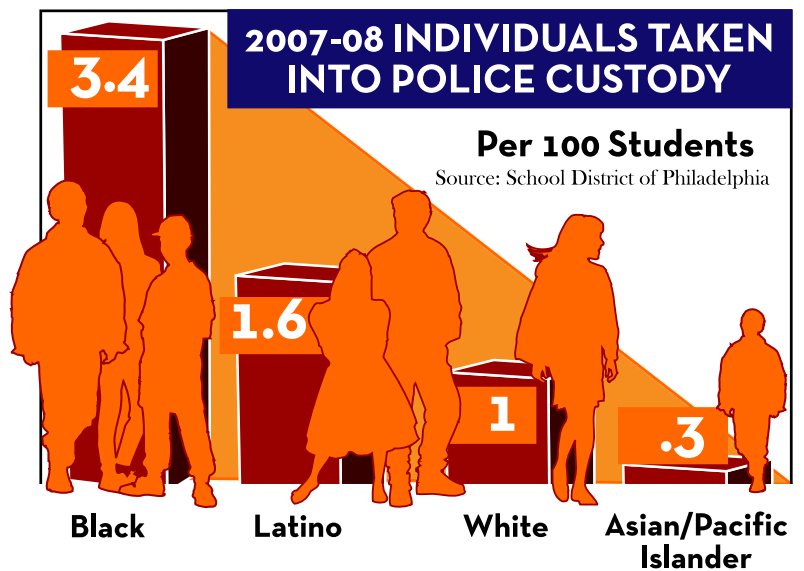
The negative consequences of referring students to the police or juvenile court are simply too severe for this approach to be used for anything other than the most serious offenses. And even some of those potentially serious offenses – such as weapon possession – often result in unnecessary criminalization of children and youth because of the inflexibility of zero tolerance.

For example:

- Robert⁵⁰ was an 11-year-old in 5th grade who, in his rush to get to school on time, put on a dirty pair of pants from the laundry basket. He did not notice that his Boy Scout pocket knife was in one of the pockets until he got to school. He also did not notice that it fell out when he was running in gym class. When the teacher found it and asked whom it belonged to, Robert volunteered that it was his, only to find himself in police custody minutes later. He was arrested, suspended, and transferred to a disciplinary school.⁵¹
- Kevin was a 10th grader who was “caught” with a small pair of scissors in his backpack while going through the school’s metal detector. He had forgotten to remove it after wrapping Christmas presents at his girlfriend’s house the night before. Kevin was arrested, suspended, and transferred to a disciplinary school.⁵²
- Gerald, 15, was an 9th grader who was arrested, suspended, and sent to an alternative education program for having a butter knife in his backpack. He only learned it was there when he was entering school and placed his bag on the scanner as he walked through the metal detector. When the scanner went off, his bag was searched, the utensil was found, and he was handcuffed to a chair until the Philadelphia Police came and arrested him.⁵³

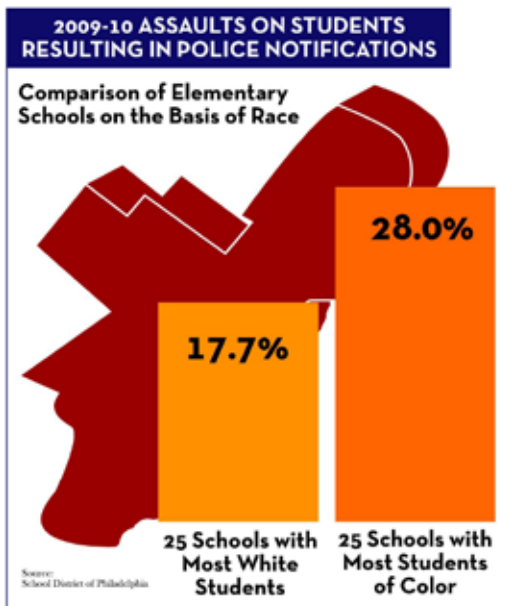
“When security guards searched me in school for my cell phone the usual routine is for them to pat me on my chest and rub their hand down my cleavage. Then they make us lift and shake our bras out. Also, they would run their hands down from our waist to our ankles. Next they turn us around and pat our back pockets.”

It is clear that too many Philadelphia students are being unnecessarily brought into contact with the justice system. And while the criminalization of students is happening all across the City, it is affecting Black and Latino students in particular. For example, in 2007-08, a Black student was nearly three-and-a-half times more likely to be taken into police custody than a White student.⁵⁴ Similarly, a Latino student was over one-and-a-half times more likely to be taken into police custody than a White student.⁵⁵



Nationally, there is no evidence that racial disparities in school discipline can be explained by differences in behavior.⁵⁶ However,

research has demonstrated that students of color are often punished more often than their peers for the same behavior, or receive more severe punishments for the same behavior.⁵⁷ Similar studies have not, to our knowledge, been performed in Philadelphia, and the District has not provided the data necessary to do a full analysis. However, we did compare schools across the District on the basis of their racial composition and propensity to call the police and found significant disparities.

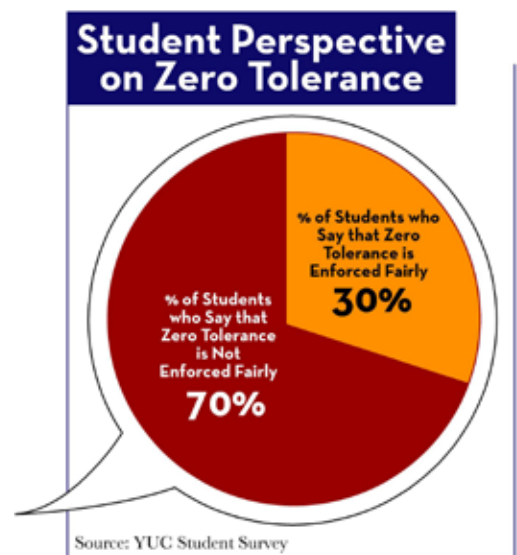


We compared the 25 elementary schools with the highest percentage of White students to the 25 elementary schools with the highest percentage of students of color (Black, Latino, American Indian, Asian/Pacific Islander). To ensure a large sample size and to make the best possible comparison, we focused on the most commonly reported “serious” incident – “assaults on students” – over a five-year period, from 2005-06 to 2009-10. In the 25 schools with the most White students, about one-in-six of those incidents resulted in police notification during that five-year period.⁵⁸ In the 25 schools with the most students of color, over one-in-four of those incidents involving elementary school students resulted in police notification.⁵⁹

In other words, it was 58% more likely that police would be called at the schools with the most students of color. Thus, it

appears that race may be playing a role in how police are used in the school disciplinary process.⁶⁰

While such disparities are deeply troubling in their own right, they also may be contributing to the widespread perception that there is biased application of school discipline in Philadelphia. When students surveyed from across the District were asked whether they thought zero tolerance was enforced fairly, a mere 30% of students said that it was.⁶¹

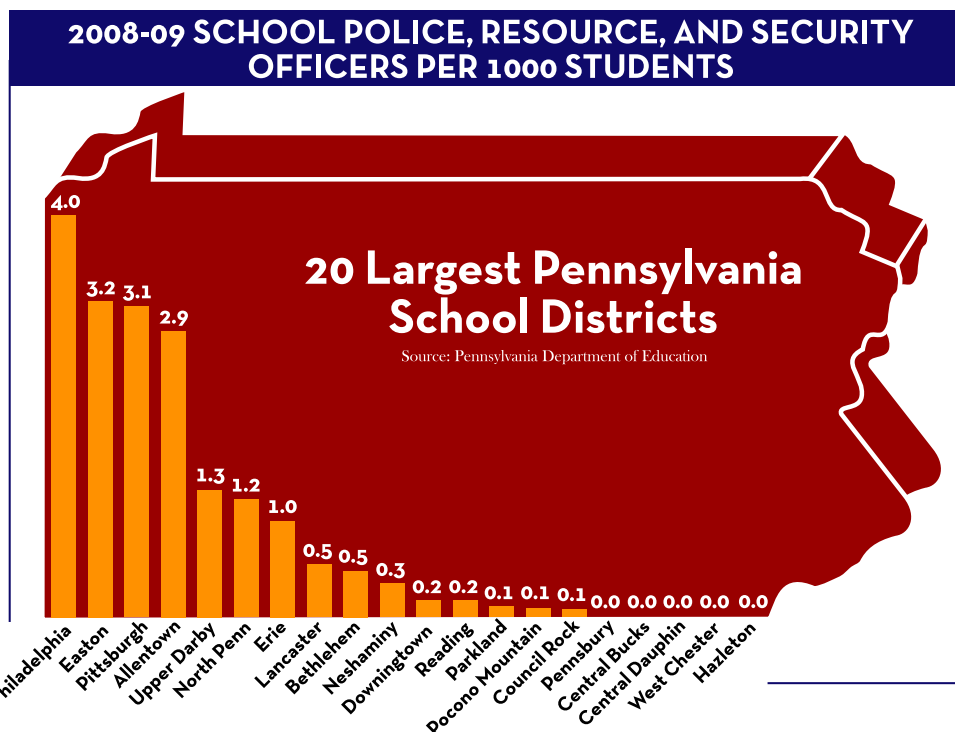
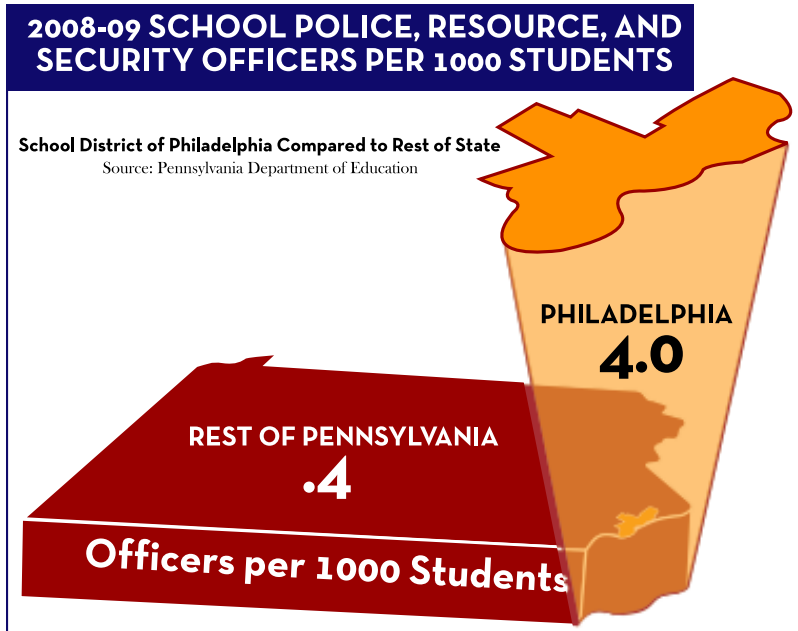


Clearly, schools have a critical responsibility to maintain safe learning environments for students and staff. And part of that duty may occasionally include the use of swift (but flexible) consequences for truly serious behavior that poses an ongoing threat to school safety. But as the City’s former police commissioner Sylvester Johnson said about public safety, “We cannot arrest our way out of the problem.”⁶² This is especially true in schools, when dealing with youth. However, the District continues to respond far too often to the issue of school safety with blunt force, rather than with thoughtful, effective strategies.

