Safeguarding Students’ Access to Education: An Analysis of Stop-and-Frisk and Zero-Tolerance Policies

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The right to an education is one of the greatest civil rights issues of our time (U.S. Department of Education, 2014). Students cannot receive a quality education if they do not have access to education. One of the barriers to accessing education occurs when students have encounters with police during school that result in police interactions, suspensions, and expulsions. These interactions prohibit students from learning and being present in the classroom.

Police encounters in school occur as early as preschool and particularly among African American children. For example, African American preschool children represent 19 percent of preschool enrollment, yet they encompass 47 percent of out-of-school-suspensions and are more than three times more likely to receive one or more out-of-school suspensions than White preschool children (U.S. Department of Education, Office for Civil Rights, 2016). Further, schools with greater numbers of African American children were found to enforce punishments, such as suspensions and expulsions, more frequently for children who are deemed as having behavioral issues at school. This contrasts with providing behavioral resources and interventions that are...
available through federal laws, such as the Individuals with Disabilities Education Act and Section 504 of the Rehabilitation Act (Ramey, 2015). When students miss instructional time, they risk falling further behind academically. In addition, far too often students who are disciplined for behavioral infractions do not fully understand the purpose of their punishment, do not have the opportunity to explain the circumstances that led to the punishment, and can feel isolated from their peers.

**Addressing the Preschool-to-Prison Pipeline**

The punishments that some children receive at school are not limited to suspensions and expulsions. For many, a behavioral issue at school can result in their first encounter with police as increasing numbers of police are intervening in school behavioral matters. For example, in Kansas City, Mo., police handcuffed a second grader who was accused of disrupting his classmates because he was crying as a result of being bullied (Klein, 2016). In Flint, Michigan, police handcuffed a seven-year-old with attention-deficit/hyperactivity disorder (ADHD) (Ketchum, III, 2015). African American boys are three times more likely to be arrested at school than White boys (Blad & Harwin, 2017). Further, students with disabilities are three times more likely to be arrested than their peers (Shaban, Bott, Villarreal, & Carroll, 2017).

At an early age, many African American males are being prepared for, and are deemed a part of, the preschool-to-prison pipeline. This pipeline process is described as beginning in preschool and continuing through elementary and middle school, ultimately affecting African American males who drop out of high school and enter federal and state prisons (Rashid, 2009). The preschool-to-prison pipeline and barriers to education are enforced through zero-tolerance policies and encounters with police, such as stop-and-frisks. These policies are certainly related: stop-and-frisks and negative encounters with police deal with experiences, while zero-tolerance policies deal with consequences and punishments.

The following sections briefly explore these policies, their effects on underrepresented populations and all children, and current reforms that are being implemented in Michigan and beyond. The response is a call to action for teachers to utilize inclusive practices that will seek to destroy the preschool-to-prison pipeline.
An Analysis of Zero-Tolerance Policies

Zero-tolerance policies are described as “strict, uncompromising, automatic punishment to eliminate undesirable behavior” (Wilson, 2014, p. 50). Legislators across the country began to initiate these policies in the 1990s as a method to address growing violence in schools (McAndrews, 2001). While the initial focus of the policies was on guns, states began to expand zero-tolerance policies to other infractions, such as behavioral and disciplinary issues (McAndrews, 2001).

One can argue that zero-tolerance policies enforce a one-size-fits-all solution to a problem and they do not consider a variety of extenuating circumstances. For example, in Charlotte, N.C., a 12-year-old African American boy defended himself by pushing a classmate who punched him more than a dozen times (Sentendrey, 2016). The school enforced a zero-tolerance policy for fighting, regardless of whether the fight took place as a result of bullying or self-defense (Sentendrey, 2016). In Mississippi, a 15-year-old was suspended because he took a picture with his science lab group while holding up three fingers, which stood for the number of his football jersey. He was mistakenly accused of making a gang sign (Mintz, 2014).

An Analysis of Stop-and-Frisk and Police Encounters

The overwhelming majority of police strive to serve and protect our country and there are countless examples of the benefits of positive police and civilian interactions. In Kansas City, a police officer shocked a group of African American youth when he challenged them to a dance-off while patrolling their neighborhood (Locker, 2014). In the wake of the Michael Brown shooting, a photo of a police officer hugging a 12-year-old African American boy went viral (Fritzell, 2014). In Louisiana, a driver was overwhelmed with emotion when she was pulled over by a police officer not for speeding or breaking a law, but to make sure that she was all right since she was driving under the speed limit (Pitts, Jr., 2017). These are just a few examples of positive interactions between police and the community.

Conversely, interactions between police and civilians can occur through the use of stop-and-frisk, which refers to the police practice of temporarily detaining people on the street, questioning them, and possibly also frisking or searching them (Center for Constitutional Rights, 2012).

Disparities in stop-and-frisks among African Americans persist throughout the country. In Philadelphia, one study found that African Americans were more likely to experience a stop-and-frisk regardless of whether there was high crime in the area and were more likely to experience a frisk that did not lead to an arrest or reveal illegal weapons (Hannon, 2017). In Milwaukee, Wis., an African American driver was seven times more likely to be stopped by police than a White driver (Poston, 2011). In Chicago, African Americans comprised 72 percent of all stops while they make up only 32 percent of the city’s population; more than 250,000 stops were reported that did not lead to an arrest (American Civil Liberties Union of Illinois, 2017).

