Crime and punishment

Drug offenses usually lead to arrest or other harsh discipline in Chicago schools, while suburban districts tend to rely on education to steer students in a better direction.
Drug policy should focus on teaching, not punishment

By Lorraine Forte
Editor-in-Chief

Jesus Velazquez got caught at school with a marijuana pipe in his backpack. What happened next is exactly what shouldn’t take place if a school district’s goal—or, from a larger perspective, a community’s goal—is to get kids who make dumb mistakes back on track.

Jesus was suspended for 10 days. While out of school, he got behind in his classes and struggled to catch up when he returned. Nine months later, Jesus got an unexpected letter stating that he had to show up for an expulsion hearing. He accepted an offer to go to a diversion program instead of being expelled, but it took three months for him to land a spot. Jesus ended up failing most of his sophomore classes and is now facing a fifth year in high school.

Obviously, schools cannot let students carry around drug paraphernalia or drugs without taking some swift action. Teenagers must be steered quickly away from substance abuse, even in this day and age, when recreational use of pot is legal in two states and being caught with an ounce or less warrants only a ticket and a fine in more than a dozen states. Even Jesus, who told his story to Deputy Editor Sarah Karp for this issue of Catalyst In Depth, admits that he was wrong. But no one was hurt in the incident. Jesus wasn’t accused of selling drugs. He didn’t have a gun or other weapon. Take him at his word that he is basically a good kid and was shocked to be threatened with expulsion months after the fact.

Surely this was a case in which a non-punitive response—mandatory drug education or participation in community service—made better sense. Too many students who have committed non-violent drug offenses end up like Jesus, the target of a heavy-handed approach that kicks them out of school—the very place that, with the right resources, could steer them in the right direction. Most often, students of color are the target. Schools with significant white enrollment, including those in the suburbs, are less likely to expel or arrest students for drug violations.

We’re not talking about offenses involving heroin or cocaine or meth, hard drugs with more serious health risks than marijuana and that warrant felony charges outside schools. The majority of these incidents involve 30 grams (about an ounce) or less of marijuana.

Under a 2012 Chicago decriminalization ordinance, Jesus, if he were older, might have gotten only a slap on the wrist. The ordinance allows police to issue tickets and fines to adults carrying small amounts of pot. But harsher penalties are still in place for juveniles: Offenders younger than 17 still face arrest in such cases.

These arrests help fuel the sky-high arrest rate in Chicago Public Schools, which dwarfs the rates for New York City and Los Angeles public schools, even though both districts are far larger.

It’s appropriate to take a tough stand against drugs with teens. A ticket and a fine aren’t enough. Arrests and expulsions are too much. What’s needed is education and teaching.

One suburban principal put it best: “We backed off of kicking kids out. We want to help the kids. We want to get them on the right track.”
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Police are a constant presence at CPS high schools. Critics say this leads to too many student arrests and want money shifted to more restorative practices for addressing bad behavior. [Photo by Bill Healy]

Quick to punish
Most drug violations in CPS involve an ounce or less of marijuana. Schools are quick to call police, yet rarely have the resources to offer education, counseling or other non-punitive help to students. COVER STORY: PAGE 5

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Calling police is often the first response to misconduct in many Chicago schools, fueling a school arrest rate far higher than in New York City or Los Angeles. Anthony Martinez was arrested while still in elementary school.

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A loophole in the new discipline code allows students to be sent directly to special alternative schools—even before an expulsion hearing.

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■ What happens when a student is referred for expulsion

ON THE COVER: Jesus Velazquez was suspended and almost expelled after being caught with a marijuana pipe. Instead of expulsion, he was sent to an intervention program. [Photo by Michelle Kanaar]
Kelvyn Park High School students have differing opinions on how the school should deal with drug use. One says suspension just gives students more time to get high. But another says the staff should be more strict so students will be deterred from using. [Photo by Bill Healy]
By Sarah Karp

Cory Warren and a group of his classmates at Phillips Academy High School had a challenge: Work with a community organization to try to convince their peers that drinking and taking drugs are bad ideas.