For example, the School District of Philadelphia now has a huge security force consisting of 657 personnel, including 408 School Police Officers and 249 School Security Officers.⁶³ To put Philadelphia’s school security force in perspective, the number of school police, resource, and security officers per student is over *ten times higher* in the District than it is in the rest of the state.⁶⁴

Philadelphia’s security force was also compared to the other 19 largest school districts in the state. Once again, it was by far the largest.⁶⁵ In fact, Philadelphia’s security force is almost *three times larger than the other 19 districts combined*, even though it has a far lower

total student enrollment.⁶⁶ There are many Philadelphia schools that by themselves have as many police and security officers as the entire security force within 13 of the 20 largest districts.⁶⁷



The “Dropout Crisis,” Achievement Gap, and Zero Tolerance

It is well known that graduation rates nationwide for students of color are abysmal, and that is especially true in Philadelphia. Similarly, racial gaps in student achievement are well documented both across the country and here locally. Solving these problems requires broad efforts to meet students’ developmental needs and maximize their learning time, and there are many such initiatives taking place all across the City. Unfortunately, they are usually working at cross-purposes with the District’s over-reliance on zero tolerance.

The students who are achieving academically at levels far lower than their peers and not graduating on time are usually the same students who are being suspended, expelled, transferred to disciplinary alternative schools, and arrested in school. And as is discussed throughout this report, these harsh and exclusionary practices tend to exacerbate whatever challenges students are facing, making it more likely they will fall behind academically and leave school. Thus, pushing thousands of Philadelphia students out of school through zero tolerance is the exact opposite of what is needed to address the dropout crisis and the achievement gap.

To illustrate that school discipline and academic achievement are two sides of the same coin, the reading achievement levels (as measured by results on the PSSA) were compared for all Philadelphia middle schools. There was a strong negative correlation between suspension rates and school-wide reading scores, meaning that schools with high suspension rates were far more likely to have low reading scores. In fact, the schools with the highest scores had among the lowest suspension rates, and the schools with the highest suspension rates all had low reading scores.

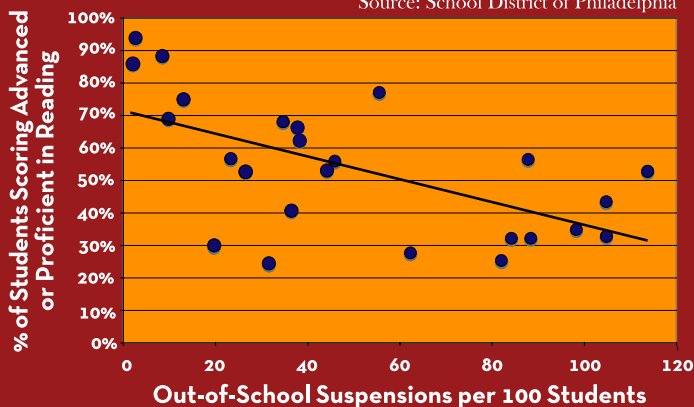
The same is true when looking at graduation rates for Philadelphia high schools. The rates reported by the District were compared with school-wide arrest rates and suspension rates, and there was once again a strong negative relationship, meaning that schools with high arrest and suspension rates tended to have much lower graduation rates. In fact, the 19 schools with the lowest arrest rates all graduated at least 88% of their students, while only one of the 24 schools with the highest arrest rates graduated that high a percentage of its students, and most of them had graduation rates under 70%. And there simply were no schools that graduated more than 70% of their students while also being among the schools with the highest suspension rates.

In short, if Philadelphia hopes to make a meaningful improvement in its graduation rates and academic achievement levels, it simply must address the intersection of those issues and the District’s school disciplinary practices.

2008-09 READING ACHIEVEMENT LEVELS AND SUSPENSION RATES

Philadelphia Middle Schools

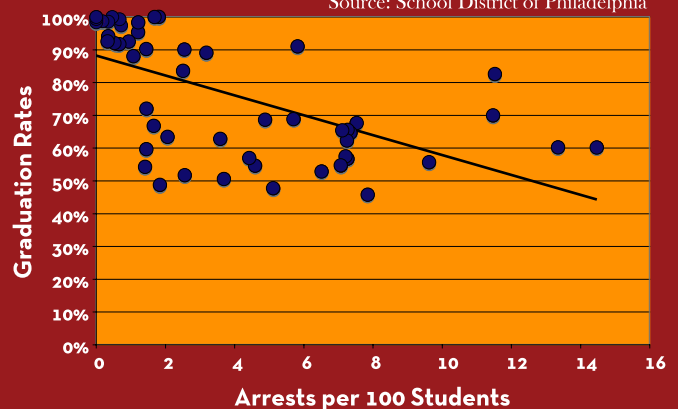
Source: School District of Philadelphia



2008-09 GRADUATION RATES AND ARREST RATES

Philadelphia High Schools

Source: School District of Philadelphia



The higher rate of criminalization in Philadelphia as compared to other Pennsylvania districts may be due in significant part to the increased presence of school police and security officers. There are at least two potential explanations for this. First, schools have increasingly delegated school disciplinary responsibilities to law enforcement personnel.⁶⁸ Thus, school-based officers are frequently made aware of student behaviors that they likely would not have known about if they were not present in the school. Because criminal laws are so vague (for example, offenses like “disorderly conduct” encompass a huge range of conduct, and “assaults” can include even the most trivial skirmishes between elementary school students), students are routinely arrested for the same behavior that was treated much more leniently and effectively prior to the rise in law enforcement presence within schools.⁶⁹

Second, it may be the case that having large police and security forces in schools can actually increase the amount of disruptive and even violent behavior by students within those schools. While there are many school police and security officers who do an admirable job of keeping students and staff safe, there are unfortunately many others who view the school hallways as an extension of the street, and treat children and youth like hardened criminals. Such behavior can create a culture of violence and hostility within the school, and make students feel increasingly alienated. A predictable outcome of such a dynamic is that students will resist what they experience as oppression, often in the form of verbal outbursts, defiance of authority, and even violence.⁷⁰ Or, because adults naturally serve as models for young people, students will emulate the aggressive behavior of police and security officers. Thus, well-intentioned efforts to make students feel safer and improve school climate can actually make them *less safe and worsen* school climate.⁷¹

It appears that both of these dynamics may be at work in Philadelphia. For example, there is a strong correlation between the number of police and security officers within schools in Philadelphia and the number of arrests that occur within those schools.⁷² Indeed, the eight schools in the District with the highest number of arrests all have at least nine police or security officers stationed at the school.⁷³ Conversely, nearly every single one of the schools that has a low number of arrests also has a small security force.⁷⁴ Of course, this does not mean that the presence of school security is necessarily causing the number of arrests to rise. However, when this evidence is combined with what many students report about the effects of security personnel, it does strongly suggest that the climate within some schools has become so repressive and unhealthy that it is inhibiting learning, fomenting additional disruptive behavior and violence, and contributing to the criminalization of students.

For example, in a survey conducted by Youth United for Change at one school, 55% of students reported that their security officers treated them like criminals.⁷⁵ Additionally, numerous students throughout the District described how school police and security officers attempt to intimidate them and create an unwelcoming school environment, such as:

- “One security guard, she takes her job very, very seriously. . . . We’re not supposed to wear hoodies, and if she sees us with hoodies, she’ll try to grip us up and try to take off our hoodies. . . . She’ll yell; she’ll touch you. She’ll slam people against the lockers.”⁷⁶
- “As I come into school every day there is this one security guard that says OMG (oh my gosh) she is back, OMG here comes trouble, OMG she is back in the building. It makes me feel like a criminal. Like I did something wrong.”⁷⁷
- “[Security guards] don’t know how to handle their situation. I mean, even though we get out of line, they have stupid things to say to us. . . . If you’re going to come to us and pull us to the side and tell us something . . . you don’t say it in a smart way. So we take it as if . . . you’re trying to come at me.”⁷⁸

Student testimony also indicates that school police and security officers are contributing to a culture of violence within some schools. For example, one parent described how a security officer made a bad situation even worse for her daughter:

- “Now when my oldest daughter was in middle school, something happened with her twin brother and he didn’t want to hit the girl, so his sister came to check it out, and these girls started rolling on her. . . . And you know when you’re getting jumped; you don’t know who’s trying to help you or who’s trying to hurt you. So when they were trying to break it up, [the security officer] got hit, and he ended up stomping her on her chest with his boots. Then he had the nerve to file a report against her. . . . He made a report and she got a citation. [After having to go to court three times] we went through all that, and I missed work and everything.”⁷⁹

The funds spent on school security are substantially more than what is spent on school nurses/health practitioners, nearly double the expenditures for parent and community support, and over three times as much as the amount spent on school psychologists.

Many other students reported being threatened with violence by police and security officers.⁸⁰ Several young women also reported being physically struck by officers; one young woman said she was struck by a baton, and another reported being slammed into a locker and having her jaw injured by a security officer.⁸¹ A parent described seeing a security guard shove a student.⁸² In some alternative settings, the District has admitted to placing students in “physical holds,” pinned against a wall with their arms behind their backs.⁸³ At Daniel Boone, an alternative disciplinary school, the violence seems to be particularly extreme. In describing how security officers interact with students, a young woman said: “They don’t handcuff you. They physically hit you. They can physically hit you. If you say something back to them, they’ll smack you.”⁸⁴

Unfortunately, outside of the hostility created by intimidating and violent behavior, there were numerous other reports of gross misconduct and highly questionable behavior by police and security forces within Philadelphia schools, such as:

- “A girl at my old school in eighth grade went through the metal detector too many times. The security guard went to search the girl and instead of a [woman] searching her, they let the man search the girl. The only place that the man was feeling was the girl’s boobs and she felt uncomfortable. It made me very mad to see that. Someone didn’t realize that the man was feeling up on the girl.”⁸⁵
- “[Security guards] are violent . . . [and] they’re perverted because one time I saw a student bend down outside and they were laughing like, ‘Oh my god, look at her butt. Look! Look! Oh, you see that?’ And I was scared to bend down and tie my shoe yesterday, so my shoe was left untied.”⁸⁶
- “When security guards searched me in school for my cell phone the usual routine is for them to pat me on my chest and rub their hand down my cleavage. Then they make us lift and shake our bras out. Also, they would run their hands down from our waist to our ankles. Next they turn us around and pat our back pockets. At the very end they use the wand to search us thoroughly.”⁸⁷

Additionally, numerous students described police or security officers making inappropriate statements about female students.⁸⁸ Other students have reported hearing officers express racial animus toward students.⁸⁹ Many young women reported being taken by police into solitary rooms or “holding cells” after being arrested, where they were handcuffed to benches or other objects and left there for hours.⁹⁰ Some students reported then being left handcuffed in these rooms, unsupervised, for hours at a time without anyone notifying their parents.⁹¹

To be clear, the authors do not wish to indict all of the police and security officers who work in Philadelphia schools, as many do a fine job of keeping schools safe. But it is nonetheless apparent that there are serious problems with a significant portion of these officers that have resulted in a large number of students being victimized and traumatized. And these sorts of experiences have undoubtedly had a profoundly negative effect on the climate within schools throughout the District. In fact, these experiences have the effect of turning school into an unwelcoming, and even hostile, environment for students.

Moreover, the relationships between students and police/security officers (as well as all other adults in the school) have been damaged by these interactions, making it far more difficult to create productive and healthy learning environments. For example, when a parent was asked about the impact of zero tolerance on students, she said “they hate the cops.”⁹² A student replied that it made her “realize that the man that locked me up was a punk.”⁹³ One high school student, when asked what the impact of zero tolerance was on her, simply said “It made me worse.”⁹⁴ In short, with every negative encounter between students and security staff, student alienation increases and the level of hostility within the school grows.

