

Deprived of Dignity

Degrading Treatment and Abusive Discipline
in New York City & Los Angeles Public Schools



MARCH 2007

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NATIONAL ECONOMIC
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Degrading Treatment and Abusive Discipline
in New York City & Los Angeles Public Schools

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ABOUT NESRI

The National Economic and Social Rights Initiative (NESRI) promotes a human rights vision for the United States that ensures dignity and access to the basic resources needed for human development and civic participation. Towards this end, NESRI works with organizers, policy advocates and legal organizations to incorporate a human rights perspective into their work and build human rights advocacy models tailored for the U.S.

The Human Right to Education Program at NESRI works with advocates and organizers to promote policy change in public education using human rights standards and strategies. Human rights offer a framework for transforming our public schools based on internationally recognized standards of equality, accountability, dignity and community participation. Furthermore, the language and values of human rights are powerful tools for mobilizing and uniting communities to hold governments accountable for guaranteeing the right to education. The Education Program generates human rights documentation, analysis, advocacy, public education materials and training workshops.

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ACKNOWLEDGEMENTS

We are indebted to the students, parents, teachers and advocates who gave their time and shared their stories for this report, as well as the community organizations that helped to recruit participants for interviews and focus groups.

Coalition for Educational Justice

Community Asset Development Re-defining Education (CADRE)

Community Coalition

Make the Road by Walking

Parents for Unity

People Organized for Westside Renewal (POWER)

Prison Moratorium Project

Prospect Park Youth Council

Sistas on the Rise

United Puerto Rican Organization of Sunset Park (UPROSE)

Youth Justice Coalition

Youth Opportunities Unlimited, Inc.

Olivia Araiza, Justice Matters

David Bloomfield, Associate Professor, Brooklyn College

Maria Brenes, InnerCity Struggle

Oona Chaterjee, Make the Road by Walking

Chris Gabriele, People Organized for Westside Renewal (POWER)

Kyung Ji Rhee, Prison Moratorium Project

Jeremey Lahoud, Californians for Justice

Kavitha Mediratta, Community Involvement Program, Annenberg Institute for School Reform

Kim McGillicuddy, Youth Justice Coalition

John Rogers, Institute for Democracy, Education, and Access (IDEA)

Benjamin Tucker, Former Chief Executive Office of School Safety and Planning, New York City Department of Education

In particular we thank Maisie Chin, Rosa Hirji and the staff and parent leaders at CADRE for partnering with us to organize the Los Angeles documentation.

A special thank you to Kavitha Mediratta, Martha Davis, Eric Yuknis and Robin Brett Wechsler for their invaluable help in editing this report, to Allegra Glasshauser and Alexis Krauss for their research contributions, to Sally Lee, Monisha Bajaj and Christine Sullivan for their input, and Laura Gosa and Marina Bekkerman for their wonderful design.

Additionally, we would like to thank the Ford Foundation, the Mertz Gilmore Foundation, the Public Welfare Foundation and the Human Rights Fund.

EXECUTIVE SUMMARY



OVERVIEW

Deprived of Dignity examines degrading treatment and abusive disciplinary measures experienced by students of color from low-income communities in public schools in the United States (U.S.). This report documents this destructive school culture through the lens of human rights.

The Convention on the Rights of the Child — the most widely ratified human rights treaty in the world — requires schools to provide an environment where children feel safe, supported and are able to learn regardless of race, class, age, language or other factors. This demands mutual respect between staff and students, and discipline policies that protect against harsh or humiliating treatment and ensure that students are not prevented from learning.

Education of the child shall be directed to the development of the child's personality, talents and mental and physical abilities to their fullest potential [and] the development of respect for human rights and fundamental freedoms.

- Convention on the Rights of the Child, Article 29

Yet every day young people face indifference and mistreatment in the classroom, and are subjected to zero-tolerance discipline policies that punish, exclude and criminalize students rather than teach positive behavioral and educational skills.

This report documents these practices in New York City and Los Angeles, the two largest urban public school districts in the U.S. The overwhelming majority of students in both school systems are students of color and come from low-income communities. By focusing on these two locations, we hope to provide analytical depth regarding the impact of school policies, while demonstrating that the abusive school cultures documented in this report are not isolated phenomena in one neighborhood or city.

Schools that function within such punitive environments, also generally have very poor educational outcomes. Reform efforts are underway to address this crisis of low achievement, including initiatives to create smaller schools. While the goals of these efforts are laudable, they will not be effective unless broader systemic rights violations are addressed stemming from these punitive strategies, as well as from a lack of supportive resources for teachers and students, and chronic under-funding. Furthermore, to positively impact the school environment, students, parents and communities must have meaningful participation in the development and implementation of school policies.

The findings and recommendations in this report are based on interviews and focus groups we conducted with over 80 students, parents, and teachers, as well as analysis of existing data and research studies. The documentation was conducted by the National Economic and Social Rights Initiative (NESRI) with assistance from community-based organizations in both cities.

FINDINGS

DEGRADING TREATMENT IN THE CLASSROOM

Students in New York City and Los Angeles reported experiencing verbal abuse, neglect and mistreatment from teachers. Too often, students are targeted based on their racial, class, or family backgrounds. This demeaning treatment undermines students' right to dignity and education. It destroys students' motivation to learn and contributes to low attendance and misbehavior. While individual teachers must be held accountable for their conduct, we recognize that teachers on the whole should not be blamed. Teachers do not have the training and support they need to develop positive relationships with students and to be effective educators.

• *Degrading and Abusive Comments*

Half of the students we interviewed said that their teachers *sometimes* or *most of the time* say things that humiliate or insult them. Every student experienced or witnessed incidents when teachers call students "stupid." In more extreme cases, teachers tell students they are "ugly" or "worthless." Some students are repeatedly humiliated by a particular teacher. Over one third of the students said that the way they are treated by teachers makes it harder for them to learn.

"My science teacher would tell me over and over again 'you're never gonna be nobody.' So I stopped going to that class."

- 17 year-old 11th grade Latino student, LA

• *Disparate Treatment and Racial Discrimination*

Almost half of the students we interviewed in New York City, and two thirds of the students in Los Angeles, said that teachers treat students differently based on their racial or ethnic backgrounds. One third of the students said that they are *sometimes* or *most of the time* treated *worse* because of how

they look or dress. Teachers told African American and Latino students that they would "end up in the ghetto like everyone else" from their neighborhood.

• *Indifference Toward Students*

Students and parents reported that a substantial number of teachers appear indifferent to and/or ignore serious academic or social problems faced by students. Almost two thirds of the students said their teachers *rarely*, *never* or only *sometimes* help with problems they are having. Almost every student felt that many teachers "don't care" and reported hearing teachers say they are "only there to get paid."

UNFAIR PUNISHMENT AND DENIAL OF EDUCATION THROUGH DISCIPLINE

Schools in New York City and Los Angeles subject students to excessive and inappropriate suspensions and other punishments that alienate and exclude them from the learning process. Students and parents that we interviewed acknowledged that suspensions and other removals can be an appropriate response to serious disciplinary problems, in particular when students commit dangerous and violent offenses. However, when school staff remove students for trivial misconduct and deny them the counseling and educational services to which they are entitled, their rights to dignity and education are undermined.

• *Excessive and Unfair Suspensions and Transfers*

In New York City high schools, the citywide suspension rate is 6 percent.ⁱ But in some schools, such as Samuel J. Tilden High School, the rate is 19 percent or more. In Los Angeles, the average suspension rate is 10.5 percent, but for one quarter of the senior high schools the rate increases to 20 percent or more, at least one in five students.ⁱⁱ Our interviews and focus groups suggest that schools impose a large number of these suspensions for minor disciplinary infractions that add up to significant losses in learning. Students reported suspensions of several days to several weeks for talking back to teachers, arguing with other students,

or carrying markers because they could be used to draw gang related images on folders. This unfair treatment makes students feel angry and distrustful of staff.

• ***In-School Removals and Hidden Punishments***

In addition to out-of-school suspensions and transfers, students reported being removed from class and sent to various kinds of detention rooms for disruptive behavior. In some cases this happens on a regular basis for several days, or in extreme cases, for weeks. The schools we researched do not record these informal punishments, failing to meet human rights obligations to monitor school policies and practices. We found that parents are not always notified of these removals, and students are not given the opportunity to appeal the decisions, undermining due process rights.

• ***Extreme Discipline Leads to Pushout***

Excessive and unfair disciplinary measures can set in motion a process that pushes targeted students out of school. Students and parents reported that some students who are labeled as troublemakers and/or are struggling academically are intentionally pushed out by being expelled, transferred, or counseled out by staff. Teachers acknowledged that some schools openly push students out as a strategy to reduce overcrowding and avoid the burden of helping students with special academic or behavioral needs. In other cases, schools subject students to repeated suspensions and removals without supportive services, contributing over time to alienation and misbehavior which can lead to pushout. These pushouts contribute to a low four-year graduation rate of 38 percent in New York City and 46 percent in Los Angeles.ⁱⁱⁱ

• ***Failure to Provide Counseling and Other Proactive Responses***

Most students interviewed reported that their schools rarely offer counseling, mediation, or other supportive services. Over half of the students said that guidance counselors are *rarely* or *never* involved when they are disciplined. When students try to

reach out to guidance counselors themselves, they are either told they must wait, or that the counselors have no time to help with disciplinary problems. This lack of services is of particular concern when schools suspect that students are involved with gangs or have significant problems at home.

“They never want to hear what I have to say...It doesn’t matter who started a fight, or what a teacher said to you that made you mad. You might have something heavy going on at home but no one asks. They’re not interested. They just want you out of the school.”

- 17 year-old 11th grade African American female student, NYC

• ***Lack of Educational Services During Removal***

During out-of-school suspensions and transfers, many students reported that they do not receive alternative academic instruction or supervision. In several cases, schools deny requests from students and parents for homework or class work they miss. During in-school removals students said they are placed in detention or “study” rooms and are rarely given work to do. Even when students are given work, they are often left unsupervised or monitored by staff who “pay no attention to them.”

• ***Disparate Punishments Based on Race and Social Characteristics***

Schools disproportionately target students of color for suspensions and other punishments. In New York City in 2001, the suspension rate in high schools was 8.3 percent for African American students and 4.8 percent for Latino students, compared to only 2.5 percent for White students.^{iv} In Los Angeles in 2004, African American students made up 27 percent of all school suspensions, but only 12 percent of the student body.^v Students and advocates also reported that students of color are penalized more often than White students for minor disciplinary infractions that are often highly subjective. For example, students of color may be reprimanded or even suspended for wearing clothes that are deemed

gang related or walking through hallways in large groups, while White students freely congregate and wear the same clothes without being reprimanded. African American and Latino students believe that adults assume they are always “looking for trouble” regardless of their actual behavior.

THREATENING POLICE PRESENCE AND ABUSIVE SECURITY MEASURES

School districts across the country increasingly use police officers, metal detectors and other aggressive security measures. While students and parents agree that some security measures are necessary in schools to address issues of violence and safety, most students reported that the presence of armed police officers who criminalize minor misbehavior can create tense and destructive school environments.

• *Police Presence and Metal Detectors*

One third of students reported they *sometimes* or *most of the time* feel threatened by the presence of police, many referring to the sight of loaded guns. Almost every student said that heavy police presence makes schools feel like jails and students feel like criminals, while only half said police presence *sometimes* makes them feel safer. About half of the students interviewed also have metal detectors in their buildings. Of those students, less than one half said that metal detectors make them feel better about their school. Even students who felt safer said that metal detectors create conflict and resentment between students and officers when students wait on long lines or are treated rudely. Many students are penalized, at times some are even suspended for being late to class because of the long lines caused by metal detectors.

• *Police Intervention in School Disciplinary Measures*

Over half of students interviewed reported that when they face disciplinary action in school, police or safety officers are involved *sometimes* or *most of the time*. These disciplinary actions usually involve matters that were traditionally dealt with by school

staff. Students felt strongly that police involvement in most incidents, ranging from disruptive behavior in the classroom to school fights, is unjustified and inappropriate. At the same time, teachers reported that they are removed from the disciplinary process, which means that students are even less likely to receive counseling or other proactive interventions.

• *Police Tactics*

Many students reported experiencing or witnessing police and safety officers handcuffing, patting down students, taking students to detention rooms, and *even arresting* students for being disruptive in hallways or being involved in school fights. In Los Angeles, teachers and students reported that police give some students tickets and fines of up to \$250 for truancy. They feel that in most situations these police tactics are used as an unnecessary show of force to intimidate students, making them feel threatened and disrespected.

• *Excessive Force and Harm to Students*

Students, parents and teachers reported that police and safety officers have used inappropriate physical force to subdue and intimidate students, often when disbursing crowds or breaking up fights. Students complained of police and even some safety officers using the tactic of “slamming” students against the walls or on the ground. In Los Angeles, several students and teachers described incidents when police used mace on students. Police and safety officers also conduct searches that violate students’ privacy and cause emotional harm.

“The security guard accused me of having a knife... They took me to a room and made me take off my shirt and pants to check my bra. They didn’t call my parents or let me talk to a teacher I know. I didn’t have a knife just like I told them.”

- 14 year-old 9th grade Chinese American female student, NYC

RECOMMENDATIONS

To protect the right to education and dignity of all students, school systems should:

1. Implement whole school approaches to creating welcoming school environments. School systems should take an integrated approach to improving school culture and discipline. This includes reducing class size, improving school facilities, providing better counseling and mentoring for students, and providing more staff development.

2. Expand training and resources for school staff development. School systems should provide classroom management and mediation training for teachers, and leadership training for principals.

3. Create clear guidelines for staff behavior and effective enforcement policies. There should be clear standards for appropriate behavior for students, teachers, and other staff. Schools should establish effective enforcement processes to ensure compliance, such as having advocates or mediators available to resolve conflicts or investigate incidents.

4. Focus on counseling and services for individual students rather than zero-tolerance responses. School districts should modify discipline codes and allocate additional resources to prioritize preventive strategies, as well as counseling and support services, as mandatory first steps when disciplining students. School systems should increase the number of guidance counselors in schools. School administrators should avoid removing students from school whenever possible. When the suspension, expulsion, or transfer of a student is necessary, the student should have continued access to alternative sources of education and receive appropriate counseling.

5. Remove armed police officers from schools and establish special guidelines and training for school safety officers. Armed police officers should not have a regular presence in schools. School systems should develop clear mandates and guidelines for school safety officers with the participation of students and parents. Principals should have expanded authority over safety responses.

6. Eliminate discriminatory practices and outcomes in the classroom and disciplinary measures. Staff should receive training to prevent discriminatory treatment and to increase their knowledge of the social, cultural and linguistic backgrounds of students. Schools should implement processes to hire more teachers who represent the racial and cultural backgrounds of their students. School districts should collect data on the demographics of students who are disciplined, and should disseminate the data to identify and address the disparate impact of policies.

7. Increase student participation in discipline and other school policies. Students should participate directly in developing and implementing discipline and safety policies at the district and school level. Schools should also create mechanisms for students to participate directly in disciplinary processes, such as peer mediation programs, peer juries, and peer mentoring.

8. Ensure parent and community participation. Teachers should notify parents when there is a problem with their child and parents should be notified and involved in the decision to discipline their child. Parents and communities should participate in the planning and implementation of school safety and discipline policies.

Endnotes:

¹School Report Cards 2003-2004 and 2004-2005. New York City Department of Education.

²District and School Profiles. Data for 2004-2005 school year taken from 59 senior high schools. Los Angeles Unified School District (LAUSD).

³Orfield, Gary, Daniel Losen, Johanna Wald and Christopher B. Swanson. *Losing Our Future: How Minority Youth are Being Left Behind by the Graduation Rate Crisis*. Civil Rights Project at Harvard University, 2004.

⁴Eskenazi, Michael, Gillian Eddins and John M. Beam. *Equity of Exclusion: The Dynamics of Resources, Demographics, and Behavior in the New York City Public Schools*. Fordham University: National Center for Schools and Communities. October 2003.

⁵District Profile 2004-2005. Los Angeles Unified School District (LAUSD).



THE HUMAN RIGHT TO EDUCATION AND DIGNITY



Children do not lose their human rights by virtue of passing through the school gates...Education must be provided in a way that respects the inherent dignity of the child.

UN Committee on the Rights of the Child,
General Comment 1¹

The right to education is deeply valued in American society, and is also protected under international human rights law that obligates governments to provide all children with a quality education. At the center of the human right to education lies the principle of human dignity. Human rights treaties and declarations such as the International Covenant on Economic, Social and Cultural Rights state that “education shall be directed to the full development of the human personality and the sense of its dignity.”² The Convention on the Rights of the Child states that governments “shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child’s human dignity.”³

To promote the dignity of the child, schools must create an environment where young people feel safe, respected and able to learn regardless of race, class, age, gender, immigrant status, language or other factors. Therefore, harsh or degrading treatment or abusive discipline within a school setting is at odds with the human right to education.

The right to a quality education is recognized in:

- Article 26, *Universal Declaration of Human Rights*
- Article 28 and 29, *Convention on the Rights of the Child*
- Article 13, *International Covenant on Economic, Social and Cultural Rights*

For a developing child or adolescent, mistreatment and neglect in school creates obstacles to learning that, for many, are insurmountable. This is confirmed by a wealth of sociological and psychological research that has demonstrated that one of the primary components to learning is ensuring the social-emotional development of young people.⁴ It should then come as no surprise, that as this report shows, when children are ignored, demeaned, mistreated and abused their right to education is profoundly undermined.

The overarching picture of education in the U.S. for children from poor communities remains bleak. Moreover, while children from all backgrounds suffer within inadequate educational settings, the racial dimensions of educational failure are far too glaring to ignore. In 2005, 58 percent of African American and 54 percent of Latino fourth grade students scored below the basic reading level for their grade, compared to only 36 percent of students overall.⁵ In 2001, the four-year high school graduation rate in school districts with a majority of students of color was 56.4 percent compared to 74.1 percent in majority White school districts. Similarly, in high-poverty school districts the graduation rate was 57.6 percent compared to 76 percent in low-poverty school districts.⁶

This is an educational crisis that can be linked to a number of factors, including chronic under-funding, unequal distribution of available resources, inadequate facilities, and punitive policies that together encourage a culture of degrading treatment and abusive discipline

and safety policies. Low-income students (especially students of color) suffer daily from indifference and demeaning comments from teachers in the classroom, disciplinary policies and practices that remove young people from school and fail to provide educational services and counseling support they need, and security measures that inappropriately criminalize minor offenses and create a threatening school environment.