Alcohol and drug abuse are virtually never talked about in Chicago Public Schools, even in high schools, he says. Yet teens can be especially susceptible to peer pressure to drink and do drugs, and the consequences for drug-related offenses in CPS can be severe.

“I think in elementary school they told us not to smoke squares (slang for cigarettes), but no one said anything about marijuana,” Cory recalls. But pot-smoking and drinking are all around him, he says—on the street, in his home and in one particular hallway at school. As a football player, Cory stays away from it. And he desperately wants his younger brother to follow suit.

In this day and age, recreational marijuana use is legal in two states and technically only warrants a ticket in Chicago. So Cory and his classmates choose a nuanced message for their skit, one that focuses on the negative impact of coming to school high and getting drunk at prom.

“Your eyes are super-red and you are going to be in space in class,” Cory says. “So even if you are going to do it, wait ’til after school.”

Quick to punish

Students caught with an ounce or less of marijuana are more likely to be arrested in school than a student who starts a fight or steals. Hundreds of teens are arrested each year for drug offenses involving pot—offenses that may warrant only a ticket for adult Chicagoans.
Drugs in Schools

Cristina Cortesi, substance abuse prevention coordinator at Stevenson High School in the northern suburb of Lincolnshire, runs an educational program that aims to get students to think critically about the decisions they make. She also runs support groups for students recovering from drug use. [Photo by Ronnie Wachter]

Getting caught on drugs or carrying drugs in CPS carries consequences beyond the academic that range from a short suspension to arrest; non-punitive or educational responses are outside the norm, especially for schools in poor communities. Though the district’s revised Student Code of Conduct is intended to make discipline more equitable and send the message that students should only be suspended if they are a danger to themselves and others, non-violent drug possession ranks as the second-most serious of infractions, and drug sales rank as the most serious, along with arson and rape.

As a result, thousands of students face stiff consequences for drug violations that mostly involve less than 30 grams of marijuana—just over an ounce.

OVER THE PAST TWO SCHOOL YEARS, 2,300 students were suspended for drug use, possession or sale; 527 had an expulsion hearing, though only 22 were eventually expelled; and 1,066 were arrested, according to data from the state’s School Incident Reporting System, CPS and the Chicago Police Department. (Expulsion data are through April 30.)

The numbers contribute to the district’s overall arrest rate, which is more than double the rate in New York City and Los Angeles, though Chicago has fewer than half the number of students (see story on page 8).

When police get involved in drug cases, 99 percent result in an arrest. Police are called to schools far more often for incidents of assault or battery, yet only about 25 percent of these incidents result in an arrest.

While some schools are quick to mete out harsh punishment, other schools let small-scale drug offenses stay off the radar.

One Gage Park High School student, an African-American girl, said she came to school high most of the time for many years. The security guard and some teachers and administrators knew she was smoking marijuana and commented on it to her. But there were no other consequences.

Eventually, she says her foster mother realized how bad the problem was and got her into a drug treatment program. “I just needed someone to talk to,” says the young woman, who cannot be identified because she is a ward of the state.

At Kelvyn Park High School, one young Latino man says the first time he was caught with some weed, his parents were called and that was that. The second time he was suspended. But his friend adds that students at the school get suspended for relatively minor offenses.

In some schools, drugs, especially marijuana, are not a big deal given the other challenges in a community. “The students here have many problems,” says Ali Muhammad, principal of Austin Polytech, a small West Side High School. “Drugs are just one of them.”

Kathleen Kane-Willis, interim director of the Illinois Consortium on Drug Policy, notes that youth drug use is much more complicated than adult drug use. Even some who support legalizing marijuana think that young people should face some consequences when they come to school with it or on it.

Yet Kane-Willis worries about policies that are not consistent. In a study the consortium released in the spring, she found that people in Chicago are far more likely to be arrested for marijuana possession while people outside the city are more likely to be ticketed—despite a Chicago ordinance that allows for such ticketing.

These differences extend to schools and districts, something that worries Kane-Willis.