The creation of such hostile environments goes beyond security personnel. For example, since 2005, 147 schools have been “retrofit” with 2,590 surveillance cameras and digital security systems capable of being monitored and controlled centrally from the District’s headquarters, akin to prison surveillance.⁹⁵ Students across the City also regularly have to pass through metal detectors to enter their schools. Numerous students discussed the negative effects these security tactics have on their educational experiences:

- “It creates a hostile environment. It makes it seem as though they expect us to be negative. I feel violated. I shouldn’t have to go through a metal detector.”⁹⁶
- “I have to go through the [metal] detector every day, making me feel like they don’t trust me.”⁹⁷
- “[Upon entering Daniel Boone for the first time] I had to take off my shoes and they searched me like I was a real criminal. . . . [after that] I was making up every excuse not to go to school.”⁹⁸

Another student described at length how the increasingly strict procedures at her school affected her and her peers:

- “[A]nother step was taken to bring discipline to the school and control the students by putting metal detectors at the entrances. Every morning when we came in we had to empty our bags and whatever they thought was dangerous and could be used as a weapon – like fingernail files, house keys, phone chargers etc. – they would take them and you did not get it back. They patted us down and we still had to walk through the detector. Next they brought on uniforms. We were thinking ‘first metal detectors, now uniforms!’ They not only violated us; they took away our privacy and our identity. What was left for us? Nothing was ours anymore. So that made it harder to come to school actually focused on school. When I came I was more like ‘oh, my god I hope I took my nail file out my purse before I left the house.’”⁹⁹

Zero Tolerance and Parents

While much of this report focuses on the effects of zero-tolerance school discipline on students, it is important to recognize the devastating effects these practices often have on parents and guardians. Not only must parents and guardians address the impact of harsh and unforgiving discipline on their children, suspensions and expulsions often mean that they are forced to miss work, lose pay, and incur additional costs associated with students excluded from school. When students are arrested or referred to juvenile court, the negative consequences are compounded as parents/guardians may have to pay for legal representation or court-mandated penalties.

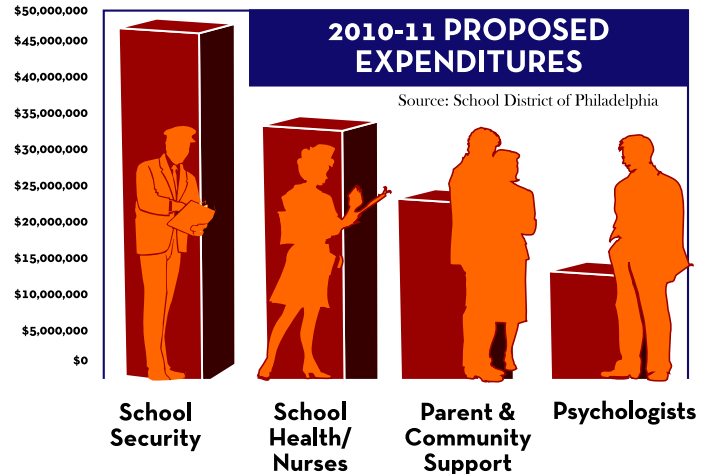
For example, one interviewed parent described what happened after her two children were expelled: “I lost my house. I had to put it up for sale because both of them had to go to private school.”

Another parent described the financial impact as well as the effect on her family: “I had to find somebody to watch them and pay them, because I couldn’t miss work, and that was a hardship. I had to go to youth study, a detention center and then I had to make up the time at work, so that’s taking away time for my other children.”

Indeed, in a citywide survey of youth who are no longer in traditional public schools, 19% of them said that their reason for leaving school was because school “felt like a prison.”¹⁰⁰

These developments are not only affecting the culture and climate within Philadelphia schools; they also have serious financial and economic implications for the City. It is extremely expensive to maintain such a large security force. In fact, the District’s proposed expenditures for school security in 2010-11 were nearly \$43 million.¹⁰¹ It is undoubtedly true that the District needs some school security force to respond to serious safety concerns, but having such an expansive, and even bloated, force raises the question of whether those funds could be better used to address the root causes of disruptive or violent student behavior.

For example, the funds spent on school security are substantially more than what is spent on school nurses/health practitioners, nearly double the expenditures for parent and community support, and over three times as much as the amount spent on school psychologists.¹⁰² These are all proven means of addressing the needs underlying school misbehavior, yet they go relatively under-funded. In comparison, the “get-tough” approach has not been shown to be effective at meeting those needs – and instead usually creates additional needs – yet continues to be very well-funded.

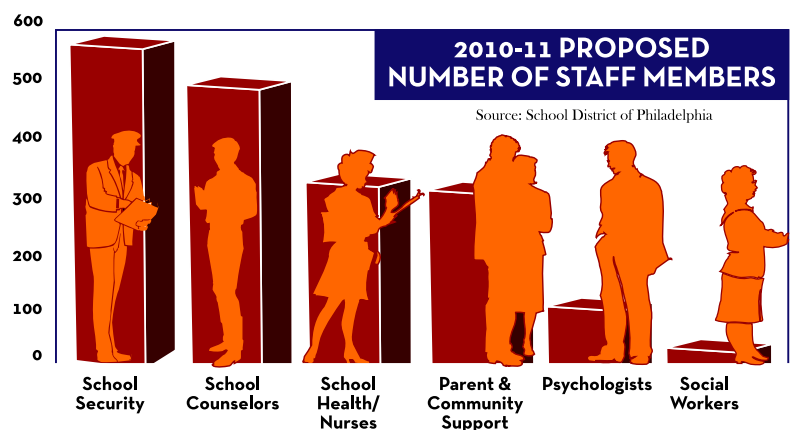


The prioritization of school police and security funding over support services for students is also clear when tracked over time. From 2003-04 to 2009-10, the District’s expenditures on school security increased by 37%.¹⁰³ Particularly now, when funding sufficient to meet the needs of young people is so hard to come by, we must re-examine whether there might be better uses for a portion of these funds.

It is also critically important to consider what the heavy emphasis on fielding a robust school police and security force means for students’ experience in school. District-

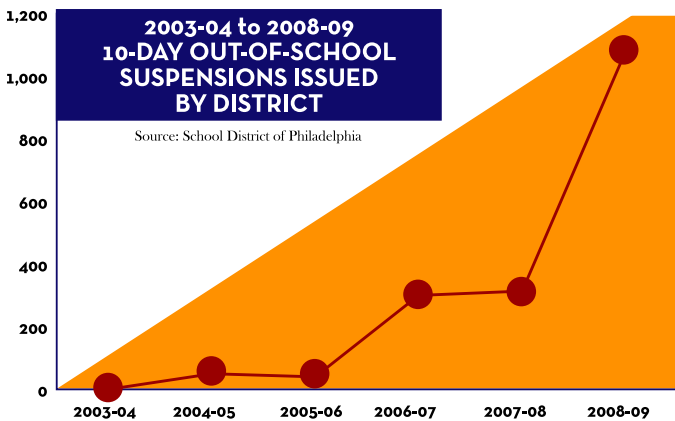
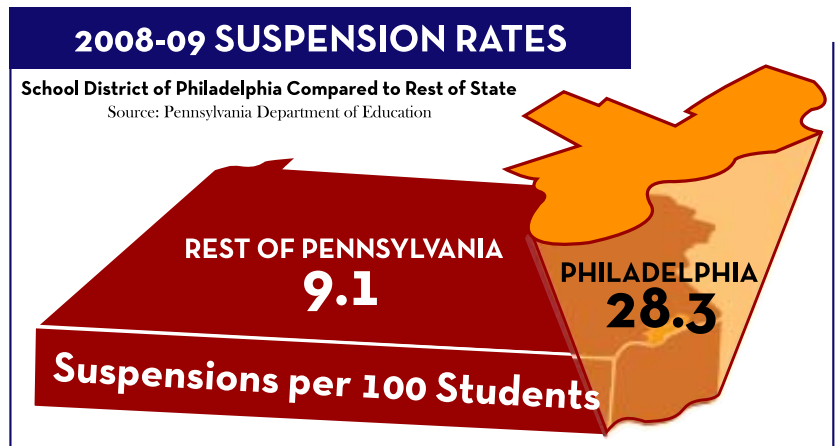
wide, the ratio of students to school nurses and health practitioners is 533:1, and for students to parent and community support personnel it is 550:1.¹⁰⁴ In other words, these staff members are few and far between. School psychologists and social workers/social services liaison specialists are even rarer: the ratios are 1,657:1 and 5,523:1, respectively.¹⁰⁵ Even guidance counselors, after the District’s recent initiative to increase their ranks,¹⁰⁶ have a ratio of 344:1.¹⁰⁷ In other words, it is very difficult for most students (and their parents) to access staff members who can meet their basic needs.

However, the ratio of students to school climate and safety personnel is only 310:1.¹⁰⁸ School police and security officers are thus much more visible than these support personnel. Some schools, such as Strawberry Mansion, have one police or security officer for every 49 students, meaning these staff members are highly visible for students.¹⁰⁹ This fundamentally changes the learning environment in those schools. And if those security officers abuse their authority in the manner described above, or otherwise contribute to the creation of a hostile environment, then it can become nearly impossible for any student to have a positive experience in that school.



Out-of-School Suspensions

While it appears from the data that the District has decreased its reliance on out-of-school suspensions over the last several years, Philadelphia’s suspension rate continues to be extremely high. In fact, the District issued 46,350 out-of-school suspensions in 2008-09, which translates to a suspension rate more than three times as high as the rest of the districts in the state.¹¹⁰ (Note: The reported drop in suspensions is questionable due to numerous reports we received that students are being given unauthorized suspensions, meaning they are told not to come to school for a few days but the formal suspension procedures are not followed. Thus, the actual suspension figures are likely to be even higher than what is reported – perhaps substantially so.)



While there appear to be fewer short-term suspensions in Philadelphia schools, there has been a huge increase in the number of long-term out-of-school suspensions. In 2003-04, due to a consent decree, there was not a single 10-day out-of-school suspension in the District.¹¹¹ In 2005-06 there were only 40.¹¹² However, in 2008-09, there were 1,078.¹¹³

Not only are the punishments used seemingly more severe, they are also affecting younger students more than ever before. For example, there were 417 out-of-school suspensions of kindergarten students in 2008-09, a 70% increase from just two years earlier.¹¹⁴

There is a common misconception that severe disciplinary consequences like out-of-school suspensions are used primarily for very serious behaviors like bringing guns to school and selling drugs. On the contrary, those incidents are extremely rare, and make up only a tiny percentage of the out-of-school suspensions issued.¹¹⁵ In fact, the District’s data shows that by far the largest category of out-of-school suspensions in 2008-09 in Philadelphia was “disruption,” followed by fighting offenses, “reckless” behavior, and “offensive language.”¹¹⁶

Going behind the data, students reported numerous examples of outrageous and misguided suspensions. For example, one student was reportedly suspended for laughing in class, while another young woman said she was suspended for getting out of her chair to sharpen her pencil.¹¹⁷ One student was given a long-term out-of-school suspension for “popping” his gum in class.¹¹⁸ In perhaps the most absurd practice of them all, students reported the widespread use of out-of-school suspensions for students caught cutting class.¹¹⁹ Put another way, students who had chosen not to attend class are being punished by not being allowed to come to class.