Degrading Treatment and Abusive Discipline

In Pennsylvania, a middle school student was suspended for three days for sharing chewing gum that contained caffeine, as it was considered “possessing a stimulant.”⁷

In Florida, a five-year-old was handcuffed by police for hitting an assistant principal.⁸

In New York City, Haitian students were forced to eat on the floor with their hands and were called animals.⁹

These practices are not unrelated. Indeed, they are pervasive and inextricably intertwined symptoms of embedded social attitudes towards students of color from low-income communities. For example, a 1990 national survey showed that teachers have lower expectations of African American students. Teachers were asked to rate whether individual students in their class “Care about doing well,” “Get along with teachers” and “Work hard at school.” African American students were rated lower in all three categories than their White counterparts.¹⁰ Furthermore, national statistics show that students of color are suspended at higher rates and receive harsher and more subjective punishments than White students for the same types of minor misbehavior.¹¹ In order to create a school environment that respects the human right to dignity and promotes the right to education and freedom from discrimination, the underlying culture of our schools must be altered.

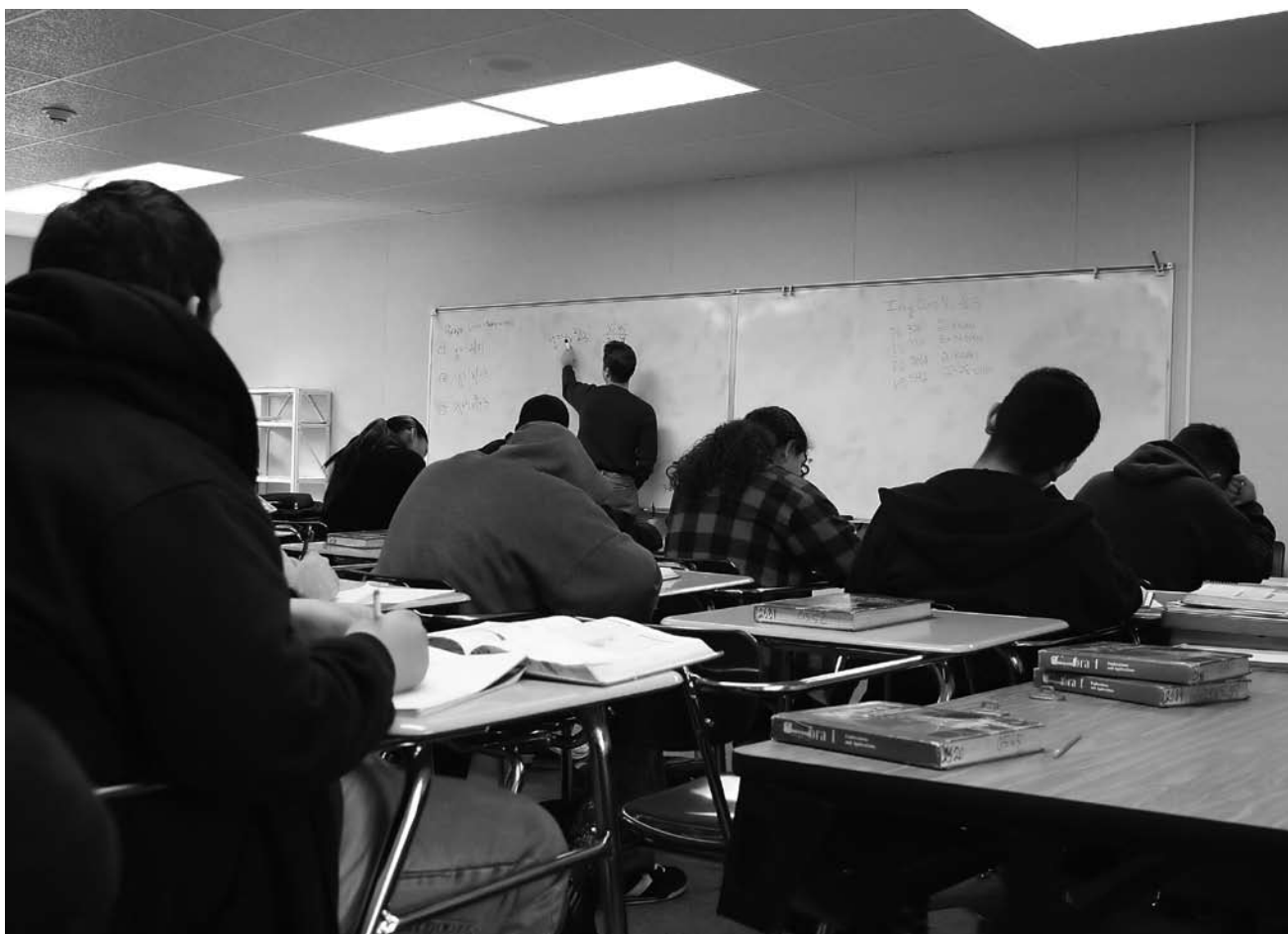
Human rights provide a framework to assess our education system, identify gross violations, and demand accountability to universal standards. The U.S. has already made numerous international and domestic commitments towards this end. Nearly every State Constitution in the U.S. recognizes the right to an education.¹² Federal laws protect against discrimination in education on the basis of race, national origin, sex and disability.¹³ Title I of the Elementary and Secondary Education Act of 1965, amended in 2001 as the No Child Left Behind Act, also provides federal funding for high poverty schools and schools with limited English proficient children, children with disabilities, and other children in need of assistance. Moreover, it is a basic public expectation that all children have the right to attend public school and be treated with dignity and social equality.

Internationally, the U.S. government has signed but not ratified both the Convention on the Rights of the Child and the International Covenant on Economic, Social and Cultural Rights—the two main international treaties ensuring the human right to education. Although the U.S. has not ratified these treaties, which would make them law in the U.S., by signing them it has agreed to uphold their “object and purpose,” which includes protecting the right to education.¹⁴ The U.S. has also ratified, and is therefore legally bound, to the International Covenant on Civil and Political Rights and the International Convention on the Elimination of All Forms of Racial Discrimination, which prohibit discrimination in education.¹⁵

It is our hope that a human rights analysis will provide a practical and positive tool for organizers, advocates, policy-makers and educators to analyze local school conditions and hold the local, state and federal government accountable for providing all children with a quality education. The recommendations at the end of this report reflect a human rights approach for transforming our schools. Our public school systems should take a holistic approach to school climate and disciplinary policies recognizing that overcrowding must be reduced, resources must be increased for teachers and other school staff, and students and

parents must participate in the development of school policies. Schools should create standards of conduct and accountability mechanisms for all members of the school community to ensure the decent treatment of students. Schools should view discipline and the teaching of positive behavioral skills as an essential

part of the educational process and should therefore prioritize preventive and proactive approaches to discipline, including positive behavior reinforcement and the provision of counseling services. The criminalization of discipline and the use of police officers in schools must stop.



METHODOLOGY

The analysis in this report is based primarily on qualitative interviews and focus groups conducted in New York City and Los Angeles to document the impact of school practices and policies on students' sense of dignity and their ability to learn. By focusing on these two locations, we hope to provide some analytical depth regarding the impact of individual school policies, while demonstrating that this is not an isolated phenomenon in one neighborhood or city.

Interviews and focus groups are particularly useful for gathering information about how students feel treated and how practices impact their learning because students have the opportunity to tell their own stories. Data of this kind is not generalizable to the broader population. Rather, the data gives a more in-depth detailed account of students' experiences in the context of their schools. Still, it can be used to identify patterns of shared experiences and trends that are relevant to the broader population. We also used evidence from other research studies and analysis of data provided by school districts and federal agencies to expand on our findings.

In New York City, one-on-one interviews were conducted with thirty students and a focus group was conducted with an additional five students, all attending grades eight through twelve, as well as interviews with six parents serving on local school, district or citywide parent councils.¹⁶ The interviews were on average an hour long. Students were recruited through youth programs and community organizations in Brooklyn, the Bronx and Manhattan. We also interviewed four high school teachers, and three current and former school safety officials from the Department of Education.

In Los Angeles, we held seven focus groups¹⁷ with a total of twenty-two students and eighteen parents. Four high school and middle school teachers also participated in one of the focus groups. Each focus group lasted approximately two hours and had an average of six people. The students attended grades eight through twelve. Participants were recruited through parent and youth community organizations in Los Angeles.

Finally, we interviewed approximately thirty community advocates and academic researchers who have studied New York City and Los Angeles schools for many years. Students and parents in both cities also filled out surveys to provide additional data. Details on the breakdown of students by demographic and school characteristics are included in Appendix A and B.

This documentation was conducted in partnership with parent and youth organizers working on issues of education who were interested in learning more about the impact of school policies on students' right to education and dignity. By involving community organizations we hope to strengthen the impact of the report. In addition, we felt that students and parents who actively work with others around school and youth issues could articulate the perspectives of their peers as well as their own.¹⁸

SCHOOL CULTURE IN THE U.S.



“It’s like the teachers, the guards, they are all just mad at you for being in school. They don’t think we belong. They look for any excuse to kick you out the easiest way possible.”

20 year-old Latino youth who left school early,
New York City (Interview 2)

DESTRUCTIVE STUDENT-TEACHER RELATIONSHIPS

Most parents send their children to school with the hope that they will be nurtured and supported to reach their fullest potential. Parents do not expect a climate in which students will be ignored and degraded by the very people hired to educate them and ensure their development. Yet, this happens daily in many of our nation’s schools. The National Center for Education Statistics (NCES) found that 13.5 percent of high school students often felt “put down” by their teachers, and more than one third felt ignored and not encouraged to do well.¹⁹

In schools attended primarily by children of color in working class communities, research suggests that the neglect and mistreatment of students increases. For example, in a study of students in several urban school districts in California, researchers from the City University of New York found that students of color, most of whom come from working class families, feel that their teachers are “only there for a paycheck” and are “just ignorant and don’t care about us.”²⁰ Fine, et al. assert that such pervasive indifference inflicts psychological and social damage on students. Even when students exhibited personal pride in their abilities and hopefulness about their own futures, they perceived that their teachers, schools and the broader society did not believe they were capable of learning

and succeeding.

This indifference and demeaning treatment from teachers can have a significantly negative impact on education. In a study of almost 4,000 high school students in 190 urban and suburban schools, Lee and Burkam at the University of Michigan found that negative student-teacher relationships (together with other in-school factors such as overcrowded schools and a lack of academic rigor in classes) can contribute to students’ decisions to drop out of school.²¹ Students who experienced negative student-teacher relationships said their teachers did not care about them, were not interested in whether they succeeded or failed in school, and were not willing to provide extra help even when asked. Other studies have shown that a lack of trust exists in districts serving low-income urban populations. A survey of students attending 15 urban school districts from around the country conducted by the National School Boards Association Council of Urban Boards of Education (CUBE) found that only 36.4 percent of students believed that students in their schools trust their teachers.²²

Researchers at Northwestern University also concluded that such teacher disparagement influences students’ decision to withdraw from school because it sends “signals to students about whether or not they belong in school.” Using the NCES Education Longitudinal Survey, they examined dropout rates from high school and found that students who said “I often feel put

down by teachers in class” were more likely to show withdrawal behaviors (tardiness, cutting class, absences, getting into trouble and not completing homework for class) and to drop out of school, even after controlling for background variables and test scores.²³ Teacher disparagement was most strongly related to withdrawal and dropout for students who were threatened, involved in fights or did not feel safe at school. Moreover, our research reflects that there is a perverse formula at play where teachers provide the least support to students in the greatest need — those struggling academically — who are already vulnerable to social isolation and withdrawal.

ZERO-TOLERANCE DISCIPLINE

Discipline strategies have traditionally been viewed as a means of helping children develop educationally productive behavior. In particular, constructive discipline teaches valuable lessons about conflict resolution and responsible behavior that allow children to thrive within educational and other settings. But in public schools across the country, discipline strategies are playing a very different and distorted role.

Across the nation, schools have increasingly implemented punitive approaches to discipline, sometimes known as “zero-tolerance” policies. Zero-tolerance proponents cite the imperative to protect children from violence.²⁴ Yet these disciplinary practices fail to address the root causes of school violence by applying punitive responses while ignoring students’ needs. Initially, federal zero-tolerance policy, first mandated in the Gun Free Schools Act of 1994, required suspension or expulsion for serious offenses such as having a weapon or committing serious acts of violence in schools. Over time, as local school districts implemented their own policies, they expanded the scope of zero-tolerance to include harsh punishments for simple misbehavior, such as school fights and altercations, nonviolent offenses and even talking back to teachers.²⁵ Some categories of “offenses” became so subjective and vague, such as “disruptive behavior” or “defying the authority of staff,” that they have been used

to punish students simply for having a bad reputation or appearing to be rebellious.

Zero-tolerance discipline policies also have a disproportionate impact on students of color from low-income communities. Nationally, African American students make up 17 percent of the student population, but account for 36 percent of out of school suspensions and 31 percent of expulsions.²⁶ Furthermore, these harsh disciplinary policies have an even more destructive impact when applied to African American and Latino students than their mostly White middle class counterparts. Ronnie Casella argues that this is the case due to “lack of social capital” in marginalized communities, as well as the disproportionate representation of African American and Latino students in under-resourced schools and classrooms that fail to engage students academically.²⁷ These students are more likely to direct resentment against the school, lose interest in learning and drop out altogether.

Studies from different parts of the country have shown that suspensions and other harsh discipline can contribute to pushout and dropout. In a longitudinal study of students in Pinellas County, Florida, Linda M. Rafaele Mendez found that students who received out of school suspensions in the sixth grade were more likely to receive suspensions in subsequent grades and were less likely to graduate on time.²⁸ In a study of Kentucky high schools, schools with low dropout rates had a suspension rate of 12.3 percent, while schools with high dropout rates had a suspension rate of 34.6 percent. The study further demonstrated the link between staff attitudes and mistreatment of students described earlier, and the likelihood of students to be suspended or dropout. In those schools with the highest dropout and suspension rates, qualitative analysis revealed that school staff more often had negative expectations of student success and negative perceptions of the school climate. Observers found that those schools also had less frequent adult–student interactions and fewer instructional strategies.²⁹

THE CRIMINALIZATION OF YOUTH IN SCHOOLS

Students, parents and educators agree that safe schools are necessary for learning to take place. Creating a safe school environment involves ensuring personal safety and an atmosphere of dignity and respect where all members of the school feel welcome. Yet the students and parents interviewed for this report encounter intimidating and abusive school environments that feel more like prisons than places of learning.

The use of police officers, metal detectors and other aggressive policies has increased across the country. A national survey of high school students found that the number of students reporting the presence of security guards and/or police officers in schools increased from 54 percent in 1999 to 70 percent in 2003.³⁰ While the students and parents we interviewed agreed that, at the present time, having some security presence in schools is necessary to address violence, the aggressive use of police and safety officers, metal detectors and other security tactics disrupts the learning environment, can fuel additional conflict, and inappropriately criminalizes students.

A study by Christopher Schreck and Mitchell Miller based on data from the National Household Education Survey used regression analysis to identify the predictors of student fear. While school disorder and previous victimization were strong predictors of students' fear in schools, the use of some school security measures also served to "reinforce the perception that victimization could happen."³¹ The presence of metal detectors and coercive security measures can fail to make students feel safer and in some cases lead to more worry.

These policies are an extension of the destructive zero-tolerance disciplinary practices prevalent in schools. In the same way that excessive suspensions are being used in response to minor misbehavior, police officers are involved in small disciplinary matters. In Baltimore public schools, for example, after zero-tolerance policies and increased police presence had

been widely implemented, in a two year period the portion of arrests for miscellaneous non-criminal incidents rose by 31 percent and for disorderly conduct by 20 percent. Researchers at the Advancement Project found that in Baltimore and other cities, the presence of police in schools "receives mixed reviews." Some students and teachers express that they feel safer, while others "find police presence more threatening."³² In the latter instance, school police are seen as "under-trained, unfamiliar with adolescent behavior...and unaccountable."³³

These aggressive measures distract schools from addressing the root causes of safety problems. The same schools that face the greatest disciplinary and safety problems are the most overcrowded, have the least qualified teachers, and fail to create a school culture where students feel valued and motivated to learn. The human rights to dignity and education cannot be protected when these conditions persist in schools and young people are subjected to abusive environments.





NEW YORK CITY AND LOS ANGELES PUBLIC SCHOOLS



New York City and Los Angeles have the two largest urban public school districts in the U.S. In both school districts, students of color make up more than 85 percent of the school population, and an overwhelming majority of students come from poor or working class families. Roughly 74 percent of students are eligible for the free lunch program based on their family income.

Overview of the New York City and Los Angeles Public School Systems

The New York City public school system enrolls approximately 1.1 million students in over 1,400 schools. The student population is:³⁴

33.7%	African American
38.4%	Latino
12.7%	Asian American
0.4%	Native American
14.8%	White
73.4%	low-income (eligible for the free lunch program) ³⁵

The Los Angeles Unified School District serves over 741,000 students in approximately 720 schools. The student population is:³⁶

11.6%	African American
72.8%	Latino
6.3%	Asian American, Filipino American or Pacific Islander
0.3%	Native American
9.0%	White
74.8%	low-income (eligible for the free lunch program) ³⁷

Despite a series of high profile and much needed reform initiatives, these school systems are failing to provide young people with the basic skills needed to progress successfully to graduation. In New York City, 43 percent of fourth graders are reading below the basic level of proficiency for their grade³⁸ and only 38 percent of high school students are graduating in four years.³⁹ In Los Angeles, 63 percent of fourth graders are reading below their grade level and only 46 percent of high school students graduate on time.⁴⁰

These poor outcomes result in part from inadequate funding and a lack of political commitment to ensure high quality educational opportunities for all students.⁴¹ Substantial research confirms that African American and Latino youth in poor communities continue to be served by schools with the most overcrowding, the fewest qualified teachers, and the lowest test scores. For example, in high-poverty schools in California, only 35 percent of classes in core subject areas are taught by highly qualified teachers, compared to 53 percent in low-poverty schools.⁴²

The students interviewed for this report attend these under-resourced schools, where young people are also more often subjected to harsh discipline policies and degrading treatment from staff. A study of New York City schools by the National Center for Schools and Communities found that schools with fewer resources have higher suspension rates, lower student attendance rates and higher dropout rates. The study also noted a correlation between qualified teachers, high teacher attendance, and better student behavior. For example, in schools where teachers have high absentee rates, suspension rates on average are 6.4 percent compared to 3.9 percent in schools where teachers have low

absentee rates.⁴³

Furthermore, these two school systems fail to provide teachers with adequate training in classroom management or support from administrators to manage student behavior. These teachers routinely enter the classroom unprepared to respond to conflict, and unequipped to address the increased tensions engendered by resource poor educational environments.⁴⁴

Overcrowding in particular contributes to chaotic classrooms, disruptive behavior and the use of harsh discipline policies in schools. In the 2003-2004 school year in New York City, schools in the Impact Schools Safety Initiative, identified because of their high rates of suspensions and criminal incidents, were particularly over-crowded. For example, two Impact schools, Christopher Columbus High School and Walton High School, were at over 180 percent of capacity, compared to the 105.9 percent citywide average.⁴⁵ In Los Angeles,

the quarter of high schools with the highest suspension rates of 20 percent or more had average enrollment of 3,500 students, compared to an average of 2,750 students in the quarter of high schools with the lowest suspension rates of 9 percent or less.⁴⁶

“There were almost 43 kids in my classes. The teachers are overwhelmed. There is no discipline, kids are talking. Some of the teachers couldn’t do anything. Some just screamed at students.”