“If you don’t have a clear policy, then it is like the wild, wild West,” she says. “It is the variation in the system that makes it unjust.”

AS THE PERCEIVED RISK OF MARIJUANA USE goes down, its use among teenagers is on the rise, according to a recent survey by the National Institute on Drug Abuse. Surveys have shown that there’s little difference between city and suburban teens in the level of drug use, but young people with greater access to money and resources are more likely to use hard drugs like heroin and cocaine.

In many suburban school districts, officials have incorporated education and treatment programs into their response to the problem. Some Chicago schools refer teens to programs, but the district has no systemic approach to providing students with intervention services.

Still, it is impossible to get a comprehensive look at how school districts outside of Chicago approach drug use. State law requires that districts report drug-related incidents, as well as students caught with firearms and attacks on school personnel. But a 2012 Chicago Tribune investigation found that districts were ignoring the law, which was supposed to help parents determine the safety of schools.

Following the Tribune’s investigation, big school districts, such as Chicago, Naperville and Plainfield, started reporting incidents. But at this point, only about 16 percent of all public school districts in the state have met the mandate. The Illinois State Board of Education and the Illinois State Police, which are in charge of collecting the data, say they don’t have the manpower to force compliance.

In the past two years, 139 school districts have reported more than than 3,000 drug-related cases.

By and large, the most common punishment for students caught with drugs is suspension. And as in Chicago, disparities exist. School districts with more than half low-income students are much more likely to have students arrested than other schools, and slightly more likely to expel students.

Though anecdotal, many suburban school officials say that they offer students treatment or
education to keep suspensions down or in lieu of suspension altogether.

Just this year, Shepard High School in southwest suburban Palos Heights began contracting with Rosecrance Drug Rehab Center. A Rosecrance therapist comes to Shepard once a week to provide therapy for students who have been caught with drugs or who came to school high or under the influence.

“We backed off of kicking kids out,” says Carleton Rolland, assistant principal at Shepard. “We want to help the kids. We want to get them on the right track.” If the student continues to show up drunk or high, administrators will encourage their parents to place them in an inpatient or outpatient treatment program, he says.

Rolland says he has never called the police to arrest a student for a drug offense, but he does call police to have them come to impound the drugs.

At Stevenson High School in the well-to-do suburb of Lincolnshire, the school district has a policy in place to handle drug use and possession, but it is “not a sweeping blanket approach,” says the school’s spokesman. The Stevenson guidebook says that officials may refer students to the school resource officer, the title that many suburbs use for the police officer stationed at their school. It also says that school officials may suspend students or recommend them for expulsion.

But to lessen the punishment, students can agree to go to a program run by Omni Youth Services twice a week for about eight weeks. Cristina Cortesi, Stevenson’s first-ever substance abuse prevention coordinator, says the educational program, called Seven Challenges, aims to get students to think critically about their decisions.

In the past, a second offense could result in expulsion. But Cortesi, who was hired this year, says they are piloting a program in which second-time offenders are referred to a more intensive 12-week program, which can either be inpatient or outpatient.

After completion of the program, school officials consider whether an expulsion is necessary, she says.

Cortesi also runs multiple voluntary support groups for students who are thinking about their drug use or who are currently enrolled in or have completed a treatment program.

At Stevenson, every student with a first offense agreed to participate in the Omni program, Cortesi says. However, she reports that at another high school where she previously worked, some students would rather take a long suspension instead.

“That is frustrating,” she says. “We’re limited in the scope of what we can do at that point, other than enforce school discipline policy.”

She says that if students continue to get in trouble with drugs, they are told they will be expelled. “But at that point, consequences are not going to make the difference,” she says. “Treatment makes the difference.”

**GUN AND DRUG OFFENSES** are now the only two categories of offenses that require police notification under the new CPS Student Code of Conduct. Some suburban school districts leave it up to administrators, saying that police “may” be notified.

Mathilda de Dios, an outreach worker for Northwestern University’s Children and Family Justice Center, says she would like to see student arrests for marijuana offenses become a non-option. “In a city willing to ticket adults, we have a double standard,” she says. “There is no reason why we should hold youth more accountable.”