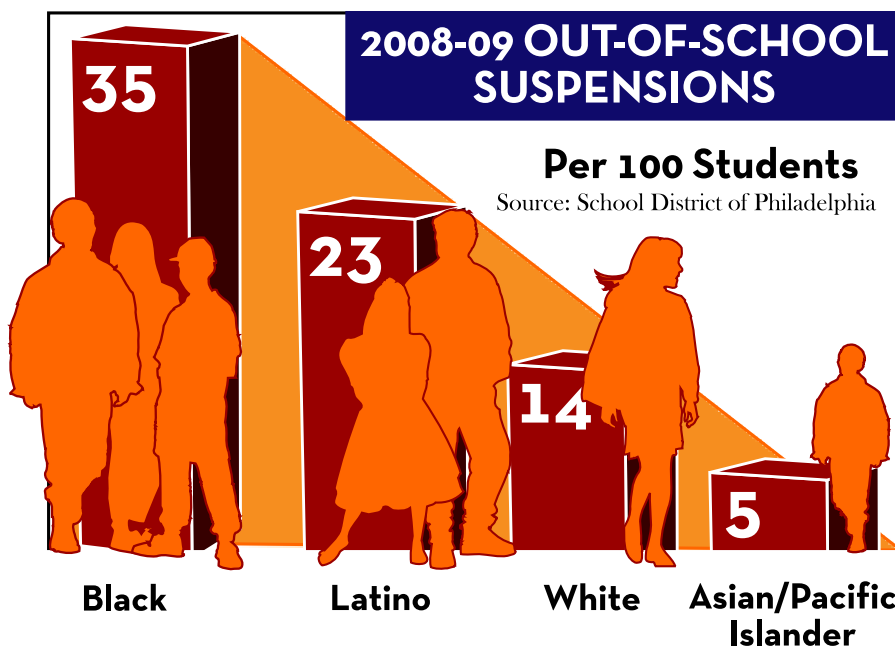
While it is true that many of the behaviors underlying these suspensions are clearly inappropriate in the school setting, it is also true that most did not likely present a serious, ongoing threat to school safety that would necessitate removal from school. Perhaps more importantly, they are all behaviors that present an opportunity to teach the offending students alternative behaviors that will improve their conduct and the climate of the school going forward. Unfortunately, resorting to out-of-school suspension usually squanders that opportunity. Instead, when students are taken out of the structured learning environment of school, they often go to an unsupervised environment at home where they may get into additional trouble and fall behind academically, thus making them more disruptive when they get back to school.¹²⁰ Moreover, suspensions often have the effect of damaging the relationship between students and their teachers, a critical element to school success.¹²¹

Indeed, in many instances, an out-of-school suspension is a punishment only in the eyes of school personnel. For students, it is often seen as a reprieve from the obligation to attend school. One student reported actually trying to get suspended. When asked why, she said it was “toward the end of the year, and there wasn’t anything to do. My mom wouldn’t let us stay home, so I had to do something to get suspended to stay home.”¹²² Another student reported that getting suspended was actually a sign of popularity in her school.¹²³

Many, and perhaps most, suspensions are thus ineffective disciplinary consequences. Even worse, they are often counter-productive, because they can exacerbate whatever challenges students are facing and lead to disengagement from school and the learning process. For example, YUC’s research has demonstrated that most students returning from suspension have to struggle to catch up with their schoolwork.¹²⁴ And in a citywide survey of youth who have left school, 32% said that one of the reasons they left was that they had been suspended so often.¹²⁵ One student described his experience with becoming increasingly disconnected from his school following a four-day out-of-school suspension:

- “When I got suspended for four days, I lost focus on work and I lost out on a lot of credit. But when I went to my teachers for extra credit or work that I missed, they acted like it was not their problem. This affects me because when I fail they don’t seem to care, because they say it’s my fault that I got suspended. Even though it was, I should still be helped.”¹²⁶

The excessive use of out-of-school suspensions represents nothing less than a denial or abdication of the District’s responsibility to educate its students. And as a result of these practices, within just one school year, there were over 108,000 school days lost due to out-of-school suspension in Philadelphia.¹²⁷ This has tremendous implications for the academic progress of students. In particular, these practices have the effect of widening the academic achievement gap between White, Black, and Latino students because the vast majority of affected students are youth of color.¹²⁸ In fact, Black students were over two-and-a-half times more likely to be suspended than White students in 2008-09, and Latino students were over one-and-a-half times more likely to be suspended than their White peers.¹²⁹ Thus, it is largely Black and Latino students who are excluded from school by these practices, which inevitably deepens the district-wide disparities in educational achievement along racial lines.

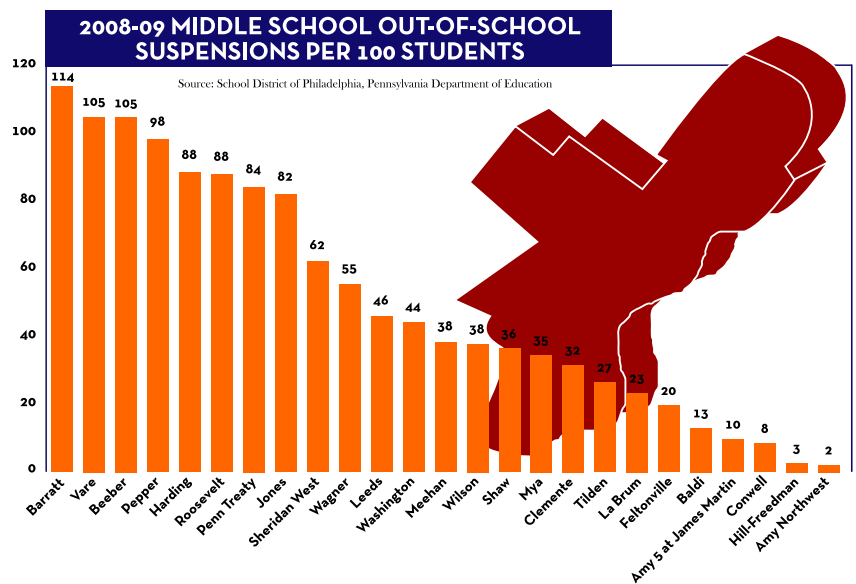


An important, but frequently ignored element of the problem of racial disparities in school discipline is the psychological effect this has on students. Young people are not oblivious to the fact that the vast majority of students being excluded from school are Black and Latino. This, too, can breed resentment and a broad perception that school personnel are biased against certain students. Several African-American students spoke directly about this issue. For example:

- “Basically if the White people get in trouble, they get talked to or something and they basically get excused. As soon as I get in trouble, if I do something, it’s automatic suspension or something harsh, for even the little dumb things. And it’s not fair.”¹³⁰
- “[T]he White students don’t get in trouble. There was one incident when I was in class where this boy threw a paper ball at me. And yes, he was White, and he and I were friends. Then I threw the paper ball back, and they saw both of us throw paper balls at each other, but only I got in trouble and got detention for that.”¹³¹

Indeed, the evidence supports the view of the surveyed and interviewed students that young people are treated differently by their schools. While student behavior clearly varies across schools, the response of teachers and administrators vary as well. As Superintendent Ackerman has acknowledged, “some people say ‘zero tolerance,’ others say ‘don’t do that again.’”¹³² These different disciplinary responses create entirely different school climates, which ultimately can determine students’ educational opportunities.

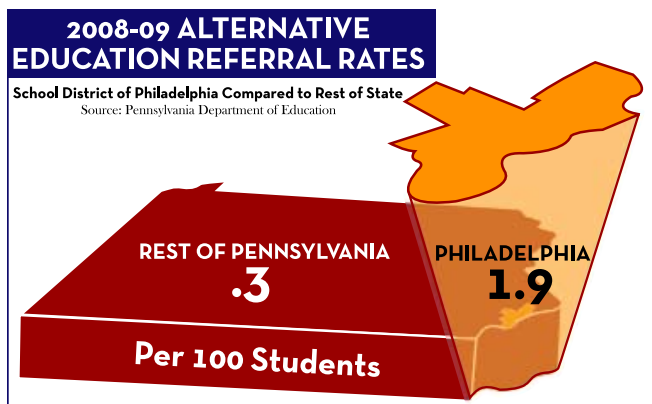
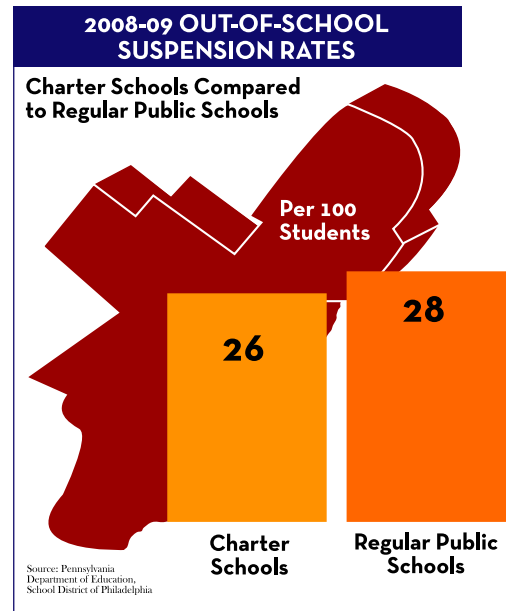
Comparing the 2008-09 suspension rates of all Philadelphia middle schools, some schools, such as Amy Northwest, Hill-Freedman, and Conwell, issued fewer than 10 out-of-school suspensions per 100 students over the course of the year.¹³³ Others, such as Barratt, Vare, and Beeber, issued more than 100 suspensions per 100 students (meaning some students, and probably many students, were suspended multiple times).¹³⁴ The educational experience of the average student at Barratt, whether or not she was suspended, was likely radically different than the experience of the average student at Amy Northwest, simply because Barratt’s suspension rate was over fifty times higher. Thus, the District must address whether students at those schools with high suspension rates are being treated fairly and are having their opportunities to learn needlessly compromised, and whether those schools with low rates can serve as models for creating healthy, productive learning environments.



Not only must the District examine how suspension practices are affecting students of different races and students at different schools, it should also take a close look at how they are affecting students with different academic needs. In particular, students with disabilities are having their educational opportunities significantly diminished by out-of-school suspensions. District-wide, in 2008-09, there were 54 suspensions per 100 students with identified disabilities, compared to 24 per 100 students without disabilities.¹³⁵ In other words, a student with a disability was well over twice as likely to be suspended out-of-school as her peers. Thus, the negative consequences of these practices are being concentrated on the students who already face perhaps the greatest challenges in meeting their educational goals.

Finally, it is important to point out that charter schools in Philadelphia also appear to be relying heavily on out-of-school suspensions. Disciplinary data was available for 57 charter schools in the City, and the overall 2008-09 suspension rate for those schools was very high, and only slightly below the overall rate for traditional public schools.¹³⁶ Indeed, if we account for the fact that charter schools educate a much higher percentage of girls – who are suspended far less often – than traditional public schools, the suspension practices of charter schools are likely even worse than they are for District schools.¹³⁷

In fact, individual charter schools have the highest suspension rates of any Philadelphia public schools. The Young Scholars Charter School had 179 suspensions per 100 students in 2008-09, and the Hope Charter School had an incredible 300 suspensions per 100 students.¹³⁸ Just as with traditional public schools, there is both an over-reliance on school exclusion and incredible variability in discipline practices across charter schools.