- 17 year-old 11th grade African American female student, New York City (Interview 14)

This lack of resources and overcrowding exacerbates the tensions and frustrations in New York City and Los Angeles schools and contributes to abusive and degrading disciplinary strategies. The importance of addressing these resource disparities in efforts to change school policies and school culture cannot be ignored or minimized.

DEGRADING TREATMENT IN THE CLASSROOM



No child shall be subjected to...cruel, inhuman
or degrading treatment or punishment.

Convention on the Rights of the Child, Article 37

A. DEGRADING AND ABUSIVE COMMENTS

The goal [of education] is to empower the child by developing his or her skills, learning and other capacities, human dignity, self-esteem and self-confidence.

- *Committee on the Rights of the Child,
General Comment 1*

The Convention on the Rights of the Child recognizes the child's fundamental right to be protected from degrading treatment. Human rights law requires that schools create an environment where students are encouraged and empowered to learn, where their full capacities and potential are nurtured, and where they learn respect for human rights and fundamental freedoms. But students that we interviewed in New York City and Los Angeles face direct assaults on their dignity and ability to learn every day in the form of degrading treatment and verbal abuse.

To blame teachers as a group for this conduct would be a terrible injustice. Many teachers in New York and Los Angeles are committed to providing a caring and supportive environment in classrooms. Our analysis suggests that the negative school relationships that interviewees reported are not solely the product of individual teachers, but rather of school systems and broader societal priorities that fail to create a culture of

mutual respect and value for all teachers and students regardless of class and race.

NEW YORK CITY

School district policy in New York City asserts the right of students to “be in a safe and supportive learning environment, free from discrimination, harassment and bigotry.”⁴⁷ Yet over half of the students we interviewed said that their teachers *sometimes* or *most of the time* say things that humiliate or insult them.

Almost every student had at least one teacher who tells students that they are “stupid.” In some cases, students reported that when they are unable to figure out class work or assignments on their own, teachers respond derisively saying “you’re stupid. It’s your problem that you don’t get it.”⁴⁸

“My new math teacher, if I say hi, he walks right past me like I’m not there. He gets mad if I ask a question that’s too easy. He said to me ‘Are you stupid or something? I’m not here to teach you something you should have already learned in elementary school.’”

- *17 year-old 11th grade African American female student (Interview 14)*

Students reported negative comments from teachers about how students look or dress, including statements such as “You dress sloppy,” “You stink,” or “You look

like an animal.” Students also reported disparaging comments from teachers about students’ families in front of entire classrooms with statements like “Your mother don’t know how to raise you.”⁴⁹

Coming from other students, such statements can be viewed as immature and worthy of a reprimand, but from adults in charge of children’s education these statements are appalling and deeply unacceptable. They not only violate all social conventions and professional norms, they severely impede the right to education and undermine human dignity.

Some students are special targets for this abuse, particularly if they have had trouble in school in the past or are struggling academically. Students report that “it happens a lot when teachers are frustrated” if students are “bad students” or “have low grades.”⁵⁰ This is the perverse formula at play where students who need the most support receive the most abuse. In this context, when teachers verbally abuse a student because of prior student behavior or academic difficulties, the abuse becomes a form of punishment. Human rights law strictly prohibits “non-physical forms of punishment that are ... cruel and degrading ... for example, punishment which belittles, humiliates, denigrates, scapegoats, threatens, scares or ridicules the child.”⁵¹

Students are keenly aware of the role teachers are supposed to play, and how far they deviate from that role. As one interviewee observed, “[e]ven if the student gets you upset, it’s the teacher’s responsibility to make them learn, not push them down.” But instead, “[t]eachers respond defensively to students” and “treat them as a threat.”⁵² Negative teacher behavior toward students has a direct impact on the right to education in the classroom. Indeed, over one third of the students that we interviewed said that the way they are treated by teachers makes it harder for them to learn.

Both students and teachers we interviewed believe that the degrading treatment occurring in classrooms stems from a systemic lack of resources and support. Teachers who we spoke to in New York City felt they receive little support or respect from the school community,

and have no mechanisms available to build proactive and positive relationships with students. New teachers in particular are thrown into the classroom without adequate training or support from their principals.

“I am struggling for respect in the classroom, from the administration. The problem goes beyond the way particular teachers behave, there isn’t a support mechanism for students and their teachers. There is no collaboration among teachers and administrators and counselors about how to reach out to students and help.”

- High school teacher (Teacher Interview 1)

LOS ANGELES

Similar to New York, the Los Angeles Unified School District (LAUSD) has a policy stating it’s commitment “to providing a working and learning environment that is free from unlawful discrimination and harassment” which includes “verbal remarks and name-calling.”⁵³ Yet, half of the students we interviewed said that teachers *sometimes* say things that humiliate or insult them.

“My teacher called me ugly and told me that I don’t have any brains.”

- 17 year-old 12th grade Mexican American female student (FG Participant 10)

Sometimes verbal abuse is paired with statements discouraging students from going to school. For example, some struggling students are told they will never have enough credits to graduate and will never catch up, while others are told they simply cannot learn. Students report that this treatment diminishes their academic motivation and effort. In some cases students stopped going to class altogether to avoid abusive teachers. Over one third of students we interviewed said that the way they are treated by teachers makes it harder for them to learn.

Students also talked about the emotional pain and humiliation inflicted by verbal attacks, in particular if they occur when students are also facing family and other personal problems. One student witnessed a verbal attack where a teacher told a student he was “a worthless human being.”⁵⁴ The student, who had been asking questions because he had missed classes due to a family crisis, burst into tears in front of his peers.

“My Spanish teacher told me not to come to school anymore. She said ‘It is pointless, you’re too stupid, you can’t learn.’ It didn’t hurt my feelings. They can’t hurt me. It made me mad. I don’t care about her class.”

- 14 year-old 9th grade African American female student (FG Participant 13)

“My science teacher would tell me over and over again ‘you’re never gonna be nobody.’ So I stopped going to that class.”

- 17 year-old 11th grade Latino student (FG Participant 3)

As in New York City, students and teachers recognized the relationship between degrading treatment and the systemic lack of resources and support for teachers in schools. Teachers are frustrated by overcrowding and the lack of training in how to effectively manage their classrooms. As a result, some teachers lash out at students.

“The classes are so overcrowded that teachers can’t talk to students. Students are fighting in class and not listening. . . Teachers get angry, they scream, they are frustrated, they’re sick of their job and they take it out on all of the students.”

- High school teacher (FG Teacher Participant 4)

B. DISPARATE TREATMENT AND RACIAL DISCRIMINATION

Discrimination... whether it is overt or hidden, offends the human dignity of the child and is capable of undermining or even destroying the capacity of the child to benefit from educational opportunities.

- UN Committee on the Rights of the Child, General Comment 1

Every major human rights treaty protects against discrimination. The Convention on the Rights of the Child and other treaties require that children receive a quality education that respects human dignity without discrimination on the basis of race, color, sex, language, religion, national, ethnic or social origin, economic class, disability, or other status.

In violation of these norms, our interviews reveal that students are targeted for mistreatment based on their racial, class and cultural backgrounds. This report did not explore other disparate treatment, such as discrimination based on sexual orientation, but such discrimination has been well-documented in other human rights reports.⁵⁵

NEW YORK CITY

Department of Education policy in New York City states that students have a right to “receive courtesy and respect from others regardless of age, race, creed, color, gender, gender identity, gender expression, religion, national origin, sexual orientation, disability, marital status and political beliefs.” But almost half of the students we interviewed said that teachers treat students differently based on their racial or ethnic backgrounds.

Several students said teachers make derogatory comments about the predominantly working class communities in which students live. Several African American and Latino students had teachers who told them they would “end up in the ghetto like everyone

else” from their neighborhood.⁵⁶ One Latina student who had become pregnant was told that she was “a waste of space and that it figures that [she] would get pregnant where [she] comes from.”⁵⁷

Several students reported that teachers resort to racial stereotypes, including comments such as “[w]hy can’t you be more like my Chinese students. They’re smart, they sit in class, and do their work.”⁵⁸ Indeed, one Asian American student who “hung out” with Puerto Rican students reported that she was treated worse by her teachers than her other Asian American friends after she became friends with Latino students.⁵⁹ Our interviews revealed, however, that Asian American students also face direct discrimination. One Chinese American student was told by her teacher that she would never be smart unless she “learns how to speak real English.”⁶⁰

Some teachers assume students are involved with gangs or are “trouble makers who will break the rules” simply based on the clothes they wear, their race, or the neighborhood in which they live. Indeed, almost one third said that their teachers *sometimes* or *most of the time* treat them *worse* because of how they look or dress.

One teacher interviewed in New York City explained that teachers bring biases and stereotypes into the classroom. Many teachers who enter New York City public schools do not come from the neighborhoods or racial and/or cultural backgrounds of their students and are given no preparation in how to relate to and interact with them.

“No one prepared me for how to relate to these kids. We can’t connect. It makes it really hard to do my job. I’ve had to figure some of it out on my own, but it’s hard.”

- High school teacher (Teacher Interview 4)

LOS ANGELES

The LAUSD “prohibits discrimination and harassment based on an individual’s sex (including sexual orientation or gender identity, pregnancy, childbirth or related medical condition); ethnicity (such as race, color, national origin, and ancestry); religion (including religious accommodation); disability (mental or physical disability or reasonable accommodation); age; marital status or any other basis protected by federal, state, local law, ordinance or regulation.”

However, two thirds of the students we interviewed said teachers treat students differently based on their racial or ethnic backgrounds. Indeed, even siblings from the same families experience disparate treatment based on the color of their skin. One Mexican American parent found that her oldest daughter receives better treatment from teachers than her other three children who “look dark, like they speak Spanish.” For example, when she asked her son’s teacher why he had been sent out of the classroom several times, she reported that “the teacher starts to say that my son is not speaking English correctly and that is why he has a problem. But he speaks English just as well as my daughter. It’s because he looks darker.”⁶¹

Many parents and advocates interviewed said that African American boys in particular are targeted for mistreatment by teachers and other school staff. A parent explained that “teachers label students of color, in particular Black young men, as trouble-makers” because they are perceived as threats based on stereotypes perpetuated by the media and society of these young men as “violent.”⁶²

In some cases teachers use words that are derogatory, in other cases students get the message that they are being discriminated against based on how the teacher’s time is distributed among students or the way that different students are reprimanded. Many teachers also assume some students are associated with gangs because of their skin color and the clothes they wear, and treat them unfairly as a result. Overall, almost one third of the participants in focus groups said

that they were *sometimes* or *most of the time* treated worse because of how they look or dress. One Mexican American student who described himself as “bald-headed wearing baggy pants” explained how he would get in trouble with his teacher when other students would not because of how he looks.

“They told me to flip the T-shirt (a Raider’s jersey) because it was gang related. An Asian boy had the same T-shirt; they didn’t ask him to flip it. When I wear it, it’s gang related. From the first day I got stereotyped and from then on I had a bad relationship with that teacher.”

*- 20 year-old Mexican American youth
(FG Participant 2)*

Both parents and students also felt that teachers make assumptions about students’ families and the neighborhoods they come from. One parent overheard teachers talking about a student and saying “he doesn’t know any better from the kind of house that he comes from.” She explained that teachers “categorize children from the way the child looks and dresses...They make assumptions about who their families are.” Then “the teachers talk to each other and the stereotypes are passed on.”⁶³

PROTECTING THE RIGHT TO DIGNITY IN SCHOOL IN SWEDEN

Many governments rely on human rights standards to ensure the dignity of children. In Sweden there is a national law prohibiting teachers and other school staff from subjecting students to any form of harassment or degrading treatment.⁶⁴ Students can receive monetary damages if teachers subject them to such treatment. Degrading treatment is defined as:

- Harassment - conduct that degrades a student’s dignity and that is related to ethnic origin, religion or other belief, sexual orientation, disability or sex, as well as conduct that is of a sexual nature.
- Other degrading treatment - conduct that otherwise degrades a child’s dignity.

Sweden also has a national Children’s Ombudsman who works to promote the Convention on the Rights of the Child (CRC).⁶⁵ She requests reports from government agencies on how they are implementing the CRC, visits schools, promotes legislation, and deals with complaints from children.

The Ombudsman’s role in the school environment is considered to be of great importance. This includes collecting information from students on their physical and psychosocial school environments and working with students, teachers and other school leaders to discuss the changes that are needed. The ombudsman promotes children’s issues through the media, and meets with members of the government and the United Nations Committee on the Rights of the Child.

C. INDIFFERENCE TOWARD STUDENTS

Every child has the right to receive an education of good quality which in turn requires a focus on the quality of the learning environment, of teaching and learning processes and materials...Education should be child-friendly, inspiring and motivating the individual child.

- Committee on the Rights of the Child,
General Comment 1

Underlying the degrading and discriminatory treatment that students face from some teachers in schools, there is a far more widespread phenomenon of educational indifference in the classroom. Commitment, concern and mutual trust are essential elements of learning.⁶⁶ It is a simple concept that teachers must care about their students' education and support them in the learning process.

Yet, the overwhelming majority of students and parents said that a substantial number of teachers demonstrate indifference in the classroom, ignore serious academic or social problems faced by their students, and "don't seem to care."⁶⁷

NEW YORK CITY

In New York City, student interviewees reported that many teachers do not interact with students in an engaging way and fail to answer basic questions or requests for clarification. Almost two thirds of the interviewees said their teachers *rarely, never* or only *sometimes* help them with problems they are having, while only one third said their teachers help *most of the time*. When students do not understand something being taught in the classroom typical responses from teachers include "just read the textbook" or "you should know this already, it's not my problem."⁶⁸

Several students reported feeling abandoned by teachers at moments of educational need, and speculated that

teachers believe they are not worth time and attention. As a result, almost every student said that it seems like most teachers "don't care" and are "only there to get paid."⁶⁹

In a survey of 434 high school students in New York City conducted by the Urban Youth Collaborative, 80 percent of students in large high schools and a majority of students in small schools said that staff *never, rarely* or *sometimes* notice if they are having trouble learning. In the same survey, 50 percent of students attending large high schools and 40 percent of students in small schools said that teachers and school staff *never, rarely* or only *sometimes* believe they can do well.⁷⁰

"Most teachers don't care about the students, they are only there for a paycheck. You just know it. My teacher said one time when students were talking in the back, 'You all can talk all you want, I'll get paid either way.'"

- 16 year-old 11th grade African American female student (Interview 10)

"Some kids wouldn't go to staff and had no one in school they could talk to because they didn't trust them, or feel uncomfortable. They think that if you confide in someone in school you will get in trouble. In my new school the staff know we have problems and make us feel comfortable. The teachers at my old school didn't make me feel like they were available. They didn't ask how I was doing and there were so many kids. I didn't trust them because I didn't know them. They didn't seem like they cared."

-17 year-old 11th grade Latina student (Interview 27)

As a result of the indifference and perceived lack of caring, many students we interviewed believe they have no adults in school in whom they can confide or trust with their problems. But the interviews with students who had experienced more than one school environment made clear that, given the proper commitment and resources, a school could establish a healthy environment of trust and caring.

LOS ANGELES

Students and parents in Los Angeles also reported indifference and lack of caring among their teachers. Many teachers fail to interact with students or even make eye contact once during entire class periods. Indeed, teachers in the typically overcrowded classrooms “stand at the front and stare at the blackboard talking, never interacting.”⁷¹

As in New York City, students in Los Angeles also reported receiving little help from teachers when experiencing academic or personal problems. One third of the students we interviewed said that their teachers *rarely* or *never* help them with the problems they are having, while half of the students said their teachers only *sometimes* help.

When asked why students believe their teachers do not help them with their problems, most students said their teachers don't care. In fact, several students had teachers who directly said that they have no interest in their education. Students get the message that their teachers are only in school to get paid.

“They tell you to get your book and start your work and then they just sit in the front of the class and don't do anything.”

- 17 year-old 11th grade Latino student (FG Participant 3)

“My teacher says, I don't care about you and I just want to get paid. Everyone hears it at least once.”

- 16 year-old 10th grade African American female student (FG Participant 12)

The students and parents interviewed for this report consistently expressed their feelings that disparaging, hostile and discriminatory teacher conduct has a destructive impact on students personally and on the learning process. In the following sections we explore how this treatment also appears to contribute to students' disruptive and self-destructive behavior exposing them to harsh and excessive disciplinary actions that further damage their opportunity to learn, develop and participate fully in society.



UNFAIR PUNISHMENT AND DENIAL OF EDUCATION THROUGH DISCIPLINE



A. EXCESSIVE AND UNFAIR SUSPENSIONS AND TRANSFERS

Education systems should...devote particular attention to...provision of positive emotional support to young persons and the avoidance of psychological maltreatment; [and] avoidance of harsh disciplinary measures.

- United Nations Guidelines on the Prevention of Juvenile Delinquency⁷²

Human rights standards specifically encourage the use of preventive and proactive approaches in school discipline policies to protect access to education and build social and behavioral skills among students that facilitate a healthy, safe and productive learning environment. In stark contrast, many New York City and Los Angeles schools apply excessively harsh strategies, such as suspension, to relatively minor disciplinary offenses.