It’s more important, she points out, for schools to address substance abuse problems with help. Up until now, the only way a CPS student could be referred to the district’s discipline intervention program is to go through an expulsion hearing. The new code of conduct allows principals to ask for a referral directly.

Joel Rodriguez, an education organizer for the Southwest Organizing Project, says the option is a positive change. But the intervention program, called SMART, takes place on Saturdays at a downtown location and often students must wait for weeks to get admitted.

**The students here have many problems. Drugs are just one of them.**

**Principal Ali Muhammad, Austin Polytech High School**

Despite the code of conduct’s shift in policy, a critical missing piece remains, according to Rodriguez and other activists: Lack of money for social-emotional programs to help students deal with problems such as substance abuse.

Some schools, on their own, develop relationships with outside organizations and then make their own stipulations for students. Farragut High School’s dean of discipline, Francisco Torres, says his school this year developed a relationship with a local health center that operates a counseling program for students. He referred 10 students to the program in lieu of suspending them.

The end result: Only four students were suspended in 2014 for possession or sale of drugs, down from 17 in 2013, according to the state’s School Incident Reporting System.

Torres says that students don’t think that using marijuana is a problem. But from his point of view, drug use and gang activity are intertwined. “If we can stop them from using drugs, we can also stop them from gang-banging,” he says.

Other schools rely on parents. Lincoln Park High School reported 68 drug-related incidents in 2013 and 39 in 2014, according to the Reporting System. Of those, 56 were for drug use, 51 were for possession and selling. Most of the students who had drugs were suspended. But in 20 percent of the cases, 23 overall, school officials checked off the “other” box.

Dean Donovan Robinson says that in recent years, fewer students have been caught coming to school high on drugs or with drugs on them.

“We can sit down and talk to them and get their parents on the phone,” says Robinson, who gives the confiscated drugs to police and throws paraphernalia in the garbage.

Cecilia Farfan, assistant principal at World Language High School, says that students must be arrested if they are found in possession of drugs. But that doesn’t happen often; last school year, Farfan says, the school had only one drug possession case. The student brought three or four baggies of marijuana to school and was charged with possession with intent to distribute.

“We were surprised it was him. He comes from an extremely good family,” Farfan says.

She says she has had students suspected of being high or drunk. But it is tricky. “Sometimes we call the parent and tell them to pick the student up for a day because it is a liability.”

The school does not have money for prevention programs or for counseling, whether for substance abuse or other issues. Counselors try to help students who seem to have problems, but mostly by referring them to outside resources.

“We have to concentrate on academics, test scores, reading, ACT preparation,” Farfan says. “Drug counseling and prevention is not something we spend money on.”

Rick Velasquez, executive director of Youth Outreach Services, says that he definitely sees a difference in how drug use in schools is viewed and handled in CPS versus the suburbs. Youth Outreach Services, which has a contract with Cook County to provide juvenile diversion programs in Chicago and throughout the suburbs, serves a mix of wealthy and poorer suburbs as well as the city.

“Suburbs are more likely to take the health perspective,” he says. “They also are concerned about liability.”

Velasquez says that at one point, his organization was hired to do programs in CPS, but that work has fallen by the wayside.

“The schools are so focused on performance and test-taking that they don’t look at the whole child,” he says. “They don’t look at them holistically.”

*Tell us what you think. Go to catalyst-chicago.org to leave a comment, or email karp@catalyst-chicago.org.*
Life after being arrested at school

Anthony Martinez was one of thousands of CPS students led away in handcuffs from school by police. He’s hoping to get a fresh start when he starts high school in the fall.

By Sarah Karp

It is a week and a half before school lets out for the summer, and though the weather is on the cool side, children are on the playground of Little Village Elementary School, shouting and running in the late afternoon.

Anthony Martinez slides into the basement of an old building on the corner across the street. Several teenaged boys are slouched on a worn, weathered couch, playing video games in the dim light. Others are shooting pool. The young men are here as part of Urban Life Skills, a diversion program that allows young offenders to avoid the juvenile court system and a possible criminal record.