Disciplinary Transfers to Alternative Schools

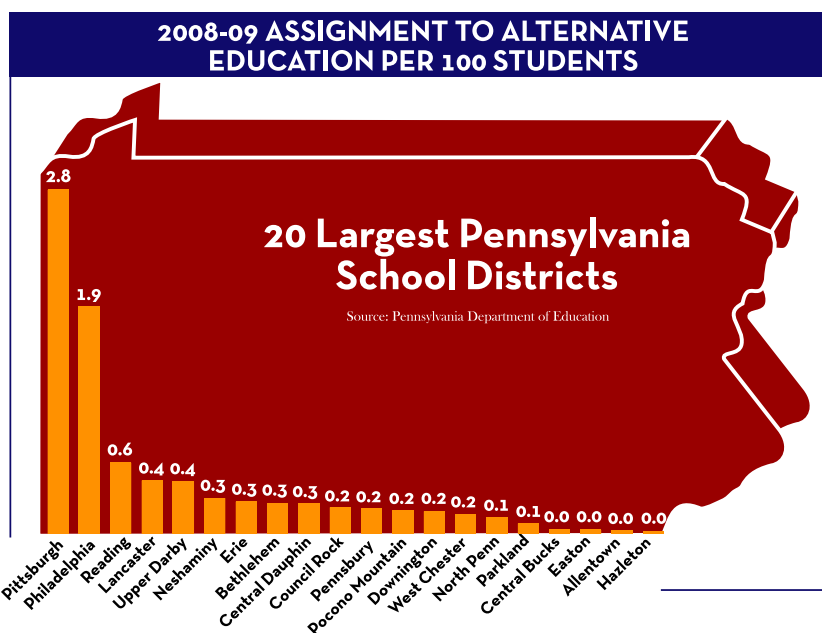
A very common disciplinary practice in Philadelphia is to refer students who break school rules to alternative schools, such as Boone or other schools operated by private companies.¹³⁹ While alternative education has its place within the educational system, it is important that it not be over-used, meaning that it only be relied upon for students who cannot succeed in the regular educational setting. First, it can be extremely disruptive for students to be transferred out of their regular educational setting. Second, it is even

more unsettling if the alternative programming is not offered on-site and students have to leave their schools entirely. Third, the quality of these programs are often poor and do not offer adequate learning opportunities. In Philadelphia, students are transferred to schools that carry a particularly strong stigma, which can be deeply traumatizing.

Thus, as Superintendent Ackerman has said, disciplinary transfers should only be used as a “last resort.”¹⁴⁰ Additionally, the education offered at those alternative settings must be of sufficiently high quality that placement in one of those schools does not function as an academic penalty. However, in Philadelphia, it appears that neither of these conditions has been met, leading to:

- (a) an over-reliance on alternative schools; and
 - (b) subpar education offered in some of these settings.
- For example, in 2008-09, there were 2,022 disciplinary transfers within the District.¹⁴¹ To put that in perspective, Philadelphia accounted for 36% of all the alternative education referrals statewide, and the rate at which students were referred to alternative education was *six times higher* in Philadelphia than it was in the rest of the state.¹⁴²

In fact, when compared to the other 19 largest districts in the state, Philadelphia was second only to Pittsburgh in alternative school referrals, and no other district was even close to these top two.¹⁴³ Compared to the rest of these other large districts, Philadelphia referred students to alternative education between three and *96 times more often*.¹⁴⁴



Our research indicates that many of these students simply did not require an alternative educational setting. Several examples of students who were both unnecessarily arrested and transferred to alternative disciplinary schools were provided above. We also heard numerous other examples, such as the 8th-grade honor roll student with no disciplinary history who scratched a boy with her pen after he was bothering her. She was charged with a “weapons” offense and transferred to an alternative disciplinary program.¹⁴⁵

Once students are referred to these schools, they often encounter inhumane treatment. Students reported being regularly physically assaulted by staff at alternative schools like Boone and CEP (which was closed down this year).¹⁴⁶ At Boone, students are reportedly required to go through extensive security procedures to merely enter the school. Males are required to spread their buttocks, and females are required to have their brassieres patted down.¹⁴⁷ Much like in some prisons, students report being required to walk through the halls with their hands behind their backs.¹⁴⁸ Here is how one young woman described the process of simply entering school each day:

- “They check you. They really check you. . . . When we get off the school bus . . . there’s two officers standing there and you walk through in a line. You walk through with your hands behind your back. . . . Then you go through metal detectors and you have to take your shoes off first. You take your shoes off and roll your pants up and you walk through. They’ll take you to the side . . . and make you open your socks and see if you have anything taped to your legs inside. Then she’ll pat you up and down. The girls, they have to lift their bras up and shake and stuff, to make sure there’s nothing in there. If you have a weave in your hair, they’ll feel it to make sure there’s nothing hidden in there.”¹⁴⁹

Students report that the environment was even more violent and repressive during the rest of the school day. This is how one student described the discipline administered at CEP:

- “[Academic] assignments were the least of their concerns at CEP. It was a discipline based school and they made sure of it. . . . The consequence for defying the rules was rarely a suspension. Instead, staff members instituted their own set of consequences such as being struck by one or more of the teachers, being deprived of lunch, or being threatened with a fight by some of the bigger kids in the community that would cooperate with the staff. I myself received several punishments from staff. I’ve endured many rug burns from being slammed or thrown to the floor. I’ve been beaten with a staff member’s belt; even a staff member’s boot. Parent conferences made no difference. It was beyond unfair. Most people like to refer to CEP as a prison and I couldn’t agree more.”¹⁵⁰

Zero Tolerance and Small Children

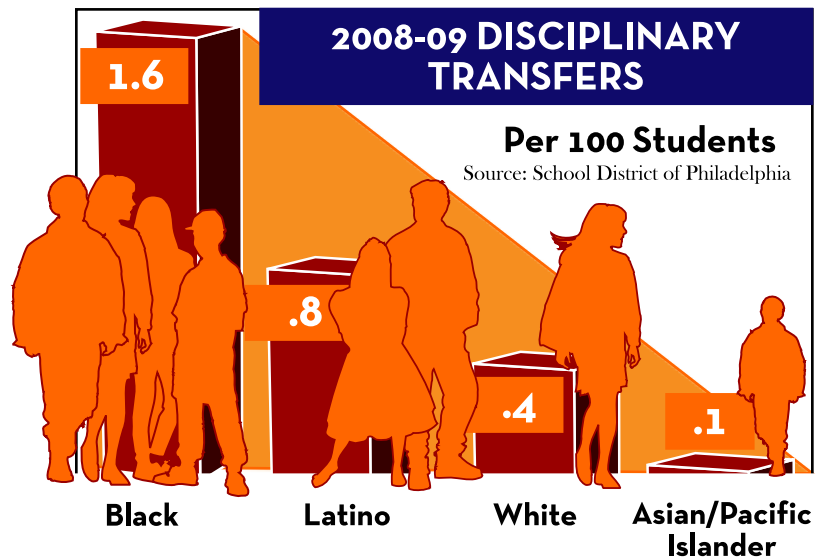
The students affected by these harsh disciplinary practices are getting younger and younger. It has become increasingly common that very young children – sometimes as young as five-years old – are subjected to long-term out-of-school suspensions, expulsions, and other severe punishments. These practices frequently ignore children’s basic developmental needs, and the effects are especially devastating.

For example, a kindergarten student named Jessie was exhibiting frequent moderate-level disruptions in school. On numerous occasions, without formally suspending him, his principal would call his parents and tell them to come pick him up and not bring him back for a few days. Ultimately the principal told his parents not to bring him back at all and promised he would do “whatever it takes to get your son out of my school.” When Jessie’s parents did not bring him to school, they received citations for truancy. Finally, with legal assistance from the Education Law Center, the family requested a special education evaluation of Jessie, which revealed that his behavior could be explained by the fact that he had mild mental retardation.

Students also frequently encounter lackluster educational services and little to no academic support at these alternative schools.¹⁵¹ Research shows that students in these schools fall further behind their peers academically, and are far less likely to graduate.¹⁵² At Boone and CEP, for example, students reported that they were not allowed to bring books or materials to school, and were given very little work to do.¹⁵³ What work was given was usually inappropriate for their educational level.¹⁵⁴ At CEP, students were not even allowed to use pens or paper.¹⁵⁵ A student at Boone summed up his educational experience by simply saying “We don’t learn anything.”¹⁵⁶

Moreover, research indicates that referral to alternative disciplinary schools often represents an educational “dead-end.” In fact, less than one-third of all students in Philadelphia’s alternative disciplinary schools return to traditional public schools.¹⁵⁷ Thus, the consequences of disciplinary transfers are not only severe, but evidently very difficult to reverse.

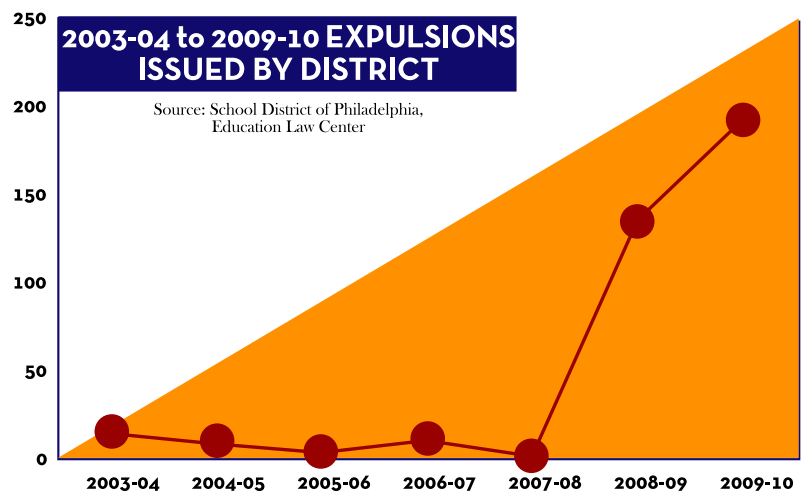
Once again, those most affected by these dynamics are Black and Latino students and students with disabilities. Much like in the criminal justice system, the more severe the punishment is, the greater the racial disparities.¹⁵⁸ In 2008-09, Black students were nearly four times more likely to be given a disciplinary transfer than their White peers, and Latino students were almost twice as likely.¹⁵⁹ And students with identified disabilities were 2.3 times more likely to be transferred to alternative schools than their non-disabled peers.¹⁶⁰



While these disciplinary practices raise fundamental questions of morality, justice, and fairness, they also raise critically important issues of public finance and budgetary priorities. In 2008-09, the District spent over \$48 million on disciplinary alternative schools.¹⁶¹ Based on the available evidence, it is apparent that a broader public conversation is needed on whether these funds are being well spent.