Students and parents that we interviewed acknowledged that suspensions and other removals can be an appropriate and effective response to serious disciplinary problems, in particular when students commit dangerous and violent offenses. However, when schools remove students for trivial misconduct, those students are denied the resources, counseling and academic support to which they are entitled.

NEW YORK CITY

The average rate of suspension in New York City schools is 6 percent. In the schools that are the most overcrowded and under-resourced, where working

class students of color are disproportionately located, suspension rates are higher.⁷³ In some schools, such as Samuel J. Tilden High School, the suspension rate is 19 percent, or one in five students.⁷⁴

The New York City discipline code allows schools to suspend students for a wide range of offenses. The harshest disciplinary responses are reserved for serious violent and criminal activity, such as possessing a firearm or using a weapon to inflict harm, which results in a one-year suspension or expulsion.⁷⁵ But the code allows suspensions of up to ninety days or transfers to Second Opportunity schools for far less serious and arguably quite subjective offenses such as fighting, “engaging in intimidating” behavior or “threatening” a student or staff member.⁷⁶ Schools may even suspend students for up to ten days for “being insubordinate,” “wearing gang apparel” as interpreted by the school staff or “writing graffiti” that is deemed gang related on student or school property. If students engage in these behaviors “persistently,” they can be suspended for up to ninety days.⁷⁷ These categories of “offenses” are extremely subjective and are often applied excessively and inconsistently. Our interviews document that students with bad reputations or negative relationships with particular staff will be punished more severely than their peers for the same behavior.

In 2004, New York City Mayor Michael Bloomberg implemented the Impact School Safety Initiative in the sixteen middle and high schools with the highest rates of criminal incidents and suspensions. Since 2004, several schools have been phased out of the Impact Initiative, while other schools have been added. In these “Impact Schools,” the program essentially authorizes schools and police department personnel to apply stiff

penalties for minor offenses.

For example, in Impact Schools, students who repeatedly violate school discipline codes—regardless of how minor—formally become “Spotlight Students.” When these students commit several violations, they can be removed from their school and placed in off-site detention centers and then reassigned to special Second Opportunity Schools. In other words, removal of students with discipline problems is the goal of these policies, not teaching them positive behavior skills to better function in the school environment. In essence, the Impact Schools initiative formally codifies the abusive disciplinary practices found in a range of schools serving low-income neighborhoods. As demonstrated by the statistics below, suspensions in Impact Schools soared during the first year of the program.

While the data provided by the Department of Education does not breakdown the types of behavior for which students receive suspensions, our qualitative research and national studies suggest that large

numbers of suspensions are given for relatively minor infractions.⁸¹ In schools within and outside of the Impact program, students we interviewed reported that they get suspended for minor infractions, such as shoving and pushing, violating the dress code, “cutting, being late, and back talking to teachers.”⁸² Students feel they are often punished too severely for minor misbehavior or for behavior that is misinterpreted. Almost half of students said that *sometimes* or *most of the time* the punishments they receive are too serious for their misbehavior.

Moreover, the suspensions are extremely long for the type of offense committed. Several young people reported that they receive suspensions of two weeks to a month for cursing or yelling at teachers. Students explained that even a suspension of one week is “a lot of class time” to miss.⁸³ Several weeks or more than a month will inevitably make it extremely difficult for students to re-integrate academically.

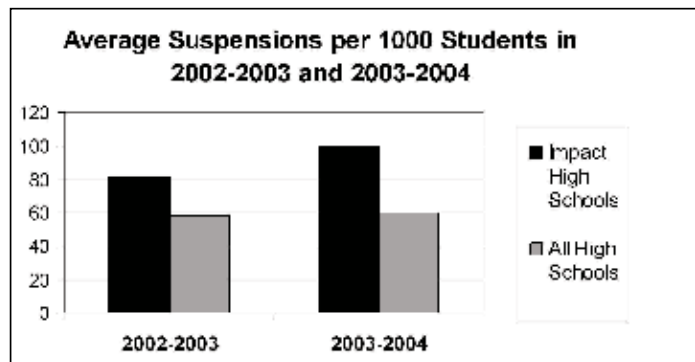
Students are particularly upset by punishments for disruptive or disrespectful behavior that they feel

INCREASE IN SUSPENSIONS UNDER THE IMPACT SCHOOLS INITIATIVE

Based on the “Broken Windows Theory”⁷⁸ of law enforcement, the Impact Initiative strategy is to reduce school violence and set a tone of order and respect for authority by responding swiftly and punitively to any infraction.

Data from the New York City Department of Education reveals that in the first year of this program’s operation, average suspensions in Impact high schools increased by 22.4 percent from the previous year, while average suspensions citywide in high schools increased by only 2.7 percent.⁷⁹

For the start of the 2004-2005 school year, the Department of Education stated that suspension rates for the fall semester in Impact Schools increased by 43 percent compared to the fall semester of the previous year.⁸⁰



is provoked by the actions of a teacher or other staff member in school. Earlier in this report we documented the degrading and abusive treatment that many students face from teachers in the classroom. Several students spoke about incidents when “arguments with teachers start because someone is slouching in class or talking to another student, not paying attention. The teacher says something disrespectful to the student to get their attention, the student says something back and it escalates.”⁸⁴

“I know girls who got suspended for arguing with a teacher. They get mad about failing a class or some other reason and say something. The teacher gets mad, they start yelling back and forth and then the student curses at the teacher and gets suspended for 15 to 30 days.”

- 17 year-old 11th grade Latina student (Interview 27)

When students are being disciplined, they continue to face demeaning and humiliating treatment. One student was told by a school dean that he didn’t “know how to dress or behave in school.” He said to me that I looked dirty, he said “You don’t know how to take a shower? What, are you on welfare?”⁸⁵ Another student who had been late for school several times was given an in-house suspension. The supervisor in the suspension room repeatedly said to the students “I have all the losers.”⁸⁶ Almost one half of students we interviewed said they feel hurt or humiliated *sometimes* or *most of the time* when they are being punished.

Many students also feel strongly that adults are not willing to listen to their side of the story or learn about the context of the situation that leads to their misbehavior. One third of the students that we interviewed said they are *rarely* or *never* treated fairly when they are punished. This unfair treatment makes students feel angry about school and distrustful of staff. Several said that they feel their schools are “just trying to get rid of us.”

“They never want to hear what I have to say. They never want to know what happened. It doesn’t matter who started a fight, or what a teacher said to you that made you mad. You might have something heavy going on at home but no one asks. They’re not interested. They just want you out of the school.”

- 17 year-old 11th grade African American female student (Interview 14)

Recurring or extended suspensions, particularly when mandated ongoing educational services are not provided, deny students access to a fundamental right — education — for what are often typical, albeit inappropriate and disrespectful, adolescent reactions. It is well known that adolescents have not fully developed the level of impulse control available to adults.⁸⁷ At this point in adolescent development, the role of the school should be to help students develop constructive ways of addressing conflict and proactive ways to meet educational responsibilities. Suspensions that are meted out inconsistently and without regard for the level of infraction committed, fail to meet either goal.

LOS ANGELES

In the 2004-2005 school year, 10.5 percent of students were suspended in Los Angeles public schools – translating to over 79,000 suspensions. In one quarter of the senior LAUSD high schools 20 percent of students or more were suspended, and in three of those high schools over 30 percent or one in three students were suspended.⁸⁸ Recent data indicate that suspension rates are rising. Out-of-school suspensions, for example, increased by 19 percent from the 1997-1998 school year to the 2001-2002 school year.⁸⁹ Schools with higher suspension rates are also overcrowded, under-resourced and serve primarily students of color eligible for free or reduced lunch programs.⁹⁰

In Los Angeles, individual schools develop their own disciplinary rules and procedures within a set of statewide and district guidelines.⁹¹ These guidelines allow suspensions from school for up to five days by principals and school deans, and teachers unilaterally

have the authority to suspend students from their classroom for up to two days. Schools can expel students from school and prohibit them from attending any LAUSD school or program, or send them to an LAUSD Educational Options school. Schools can expel students for the remaining time in a semester up to a full calendar year. These Educational Options schools were intended to be small alternative high school programs offering specialized services for students at risk of dropping out of school. In many cases, however, they simply accelerate the process of pushing kids out of school.

Mandatory expulsion is required for possession of a firearm, brandishing of a knife, selling controlled substances and committing sexual assault. But schools may also suspend, expel or transfer students to another LAUSD school (“opportunity transfer”) for behavior ranging from causing or attempting to cause harm to another student, engaging in “habitual profanity or vulgarity,” or disrupting school activities. Indeed, schools may suspend, expel or transfer students for something as vague as “willfully def[y]ing the valid authority of supervisors, teachers, administrators, school officials or other school personnel.”

Data is not available on the types of offenses for which students are being suspended, but our focus groups of students, parents and teachers suggest that suspensions are most often given out for petty offenses, including disrupting class, talking back to school staff, being involved in school fights and showing up late to school. A parent explained that her daughter received a one-day suspension “on the spot” when an assistant principal called her name in the hallway while she was talking to friends and she responded loudly and disrespectfully by saying, “What!”⁹²

Maria Brenes with InnerCity Struggle stated that “In speaking with students it seems that the rate of suspensions and even expulsions are increasing for verbally fighting with other students or teachers.”

“I was super late heading to school, the security said to me “you’re too late!” I argued and said to just let me go to class. They took me to the Dean and he gave me a five day suspension.”

- 16 year-old 10th grade African American male student (FG Participant 6)

Students are sometimes suspended and added to a file of suspected gang members for “tagging” or writing graffiti on their own folders or binders. Many of the students suspended said they had no gang affiliation whatsoever. Regardless, the students were suspended for nothing more than drawing on their own property. In fact, one student was suspended for simply carrying a marker.⁹³ School officials claimed that, based on past discipline problems, he planned to draw gang related images.

Over half of the students said that they *sometimes* or *most of the time* receive punishments that are too serious for the type of misbehavior they commit. Parents expressed frustration regarding the severity of suspensions meted out by the school. Such disciplinary responses tell students that schools are not a place where they are valued and diminishes their motivation for learning.

“They send my son home for 2-3 days for little reasons of misbehavior. It sends him the wrong message that school is not important. Why can’t they think of a better way to handle the children to address the problems?”

- Latino parent of high school student (FG Participant 25)

Over one third of the students also said they *sometimes* or *most of the time* feel hurt or humiliated during the disciplinary process, and two thirds said that they are *rarely* or *never* treated fairly when they are punished. Students reported degrading comments from deans or other staff, such as “you are the worst student I have dealt with this year.” One parent explained that when

her son gets in trouble he meets with his Vice Principal who “gets in his face and screams almost spitting in his face.” Her son gets angry and feels like he is being mistreated and intimidated and his “anger builds and it’s hard to keep [it] in, he comes home and he lets it out.”

For students already struggling academically with past disciplinary problems, overly punitive responses by the schools can have devastating consequences. In a report by the Advancement Project and the Civil Rights Project at Harvard, the authors highlight the work of child psychologists and educators who argue that at-risk youth “display a heightened sensitivity to situations where they believe the punishment may not be warranted and seem to crave individualized discipline...Zero tolerance policies that prescribe automatic and/or harsh punishments undermine the ability of teachers and administrators to form trusting relationships with students” and to develop creative educational responses to behavioral infractions. “Ultimately, these policies transmit negative messages about fairness, equity and justice.”⁹⁴

B. IN-SCHOOL REMOVALS AND HIDDEN PUNISHMENTS

States parties must closely monitor education - including all relevant policies, institutions, programmes, spending patterns and other practices.

- UN Committee on Economic, Social and Cultural Rights, General Comment 13⁹⁵

In addition to out-of-school suspensions and transfers that remove children from the school building, schools have also adopted a wide range of practices that exclude students from classroom learning during the day. Students are frequently removed from class and sent to various kinds of detention rooms for talking back to teachers, arguing with other students or engaging in other disruptive behaviors. In some cases these punishments last for days or weeks at a time.

Through these informal methods, schools not only deny students access to education, they also avoid reporting these incidents as disciplinary actions. The failure to report and document these punishments is at odds with the human rights obligations of the school system to monitor the impact of policies and practices and make information available to the public. Moreover, parents are not always notified of the removal, and parents and students are not given the opportunity to appeal the decision, undermining basic due process rights.

NEW YORK CITY

The New York City Discipline Code states that teachers can remove students from their classroom for one to four days for a wide range of behavior, including “behaving in a manner which disrupts the educational process,” engaging in “disrespectful behavior,” and “wearing clothing, headgear, or other items that are unsafe or disruptive.”

Our interviews with students reveal that these classroom removals by teachers are used excessively and inappropriately, adding up to significant lost time in the classroom. Students reported that teachers frequently send students out of class to detention rooms, sometimes for several days, while bypassing an official suspension. Students are also denied access to class for showing up late and are sent to detention rooms or auditoriums, sometimes for several class periods.

Some schools have internal policies and practices, not authorized by the citywide discipline code, for regularly removing students from the classroom. Two students that we interviewed described one such policy known as cut schedules.⁹⁶ On a cut schedule, students are only allowed to attend a reduced number of classes each day out of the total number of classes over an extended period of time, sometimes several weeks or even months, as a punishment. In some cases, this time out of the classroom can be equivalent to what would officially be a Superintendent’s Suspension of thirty days or more which mandates the right to a hearing. When students receive cut schedules, however, there is no right to a hearing and parents may not even

be notified of the disciplinary action. In a lawsuit filed against several Brooklyn high schools for this and similar policies, Advocates for Children of New York argues that these punishments are illegal under the New York City school chancellor's regulations.⁹⁷

Schools also abuse the formal suspension process to inflict even harsher punishments on students than intended under the discipline code. For example, some school staff assign "parent suspensions when you're not allowed to come to school until your parent comes" to meet with the principal, teacher or dean.⁹⁸ In some cases, these suspensions can extend over the original time period assigned because parents are not informed about the suspension right away, or because it is difficult for them to get time off from work during school hours. Students reported that one or two day suspensions had extended in some cases to over a week with no effort made by the school to get the student back in the classroom.

LOS ANGELES

In Los Angeles, schools serving students living in areas of concentrated poverty also use informal removals to punish students without a genuine disciplinary process. Students are frequently kicked out of the classroom for talking back to teachers, arguing with other students, wearing clothing considered to be gang related, or having a "bad attitude." Students explained that in some cases once you have a bad reputation with a particular teacher, you would be sent out frequently for the slightest kind of perceived or actual misbehavior.

"My teacher thought I gave him a look. I didn't say nothing. But he said I gave him a look and I spent a whole week in the Dean's office missing class."

*-20 year-old Latino youth
(FG Participant 9)*



Students are also excluded from class for showing up late. If students arrive late or are found wandering in hallways during class periods, they are placed in detention or tardy rooms by security officers or other school staff not only for the duration of the current class period, but for several additional periods.

In many cases, parents are not consulted or even informed by school staff that their children are being removed from the classroom by teachers or placed in detention or tardy rooms for several periods. These punishments are also not recorded or monitored by schools. As a result, the already high rates of suspensions in schools do not reflect the true amount of time that students spend out of the classroom. Researchers and advocates that we interviewed indicated that these informal removals from the classroom happen regularly and that they believe “the current suspension and expulsion numbers are just the tip of the iceberg in terms of the detrimental impact the pushout rate will have on our communities in the long term.”⁹⁹

C. EXTREME DISCIPLINE LEADS TO PUSHOUT

Educational institutions and programs have to be accessible to everyone, without discrimination.

- UN Committee on Economic, Social and Cultural Rights, General Comment 13

When students are subjected to excessive and unfair discipline policies and practices, it sets in motion a process of alienating targeted students from the school system until they are pushed out altogether. In some cases pushout is explicit, as students are expelled or counseled out of school. In other cases, repeated suspensions and in-school removals without supportive services contribute over-time to increasing alienation and destructive behavior by students. This leads to students being pushed out of school. In every case, school policies and practices that have the effect of pushing students out undermine students’ most basic right to access education.

NEW YORK CITY

In New York City, students not only said that many suspensions are extreme and indiscriminate, they also feel that suspensions are used to deliberately push students out of school. Teachers interviewed for this report agreed that students, particularly those perceived to have behavioral or attendance problems, are sometimes unofficially but intentionally pushed out of school through these discipline processes. In some cases, students are directly expelled or transferred to Second Opportunity Schools or alternative programs, while students and parents are not told of their rights to appeal disciplinary proceedings.

In other cases, guidance counselors and other school staff may counsel students to leave school if they have discipline records and are behind academically. Students who are over the typical school age for their grade are sometimes told they have to leave or are urged to get a GED rather than a diploma, without being informed they have the right to remain in school until they are 21 years old. One teacher noted that schools push these students out because they are struggling, but in most cases “the school hasn’t met the student’s needs all along.”¹⁰⁰

“The majority [of students who were pushed out] were told that there is no place for them in school anymore... Sometimes they give the kid a discharge paper and tell him he has to sign it and he’s gone without knowing his rights.”

- Teacher, Alternative High School Program
(Teacher Interview 2)

Students are also pushed out in more subtle ways. Schools may suspend students multiple times or impose other punitive measures, such as sending them out of class regularly. This contributes to alienation and disengagement making students more likely to commit disciplinary offenses and ultimately dropout. For example, the punishment known as “cut schedules” described earlier often lasts for long periods of time and as a result students can fall so far behind that it is

impossible to catch up.

In a survey of New York City high school students conducted by the Urban Youth Collaborative, approximately two thirds of students on large high school campuses and 54 percent of students in small schools believe that teachers and school staff *never, rarely* or only *sometimes* work hard to make sure students stay in school.¹⁰¹

“Yesterday there were boys that got cut schedules because they were dancing and joking around in the cafeteria. The school knows that students need the classes to graduate so if you get a cut schedule you will need more years in school to finish and so they figure students will want to avoid getting cut schedules. But it’s not fair. If you only take 3 or 5 classes during a semester because of cut schedules, you fall back in your credits to graduate and have to take night school or summer school to make it up, and a lot of people would just give up and drop out.”

- 17 year-old 11th grade African American female student (Interview 14)

LOS ANGELES

In Los Angeles, schools also use harsh discipline policies to “unload” or pushout “problem students.” Some students are expelled, while others are “opportunity transferred” for disciplinary reasons to other schools within the district without being classified as expulsions.