Anthony, who is the youngest in the room, sits by himself. He looks nervous in the way a 15-year-old might, staying quiet and biting his lip. Short and with a bit of a round face, Anthony sports a small gold earring in each ear, and today wears what is something of a uniform for teenage boys in the neighborhood—an oversized white t-shirt and too-baggy blue jeans.

Anthony is supposed to be getting ready for his eighth-grade graduation from Kanoon Magnet Elementary, but he is not sure that it will happen. His math teacher is threatening to fail him, and he could be forced to go to summer school.

If so, that would derail his high school plans: Anthony wants to go to Community Links High School, a year-round school that allows students to graduate in three years. It is smaller than most high schools and would give Anthony the individual attention and fresh start he so desperately wants.

But Community Links requires students to be “in good standing” in order to enroll, so Anthony will lose his chance if he fails eighth grade. Instead, he would be stuck at Farragut, his neighborhood high school. Though Farragut’s dean of discipline says the school environment has become calmer and there is almost no gang-banging, Anthony says he knows too many other young men at the school and would come in with too much negative baggage.

“I am trying to have a better life, but if I went to Farragut, I would probably drop out,” he says.

Anthony, the younger brother of a known Latin King gang member, says that the teachers at Kanoon never liked him, always thought he was a bad apple and for years considered him “at-risk.” Mostly, he maintains, the teachers dislike him because of the incident that led to his arrest and his eventual assignment to the Urban Life Skills program: a playground fight that he was accused of participating in and breaking a girl’s nose.

Anthony insists he had nothing to do with the fight. Initially, he was only suspended; it wasn’t until weeks later that police came to the school to arrest him. Fearing he would be found guilty of aggravated assault, Anthony pleaded guilty to a lesser charge and was placed on two years’ probation and sent to the Urban Life Skills program.

Art Guerrero, who runs Urban Life Skills and has volunteered at Kanoon, says the arrest probably happened because the girl’s father insisted some action be taken. Guerrero adds that Anthony has had problems with teachers being wary of him and that the school does tend to call the police a lot.

Like Anthony, many of the students arrested at schools are challenging and perhaps made bad decisions, but there are alternative ways to deal with them other than calling the police, says Joel Rodriguez, an organizer for the Southwest Organizing Project, which has worked with Voices of Youth in Chicago Education to advocate for a diminished police presence in schools. He notes that students are usually back in the school very soon after being arrested and nothing has changed about the circumstances surrounding the incident.

“Instead of dealing with human beings, we are just calling the police,” he says. “With all the stresses in schools, people have very little energy to deal with students.”
MORE SO THAN IN OTHER large school districts, Chicago schools are quick to call in police to handle student misbehavior and conflict, according to a Catalyst Chicago analysis of data from the U.S. Department of Education’s Office of Civil Rights for the 2011-2012 school year (the most recent available). In Chicago, police were called at a rate of nearly 18 cases for every 1,000 students, while New York City’s rate was 8 per 1,000 students and numbers in Los Angeles were 6 per 1,000.

Overall, CPS referred 7,157 students to law enforcement, of whom 2,418 students were arrested, according to the federal data. As is the case with school discipline in general, black males are disproportionately targeted: They make up about 20 percent of CPS students, but 40 percent of those referred and arrested. Another 20 percent of students arrested or referred to law enforcement are Latino males—about the same percentage as Latino male enrollment. (Black and Latino girls are the vast majority of the other students who are referred or arrested.)

What’s more, these numbers likely underestimate the true number of arrests of young people in and around schools. The federal CPS data only includes incidents in which a school staff member calls police to the building. However, Chicago police track all arrests of those 17 or younger in a school building or on school grounds, regardless of how the arrest originated.

The Chicago Police Department reported 3,768 arrests of minors...
in schools and on school grounds during school hours in 2011-2012, according to data obtained through a Freedom of Information Act request.

