

November 11, 2009

EDITORIAL

The Trouble With 'Zero Tolerance'

Congress took a reasonable step in 1994 when it required states receiving federal education money to expel students who brought guns onto school property, but states and localities overreacted, as they so often do. They enacted "zero tolerance" policies under which children are sometimes arrested for profanity, talking back, shoving matches and other behavior that would once have been resolved with detention or meetings with the students' parents.

This arrest-first policy has been disastrous for young people, who are significantly more likely to drop out and experience long-term problems once they become entangled in the juvenile justice system. It has led to egregious racial profiling, with black and Hispanic students being shipped off to court at a higher rate than white students. And it has been a waste of time for the police to haul off children to the courts when they should be protecting the public from real criminals.

School officials who want to back away from the failed zero tolerance policy are looking to a farsighted model developed in Clayton County, Ga., a fast-growing enclave south of Atlanta. Its juvenile courts were nearly overwhelmed by students referred from their schools — mainly for minor offenses like fistfights and disruptive conduct.

Juvenile court officials met with the schools and explained the dangers of criminalizing what are essentially normal childhood behaviors. They also helped to retrain school counselors and cooperated with the schools to create a three-strikes system for dealing with minor offenses.

Under this system, the student receives a warning after the first offense. After the second offense, students and parents are required to attend a mediation session or a school conflict workshop. The third offense leads to a court complaint.

The number of children referred to juvenile court dropped by about half after the new system went into effect. With fewer low-risk students being referred to the courts, probation officers were able to focus more closely on high-risk young people, driving down felony numbers as well. Graduation rates have risen steadily since 2004, the year the new protocol was introduced.

According to the juvenile court official who helps to oversee the program, police officers have a better and more effective relationship with the students, now that they have stopped dragging them off to court for every little spat.

Impressed by these results, the court and school officials in Birmingham, Ala., recently adopted a similar protocol. Clearly, more school systems need to follow suit.

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