When students are “opportunity transferred,” they are supposed to have a placement secured in a new school, but some students miss months of school because other programs refuse to accept them. Parents feel that schools are deliberately trying to keep their children out, and that the schools are reluctant to address the problems their children are having. Special education students are particularly vulnerable to being pushed out by schools that are not willing or able to address their needs.

“My son was involved in a lot of fights at his school. The school told me they made arrangements to transfer my son to another school, but they never did. They just didn’t want him there. He was home for four and a half months because his first school said “he doesn’t belong here,” and the new school that he was supposedly transferred to said there is no paper-work. He is Special Ed and they hadn’t done an IEP [Independent Education Plan] on him either...He was out from December to April. I finally got him back into middle school with the help of a lawyer.”

*- Latino parent of public school student
(FG Participant 25)*

Schools also find more subtle ways to push students out. If some students are missing class or showing up late, school staff may simply look the other way as students fall farther behind. When the student fails to show up, school staff will suspend or transfer the student and push them out. In some cases, students reported staff directly telling students that they don’t belong in their school anymore. One student who was sent to the dean’s office for fighting was told “don’t bother coming to school anymore. The way you act you don’t belong here.”¹⁰²

Some school staff openly view pushing students out as an opportunity to help with overcrowding and disciplinary issues. A high school teacher we interviewed talked about the large number of students that were kicked out of his school and the general acceptance of the trend among teachers.

“The Dean told the teachers yesterday that 60 students had been kicked out already during this semester and several hundred since the beginning of the year at our high school. Some of the teachers were happy. It was seen as an accomplishment. Some of them were 18 year-old 9th graders without enough credits...but others were only 15 year-olds kicked out for behavior.”

*- High school teacher
(FG Teacher Participant 2)*

CADRE: WORKING TO END PUSHOUT IN SOUTH LA SCHOOLS

In 2006, Community Asset Development Re-defining Education (CADRE) launched a human rights campaign to stop the pushout crisis impacting South Los Angeles youth. In a participatory documentation campaign, CADRE parent leaders and staff went door to door in their community to gather testimonies from students and parents of students who received school suspensions. CADRE's findings identified policies and practices in Local District 7 (South LA) of the Los Angeles Unified School District (LAUSD) that undermine human rights.¹⁰³

Parents found that students were denied their right to dignity when they were mistreated during the discipline process and received suspensions for minor misbehavior. Schools subjected students to frequent, unrecorded out of class removals and students suffered academically from suspensions. Schools did not inform parents of classroom removals or suspensions and prevented them from participating in determining discipline for their children.

CADRE identified several mechanisms in Local District 7 that contribute to pushout:

- Pushout begins with a series of classroom and school removals, that when repeated over time, have a cumulative effect of dismantling educational access.
- Suspensions have become the disciplinary response of first-resort. In the 2004-2005 school year, Local District 7 middle and high schools recorded 9,251 suspensions, at 34 percent of student enrollment.¹⁰⁴
- Opportunity Transfers (OTs) provide a “fast track” to push students out of school without classifying their removal as an expulsion. OTs are transfers from one LAUSD school to another most often initiated by the school for disciplinary reasons, and sometimes requested by parents for safety or academic reasons. When used as a disciplinary measure, they are meant to be used as a last resort and to provide students with continued access to education in a different school. Instead, the policy is used too often and in some cases results in students missing weeks or months of school as they wait for placement in a new school. In 2004-2005, Local District 7 recorded 927 Opportunity Transfers from middle and high schools, representing 3 percent of the total student population.¹⁰⁵

In June 2006, CADRE held a South LA People's Hearing to present their human rights demands calling for the LAUSD to ensure the:

- Right to Dignity by creating positive behavior support plans that meet students' needs and guiding principles for behavior that apply to adults and students.
- Right to Education by reducing suspensions, transfers and classroom removals and ensuring that students who are suspended receive educational services.
- Right to Participation by ensuring parents have a right to participate in the development of discipline policies and the decision to suspend their children.

CADRE is currently supporting the adoption of a new proposed district-wide disciplinary policy that will put in place positive behavior support reinforcement for students. If adopted and implemented appropriately, this policy would represent a positive step forward in reducing pushout and using preventive and proactive discipline in schools.

CADRE is a grassroots community organization forged by low-income parents of color in South Los Angeles to solidify and advance parent leadership to ensure that all children are rightfully educated regardless of where they live.

Students and advocates recognize that individual teachers do not bear sole responsibility. A youth advocate we interviewed said of teachers, “I am not blaming them, they can’t be expected to follow-up individually with hundreds of students without any support. It’s the school system’s fault.”

D. FAILURE TO PROVIDE COUNSELING AND OTHER PROACTIVE RESPONSES

Education must be aimed at ensuring that essential life skills are learnt by every child...such as the ability to make well-balanced decisions; to resolve conflicts in a non-violent manner; and to develop a healthy lifestyle, good social relationships and responsibility.

*- UN Committee on the Rights of the Child,
General Comment 1*

Human rights standards require that all school policies adapt to meet the educational and behavioral needs of students, providing them with the skills necessary to develop positive relationships and manage conflict effectively. To achieve this, schools should provide adult and peer counseling, mediation, conflict resolution and other proactive services for students. When schools rely instead on suspensions and other punitive strategies rather than addressing the root causes of the students’ behavior, discipline is no longer a part of the socialization and child development that should take place in school.

NEW YORK CITY

The New York City Discipline Code acknowledges that misbehavior by students may be symptomatic of other problems they are having and encourages staff to be sensitive to those issues and take steps to support students’ needs. In 2006, the Department of Education added new lists of potential support services and mediation activities that schools can undertake “in addition to disciplinary responses, as appropriate,”

including counseling services, conflict resolution, peer mediation and community service. However, schools are not required to utilize these methods before resorting to suspensions or other punishments, or to use them at all.

Based on our interviews, schools serving low-income neighborhoods rarely offer any of these alternative forms of discipline to students, nor do many schools have the resources or staff to make those services available. Most students we interviewed stated that counseling or mediation is often unavailable or is not recommended. In New York State, there is only one guidance counselor for every 450 students.¹⁰⁶ In a survey conducted by the Urban Youth Collaborative in New York City, 77 percent of students in large high schools and 63 percent of students in small schools said that they are *never*, *rarely* or only *sometimes* able to see a guidance counselor when they need to.¹⁰⁷

Similarly, almost two thirds of the students we interviewed said that guidance counselors are *rarely* or *never* involved when they are disciplined or suspended. When students try to reach out to guidance counselors themselves, they are told they must wait regardless of time sensitive and urgent problems, or that the counselors are not available or have no time to help with disciplinary problems.

“I have only been to see the guidance counselor 2 or 3 times. If I try to make an appointment she is always busy. She says there are other students who have more important problems...she doesn’t have time.”

- 15 year-old 10th grade African American female student (Interview 9)

Without accompanying counseling or mediation services, suspensions and other punishments do little to address the problems that cause young people to act inappropriately. Students question how sending a student home for a week to “sleep late” and play around helps address disciplinary problems when “you’re gonna come back and the problem will still be there.”¹⁰⁸

Students also pointed out that when there is a conflict between students, imposing a suspension without doing anything to address the underlying dispute or to teach conflict resolution skills can make the situation worse.

For example, one student said that students suspended for a fight became “more mad because they got suspended and then walked right back into school after the suspension to find the kid” and there was an even bigger fight.¹⁰⁹ Punitive strategies assume that students are just being bad, not that as adolescents they must be helped to develop the social skills, emotional confidence and academic motivation to succeed in schools.

LOS ANGELES

Section 48900 of the California Education Code states that principals and teachers have at their discretion the option to “provide alternatives to suspension or expulsion, including, but not limited to, counseling and an anger management program, for a pupil subject to discipline under this section.” The California code further states that if schools have particularly high rates of suspensions, they should consider implementing “an alternative to the school’s off-campus suspension program” which may involve conferences with school staff, counseling or study teams.

However, LAUSD does not outline any of these options in the district’s guide for parents and students. When parents and students in our focus groups tried to reach out to teachers or other school staff to find alternative ways to address problems they are having, they receive no support from the schools. For example, one parent whose son was getting in trouble a lot was unable to get an appointment to see his son’s teacher to discuss the problem.¹¹⁰

Another parent had a child who was getting in trouble in school a lot and the school kept sending him home without identifying the problem. Eventually, she learned that he was being beaten by a bully. Her son went to see his counselor and the counselor told him to fill out a complaint slip without offering any

additional assistance. The school eventually suspended the bully for a week, but did nothing to address the actual problem between the two students. When the suspended student came back to school after a week, he beat her son again.¹¹¹

“I left messages with people all over the school and they never called me back. Finally the teacher told me to come in to see her but security wouldn’t let me in because I needed an appointment. The school did nothing to figure out the problem between the students or stop the behavior. They just suspended him for a week.”

- African American parent of middle and high school students (FG Participant 28)

As in New York City, Los Angeles public schools serving predominantly African American and Latino students generally lack sufficient resources and have a shortage of guidance counselors, social workers or other school staff to assist students with problems they are having. In Los Angeles public schools, there is approximately one guidance counselor for every 840 students.¹¹² Of the students we interviewed, over two thirds said that guidance counselors are *rarely* or *never* involved when they are disciplined.

Indeed, some schools suspend or transfer students specifically because they do not have the resources or the will to resolve conflicts between students. One parent who volunteers at her child’s middle school reported that one student who was attacked was transferred to another school even though he had done nothing. The school said they were transferring him “because he had been hurt and might want to retaliate.”¹¹³ Without any services available to address the conflict between the students, school staff felt they had to transfer the student.

DISCIPLINE THAT RELIES ON EDUCATIONAL AND COUNSELING SERVICES IN AUSTRIA

Some governments directly incorporate human rights standards into their discipline policies. The Committee on the Rights of the Child has commended the government of Austria for incorporating human rights into its educational system, including in relation to school discipline.¹¹⁴ The Austrian Teaching Act prohibits disciplinary measures that “injure the human dignity of pupils, such as corporal punishment or insulting remarks or collective punishments.”¹¹⁵ Schools can use expulsion only in limited circumstances when educational methods have failed. Desirable educational measures to address discipline should be used including acknowledgement of positive behavior, requests to change behaviour, or reprimands.

Schools provide psychological services for children with behavioral or educational difficulties so they may overcome their problems and remain integrated in normal school. This serves three objectives: prevention, intervention and rehabilitation through counseling and treatment. Counseling services include assistance in recognizing one’s own strengths and weaknesses, in clarifying and articulating problems and in developing plans for the future. Approximately 30,000 students use these free services yearly.

Students also participate in the development and implementation of school policies at every level. For example, students elected by each school have a right to participate in discussions of disciplinary measures including expulsion.

E. LACK OF EDUCATIONAL SERVICES DURING REMOVAL

Educational systems should extend particular care and attention to young persons who are at social risk. Specialized prevention programmes and educational materials, curricula, approaches and tools should be developed and fully utilized.

- UN Guidelines on the Prevention of Juvenile Delinquency

During suspensions and other removals, schools also fail to provide students with continual access to educational services. Regardless of their behavior or their disciplinary status, all children must have access to quality educational services and instruction. Denying students the opportunity to learn during the period of punishment, particularly when the punishment occurs frequently or over extended periods of time, severely undermines their human right to education.

NEW YORK CITY

In New York City, most students who we interviewed did not receive alternative academic instruction or supervision during out-of-school suspensions. Students missed class work and were not allowed to make up homework. Several students stated that if you miss a test because of a suspension, some teachers will not let you take it when you get back and will give you a failing grade. This leads to students falling behind in class and, in some cases, failing a class, repeating a grade level or possibly even dropping out of school.

“You get suspended for 15 days. When you’re out for half a month, you miss a lot of class and work, sometimes you miss tests and they don’t always let you take them over. It’s not right to have to fail a class or fall behind.”

- 17 year-old 11th grade African American female student (Interview 14)

During in-school suspensions or removals when students are placed in detention or “study” rooms, students are rarely given any work to do. Even when students receive remedial work, they are often left unsupervised or monitored only by a school security guard who “pays no attention to them.”¹¹⁶ One student who received an in-school suspension over several days said he asked his teacher for the work he would be missing and the teacher refused to get it for him. His Dean also refused to get the work from his teacher. He had to get the work from his friends.¹¹⁷

Several students said that in-school suspension rooms are places where students go “just to chill with their friends” or as a “hang out spot for kids who just don’t want to do stuff in school.”¹¹⁸ Sometimes even students who have not been suspended will go there to see friends, knowing that there is little or no supervision.

LOS ANGELES

In Los Angeles, students are also denied access to educational services during suspension and other forms of removal. During out-of-school suspension, students and parents report that students sometimes miss weeks of school without being placed in alternative educational settings or receiving their class work. One parent whose son received two one-week suspensions said that he did not receive any work to take home with him. She had to go to his school and demand that his teachers give her the work for her son to do at home. When he returned to school, no one bothered to check if he had done any of the work.¹¹⁹

Similarly, students who are sent out of the classroom or placed in suspension rooms in schools do not receive adequate supervision or access to educational services. School staff in detention and in-house suspension rooms are often the least qualified to supervise students and ensure that they are doing the work they are assigned.

“Once students are in these rooms, the educators and other staff in these rooms are people who have been demoted to these types of places, not specially trained people...Adults who are trained to teach well or to work with students who have behavior problems are just not assigned there.”

- Olivia Araiza, Justice Matters

F. DISPARATE PUNISHMENTS BASED ON RACE AND SOCIAL CHARACTERISTICS

The term “discrimination” includes any distinction, exclusion, limitation or preference which...has the purpose or effect...of inflicting on any person or group of persons conditions which are incompatible with the dignity of man.

- Convention Against Discrimination in Education, Article 1¹²⁰

Human rights law prohibits discrimination both in the way students are treated, and in the way punishments are distributed across racial, socio-economic and other groups. But in New York City and Los Angeles, the negative stereotypes combined with “zero tolerance” approaches result in disproportionate targeting of students of color for harsh disciplinary responses.

NEW YORK CITY

Analysis of data for the 2000-2001 school year in New York City by the National Center for Schools and Communities at Fordham University shows that African American and Latino students have disproportionately high suspensions rates. The suspension rate in high schools was 8.3 percent for African American students and 4.8 percent for Latino students, compared to 2.5 percent for White students and 1.8 percent for Asian and other students. In schools that were majority African American and Latino, the suspension rates were even higher across all racial groups at 8.7 percent for

African American students and 5.1 percent for Latino and White students.¹²¹

Our interviews also reveal that students are targeted and mistreated because of their race, assumptions about their family background, and their neighborhoods. Stereotypes, particularly about African Americans and Latinos, are used for identifying “problem students” and assigning punishments. As a result, educators label students as “hoodlums” or “thugs” when it is unwarranted. Students of color lose trust in school staff, who they perceive as racist, and it becomes more difficult for them to remain in school and stay motivated.¹²²

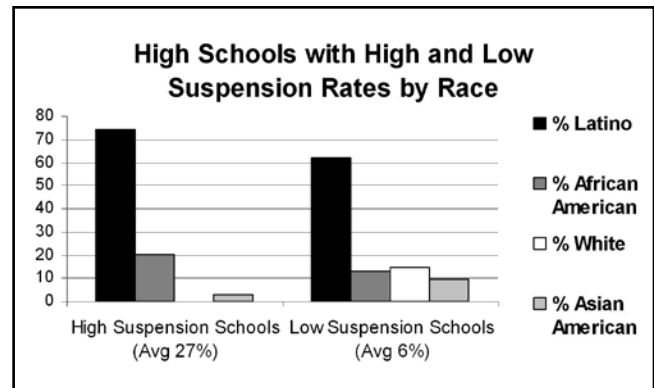
“They get up on you if they think you look like you’re from the hood. Sometimes they think you’re involved in a gang because of your clothes. They don’t bother to find out, they just judge you. They stop you in the halls, give you a hard time because of your color. I just ignore it but some people say something back and then it creates an incident where there wasn’t one.”

- 20 year-old 12th grade African American male student (Interview 1)

LOS ANGELES

The majority of students in the Los Angeles public schools are Latino, making up 73 percent of the population. African Americans make up only 12 percent of students overall, but in some neighborhood schools African Americans make up the majority of the student population. In the 2004-2005 school year, African American students made up 27 percent of suspensions while they made up only 12 percent of the population. By contrast, White and Asian students made up 15 percent of the population, but only 7 percent of the suspensions. Latinos made up 73 percent of the population and 66 percent of the suspensions.¹²³

In the fifteen high schools with the highest rate of suspensions the student population was 95 percent African American and Latino, compared to 75 percent African American and Latino in the fifteen high schools with the lowest rate of suspensions.¹²⁴



During our focus groups, students felt that teachers and other school staff often think African American and Latino students are always “looking for trouble.” Moreover, different students will receive different punishments for the same offenses. For example, students of color may be reprimanded or even suspended for wearing clothes that are deemed gang related or walking through hallways in large groups, while White students freely congregate and wear the same clothes without being reprimanded.

“Teachers, administrators, security, they are targeting students of color for discipline related things because they think that a black boy is dangerous and they are scared of them. They take what they see on the news as real rather than seeing the choice of what’s reported as a part of the process of criminalizing communities of color. That translates into treatment at schools.”

- Olivia Araiza, Justice Matters¹²⁵

Our findings and supporting research show that punitive and discriminatory responses to adolescent behavior fail to address the root causes of misbehavior and neglect the needs of students. In the next section of this report, we examine the use of police officers, safety officers and metal detectors in schools to address

violence and safety problems. We believe that school systems resort to these tactics in part because they have failed to implement proactive discipline policies that reinforce positive behavior, and have failed to create accountability for the way teachers interact with students which often catalyzes discipline problems.





THREATENING POLICE PRESENCE AND ABUSIVE SECURITY MEASURES



A. POLICE PRESENCE AND METAL DETECTORS

Article 29 (1) clearly requires that schools be child-friendly...and that they be consistent in all respects with the dignity of the child.

*- UN Committee on the Rights of the Child,
General Comment 1*

Human rights law requires a child-friendly school environment which prohibits the criminalizing of young people. But in many schools in New York City and Los Angeles, police and other officers regularly patrol school hallways, sometimes carrying loaded weapons and handcuffs, constantly monitoring student behavior.

Safety officers can play an important role in schools, helping to ensure safety and serving as a resource for students facing problems. In fact many students we interviewed have positive relationships with individual safety officers who intervene effectively when fights or arguments take place between students. However, the presence of armed police, inadequately trained safety officers, metal detectors, and security cameras create degrading and destructive school environments.