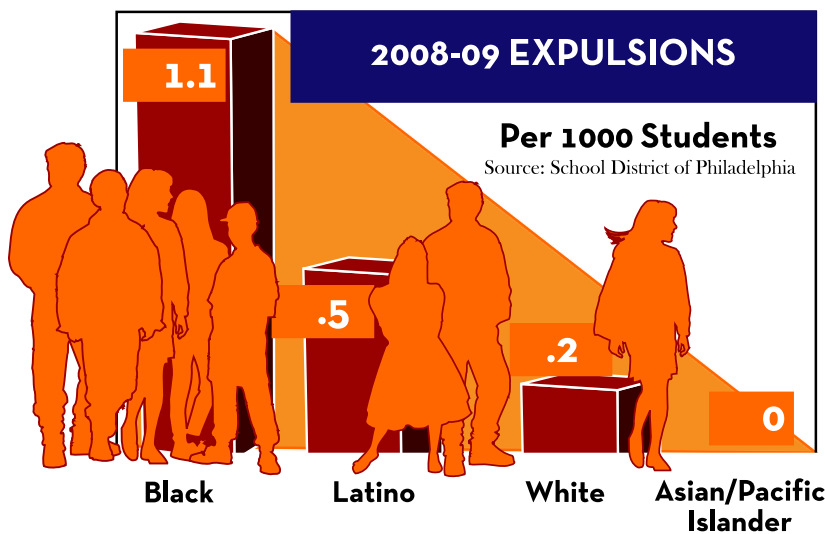
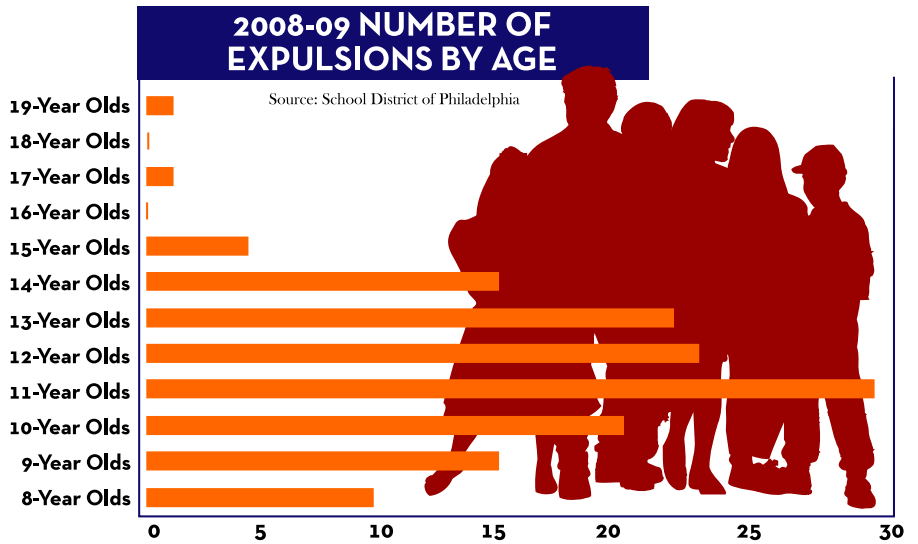
Expulsions

Expulsions are a particularly severe academic punishment. Some expulsions are considered “temporary,” meaning after an extended period (such as one semester or one year), the student will be allowed to come back to school. Other expulsions are “permanent,” meaning the student will not be allowed to re-enter school in the District. Both temporary and permanent expulsions carry heavy consequences for the academic opportunities and development of young people; thus, they should only be used under extreme and rare circumstances. Yet one of the biggest changes Superintendent Ackerman made when she came to Philadelphia in 2008 was to dramatically increase the number of students whom she recommended for expulsion from the District. In the five years prior to her arrival, there were only 31 expulsions total, but there were over four times as many – 134 – just in 2008-09.¹⁶² The number of expulsions climbed even higher in her second year, to 191.¹⁶³



Moreover, the process of expelling these students has been fraught with problems that have taken a terrible toll on many students and families. Students have been kept in limbo for many months, waiting for their hearings and resolutions.¹⁶⁴ And violations of students' due process rights have been rampant, resulting in a deeply flawed system that is in immediate need of improvement.¹⁶⁵

One especially striking effect of the increasing reliance on expulsions is that the most affected students are very young elementary and middle school students. In fact, nearly all of the students expelled in 2008-09 were between the ages of 8 and 14, and the most common ages of the expelled students were 11 and 12.¹⁶⁶



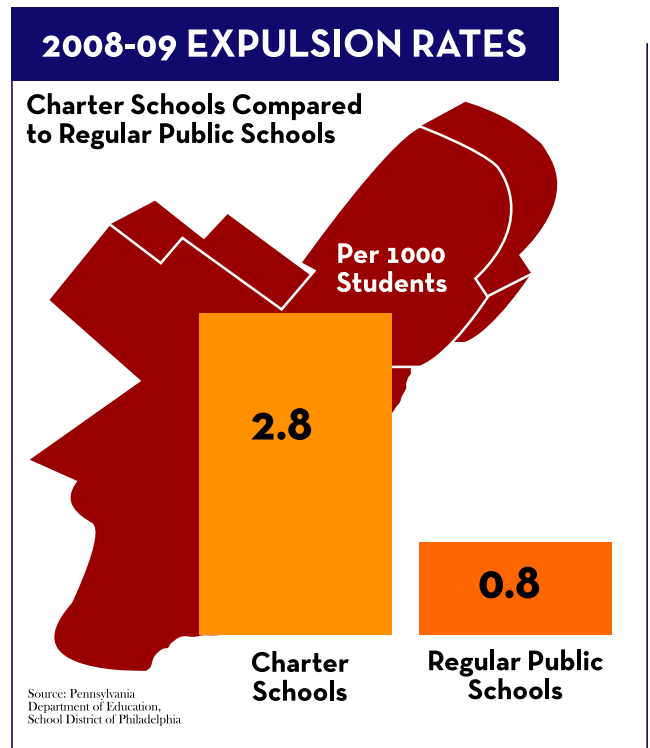
Additionally, 95% of the students who were expelled in 2008-09 were Black or Latino.¹⁶⁷ Following the trend of increasing disparities, Black students were nearly *five times more likely* to be expelled than White students. Latino students were well over twice as likely to be given an expulsion as their White peers.¹⁶⁸ And, once again, students with disabilities were significantly overrepresented among expelled students.¹⁶⁹

Our research uncovered numerous students whose education was unnecessarily disrupted by expulsion proceedings. For example:

- Matt, an 11th-grader, was accused of participating in a group assault, recommended for expulsion, and transferred to a disciplinary school for five months before he was found innocent by video proof showing him walking away when the incident began.¹⁷⁰
- Damarcus, a 7th-grade student, was caught playing with matches and lighting toilet paper on fire in the bathroom. He was charged with arson and recommended for expulsion. Ultimately his expulsion was denied, but not before he spent months in a disciplinary alternative school.¹⁷¹
- Tamika, a 9th-grader, was recommended for expulsion after being accused of being in a fight with a girl from another school on a Saturday outside of a McDonald's miles from either student's school. Although she consistently denied doing anything other than being present at the incident and she was eventually returned back to her school, it was not before she had missed over four months of her education.¹⁷²

As with out-of-school suspensions, expulsion data was available for 57 of the District's charter schools in 2008-09, and the findings were striking. Even though the expulsion rate for traditional public schools in the District skyrocketed that year, the expulsion rate for charter schools was still three-and-a-half times higher.¹⁷³ Indeed, we have found many examples of unwarranted expulsions from these schools, such as:

- Christopher, a six-year-old kindergartener, was accused of “inappropriately touching” his teacher. As the teacher and students were sitting on the floor in a circle, the teacher said her legs were hurting. Christopher patted the tops of her thighs and said, “I want to make them feel better.” He was permanently expelled.¹⁷⁴
- A student withdrew from school after it had been made clear that an expulsion was inevitable, solely because of two cell phone violations.¹⁷⁵
- Marisa, 2nd-grader, was permanently expelled for truancy, which at age eight was beyond her control.¹⁷⁶



In addition to the high documented rates of expulsions, many charter schools encourage students to withdraw from school rather than go through expulsion proceedings.¹⁷⁷ They, and their parents, are told in response to some misbehavior that expulsion is inevitable, and that they should voluntarily withdraw rather than have an expulsion on their disciplinary record.¹⁷⁸ Of course, this also allows the charter school to remove students who may present a greater challenge to educate, rather than subjecting themselves to the time and expense of a formal hearing and potential legal challenge. Unlike traditional public schools, Philadelphia's charter schools are essentially allowed to “cherry-pick” the students they want to educate, and appear to be even more inclined to banish unwanted young people.



Christopher was only 6 years old and in kindergarten when he was permanently expelled after merely trying to be kind to his teacher.

Zero Tolerance and the Student Experience

It is undeniable that there is significantly more violent and disruptive behavior at some schools than at others. This explains some of the difference in suspension, expulsion, disciplinary transfer, and arrest rates. But it does not explain all of the difference. There are some schools that simply respond to the same behavior in more productive and less harmful ways.

For example, according to the Pennsylvania Department of Education, at Central High School – an academic magnet school – there were 32 school safety “incidents” reported in 2008-09, including 11 simple assaults, an aggravated assault, five robberies, four thefts, two threats against school officials or students, one burglary, one arson, and one possession of a knife, among other offenses. However, of those 32 incidents, there was only one arrest and four suspensions, averaging two days each.

In contrast, at Fitzsimons, a traditional neighborhood high school, there were 103 incidents, the largest categories of which were simple assault and disorderly conduct. Those incidents resulted in 51 arrests and 36 suspensions averaging six days in length. In other words, those incidents appear not to have been any more severe than the incidents at Central, but resulted in arrest and lengthy out-of-school suspension far more often.

These radically different disciplinary practices affect more than just the students being disciplined. The average student at Fitzsimons may be perfectly well behaved, but the quality of his education is likely diminished significantly compared to the average student at Central due to the particularly severe form of zero tolerance being employed at the school. For example, at Fitzsimons, there is one police or security officer for every 96 students, compared to one for every 553 at Central. The overall 2008-09 suspension rate at Fitzsimons was over *40 times higher* than it was at Central, and the overall arrest rate was an incredible *295 times higher*. Not surprisingly, the graduation rate at Fitzsimons was only 60%, compared to 99% at Central.

Simply put, the effects of harsh, unforgiving disciplinary practices simply cannot be isolated to the students removed from school or referred to the police; misapplication of zero tolerance has adverse effects on everyone in the building.

CENTRAL HIGH SCHOOL		FITZSIMONS HIGH SCHOOL
2,212	Enrollment	382
553	Student per Police/Security Officers	96
0.05	Arrests per 100 Students	13
2	Suspensions per 100 Students	87
0.05	Disciplinary Transfers to Alternative Schools per 100 Students	4
99%	Graduation Rates	60%

Sources: School District of Philadelphia, Pennsylvania Department of Education
 Note: All data is from School Year 2008-09

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CONCLUSION AND RECOMMENDATIONS

It is the right of every child to receive a high-quality education. However, for too long, education has been treated as a privilege; as something that only those deemed worthy can receive. For many years, the primary method for depriving students of equitable educational opportunities was Jim Crow laws. Eventually, that was replaced by grossly inequitable school funding systems and zoning strategies that had the effect of isolating students from low-income communities and communities of color. While these structural barriers still exist, they have been joined in recent years by several other policies that have the effect of deteriorating students' opportunities to learn. These direct descendants of Jim Crow include practices such as high-stakes testing and "tracking," but there may be no other policy that poses a more direct attack on students' educational rights than zero tolerance.

This is especially evident in Philadelphia, where the use – or the threatened use – of severe disciplinary action dominates the culture of many schools. At such schools, where harsh penalties are the norm and are not limited to truly serious misbehavior, then *every* child is at risk. Every child becomes just one minor mistake away from having their life turned upside down, and their education taken away from them. That is nothing short of tragic.

To be sure, some Philadelphia schools have significant disciplinary issues. However, more often than not, the zero-tolerance approach does not solve these problems. It can hide them, push them off for a little while, transfer them to someone else, or make it seem that the problems are something they are not. But it usually does not solve them. Instead, it often exacerbates the situation and creates new problems. In Philadelphia, that has meant schools that are less safe and less effective, which has had devastating consequences for countless students, their families, schools, and the overall community.

Additionally, as was shown above, the zero-tolerance approach has a significant fiscal impact. It is simply a very expensive policy to implement. In the short term, a dollar spent on school police and security guards, metal detectors, and substandard alternative schools is a dollar that could have been spent on additional teachers, student support services, or academic materials. Moreover, pushing just one student out of school through these practices costs the District thousands in lost per-pupil funding from the state and federal governments every year. When thousands are pushed out, the cost to the District is astronomical. And in the long term, the choice to use a zero-tolerance approach is even more expensive because students who are pushed out of school are far more likely to become unemployed and/or incarcerated, which has huge negative economic effects on the community overall.

