

No Mercy, Kid!

Michael Crowley

In the name of “zero tolerance,” our schools are treating innocent children like criminals

On a chilly December morning in Houston, Eddie Evans's 12-year-old son hurried out the door in shirt sleeves on his way to the bus stop. Feeling the cold, he ducked back into his house to quickly grab a jacket. It wasn't until he'd gotten inside the school building that he remembered his three-inch pocketknife was still in his coat. Why would a sixth-grader carry a knife? Because he was a Boy Scout and he'd brought it to his last Scout meeting.

After asking a friend what he should do, the boy decided to keep quiet and hide the knife in his locker until the end of the day. But his friend mentioned the knife to a teacher, and school officials called the police. That afternoon, cops arrested the Evans child and took him to a juvenile detention center. “From that point on, my family's life was flipped on its head,” the boy's father says.

The boy was suspended from school for 45 days and enrolled in an alternative school for juvenile offenders. Evans says the place was like a boot camp, where his son – a good student, a youth leader in his church and a First Class Boy Scout – was so miserable he talked about suicide. This is yet another chapter in the ongoing madness that is America's “zero tolerance” craze. Schools nowadays are wildly overreacting to any behavior with a whiff of danger or controversy. Some of these policies were a response to rising teen drug use and high-profile school shootings (such as the massacre at Columbine High School in 1999), which led to a wave of tough federal, state and local laws dealing with drugs and guns.

But they've been applied to everything from typical rowdy behavior to innocent missteps. According to a report issued by the Justice Policy Institute in Washington, D.C.:

- A 17-year-old in Richmond, Illinois, shot a paper clip with a rubber band, missing his target but hitting a cafeteria worker instead. He was expelled.
- A 12-year-old in Ponchatoula, Louisiana, diagnosed with a hyperactivity disorder, told others in a lunch line not to eat all the potatoes, or “I'm going to get you.” Turned in by the lunch monitor, he was referred by the principle to the police, who charged the boy with making “terroristic threats.” The kid spent several weeks in a juvenile detention center.
- A 13-year-old in Denton County, Texas, was assigned in class to write a “scary” Halloween story. He concocted one that involved shooting up a school, which got him a visit from police – and six days in jail before the courts confirmed that no crime had been committed.

“Zero tolerance has been implemented mindlessly,” says education professor Cecil Reynolds of Texas A&M University. “Anytime you take something as complex as the way children behave and apply something simplistic to it, you can't be doing a good job.”

Take a recent case of “sexual harassment” in a Hagerstown, Maryland, elementary school. Now, sexual harassment is serious business. But what if I told you the suspect in this case was still trying to master the alphabet? Last December a five-year-old boy pinched the behind of a girl in his kindergarten class and was cited for harassment. As the boy's father told a local newspaper, “He knows nothing about sex.”

But school officials said that the pinch fell under the Maryland Department of Education's definition of sexual harassment and that a tough response would be a learning experience for the child. The incident will stay in the young boy's file for as long as he remains at the school. And he's

not even the first to be treated this way: According to Maryland state data, 15 kindergartners were suspended for sexual harassment in the 2005-2006 school year.

Cases like these might be one reason the American Psychological Association says zero tolerance policies are having a harmful effect on our kids. When the APA studied such policies last year, it found that kids actually feel less safe and have lower academic performance in schools with high suspension or expulsion rates (and that's even if you take other factors, like local income levels, into account). The APA also found that suspending students under zero tolerance rules makes it more likely they'll be disruptive in the future.

Educators should have "zero tolerance for the behavior but not zero common sense for the consequences," says Tom Hutton, an attorney for the National School Boards Association.

And one consequence, a Virginia attorney told the American Bar Association's journal, is the "kids are not going to respect teachers and administrators who cannot appreciate the difference between a plastic knife and a switchblade."

The good news is that some parents have been fighting back. Eddie Evans, for one, didn't take what happened to his son lying down. He contacted everyone from the governor to his state legislators. He organized a parents' group, complete with its own website, called Texas Zero Tolerance.

Soon he was testifying at the state capitol to reform Texas's inflexible zero tolerance laws. In 2005 Gov. Rick Perry signed a law that would give special consideration to whether students with weapons had any intent to cause harm or were acting in self-defense. Present at the ceremony: Eddie Evans and his son.

"Get involved in the political process," Evans now urges other parents, "because if you remain silent, the system will not change." His family had the courage and tenacity to say, Enough! Now, how about the rest of us?