NEW YORK CITY

In New York City, there are approximately 4,600 school safety agents and several hundred New York City police officers working in public schools, all trained and supervised by the New York Police Department (NYPD).¹²⁶ Safety agents do not carry weapons but have the authority to arrest students, while police officers carry their guns in schools. Most high schools have between ten and twenty safety agents and one to

three police officers permanently assigned to the school building. Middle schools also have several safety agents and some have a permanent police presence as well.

Under the Impact Schools Safety Initiative, which has targeted twenty four schools since 2004 with the highest rates of safety and discipline problems, each school receives additional school safety agents and the number of police officers permanently assigned to each building is doubled.¹²⁷ In addition, two hundred uniformed police officers are assigned to rotating teams patrolling the Impact Schools in two groups of five. Some schools may now have almost thirty safety agents and fifteen police officers patrolling the school on a given day. The mere presence of this many officers is bound to have an impact on the school environment.

Students attending schools both in and out of the Impact Schools program said that the presence of armed police officers, and excessive numbers of safety agents, can create a tense and disrespectful environment where some students feel less safe and treated like criminals.

In a survey of New York City high school students conducted by the Urban Youth Collaborative, 71 percent of students in large high schools and 58 percent of students in small schools said that armed police officers *rarely or never* make them feel safer.¹²⁸

One third of the students we interviewed said that police and safety agents *rarely or never* make them feel safe, while one third said they *sometimes* make them feel safe. Students report that police officers in particular patrol hallways “watching our every move” and “bark orders” at students throughout the day. This constant “surveillance” makes students feel uncomfortable. One half of the students we interviewed said that police and safety agents only *sometimes, rarely*

or *never* treat students with respect.

Several students said that the mere sight of the loaded guns being carried by police officers was destructive to the school environment. One third of students reported they *sometimes* or *most of the time* feel threatened by the presence of police.

“It makes me feel like I’m in prison, like an inmate, like a number...It makes me feel insecure, low self-esteem.”

- 18 year-old 12th grade African American male student (Interview 33)

“We have the right to feel safe. The cops being there, for some people it might feel safe, but for others they’re not doing anything useful and if you catch them off guard all they have to do is pull up the latch and pull out the gun and point, and it’s like they have a weapon that could kill.”

- 17 year-old 12th grade African American male student (Interview 32)

In addition to the presence of police officers, schools use metal detectors and security cameras. Schools are closed for entry to the public, even to parents, and students and visitors must have their bags x-rayed or searched before they can enter.

In New York City, about 21 percent of middle and high schools have permanent metal detectors set up at the entrance to school buildings. In April 2006, New York City began a new safety initiative which places unannounced temporary portable metal detectors in up to 10 different schools a day to scan students and their bags.¹²⁹ Students and school officials do not receive any advanced notice that the metal detectors will be arriving. In addition, as of 2004 approximately 13 percent of New York City schools had security cameras.¹³⁰ Some schools also carry out random sweeps of students’ backpacks and lockers.

About half of the students we interviewed had metal detectors in their buildings. Of those students, half said

that the metal detectors make them feel worse about their school. Even students who said they feel safer with the metal detectors, also said that they make the school environment less welcoming.

Over and over again in interviews, students described the morning routine of going through the metal detectors and feeling like they “have to go through a security check point like an airport or a prison every day...they x-ray your bags, use metal detectors, tell you to spread your legs and use a wand to search you.”¹³¹ This morning routine sometimes made them feel “angry,” “frustrated” or “disrespected” from the first moment they entered the school building.¹³² Students sometimes got into arguments with the police officers working the metal detectors for “being rude” or “cursing at students,” that sparks incidents and conflicts with police that otherwise would not have occurred.

Additionally, students sometimes have to arrive at school an hour early to wait in line for the metal detectors, and still sometimes arrive late to class. Students are then penalized for their late arrival leading to additional frustration.¹³³ Some school staff that we interviewed recognized the negative impact of these measures. One former school safety official who felt that metal detectors are necessary, also said they can be upsetting for students and hopes that ultimately schools will no longer need them.

“Metal detectors affect the climate in the school building. Everyone understands why they are there but it doesn’t lessen the fact that students feel put on, especially if isn’t run well - if there are lines to get into school in bad weather. They can actually exacerbate bad situations in schools when students feel frustrated and intimidated. You don’t want security officers yelling and barking at students at 7 a.m. in the morning. It has the feeling like it is almost jail.”

- Benjamin Tucker, Former Chief Executive, Office of School Safety and Planning, New York City Department of Education¹³⁴

LOS ANGELES

Similar to New York City public schools, there is heavy police and security presence in many Los Angeles high schools and middle schools. Over 300 police officers who are trained and supervised by the Los Angeles School Police Department (LASPD) are permanently assigned to schools. The LASPD is a separate agency from the Los Angeles Police Department created especially to provide law enforcement to schools.

Every high school and some middle schools have at least one permanently assigned Campus Police Officer. There are also Patrol Officers who patrol geographic regions within the LAUSD, providing backup support and responding to calls at elementary and secondary schools. In addition, over 150 School Safety Officers are assigned to middle schools and high schools to provide a uniformed security presence, but do not carry weapons. Many schools also hire additional security guards.

In every focus group, parents and students felt that the presence of police officers sometimes made students feel disrespected and degraded, and in some cases threatened and intimidated. Almost two thirds of students said that police and security officers only *sometimes, rarely* or *never* treat students with respect. Almost one half of the students reported *sometimes* or *most of the time* feeling threatened by the presence of police. Students felt wary of how police might react to different situations, and that they may pose a threat to them. One student asked, “how can you feel protected from someone who you need to protect yourself against?”¹³⁵

Several students talked about the presence of undercover police officers in schools as an example of how police can be particularly destructive to the school environment and to students’ attitude about school. One student explained that although it is “bad” that some students are involved in drugs and gangs, if students make the decision to come to school and be in class to learn they shouldn’t feel “disrespected and threatened” by having an undercover police officer as a classmate.¹³⁶ Another

student explained that the presence of undercover cops “makes you feel uncomfortable. I don’t want to go to school. It makes us feel like criminals.”¹³⁷

“The police create a certain climate of fear, distrust, being under surveillance, feeling guilty, walking on egg shells, not being able to work and concentrate. I couldn’t work with a police officer looking over me, I don’t think anyone could.”

- Olivia Araiza, Justice Matters

Part of these negative feelings come from the attitudes toward and experiences with the police in the broader community. One parent explained that “parents and students all live in a police state in their neighborhoods so when they see teachers with the police force in the school yard, the parents and students are intimidated.”¹³⁸ Several students and parents observed that students feel provoked into behavior by the presence and attitudes of police. One student explained, “The cops harass you and say things and try to provoke you to swing at them.”¹³⁹

Metal detectors are also common in Los Angeles. In a survey of Los Angeles public school students conducted in 1996, over 50 percent of high school students said that they had metal detectors in their schools. In that same survey, 38.5 percent said that metal detectors did not make them feel safer and 63.6 percent said that metal detectors do not serve as a deterrent to keep weapons off campus.¹⁴⁰

In our focus groups, about half of the students reported they had metal detectors. Many of them felt that metal detectors do little to make their schools safer, and instead negatively affect school climate and disrupt learning. Many students said that they felt “disrespected” and as if the school “is suspicious of us” when they have to go through metal detectors in the morning.¹⁴¹ About half of the students said that the metal detectors made them feel worse about their school.

Students also had to wait in long lines in the morning

to go through metal detectors that made them late for school. For example, one student was late several times because of the lines for the metal detectors and was eventually suspended for tardiness.¹⁴²

Police and safety officers also use metal detecting wands to stop students and search them in hallways and sometimes even in classrooms. About a third of students also said they had security cameras in their schools. Students explained that these search wands, metal detectors and security cameras make them feel like the school is “spying” on them and invading their privacy.¹⁴³

B. POLICE INTERVENTION IN SCHOOL DISCIPLINARY MEASURES

Government bodies should “avoid criminalizing and penalizing a child for behaviour that does not cause serious damage to the development of the child or harm to others.”

- UN Guidelines on the Prevention of Juvenile Delinquency

It is not only the presence of police and safety officers in schools that violates student dignity, but their increasingly aggressive role in school disciplinary matters. Human rights standards require that school safety and discipline policies avoid criminalizing the behavior of children and adolescents. In New York and Los Angeles public schools, police and safety officers are intervening in everyday disciplinary issues and treating young people like criminals for behavior that would not be considered criminal in any other setting, ranging from school fights to disruptive behavior, to congregating in large groups in hallways. Teachers and administrators are increasingly removed from the disciplinary process, which means that students are even less likely to receive counseling or other proactive interventions to address their misbehavior.

NEW YORK CITY

In schools throughout New York City, police officers are involved much more often in non-criminal incidents than in criminal incidents. In the 2003-2004 school year, police reported being involved on average in 3 violent crimes per 1,000 students in high schools, such as felony assault. By comparison police were involved on average in 47 non-criminal incidents per 1,000 students,¹⁴⁴ which are categorized as “disruptive to the school environment,” such as “disorderly conduct, harassment,” and possession of “dangerous instruments.” These offenses often reflect typical adolescent behavior and should be handled by school staff.

On school campuses where Impact Schools are located and the police presence is highest, police were involved in an average of 11 violent crimes per 1,000 students and an average of 165 non-criminal incidents per 1,000 students, over three times their involvement in non-Impact school campuses. Compared to the year before the Impact Program was implemented, police involvement in non-criminal incidents had increased by over 80 percent.¹⁴⁵

But these statistics only represent the official incidents reported by police officers to the NYPD. They do not take into account the day to day interactions of students with both police officers and school safety agents that are regularly criminalizing student behavior. Of the students we interviewed, over one third said that when they face disciplinary action in school, police or safety agents are involved *most or all of the time*, and one quarter said that police or safety agents are *sometimes* involved. When students congregate in large groups or shout to friends in the hallways, safety agents and police officers physically “break up crowds” and shout orders at students. Police and safety agents routinely break up verbal arguments and school fights between students.

When safety agents, rather than police officers were involved, students felt that in some cases it was appropriate for them to intervene and that their reactions were fair and effective in diffusing a situation. However, every student also reported incidents when

safety agents intervened inappropriately, especially with regards to the uneven distribution of punishments. Safety agents “play favorites” with some students “who get away with anything because they’re friends,” while they “harass” other students for every minor offense.¹⁴⁶ This demonstrates that safety agents can play a constructive role in schools, but that they need better training and guidelines for how and when to intervene.

On the other hand, students that we interviewed felt strongly that police involvement in most disciplinary incidents is unjustified and inappropriate. Students acknowledged that in some cases police should be called in for serious and violent offenses, but said that all of the “patrolling of hallways,” handcuffing and arresting of students is detrimental. One student from an Impact school said “I don’t feel the need to have them all around...now even a little altercation, the first thing the school jumps to is the police officers.”¹⁴⁷

Moreover, when police officers and safety agents are involved, in many cases teachers, principals and other school staff are left out of the decision-making process for disciplining students. In some cases, teachers and principals abdicate responsibility voluntarily to police and safety agents to deal with students who they cannot handle. Students complained that in most cases when teachers call in police or safety agents, they do so to intimidate students or simply to remove students who have engaged in minor misbehavior that is disruptive.

“Some instances its good to have the security come in. In other cases they could have settled it without the security. Security just grabs the students and gets them out of class, literally like a bouncer. It disrupts the class. It takes like 15 minutes cause the students are like “Why are you here, I didn’t do anything.” They’ll sit there and argue about it and by the time he gets him settled down nobody in the class is listening and students are talking about it saying, “did you see what happened?”

- 17 year-old 11th grade Latina student (Interview 27)

Examples include an incident when a teacher called security when a student used vulgar language. The student was handcuffed and removed from the classroom. Students view the use of police and safety agents as an abuse of authority and complain that it disrupts class.

In other cases, teachers and principals object to the involvement of police and safety agents. Several students talked about incidents when police barged into classrooms and removed students even though the teacher objected and was angry that class had been disrupted. There have also been several high profile incidents in New York City when school staff tried to intervene to prevent a student from being arrested or detained and were themselves arrested by police officers.¹⁴⁸

This inappropriate involvement of police officers and safety agents in discipline can affect the learning environment. About one quarter of students said that the way they were treated by police officers made it harder for them to learn in school. Those who felt affected were less motivated to learn on days when they saw police using handcuffs, arresting students or entering classrooms.

“Police officers don’t give students respect. They look down on us like we have no opinion. It’s like, are we in a school, or are we under surveillance? They keep us in here until they push us out. It makes me not want to learn.”

- 17 year-old 12th grade African American male student (Interview 17)

LOS ANGELES

In Los Angeles, the police and security presence in schools has had the same effect of criminalizing disciplinary policies and practices. In 2005, LASPD documented 60,000 requests for campus officer interventions.¹⁴⁹ Police and safety officers are not only involved in violent and criminal incidents, but also

in lower-level school discipline code violations and classroom management. Officers are used to patrol hallways, enforce attendance, and to manage classroom behavior. Of the students we interviewed, one third said that when they face disciplinary action in school, police or safety officers are involved *most or all of the time*, another third said that police or safety officers are *sometimes* involved.

As in New York City, teachers and other staff sometimes call on police officers or security guards to deal with disruptive students. One student witnessed an incident when a student made a comment to the teacher that she interpreted as threatening. She called security and five security guards and two police officers responded, handcuffing and removing the student.¹⁵⁰ The incident disrupted class for the rest of the period and made the students who were only spectators feel intimidated. Teachers also use the threat of police to keep order. One grandmother was told by her grandson's teacher that "she will call the police and they will go to jail if they don't do what she says." She said this conduct was "demeaning, not uplifting for students."¹⁵¹

In other cases, police and security guards intervened in discipline without the knowledge or consent of teachers and other staff. One student reported that he was summarily removed from school by a police officer for being disruptive in the hallway, while others were turned away at the door by officers when they showed up late for school. These security personnel are effectively suspending students, removing them from school without consulting any school staff.

"Me and other students were walking in the hallway outside of class and the police stopped us and sent us home before we saw a Dean or actually got suspended. They said "go home right now" and escorted us out of the building. I was marked absent that day even though I showed up."

- 20 year-old Latino youth
(FG Participant 9)



A youth advocate we interviewed explained that in many cases school administrators do not have decision-making power anymore over safety issues and “often it is not the school principal that calls in the police, but rather school safety officers call in the police themselves, or police conduct random raids and searches on their own.”

In all of the focus groups with young people, participants also reported that police and security randomly enter classrooms to conduct searches, stopping class for long periods of time.

“One time the security guards came into the classroom and made everybody take their bags out to be searched and did pat downs on the students. They pulled the teacher out and wouldn’t tell us what was going on.”

- 17 year-old 12th grade African American female student (FG Participant 20)

Teachers who we interviewed also reported that police have conducted searches in their classrooms or removed students for questioning, sometimes scolding and humiliating them in front of the class. One teacher who tried to intervene got in trouble with the school administration when she tried to question a police officer about why he was handcuffing and removing a student from her classroom.

The same teacher also complained about losing her ability to provide input into how students are disciplined or exercise discretion to help individual students with their problems. She discussed a student who was expelled from school for writing gang symbols. She said, “He was a senior. He was ready to graduate in a year. He used to come to my classroom during lunch to avoid getting harassed and getting into trouble.”¹⁵² When she found out that he was being kicked out of school, six different teachers went to talk to the dean to try to keep him in the school, but a security guard accused the student of causing trouble again and he was ultimately removed.

“On 4 or 5 occasions police came in and pulled students out of my class to scold them to show their authority...One student came late to class several days. A police officer showed up for first period and scolded her in front of the class. It made her cry. For the rest of the day she sat next to me crying all day. It was her parent who makes her late, it’s not her fault.”

*- High school teacher
(FG Teacher Participant 3)*

C. POLICE TACTICS

The arrest, detention or imprisonment of a child ...shall be used only as a measure of last resort and for the shortest appropriate period of time.

*- Convention on the Rights of the Child,
Article 37*

Human rights require that schools create environments that promote human rights values and non-violence. The arrest or detention of children, or other police tactics, should be used only as a last resort.

NEW YORK CITY

In New York City, police officers bring the tactics they use on the street against criminals into the school. Several students had experienced or witnessed students being handcuffed, patted down, taken to detention rooms and even arrested for being disruptive in hallways or being involved in school fights. Several students talked about how the use of handcuffs in particular criminalized students. They felt that in many situations their use was unnecessary and interpreted it as a show of force to intimidate students. One student explained that students who are caught cutting classes by police officers in his high school are handcuffed in the hallway before they are taken to the Dean’s office.¹⁵³

Several students talked about police using interrogation

techniques, when students were “rounded up” and questioned about fights because they were the “usual suspects,” even though they had not been involved in the incidents. Students were taken to separate rooms at school and questioned. Police used threats of expulsion or arrest to get students to tell them who was responsible. During questioning in school, students reported that police say “we’ll take you guys to juvenile hall because you’re causing chaos in the school.”¹⁵⁴

“I’ve seen situations where there are fights and they just started throwing on handcuffs to send students out. They’re young, 14, 15, 16, 17, 18 year olds and I don’t believe it’s necessary...If in a fight a person really did hurt someone it’s justified. But I don’t think it should be the first resort.”

- 18 year-old 12th grade African American male student (Interview 31)

LOS ANGELES

In Los Angeles, police also conduct random searches of students in hallways and handcuff students found with contraband. School police give tickets or bring students to detention rooms for part of the day for tardiness. In some schools students explained that if you get four “tardy slips” you get a \$250 truancy ticket from the police, which can create a significant financial burden for families.¹⁵⁵ Tickets can also be given for loitering in the hallways. One teacher reported that her principal announced over the loudspeaker that anyone socializing in the hallways in between periods or caught standing still in groups in the hallway would be ticketed by police and/or suspended.¹⁵⁶

Students and parents said that police use intimidation and interrogation techniques. One student explained how police took her to a detention room and claimed to have her on video committing an offense to try to get her to give up the names of other students involved in a fight. They said “we got you guys on camera, we know what you did,” but the police refused to produce the video when the student maintained she was not involved in the incident.¹⁵⁷

Several students said that constant harassment and threats from police and security have an impact on their attitudes and outcomes in school. One student who had dropped out of school stated:

“I was used to getting searched, getting told that I’m going to end up gang banging. Eventually I got locked up, it happened. But I wonder what would have happened if I wasn’t told those things everyday, if I wasn’t treated that way.”