High-quality education is the key to long-term prosperity in Philadelphia, but students cannot learn if they are excluded from the classroom because of zero tolerance. It is time to stop spending our valuable resources on practices that push students out of school and into prison. Instead, we can reduce Philadelphia's dropout rate, build safer and more effective schools, reduce the achievement gap, limit the number of youth entering the juvenile and criminal justice systems, use our law enforcement agencies more efficiently, save taxpayer dollars, and build healthier communities throughout the City by moving away from the failed zero-tolerance approach, and taking a smarter approach to school discipline.



Fortunately, we already know what works far better than zero tolerance. Disciplinary approaches focused on prevention and effective intervention are grounded in research and supported by the experiences of districts and schools across the country.¹⁷⁹ We therefore urge the School District of Philadelphia, other local policymakers, and our state and Congressional representatives to take the following steps to dismantle Philadelphia's School-to-Prison Pipeline.

Recommendations to the School District of Philadelphia

1. Create a working group of stakeholders within the community – including parents, students, teachers, principals, and other community members – to rewrite the District's discipline policies. The group should be tasked to: (a) limit the use of expulsions, disciplinary transfers to alternative schools, referrals to law enforcement, and school-based arrests to conduct that poses a serious, ongoing threat to the safety of students and staff; (b) limit the use of out-of-school suspensions to serious misconduct or to when other interventions have been unsuccessful in addressing low-level misconduct; (c) encourage the use of alternatives to exclusionary practices and referrals to law enforcement; (d) eliminate racial disparities in school discipline; (e) strengthen the protection of parents'/guardians' and students' due process rights during all disciplinary proceedings and placements; and (f) ensure that students and families have a legal advocate during the entire disciplinary transfer/expulsion process.
2. Reallocate funding dedicated to school police, security officers, metal detectors, and surveillance cameras toward more guidance counselors, social workers, and school psychologists who are available to address students' academic and behavioral issues.
3. Implement evidence-based practices, such as restorative justice (or "restorative practices"), in all schools.
4. Implement a district-wide training program for all school administrators, teachers, police and security officers, school staff, and expulsion hearing officers on the adverse consequences of exclusion from school, effective classroom management techniques, adolescent development and relationship-building, conflict resolution, restorative justice/restorative practices, other disciplinary alternatives, and student engagement through challenging and culturally relevant curricula.
5. Implement an accountability structure under which school officials are held responsible for: (a) reducing the use of out-of-school suspensions, expulsions, disciplinary transfers to alternative schools, referrals to law enforcement, and school-based arrests; and (b) eliminating racial disparities in school discipline measures.
6. Clarify the roles and responsibilities of the Philadelphia Police Department through a revised memorandum of understanding between the school district and police department that limits school-based arrests to felony offenses that pose an ongoing, serious threat to the safety of students or staff.
7. Create a public reporting system for school discipline data, including referrals to law enforcement and school-based arrests, disaggregated by offense, age, gender, grade, race/ethnicity, disability, school, teacher/school staff, and result. Data should be also used within the District to track program success, identify areas of improvement, and develop alternative programs tailored to the disciplinary issues that exist.
8. Establish a school discipline oversight committee, which would include school personnel, parents, students, teachers, and interested community members. The responsibilities of these committees should be to: (a) conduct an immediate review of misconduct by school police and security officers; (b) conduct an immediate review of the academic offerings and school climate at disciplinary alternative schools throughout the District; (c) handle future complaints about school discipline practices; (d) review discipline and arrest statistics; (e) evaluate the District's efforts to maintain safety in a fair and nondiscriminatory manner; and (f) make recommendations on discipline policies and practices.

CONCLUSIONS AND RECOMMENDATIONS

Recommendations to the Mayor and City Council of Philadelphia

1. Create a local council to dismantle the City's School-to-Prison Pipeline, comprised of parents, youth, and representatives from the School District, the juvenile justice system, the Philadelphia Police Department, social services agencies, and non-profit community organizations. The council should be charged with developing comprehensive strategies for addressing policies and practices that lead to the over-criminalization of youth and students being pushed out of school. In particular, the council should be focused on the allocation of City resources and how they can be optimized to ensure that every child and youth in Philadelphia receives a full and equal opportunity to receive a high-quality education.
2. Conduct an immediate review of policing practices within the School District of Philadelphia.
3. Exercise oversight authority to ensure that the recommendations to the District described above are followed.

Recommendations to the Pennsylvania General Assembly

1. Amend the Pennsylvania Constitution to make a high-quality education the civil right of every child.
2. Eliminate all state requirements that students be expelled or referred to law enforcement for school-based behavior; prohibit the arrest or citation of students for misdemeanor and petty offenses at school; and prohibit the use of expulsions, disciplinary transfers to alternative school, and out-of-school suspensions longer than five days, unless there is a serious, ongoing threat to school safety.
3. Implement an accountability structure under which state funding can be withheld from districts and charter schools that: (a) repeatedly refer students to law enforcement for offenses that do not pose a serious, ongoing threat to school safety; (b) demonstrate a continuing over-reliance on out-of-school suspensions, expulsions, and transfers to disciplinary alternative schools; and (c) have persistent racial disparities in the use of exclusionary school discipline and have not developed and implemented a plan for addressing them.
4. Provide resources for the formation of local or regional councils comprised of parents, youth, and representatives from school systems, juvenile courts, law enforcement agencies, social service agencies, and non-profit community organizations that would be charged with developing comprehensive strategies for addressing the School-to-Prison Pipeline in particular communities. In particular, the councils should be focused on the allocation of public resources and how they can be optimized to ensure that every child and youth in the community receives a full and equal opportunity to receive a high-quality education.
5. Allocate additional funding, and divert funding used for law enforcement and security infrastructure, to proven prevention and intervention programs like restorative justice/restorative practices and other educational purposes, such as additional guidance counselors, social workers, and school psychologists.
6. Amend the state statutes providing for alternative education for disruptive youth (AEDY) programs to require, at a minimum, the following: (a) a right of appeal for students placed in AEDY; (b) that teachers in all AEDY programs have proper certification and appropriate training in working with youth that have behavior management needs; and (c) that AEDY programs provide at least equivalent hours of instruction as traditional public schools in addition to counseling and behavioral health services.
7. Enhance the public reporting system for school discipline data, to ensure that all schools – including charter schools and alternative schools – are reporting data on the use of exclusionary discipline, referrals to law enforcement, and school-based arrests that is disaggregated by offense, age, gender, grade, race/ethnicity, disability, school, and result.



Recommendations to Pennsylvania's Delegation to the United States Congress

Either within the reauthorized Elementary and Secondary Education Act (commonly known as the No Child Left Behind Act), or through separate legislation:

1. Collect and report (on an annual basis) school-level disciplinary and climate data – disaggregated by race, gender, special education status, socioeconomic status, and English proficiency – from all schools and districts, including all charter schools and alternative schools.
2. Establish a process by which unusually high disciplinary rates – as well as pronounced disparities in such rates along race, gender, disability, socioeconomic status, and language lines – trigger required technical assistance and support, rather than punishment, from state and local educational agencies.
3. Increase the availability of federal funds to support proven and promising school-based discipline frameworks to be implemented in a culturally relevant manner, such as restorative justice/restorative practice programs, instead of exclusionary methods of discipline.
4. Provide federal funding for comprehensive local or regional strategies involving multiple stakeholders – including, but not limited to, schools, the justice system, parents, and students – to reduce the use of exclusionary discipline and the number of students entering the juvenile and criminal justice system.
5. Address student reentry issues by doing the following: (a) require that states establish procedures for assessment and identification of students' learning needs upon entry into juvenile detention facilities; (b) require that states establish procedures for the prompt reenrollment of students in schools upon return from expulsion and juvenile justice placement, and for facilitating the transfer of credits earned during placement; and (c) provide federal funding for innovative practices aimed at ensuring the educational success of students reentering school from expulsion and juvenile justice placements.

APPENDIX - METHODOLOGY

Because of the increasing dependency on harsh disciplinary practices in school as well as the over-criminalization of young people, student members of Youth United for Change decided to study the impact of zero tolerance within the School District of Philadelphia. The YUC students reached out to allies at Advancement Project and the Education Law Center to assist with research. Students also enlisted the help of a graduate student, Laura Colket from the University of Pennsylvania. YUC students developed the research questions and research plan, focusing on the acquisition of both quantitative and qualitative data. They put particular emphasis on incorporating as many voices as possible within the research by distributing a student survey and conducting focus groups and interviews.

Student Survey

YUC students formulated survey questions in partnership with Advancement Project. The students administered the surveys in the spring of 2010 to 568 students district-wide, posing a variety of questions on students' experience with zero-tolerance school discipline within the School District of Philadelphia. The students were asked to self-identify their gender and race/ethnicity: 59.9% were female, and 40.1% were male; 50.5% said they were Black/African-American, 25.3% said they were Latino/Hispanic, 12.8% said they were White/Caucasian, and 5.6% said they were Asian/Pacific Islander.

Focus Groups/Interviews

YUC students developed questions and protocols for focus groups and one-on-one interviews. Five focus groups were held in August and November 2010, three of students (in which 16 youth participated), and two of parents (8 participated). Students also interviewed several individuals who work in the expulsion process and in the juvenile and criminal justice systems.

Data Gathering

Advancement Project personnel collected data from the Pennsylvania Department of Education. YUC students and Advancement Project staff also developed and submitted public record requests to the School District of Philadelphia, seeking a variety of school discipline data. The District subsequently provided some data, though as of December 2010 had refused to release important public documents in compliance with public records laws.

Advancement Project personnel conducted trainings on understanding qualitative and quantitative data analysis for YUC students.

Story Collection

In addition to the information gathered from the survey and focus groups, many YUC youth provided testimonials included in this report. Additionally, many of the stories included in this report come from students interviewed by the Education Law Center, which handles dozens of school discipline cases in the School District of Philadelphia and in the various Philadelphia charter schools.

Additional Research

YUC students travelled to Denver, Colorado to learn from Padres & Jovenes Unidos, a community-based organization that successfully worked with their school district to greatly reduce the use of out-of-school suspensions and law enforcement referrals district-wide.¹⁸⁰

Report

The writing of the report was a joint collaboration of Youth United for Change and Advancement Project, in consultation with the Education Law Center - PA.