Aside from the statistical disparities among stop-and-frisks, there are the personal stories involving police encounters among some African American males. In California, police struck a 16-year-old African American male in the face and pinned him down as he waited at a bus stop for walking in a designated bus lane (Miller, 2015). In New Haven, Conn., a police officer mistakenly stopped and pointed a gun at a third-year college student who was walking from the library because he allegedly fit the description of a burglary suspect (Sieczkowski, 2015).

In addition, police encounters cross socioeconomic status and age. Police tackled and handcuffed a retired police officer, James Blake, because they were mistakenly told he...
fit the description of a person involved in credit card fraud (Ellis, Prokupecz, & Yan, 2015).

These encounters do not always end in being stopped, frisked, and/or handcuffed. In the worst case, a negative police encounter can end in death. Samuel DuBose, Tamir Rice, Michael Brown, and Eric Garner are only a few examples of unarmed African American males, as young as 12 years old, who were killed during police encounters (Dewan & Oppel, Jr., 2015; Sewell, 2017).

**Current Reforms in Stop-and-Frisk and Zero-Tolerance Policies**

Data continue to emerge regarding how cities are seeking to monitor their current stop-and-frisk policies. In Chicago, a 2015 lawsuit between the American Civil Liberties Union of Illinois and the Chicago Police Department resulted in fewer stops by police. However, police have still been found to stop minorities more frequently (Babwin & Tareen, 2017). In Philadelphia, police are being held more accountable by facing discipline if they show a pattern of stopping pedestrians without cause or fail to complete the necessary procedural steps, such as completing a report properly, when they do stop a pedestrian (Babwin & Tareen, 2017).

Some states (e.g., Florida, Colorado, and North Carolina) have eliminated or amended their zero-tolerance policies (Moreno, 2016). Other states, such as Delaware and Illinois, are working to reform zero-tolerance policies (Eichmann, 2017; Moreno, 2016). Michigan recently enacted legislation (Revised School Code Act 451, 2017; Roth, 2017) that requires school administrators to consider individual factors before suspending or expelling a student. These factors include:

1. The pupil’s age
2. The pupil’s disciplinary history
3. Whether the pupil is a student with a disability
4. The seriousness of the violation or behavior committed by the pupil
5. Whether the violation or behavior committed by the pupil threatened the safety of any pupil or staff member
6. Whether restorative practices will be used to address the violation or behavior committed by the pupil
7. Whether a lesser intervention would properly address the violation or behavior committed by the pupil

**Collaborating to Destroy the Preschool-to-Prison Pipeline**

As educators, we are advocates for social justice. Students depend on us to fight on their behalf. To evaluate our success in affecting students’ lives, we must assess our effectiveness at addressing issues that influence students’ ability to succeed. One of the most important methods for preventing barriers to education includes incorporating developmentally appropriate strategies to reach all students, regardless of their needs.

As states and legislators are moving away from zero-tolerance policies, an emphasis is being placed on restorative justice practices. These practices stress the importance of collectively working together to address students’ disciplinary issues and hold them accountable for their actions, while ensuring that the students feel included and recognize their importance within their community (González, 2012). In conjunction with the new policies recently implemented in Michigan, educators can utilize the resources of their schools and districts (e.g., counselors, behavioral training, conflict resolution, support of administration and teachers) to ensure that the needs of students who have behavioral issues are being addressed. Utilizing such resources helps provide insight into why students are being disciplined and what we can do to help each student on a case-by-case basis.

Decreasing zero-tolerance offenses, stop-and-frisks, and negative encounters with police is also a community issue. It involves making sure that children see police, teachers, and even state officials as their advocates from an early age.

One of the ways this can be done with police and state officials is by inviting them into classrooms and communities to have dialogues about the important responsibilities police have to ensure safety for all and the role legislators have to develop policies that will ensure student success.

Educators also can help address the preschool-to-prison pipeline by collaborating with families. Far too often
parents, guardians, and caretakers feel judged and attacked when they are contacted because their child experienced a behavioral issue at school. It is imperative that educators communicate and work with families to destigmatize the myth that schools do not take into consideration how to best address the social and emotional needs of our students. Addressing this myth includes collaborating with parents, guardians, and caretakers—especially before behavioral issues arise—to customize success plans that ensure their child succeeds academically, emotionally, and socially. It also includes communicating with legislators and state officials to convey how students in their classrooms and their families are being affected by policies such as zero-tolerance and stop-and-frisk.

**Conclusion**

It is our duty as educators and social justice advocates to understand how policies and legislation affect students. By familiarizing ourselves with current legislation regarding policies that can contribute to the preschool-to-prison pipeline, educators can better understand the effects on students, particularly African American males and underrepresented populations. With an understanding and awareness of these issues, we will be better equipped to handle students’ behavioral concerns as they arise on a case-by-case basis. Through knowledge of policies, a willingness to collaborate, and implementation of developmentally appropriate strategies in classrooms, educators can collaborate with legislators, families, and the community at-large to help destroy the preschool-to-prison pipeline.

**References**