*- 21 year-old Latino youth,
LA (FG Participant 5)*

D. EXCESSIVE FORCE AND HARM TO STUDENTS

States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation.

- Article 19, Convention on the Rights of the Child

When police officers who are trained to respond to aggressive and criminal behavior are placed in schools and asked to intervene in routine disciplinary matters, there are bound to be incidents when they over-react and use excessive amounts of force against young people. In New York City and Los Angeles, students, parents and teachers reported that police and safety officers have used unnecessary physical force and displays of power in order to subdue and intimidate students.

These actions are in direct violation of human rights law which provides protection from physical and emotional harm. When excessive force is used against students and they feel threatened physically and emotionally, their human rights are violated. Indeed, even witnessing violence and abuse committed against others threatens the well-being of children protected under universal human rights standards.

NEW YORK CITY

In New York City, students reported that police and safety agents have used excessive physical force against students, particularly when disbursing crowds or breaking up fights. When fights occur, police and even some safety agents “slam” students against the walls, against lockers and even down to the ground. In some cases, this practice is used even after the fight is over and there is no remaining threat or danger. For example, one student reported that police intervened in a fight involving her cousin and without trying to calm her down first, “slammed her immediately on the wall.”¹⁵⁸

“I don’t think the slamming is justified unless it’s a serious situation. You should just restrain the student. It makes me scared. I guess it makes me hate the school.”

- 17 year-old 11th grade Latina student (Interview 27)

“There was a girl being arrested, she was fighting back and I saw the police officer dragging her on the floor through the hallway through the high school. It looks like we’re criminals, like they’re taking us down one by one. How am I supposed to focus with this going on, it happens so often. They don’t tell us why things like that happened, they only tell us to do what they want if we want to avoid it.”

- 17 year-old 12th grade African American male student (Interview 17)

Students reported that police and safety agents will also aggressively use searches and interrogations against students which cause emotional harm and violate their physical privacy. A 14 year-old Asian American girl recounted a story when she was accused of being involved in a fight by safety agents because she was present at the time, even though she had not been involved. She said, “the security guard accused me of having a knife. I told them I didn’t have a knife but they didn’t believe me.” Without talking first to a parent, teacher or other adult that knows her, the police physically escorted her to the detention room

and searched her. “They took me to a room and made me take off my shirt and pants to check my bra. They didn’t call my parents or let me talk to a teacher I know. I didn’t have a knife just like I told them.”¹⁵⁹

Witnessing the use of force by police officers and safety agents makes students feel uneasy and that at any moment they could face the same treatment. It can easily distract and de-motivate them from learning.

Several researchers and teachers who were interviewed pointed to the inadequate preparation and training that police officers and safety agents receive before entering the school environment. Police officers in particular bring the mindset and tactics they use on the street into the school. Information on training for police officers is not made easily available to the public, but based on interviews with researchers and a former safety official, it is likely that many officers may receive only one special briefing before being assigned to schools.¹⁶⁰

“School safety agents get some training when they are in the academy and police officers don’t get much. There needs to be a greater level of ongoing in-service training for officers on how to manage themselves in schools.”

- Benjamin Tucker, Former Chief Executive, Office of School Safety and Planning, New York City Department of Education¹⁶¹

For school safety agents, the NYPD provides a training course in police science, law and behavioral science, including some training for reacting to problems in schools. The Department of Education has been involved peripherally in the training for new recruits providing some guidance about the environment in schools. It appears that they receive little preparation in conflict resolution skills or how to use preventive methods. Better training for safety agents is essential for clarifying and improving their role in schools. It is also important that more communication take place between safety agents and educators in school to help clarify their respective roles.

Better training for police officers may also help to improve their conduct in schools, but it does not address the fundamental incompatibility with having armed police regularly patrol schools.

LOS ANGELES

Several students and parents in Los Angeles also said that police sometimes used excessive physical force to subdue students. In particular, police used force when trying to break up fights, “slamming” students against walls or to the ground. One student recalled several incidents in the school yard when the police ran into students with their bicycles to break up fights knocking them down.¹⁶² In some cases, a small disciplinary issue, like a student cutting class in the hallway, escalated into the use of force. One parent described an incident when his son was standing in the hallway during class and the police ordered him to go to class. When the student said no and argued with the officer, the police officer grabbed him by the neck.¹⁶³

In almost every focus group, students and teachers knew of or witnessed incidents when the police used mace or pepper spray on students. The mace was used most often to break up fights or move through crowds surrounding a fight. Police officers used the mace indiscriminately spraying many innocent students that were “just standing around.” Students noted that “the spray makes your face itch and irritates your eyes.”¹⁶⁴ Many students were keenly aware of the threat it poses to students who might be allergic or have asthma. One middle school teacher talked about an incident that sparked a community meeting at her school when a student was taken to the hospital because of the reaction to the mace.

Security guards or police trying to break up fights are also sometimes hit in the process. While recognizing that officers have the right to defend themselves, parents, students and teachers criticized the drastic measures that police officers sometimes take in response. In one case a security guard was knocked in the head while trying to break up a fight and in response he “slammed the student to the ground.”¹⁶⁵

“The student representatives said that the cops shouldn’t have used the mace. The principal said ‘they wouldn’t mace you if you moved out of the way when they tell you.’ I couldn’t believe the response. This is middle school we’re talking about. The principal said, ‘You guys have to learn that when they tell you to move, move.’ It had been a fight and students were surrounding the fight and the police used the mace to break through. The policy still stands that the police can use the mace, but they haven’t done it recently.”

- Middle school teacher (FG Teacher Participant 1)

During a focus group with students, parents and teachers, one parent detailed an incident where a fight between two students escalated when a security guard tried to break it up and became involved in the fight. When other security guards responded, they “picked one of the students up off the ground and pounded him to the ground.”¹⁶⁶ In reaction, other students got involved and the police were called in with riot gear and several students were badly beaten.

A teacher in that same focus group who had witnessed the incident stated that while it was wrong for the students to have fought with the security guards, she felt that it was a reaction to the mistreatment that students had faced on that day, and over time because “those security guards were out of control,” being physical, using handcuffs and mace in the school.¹⁶⁷ She said several students were arrested and others were suspended, but no security guards or police officers were ever reprimanded. Students explained that many times their own behavior will escalate because of the mistreatment they suffer.

Our findings and supporting research demonstrate that the involvement of police officers in non-criminal school disciplinary measures and the use of aggressive safety measures undermine students’ right to education and dignity. In order to effectively create a positive and safe environment, schools should remove police officers and instead promote preventive approaches to addressing student misbehavior.

A HUMAN RIGHTS APPROACH TO EDUCATION



Under a human rights framework, schools must take a child-centered approach to education which includes not only teaching essential academic knowledge and skills, but also creating a positive school environment, supporting the emotional and behavioral development of young people, and encouraging students to participate in developing the school policies that impact their education.

When exploring policy options for how to end degrading treatment in schools and stop unfair and abusive discipline and safety policies, this holistic approach to education should be emphasized. Discipline should be viewed as an effective part of education and a means for teaching positive behavior and keeping children in school rather than a way of excluding problem students. Developing positive and supportive relationships with students should be an essential part of classroom learning and school staff should be given the training and support necessary to create a healthy environment.

The students and teachers we interviewed agreed. One teacher in a New York City public school stressed that the most important way to address safety and discipline problems in schools is to promote positive relationships between students and teachers, guidance counselors and other staff. Staff should listen to and get to know students to find what is leading to their misbehavior. Staff must communicate with one another to develop plans for working with each individual child. Currently, those connections do not exist between most teachers and their students and the services that students need are not available.

“Its not as simple as zero-tolerance policies are bad and not having them is good. It has nothing to do with cops. Arming a school or putting metal detectors in will not solve it. It isn’t even about small schools vs. large schools. If the relationships aren’t there between teachers and students it doesn’t matter.”

*- High school teacher, New York City
(Teacher Interview 1)*

The following recommendations stress the importance of building relationships between students and adults combined with creating school discipline and safety policies that are fair and constructive, and that also ensure the participation of students and parents.

RECOMMENDATIONS

1. Implement whole school approaches to creating welcoming school environments.

The UN Committee on the Rights of the Child states that schools should take a holistic approach to education, integrating “the educational processes, the pedagogical methods and the environment within which education takes place” to guarantee the right to education and dignity.¹⁶⁸ In order to promote a respectful and safe school environment, schools should address the root causes of degrading treatment in classrooms and disciplinary problems.

WHOLE SCHOOL APPROACH TO SAFETY

“You need to look at the entire school environment – adding a few police officers and removing problem students doesn’t fix safety problems in a school in the long-run. You need to look at the leadership in the school. The person at the top of the school has to be a good manager, has to be respected and thoughtful, and needs to look for solutions to prevent problems rather than just reacting to them. If the building is dirty and littered and not clean and painted, if cafeteria food is bad, if staff don’t deal with students in a cordial manner, then all these things contribute to why a school is sick and they all need to be addressed.”¹⁶⁹

*- Benjamin Tucker, Former Chief Executive, Office of School Safety and Planning,
New York City Department of Education*

- School systems should focus on reducing class size and overcrowding, improving school facilities, providing better counseling and mentoring for students, and providing staff development for teachers and principals.
- Schools and districts should include the entire school community in developing discipline and safety policies, including students, teachers, parents, administrators, safety officers, community agencies, and community members. Schools can organize advisory classes and/or school assemblies to gather input from students and enable dialogue between students and school staff.

2. Expand training and resources for school staff development.

Human rights law requires that the government provide adequate resources to ensure the right to education.¹⁷⁰ These resources must include effective staff development for teachers to help them better manage their classrooms and build constructive relationships with students.¹⁷¹ Furthermore, principals need staff development to be more effective leaders and look for solutions to prevent problems rather than simply react to them.¹⁷²

It is also important to involve students in developing and carrying out this staff development. For example, in New York City, students at a youth organization called Sistas and Brothas United organized a tour of their neighborhood for 160 teachers from their high schools and held focus groups with teachers to improve student-teacher relationships and communication in schools.¹⁷³

- School systems should provide classroom management and mediation training for teachers, and leadership development for principals in how to better support teachers and offer proactive strategies to address student behavior.
- School systems should work with teacher preparation programs at universities to incorporate the teaching of these skills into their programs as well.
- Schools should involve students in developing and implementing these trainings for teachers and principals.

3. Create clear guidelines for staff behavior and effective enforcement policies.

The UN Committee on Economic, Social and Cultural Rights states that schools must establish clear standards for the qualifications, training and conduct of staff.¹⁷⁴ But too often codes of conduct are inadequate or applied only to students and not to teachers or other staff.

When school staff violates a code of conduct, students should have remedies available. For example, a program at Central Park East Secondary School, a small public high school in New York City,¹⁷⁵ allows students to take action by requesting mediation with an adult if they feel they have been treated unfairly. This “helps students feel that they truly are participants in the community, and that adults will listen to what’s on their mind.”¹⁷⁶

- There should be clear standards for appropriate behavior by all members of the school community, including students, teachers, administrators and other staff.
- These standards should guarantee respectful and tolerant behavior, prohibit disparate and discriminatory treatment based on race, sex, language and other factors, and ensure that students and adults have the right to express themselves and their opinions freely.
- All members of the school community should be made aware of these standards and the consequences when they are not respected.
- School systems should establish effective enforcement processes to ensure compliance with those standards. Schools should assign independent advocates and/or mediators as a resource for students to go to when they feel mistreated. Depending on the type of incident, these advocates should set up mediations between the student and adult, or investigate the incident to determine whether more formal action should be taken.

4. Focus on counseling, mediation and services for individual students rather than automatic zero-tolerance responses.

The UN Guidelines for the Prevention of Juvenile Delinquency state that “emphasis should be placed on preventive policies facilitating the successful socialization and integration of all children.”

In a study of 1000 students who participated in safe school team meetings in New York State, students’ ideas for how safety could be improved in schools also focused on preventive approaches related to behavior and discipline. In response to the question “What Can Schools Do to Make You Feel Safer?” 52 percent of students said that a change in the social responses to student behavior in schools would be most effective.¹⁷⁷ This includes: talking with students, working with social workers and peer mediation, and “programs that allow students to express themselves;” creating a “more positive and relaxed environment;” and encouraging students to take self-responsibility through motivation and studying.

- School districts should modify discipline codes and allocate additional resources to prioritize preventive strategies, as well as counseling, mediation and support services as mandatory first steps when students are being disciplined.
- Schools should avoid discipline policies that remove students from school whenever possible. When the suspension, expulsion or transfer of a student is necessary, the student should have continued access to education and receive appropriate counseling, mediation or other services.
- School systems should increase the number of guidance counselors in schools and strengthen certification requirements and training for counselors.
- Schools should assign each student experiencing discipline problems to a team of staff (such as teachers, a guidance counselor and dean) to consult with the student and his or her parents.

BUILDING RELATIONSHIPS WITH ADULT MEDIATORS IN SCHOOL

At South Bronx High School in New York City, school aides effectively serve as mediators for students. They interact with students throughout the school on a daily basis, asking them how things are going in school and at home, and when conflicts arise, they enable students to speak together to resolve the conflict. In an article for *City Limits*, Felice Lepore, principal of the Urban Assembly School for Careers in Sports,¹⁷⁸ a small school within South Bronx High School said that one of the reasons why school aides are effective is that they relate to the students. “Many school aides are in their early 30s and live in the same areas students live in,” said Lepore. “They are able to tell the students: Don’t make the same mistakes I did. This is powerful.”¹⁷⁹ Lepore said that nine out of ten conflicts are resolved by the school aides. In the summer of 2006, the Department of Education began training safety-related school aides in other schools in conflict resolution.

5. Remove armed police officers from schools and establish special guidelines and training for school safety officers.

Article 37 of the Convention on the Rights of the Child states that “the arrest, detention or imprisonment of a child ... shall be used only as a measure of last resort and for the shortest appropriate period of time.” The UN Guidelines for the Prevention of Juvenile Delinquency further state that schools should not criminalize the behavior of adolescents. Therefore, the regular presence of armed police in schools is in conflict with human rights law protecting the rights of the child.

However, with proper training, safety officers play an important role in ensuring safety in schools. A study by the Vera Institute evaluating a pilot training program for school safety officers in New York City found that training for safety officers in positive behavior reinforcement techniques can improve their attitudes and interactions with students. The study also found that in order for school safety officers to be effective in improving the overall school environment, everyone in the school, including students, teachers, principals, and safety officers, must have a clear consensus on the role and mandate of the safety personnel in the building.¹⁸⁰

- Armed police officers should be removed from a regular presence in schools.
- School districts should develop clear mandates and guidelines for school safety officers with the participation of students,

parents and educators.

- School districts should provide relevant trainings for school safety officers that teach age appropriate responses to behavior and positive reinforcement and preventative techniques.
- Principals should have expanded authority over safety responses.
- In-school trainings should be conducted with safety personnel, their supervisors, principals, teachers and deans together so there is a shared approach to discipline. Youth should be involved in developing and carrying out the training as well, which can be used as a mechanism for gathering feedback on the performance of school safety officers from students.

6. Eliminate discriminatory practices and outcomes in the classroom and disciplinary measures.

Article 2 of the Convention on the Rights of the Child prohibits discrimination in the fulfillment of all the rights of the child, including the right to education, “irrespective of the child’s or his or her parent’s or legal guardian’s race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.” Studies described in this report show that mistreatment and harsh discipline are imposed on students in a racially disparate manner. Moreover, studies also reflect that mistreatment and harsh discipline—irrespective of

racial disparities in the number of incidents—has an even more harmful effect on African American and Latino students than White students due to their different social context.

- Codes of conduct for students and staff, discipline codes and safety plans should include prohibitions on discriminatory practices in the treatment or punishment of students.
- Staff should receive training to prevent discriminatory treatment or practices and to increase their knowledge of the social, cultural and linguistic backgrounds of students.
- School systems should implement processes to hire more teachers who represent the racial and cultural backgrounds of their students.
- School districts should collect data on the race, gender, economic status, language and other characteristics of students involved in

disciplinary processes, and should disseminate the data to school staff, parents and advocates for use in review processes to identify and address the disparate impact of policies.

7. Increase student participation in discipline and other school policies.

The UN Committee on the Rights of the Child states that “peer education and peer counseling, and the involvement of children in school disciplinary proceedings should be promoted as part of the process of learning and experiencing the realization of rights.”¹⁸¹ Several studies of successful safety and disciplinary approaches have also shown the importance of student participation in making their school a safer place. Students can help to identify discipline problems that exist in their school, what the causes are, and how they can be solved. Such participation includes both giving students greater voice in school safety decisions, and directly involving young people in creating consequences for their peers who break the rules.¹⁸²

RESTORATIVE JUSTICE AND STUDENT PARTICIPATION

At Humanities Preparatory Academy, a small public high school in New York City,¹⁸³ students participate in a Fairness Committee when a student or adult has violated the school community norms. The Fairness Committee is based on a restorative justice model of discipline in which all members of the school community, come together to determine consequences for students and staff.

In an article in *Rethinking Schools* a teacher at Humanities Prep, Maria Hantzopoulos, describes what happened to one student who came before the Fairness Committee for breaking a window at the school.¹⁸⁴ The committee uncovered that the student’s family was being kicked out of their shelter. As a result of the process, the student’s advisor and the school social worker reached out to his family to offer support, and the student gave back to the school community by helping to answer the phone after school for a month. The teacher said of the process “if the fairness committee had been a systematic, rigid mechanism, we would not have been able to brainstorm these solutions.” The teacher also said that most importantly the process “validates students as thinkers and decision-makers, and reinforces the idea that they have a stake and voice in their communities.”

In 2006, the Chicago public school system adopted a new system-wide student code of conduct that “embraces” the philosophy of restorative justice. The Board has committed to develop a comprehensive approach to student discipline that includes “components of restorative justice, alternatives to out of school suspension, and additional measures aimed to ensure a safe and positive environment for students and school personnel.”¹⁸⁵ It will be several years before the impact of this decision can be assessed, but it represents a positive step forward.

- Students should participate directly in developing and implementing discipline and safety policies at the district and school level.
- Schools should also create mechanisms for students to participate directly in disciplinary processes, such as peer mediation programs, peer juries and peer mentoring.