APPENDIX - ENDNOTES

- 1 Advancement Project. (2010, January). *Test, punish, and push out: How “zero tolerance” and high stakes testing policies funnel youth into the School-to-Prison Pipeline*, 9-12. Retrieved November 10, 2010, from http://www.advancementproject.org/sites/default/files/publications/rev_fin.pdf.
- 2 *Id.*
- 3 *Id.*
- 4 See, e.g., American Psychological Association (APA) Zero Tolerance Task Force (2006, February 1). *Are zero tolerance policies effective in schools? An evidentiary review and recommendations*. Retrieved November 10, 2010, from <http://www.apa.org/pubs/info/reports/zero-tolerance.pdf>; Skiba, R. (2000, August). Indiana Education Policy Center. *Zero tolerance, zero evidence: An analysis of school disciplinary practice*, Indiana Education Policy Center, 7-8.
- 5 Advancement Project. (2010, January), 11-12; 16-17.
- 6 *Id.* at 8; 34-38.
- 7 *Id.* See also <http://www.stopschooltojails.org/content/model-discipline-policies>.
- 8 Advancement Project. (2010, January), 35-37. See also <http://www.stopschooltojails.org/content/model-legislation>.
- 9 Zehr, M. (2010, October 7). Obama Administration targets ‘disparate impact’ of discipline. *Education Week*.
- 10 The authors are unaware of any large school district with documented rates of punitive and exclusionary discipline that exceed those of Philadelphia. The authors are also unaware of any large school district that advertises its use of “zero-tolerance” school discipline as much as Philadelphia.
- 11 See, e.g., Letter from Arlene Ackerman, Superintendent of Philadelphia Public Schools, to Parents and/or Guardians. (2008, October 15). Retrieved October 16, 2010, from http://www.phila.k12.pa.us/parents/letters/Letter_to_Parents_English.pdf (“In an effort to create a safe learning environment in schools, I am reminding students of the District’s “zero tolerance” policy towards violence of any kind in their school, on the property of their school, or during any school sanctioned activity.”); Dean, M. (2008, October 16). Ackerman takes aim at violence. *Philadelphia Daily News*, p. 9 (“Vowing to crack down on violence and weapons, Arlene Ackerman, superintendent of the Philadelphia School District, yesterday said an existing zero-tolerance policy on violence will be enforced *like never before* [italics added] and will likely result in more expulsions this year.”).
- 12 See, e.g., Gregory, A., Skiba, R. J., & Noguera, P. A. (2010). The achievement gap and the discipline gap: Two sides of the same coin? *Educational Researcher*, 39, 59-68.
- 13 Advancement Project. (2010, January), 16-17.
- 14 *Id.* at 9-11.
- 15 *Id.* See also Coates, T. (2010, December 7). Hoodlums. *The Atlantic*. Retrieved on December 14, 2010, from <http://www.theatlantic.com/national/archive/2010/12/hoodlums/67599/> (“There are roughly 2.3 million people in jails and prisons in America, more than any country in the world. . . . Of the 2.3 million people in American jails, 806,000 are black males. . . African-American males--alone--make up 8 percent of the *entire world’s prison population*.”).
- 16 Advancement Project. (2010, January), 9-11.
- 17 *Id.*
- 18 *Id.* at 10.
- 19 APA Zero Tolerance Task Force (2006, February 1).
- 20 *Id.*
- 21 *Id.*
- 22 Blum, R. et al. (2001). *Reducing the risk: Connections that make a difference in the lives of youth*.
- 23 APA Zero Tolerance Task Force (2006, February 1).
- 24 Advancement Project. (2010, January), 17.
- 25 *Id.* at, 24. One economist calculated the cost to taxpayers of one child dropping out of or being expelled from school and becoming involved with drugs and crime as between \$1.7 million and \$2.3 million. Klehr, D. (2009). Addressing the unintended consequences of no child left behind and zero tolerance: better strategies for safe schools and successful students. *Georgetown Journal on Poverty Law & Policy*, 16, 585 (citing Carroll, M. (2008). Comment, Educating expelled students after No Child Left Behind: Mending an incentive structure that discourages alternative education and reinstatement. *UCLA Law Review*, 55, 1943 n.217).
- 26 Advancement Project. (2005, March). *Education on lockdown: The Schoolhouse to Jailhouse Track*, 12. Retrieved December 6, 2010, from <http://www.advancementproject.org/reports/FINALEOLrep.pdf>.
- 27 Advancement Project. (2010, January), 17.
- 28 *Id.*

- 29 See, e.g., School District of Philadelphia. (2010, May 26). Presentation to the School Reform Commission: Adoption of Proposed Fiscal Year Budget, 2010-2011, 36-38. Retrieved on November 30, 2010, from http://webgui.phila.k12.pa.us/uploads/rt/-q/rt-qYVdfYOzyoD9PtcqFwg/FY_2011_budget_adopted.pdf. The 2010-2011 budget includes \$180 million to support “Imagine 2014” initiatives including expansion of in-school suspension programs (“ISS”) that provide “a safe learning and support environment as an alternative to out-of-school suspensions,” where “[s]tudents receive behavioral support from a counselor, student advisor, social service liaison, peer mediator and/or Reengagement Specialist.” *Id.* In January 2010, 18 schools launched new ISS programs and the budget presentation indicated that the District launched a second round of ISS programs in 34 schools in March 2010. *Id.* Further, the District has instituted certain changes to expedite its expulsion process. Letter from Community Responses to Zero Tolerance, to Members of the Philadelphia School Reform Commission. (2010, September 9). [on file with authors]. Unfortunately, in the same budget presentation, the District suggests to the School Reform Commission that one possible area of cost savings would be a “[r]oll back of [its] Counselor Initiative [which would] reverse some or all of the hiring that took student-to-counselor ratios down from the previous highs of 600:1 for HS, 500:1 for MS and 750:1 in K-8.” School District of Philadelphia. (2010, May 26). Presentation to the School Reform Commission: Adoption of Proposed Fiscal Year Budget, at 13.
- 30 Mezzacappa, D. (2008, July). Shakeup of disciplinary school system underway. *The Notebook*. Retrieved on October 16, 2010, from <http://www.thenotebook.org/july-2008/08416/shakeup-disciplinary-school-system-underway>.
- 31 Letter from Arlene Ackerman, Superintendent of Philadelphia Public Schools, to Parents and/or Guardians (2008, October 15).
- 32 Dean, M. (2008, October 16). Ackerman takes aim at violence. *The Philadelphia Daily News*, p. 9.
- 33 95% of the expelled students in 2008-09 were Black or Latino. Documents Obtained from Philadelphia City Public Schools Pursuant to Public Records Request. (2010). [on file with authors].
- 34 Volk, S. (2009, December 24). Queen Arlene. *Philadelphia Magazine*. Retrieved on October 16, 2010, from http://www.phillymag.com/articles/arlene_ackerman_profile_queen_arlene/.
- 35 The African American and Latino Male Dropout Taskforce Report. (2010, September 2). Philadelphia School Reform Commission. Retrieved on November 30, 2010, from <http://www.phila.k12.pa.us/announcements/TaskforceReport090110.pdf>.
- 36 Editorial Projects in Education Research Center (2010). School District Graduation Report 2007: Philadelphia School District. *Education Week*. Retrieved on November 30, 2010, from <http://www.edweek.org/apps/gmap/details.html?year=2009&zoom=6&type=2&cid=4218990> (CPI graduation rate for all students in the class of 2007 for the City of Philadelphia’s School District was 48.4% while the national average for that year was 68.8%).
- 37 See, e.g., “Alternatives to suspension, expulsion, and arrest.” Retrieved on November 30, 2010, from <http://www.stopschoolstojails.org/sites/default/files/alternative%20solutions%20pdf%20updated%206%2024%2009.pdf>.
- 38 Advancement Project. (2010, January), 15-17.
- 39 School Safety Annual Report 2009. (2009, December 3). Pennsylvania Safe Schools Online. Retrieved on November 30, 2010, <https://www.safeschools.state.pa.us/Main.aspx?App=6a935f44-7cbf-45e1-850b-e29b2f1ff17f&Menu=dbd39a1f-3319-4a75-8f69-d1166dba5d70&res=>.
- 40 *Id.* (comparing Philadelphia School District to Pennsylvania).
- 41 *Id.*; Pennsylvania Department of Education, Data & Statistics: Enrollment. Retrieved on December 15, 2010, from <http://www.education.state.pa.us/portal/server.pt/community/enrollment/7407>.
- 42 School Safety Annual Report 2009. (2009, December 3). Pennsylvania Safe Schools Online.
- 43 *Id.*
- 44 *Id.* (comparing Philadelphia School District to Pennsylvania).
- 45 *Id.*
- 46 Documents Obtained from Philadelphia City Public Schools Pursuant to Public Records Request. (2010). [on file with authors].
- 47 *Id.*
- 48 *Id.*
- 49 Youth United for Change: Zero Tolerance Survey and Survey Results. [Document and data on file with authors].
- 50 The names of all students have been changed, to protect their identity.

- 51 Records on File with the Education Law Center.
- 52 *Id.*
- 53 Student Testimonial Authored by Youth United for Change Member (2009). [on file with authors].
- 54 Advancement Project. (2010, January), p. 19. Unfortunately, the District has not provided this data for more recent school years in spite of numerous requests.
- 55 *Id.*
- 56 Skiba, R. et al. (2000, June). *The Color of discipline: Sources of racial and gender disproportionality in school punishment*, 6. Retrieved on December 10, 2010, from <http://www.iub.edu/~safeschl/cod.pdf>.
- 57 *Id.*
- 58 Documents Obtained from Philadelphia City Public Schools Pursuant to Public Records Request. (2010). [on file with authors].
- 59 *Id.*
- 60 It is also possible that socioeconomic status also may be playing a role, as the 25 schools with the most students of color also had higher percentages of students coming from low-income families. Documents Obtained from Philadelphia City Public Schools Pursuant to Public Records Request. (2010). [on file with authors].
- 61 Youth United for Change. Student Survey and Survey Results (2010). [on file with authors].
- 62 Public Citizens for Children & Youth. (2009, February). *Positive Behavior Support (PBS) in Philadelphia: Where we've been and where we need to go*, p. 3. Retrieved on November 30, 2010, from <http://pccy.org/userfiles/file/Education/PBS%20Report.pdf>.
- 63 School Safety Annual Report 2009. (2009, December 3). Pennsylvania Safe Schools Online.
- 64 *Id.*
- 65 *Id.*
- 66 *Id.*
- 67 Those districts are Bethlehem, Central Bucks, Central Dauphin, Council Rock, Downingtown, Hazleton, Lancaster, Neshaminy, Parkland, Pennsbury, Pocono Mountain, Reading, and West Chester. *Id.*
- 68 See Advancement Project. (2010, January), p. 15-16.
- 69 *Id.* See also American Psychological Association (APA) Zero Tolerance Task Force. (2006, February 1).
- 70 See, e.g., Thurau, L. and Wald, J. (2009/2010). Controlling partners: When law enforcement meets discipline in public schools. *New York Law School Law Review*, 54, 1006. (“The default assumption underlying police responses to discipline infractions is that the failure stemmed from school administrators’ inability to assert authority. Consequently, SROs [defined as “school police”] may escalate the situation by raising the stakes. For some youths, increased assertion of authority is tantamount to repeating directions more loudly to someone who doesn’t understand or can’t follow them.”).
- 71 See, e.g., Lintott, J. (2004, Fall). Note: Teaching and learning in the face of school violence. *Georgetown Journal of Poverty Law & Policy*, 11, 570. (“[A] school community that is dominated by police patrols, metal detectors and mandatory arrests after school fights may increase the problems of school violence, while failing to address the roots of the problems. A school atmosphere that closely mirrors the conditions on the street will likely breed violence rather than reduce it. . . . Thus, a school must be careful to strike a balance between having a police presence that will keep the school safe and the teachers unburdened, and one where police involvement has replicated the environment of the streets inside the school.”).
- 72 A scatterplot analysis of the 2008-09 data was conducted, yielding a Pearson Correlation of .807. This number reveals the extent to which you can guess the value of one variable given a value of the other variable. It can range from -1 to +1, with -1 indicating a perfect negative correlation, *i.e.*, the more officers, the fewer arrests, +1 indicating a perfect positive correlation, *i.e.*, the more security officers, the more arrests, and 0 indicating no correlation at all. Analysis of data received from School District of Philadelphia, conducted by Jamey Rorison (2010, August) [on file with the authors]; Telephone Interview with Jamey Rorison, Research Associate, The National Center for Public Policy and Higher Education at the University of Pennsylvania Graduate School of Education (August 19, 2010).
- 73 *Id.*
- 74 *Id.*
- 75 Youth United for Change: Zero Tolerance Survey and Survey Results. [Document and data on file with authors].
- 76 Interview by Youth United for Change with Philadelphia Public High School Student (December 2, 2010). [Sound recording and transcript on file with authors].
- 77 Interview by Youth United for Change with Focus Group of Philadelphia Public School Students, in Philadelphia, Pa. (November 2, 2010). [Transcript on file with authors].
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