8. Ensure parent and community participation in decision-making regarding their children and their schools.

Human rights standards guarantee the right of parents and the broader community to participate in decision-making that impacts their children and the right to education. Studies have shown that effective parent and community participation in schools can lead to more safe and effective school environments.¹⁸⁶

- Teachers should notify parents when there is a problem with their child and parents should be included in meetings with school staff to address academic or behavioral problems experienced by their children.
- Parents should be notified and involved in the decision to discipline their child.
- Parents and communities should participate in the planning and implementation of school safety and discipline plans.
- Schools should be encouraged to partner with community agencies to provide counseling, mediation and other services for students.



ENDNOTES

1. General Comment 1, United Nations (U.N.) Committee on the Rights of the Child, CRC/GC/2001/1. The UN Committee, a treaty-body created to monitor government compliance with the Convention on the Rights of the Child (see *infra* n. 3), issues general comments to provide guidance on treaty implementation. General Comment 1 addresses implementation of Article 29 of the Convention on the aims of education.
2. International Covenant on Economic, Social and Cultural Rights (ICECSR), Article 13, *entry into force* January 3, 1976. The Covenant has been ratified by 155 countries.
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14. As a signatory to a human rights treaty, the U.S. is obligated to refrain from violating the "object and purpose" of the treaty (see Vienna Convention on the Law of Treaties, Article 18, *entry into force* January 27, 1980). The U.S. signed the International Covenant on Economic, Social and Cultural Rights in 1977. The U.S. signed the Convention on the Rights of the Child in 1995.
15. To ratify a treaty, first the U.S. President signs the treaty, and then the U.S. Senate passes a resolution consenting to making the treaty part of U.S. law. The U.S. ratified the International Covenant on Civil and Political Rights in 1992 which entered into force March 23, 1976 and is ratified by 156 countries. Articles 2 and 24 protect against discrimination in education. The U.S. ratified the Convention on the Elimination of All Forms of Racial Discrimination in 1994 which entered into force January 4, 1969 and is ratified by 173 countries. Article 5 protects against racial discrimination in education.
16. There are 32 local district Community Education Councils. Parent members are elected by the Parent-Teacher Associations of schools to represent the broader parent population. A Citywide Council on High Schools is also elected.
17. Focus groups rather than interviews were conducted in Los Angeles because of time and resource constraints.
18. We recognize that there may be bias in this sample given that parents and students who are motivated to join community organizations may have characteristics that differentiate them from most of their peers. To partially address this concern we chose different community organizations serving a variety of different constituencies. We also found that during the interviews and focus groups, that students' behavior in school, disciplinary history and relationships with school staff varied, suggesting that they were reasonably representative of a wide range of experiences.
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 34. Characteristics of the 100 Largest Public Elementary and Secondary School Districts in the United States: 2003–04. National Center for Education Statistics, U.S. Department of Education. Table A-9.
 35. *Id.* 2001-2002. Table 8.
 36. District Profile 2004-2005, Los Angeles Unified School District. Education Data Partnership, California Department of Education.
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 49. Interview 22, NYC. 14 year-old 9th grade African American female student.
 50. Interview 7 (Focus Group – Interviewees 3 through 7 were members of a focus group), NYC. 14 year-old 9th grade Asian American female student.
 51. General Comment 8, UN Committee on the Rights of the Child, CRC/C/GC/8, 21/08/2006. General Comment 8 addresses implementation of Articles 19, 28 and 37 of the Convention on the Rights of Child.
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98. Interview 32, NYC. 17 year-old 12th grade African American male student.

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APPENDIX A

CHARACTERISTICS OF INTERVIEW AND FOCUS GROUP PARTICIPANTS

Student Interviews/ Focus Groups	New York City	Los Angeles
Total	35	22
<i>Race</i>		
African American	17	12
Latino	13	5
Asian American	2	1
Native American	0	0
White	0	0
Other		
Arab American	1	
Caribbean	1	
Chinese American	1	
Mexican American		4
<i>Sex</i>		
Male	17	14
Female	18	8
<i>Age</i>		
13 – 15 years-old	12	4
16 – 18 years-old	21	13
19 – 21 years-old	2	5
<i>Grade Level</i>		
Middle school	3	1
High school	28	17
Out of school	4	4

Parent Interviews/ Focus Groups	New York City	Los Angeles
Total	6	18
<i>Race of children</i>		
African American	2	7
Latino	3	11
Asian American	0	0
Native American	0	0
White	1	0
Other	0	0
<i>Number of parents* with children at the following school levels</i>		
High school	3	12
Middle school	4	10
Elementary school	2	2

*There are some parents with children at more than one school level which is why the total number of parents listed here is greater than the number of parents we interviewed.

APPENDIX B

SCHOOLS ATTENDED BY INTERVIEW AND FOCUS GROUP PARTICIPANTS

Schools Attended by Interview Participants in NYC, Average Data for 2003-2004 School Year

Type of School	Number of Schools	Enrollment	% African American	% Latino	% Asian American & Others	% White	% Students Suspended	% Attendance	% School Capacity
Large High Schools	9	2906	43.8	35.3	12.1	8.8	5.3	79.8	109.4
Impact High Schools	5	2591	55.4	37	3.8	3.7	8.7	72.3	130.2
Small High Schools	5	360	48.6	38	2	11.3	4.1	89	93.7
Middle Schools	3	1256	41.8	34.3	14	9.9	10	90.6	95.7
Districtwide High Schools		1230	35	35.7	14.1	15.2	6	83.3	105.9

Schools Attended by Focus Group Participants in LA, Average Data for 2004-2005 School Year

Type of School	Number of Schools	Enrollment	% African American	% Latino	% Asian American & Others	% White	% Students Suspended	% Attendance
Large Senior High Schools	12	3555	28.3	60.1	6	5.6	15.7	86.9
Small Alternative High Schools	3	69.5	74.4	20.3	2.1	3.2	7.29	92.5
Middle Schools	3	1477	22.4	72.3	2.4	2.8	36.7	91.2
Districtwide Senior High Schools		3002	15.8	66.8	7.2	9.3	14.6	93.2

APPENDIX C

STUDENT INTERVIEW AND FOCUS GROUP GUIDE

Topic 1: Treatment in the classroom

1. Let's start by talking about what happens in the classroom between students and teachers. Can you describe an example of a positive experience with a teacher and an example of a negative experience?
 - a. Can you go to teachers to talk about problems you are having?
 - b. Do you think teachers care about their students? What expectations do teachers have for students?
2. Do you think students are treated with respect by teachers?
 - a. Are there incidents you have experienced or witnessed of respect/disrespect? What happened?
 - b. Do teachers say things to students that might make them feel humiliated or hurt? What do you consider to be humiliating treatment from a teacher to a student? Are students ever called names by teachers?
 - c. How many teachers in your school act in disrespectful or humiliating ways? How often?
3. Are there some students who are treated differently from others? Why do you think they are treated differently?
4. If there are times when students are not respected by teachers, how do students react? Does it affect learning?
 - a. Does it affect students' motivation? Does it affect students' desire to listen? Study? Do homework?

Topic 2: Treatment in disciplinary proceedings

1. Now let's talk about what happens when a student breaks one of the rules in school. What are some of the rules that students typically get in trouble for breaking at your school?
2. How are students disciplined for breaking those rules? What kinds of things do students get suspended for?
 - a. What types of incidents are dealt with by the teacher, by the principal and by the security officer?
 - b. Are there positive and negative ways to discipline students? What are some of each?
3. How are students treated in a disciplinary procedure? Are students respected and treated fairly?
 - a. Are their incidents you experienced or witnessed of respect/disrespect? What happened?
 - b. Do teachers, officers or administrators do things to students that might make them feel humiliated or hurt during these procedures? What do you consider to be humiliating treatment?
 - c. How many security officers, teachers, or administrators in your school act in disrespectful or humiliating ways during a disciplinary action, in other words is it common or rare?
 - d. Why do you think teachers, officers or administrators behave in this way?
4. Are there some students who are treated differently than others?
5. If there are times when students are not respected when there is a disciplinary issue, how do students react?
 - a. Does it affect students' desire to be in school or to follow the rules next time?
 - b. Does it affect students' concentration in the classroom after such an incident?
 - c. Do incidents of mistreatment of one student affect other students' attitudes in school? If so, how?
6. Do students get suspended for things that you don't think they should be suspended for?
 - a. Have you ever received a punishment for something in school that was more serious than what you think you deserved? How did it make you feel? How do you think it makes other students feel?
7. Are there times when students should be more harshly disciplined for some types of behavior?

Topic 3: School environment and safety

1. Now we're going to talk about what your environment at school is like and whether students feel safe. Do you feel safe in your school and why or why not? Are there some students that do feel safe and others that don't?
 - a. If you feel unsafe, what is it like to feel unsafe? How did feeling unsafe affect your ability to learn?
2. Do you have police officers in your school and/or school safety officers in your school? How does the presence of police officers make you feel?
 - a. When do police officers make you feel more safe or less safe? Do they make your school a better place?
3. Do you have security cameras or metal detectors in your school? If yes, how do they make you feel?
 - a. When do they make you feel more safe or less safe? Do they make your school a better place?

APPENDIX D

STUDENT INTERVIEW AND FOCUS GROUP PARTICIPANT SURVEY

Please check the box that describes how you feel.

(1) How often do the adults at your school, including teachers, guidance counselors, principals and security officers, treat students with respect?

All the Time	Most of the Time	Sometimes	Rarely	Never
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

(2) How often are you treated in the following ways by teachers in your school?

	All the Time	Most of the Time	Sometimes	Rarely	Never
a) My teachers treat me with respect	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) My teachers tell me when I am doing a good job	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) My teachers help me with my problems	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) My teachers say things that humiliate or insult me	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) My teachers say that I am stupid or unintelligent when they comment on my work	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) My teachers treat me worse because of how I look or dress	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

(3) How often are the following statements true?

	All the Time	Most of the Time	Sometimes	Rarely	Never
a) I treat my teachers with respect	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) I respond if my teacher asks me to do something in class in a respectful way	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) My teachers can call a guidance counselor or other adult to help when there are problems with students	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Students misbehave because there are too many students in the classroom	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) I continue misbehaving even if my teacher asks me to stop without humiliating or mistreating me	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

(4) Does the way you are treated by teachers make it easier or harder for you to learn?

It Makes It A Lot Easier to Learn	A Little Easier to Learn	The Same	A Little Harder to Learn	A Lot Harder to Learn
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

(5) Are students of different racial or ethnic backgrounds treated differently by teachers?

Yes

No

(6) What type of security officers do you have at your school? (check all that apply)

Police Officers	School Safety Officers	None
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

(7) How are you treated by police and safety officers in your school?

	All the Time	Most of the Time	Sometimes	Rarely	Never
a) Police and safety officers treat me with respect	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Police and safety officers help me with my problems	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Police and safety officers make me feel safe	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Police and safety officers say things that humiliate or insult me	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Police and safety officers make me feel threatened	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

(8) Does the way you are treated by police and safety officers make it easier or harder for you to learn?

It Makes It A Lot Easier to Learn	A Little Easier to Learn	The Same	A Little Harder to Learn	A Lot Harder to Learn
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

(9) Are students of different racial or ethnic backgrounds treated differently by police and safety officers?

Yes No

(10) How does each of the following affect how you feel about your school?

Security Policies:	Makes my School A Lot Better	A Little Better	The Same	A Little Worse	A Lot Worse	My School Doesn't Have This
a) Police officers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Metal detectors	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Security cameras	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Searches of your locker	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Searches of your backpack	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Searches of your body	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

(11) How often are you involved in misbehavior in school that gets you punished by an adult?

All the Time	Most of the Time	Sometimes	Rarely	Never
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

(12) How often does that misbehavior involve violence or the threat of violence?

All the Time	Most of the Time	Sometimes	Rarely	Never
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

(13) If you were accused of breaking the rules and punished, how were you treated?

	All the Time	Most of the Time	Sometimes	Rarely	Never
a) I was treated fairly	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) I was treated with respect	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) I felt hurt or humiliated	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) I received punishments that were too serious for the type of misbehavior	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

(14) Which types of adults were involved when you were punished?

	All the Time	Most of the Time	Sometimes	Rarely	Never
a) Teachers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Principals	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Guidance Counselors	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Security Officers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

CONTRIBUTING ORGANIZATIONS

Coalition for Educational Justice (CEJ)

CEJ is an anti-racist organization of students, parents, and teachers, campaigning in Los Angeles for an end to high-stakes testing, more resources for public schools, lower class sizes, local democratic control of schools, and comprehensive bilingual education.

5927 Great Oak Circle • LA, CA 90042 • Ph: 323-255-3258 • byron.g@sbcglobal.net

Community Asset Development Re-defining Education (CADRE)

CADRE is a grassroots community organization founded in 2001 whose mission is to solidify and advance parent leadership to ensure that all children are rightfully educated regardless of where they live. CADRE is led by African American and Latino South Los Angeles parents and caregivers whose children attend local schools in the Los Angeles Unified School District. CADRE carries out our mission through grassroots, community-based parent organizing. Through parent-led strategies and campaigns, CADRE's goal is to mobilize political will and effect policy change that preserves and expands the right to education for all South Los Angeles children and youth.

8510 1/2 South Broadway • Los Angeles, CA 90003 • Ph: 323-752-9997 • info@cadre-la.org • www.cadre-la.org

Community Coalition

Community Coalition is a nonprofit organization founded in 1990 by community leaders responding to the crack epidemic that hit South Los Angeles in the 1980s. To this day, our primary goal remains the same: To address the fundamental conditions of poverty, racism and joblessness that foster drug addiction and crime. The coalition works with African American and Latino residents to build a prosperous and productive South LA with safe neighborhoods, quality schools, a strong social safety net, and economic development based on community need.

8101 S. Vermont Ave • Los Angeles, CA 90044 • Ph : 323-750-9087 • sheilagh@ccsapt.org • ccsapt.charityfinders.org

InnerCity Struggle

InnerCity Struggle promotes safe, healthy and non-violent communities by organizing youth and families in Boyle Heights and East Los Angeles to work toward economic and social justice. We involve youth, families and community members that work together for change in their communities. We provide positive after-school programs for students to become involved in supporting our schools. We have empowered students to reach their family's dream of college. The work of InnerCity Struggle demonstrates that youth and parents working together are a powerful force for improving their communities and making real change.

2811 Whittier Blvd • LA, CA 90023 • Ph: 323-780-7605 • ICS@InnerCityStruggle.org • www.innercitystruggle.org

Make the Road by Walking

Make the Road by Walking promotes economic justice, equity and opportunity for all New Yorkers through community and electoral organizing, strategic policy advocacy, leadership development, youth and adult education, and high quality legal and support services.

301 Grove Street • Brooklyn, NY 11237 • Ph: 718-418-7690 • list@maketheroad.org • www.maketheroad.org

Parents for Unity

Parents for Unity is a volunteer community based organization that acts as a liaison between the school, local, state, and federal government; fostering information and community support. We are dedicated to promoting the general welfare of low income families by endeavoring to maximize the academic success of all children and by improving our neighborhoods making them clean and safe places to live.

Gabriel Medel • P.O. Box 19151 • Los Angeles, CA 90019 • Ph: 323-734-9353 • g.medel@sbcglobal.net

People Organized for Westside Renewal (POWER)

People Organized for Westside Renewal (POWER) is a community organization that works in low-income areas of West Los Angeles and fights for affordable housing, education, the social safety net and public safety. POWER employs a community organizing model focused on relationship building and direct action to effect positive change within low-income communities. POWER's implementation of this relational organizing model unites neighborhood leaders with neighborhood institutions to fight for social change and to build social capital.
235 Hill Street • Santa Monica, CA 90405 • Ph: 310-392-9700 • info@power-la.org • www.power-la.org

Prison Moratorium Project

Founded in 1995, the Prison Moratorium Project (PMP) is a multi-racial group of youth, community members and formerly incarcerated persons. Based in Brooklyn, New York, we work locally and nationally to stop prison expansion and mass incarceration – particularly of youth – and empower communities most directly affected by the prison system through education, advocacy, leadership training and technical assistance. We have three program areas: Teach Justice; Education Not Incarceration; and No More Prisons.
Ph: 718-260-8805 • krhee@nomoreprisons.org • www.nomoreprisons.org

Prospect Park Youth Council

The Youth Council is a youth empowerment leadership program, created in 1998 to address the needs of both Brooklyn's youth and the Park. With over 150 graduates, the Youth Council offers leadership skills, full access to the Youth Resource Center, the opportunity to work on Park projects, and the chance to network with Park patrons, community-based organizations, and officials from all levels of government. Members learn to make their voices heard, to speak in public with confidence, to become better listeners, and to organize other youth groups.
Ph: 718-854-4901 • youthprograms@prospectpark.org • www.prospectpark.org

Sistas on the Rise

Sistas on the Rise, founded in the fall of 2002, seeks to build sisterhood that takes action for community empowerment and social change. We work towards the personal and political development of low-income mothers of color ages 13-21 in the South Bronx. Our goal is to raise consciousness and change conditions within our community. We believe that our collective power and creativity as young mothers and women of color can challenge racism, classism, machismo, heterosexism and other beliefs and practices we face that lead to inequality and oppression. We utilize popular education, community organizing, spiritual grounding, cultural values and traditions to provide a youth-led program that cultivates a safe space for healing and social and economic justice.
PO Box 740581 • Bronx, New York 10474 • Ph: 718-991-6003 • info@sistasontherise.org • www.sistasontherise.org

United Puerto Ricans of Sunset Park (UPROSE)

Founded in 1966, by Puerto Rican activists, UPROSE is Brooklyn's oldest Latino community-based organization. In 1996 our mission shifted to organizing, advocacy and developing intergenerational, grassroots leadership through activism. In reaching these goals, UPROSE focuses on environmental, social and economic justice.
Frank Torres, Director of Youth Leadership Training and Organizing
166A 22nd Street • Brooklyn, NY 11232 • Ph: 718-492-9307 • YouthJustice@uprose.org • www.uprose.org

The Youth Justice Coalition

YJC is a youth led organization located in South Central Los Angeles fighting for the rights of youth throughout L.A. County. We demand respect from people who run and patrol Los Angeles streets and we don't back down. We have been fighting for major changes in the Juvenile Halls and Camps.
P.O. Box 73688 • Los Angeles, CA. 90003 • Ph: 323-235-4243 • www.youth4justice.org



NATIONAL ECONOMIC AND SOCIAL RIGHTS INITIATIVE (NESRI)

90 John Street, Suite 308 • New York, NY 10038

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