(In early July, Mayor Rahm Emanuel announced that 1,000 fewer students were arrested in the 2014 school year, but the police department did not confirm these figures.) Students are acutely aware of the heavy police presence in their schools, says Mathilda de Dios, program manager for Northwestern University’s Children and Family Justice Center. As part of her job, she leads Know Your Rights workshops at high schools and community centers.

At the start of workshops, she asks teens how many of them have been arrested at school or know someone who has been. More than 80 percent of them typically stand up.

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Asked how many of them go to schools with restorative justice programs such as peace circles or peer juries, and about 30 percent stand up.

De Dios says that police involvement rarely leads to a resolution of the conflict. And when police lead students out of school in handcuffs, it shapes how they view school and how school employees perceive them.

Jennifer Viets learned this the hard way when her son was taken by police out of a freshman summer program at Lane Tech High. Viets says the police were only trying to get information from her son about his friend, who was accused of throwing rocks. But her son told her that when he returned to Lane the next day, teachers commented to him that they didn’t think he would be back.

A few years later, Viets’ son and his friend were led away from school in handcuffs after being accused of stealing at a party. Viets notes that the two were the only young black men at the party. They were never charged, as the investigation eventually pointed to other culprits. Nevertheless, Viets says her son was scared.

“How do you recover from that?”

A few years later, Viets’ son and his friend were led away from school in handcuffs after being accused of stealing at a party. Viets notes that the two were the only young black men at the party. They were never charged, as the investigation eventually pointed to other culprits. Nevertheless, Viets says her son was scared.

“Everything went downhill after that,” Viets says. Her son wound up leaving Lane and completing high school with a virtual charter school. His friend transferred out too.

“It changes the way everyone perceives you when you are arrested, even if you are never charged,” she says. “How do you recover from that?”

AT KANOON, where Anthony attends, 13 students were referred to police or arrested in 2011-2012 school year. That doesn’t sound like many, but it puts Kanoon at the higher end of the scale for elementary schools: 68 percent of elementary schools had fewer than five incidents of police involvement, and the vast majority did not lead to arrests, according to the federal data.

Meanwhile, just 20 high schools accounted for half of all arrests—even though students in those schools made up less than a quarter of the high school population.

Most incidents that lead to police involvement are simple battery or assault cases, theft cases or possession of small amounts of marijuana, according to a Catalyst analysis of Chicago police data.

In June, CPS overhauled its student code of conduct and drastically cut the list of incidents that require police notification. The new code, which youth and parent advocacy groups had pushed for, now only requires police notification for drug or gun possession. In other cases, school officials can decide themselves whether or not to call police, depending on the severity of the crime and whether others were hurt or in danger of being hurt. Plus, principals must check with the Law Department before calling police on a student who is in fifth grade or younger.

In contrast, the previous code listed 27 categories of incidents that required a call to police, including battery and “any illegal activity which interferes with the school’s educational process.”

Yet Chicago remains an outlier. A Catalyst review of discipline codes from suburban Chicago districts and other large urban school districts shows that many give principals full discretion to decide wheth-
er to call in police, even in drug and gun possession cases.

Cliff Nellis, lead attorney for the Lawndale Christian Legal Center, says that too many young people come to him after arrests for incidents that could easily be labeled a misdemeanor or dealt with through school discipline. “In mostly white suburbs, it is almost always misconduct, whereas here it is a crime,” says Nellis, referring to the rough West Side neighborhood.

Nellis points to one case in which a client and his friend broke into their high school and played basketball in the gym. “It was basically a prank,” he says. The alarm was triggered and police wound up surrounding the school. The boys hid, but were eventually sniffed out by dogs.

Nellis says the boys had nothing in their possession and the only things out of place in the school were basketballs. “They could have been charged with misdemeanor trespassing and the boys could have had a call home,” he says. “Instead, they were charged with a Class 2 felony burglary—breaking and entering with intent to steal. The intent is subjective.”

Schools are only part of it, says Nellis. Arrests on the streets and in the schools start young for many and this involvement follows them into adulthood. More than 57 percent of adults in North Lawndale have criminal convictions, according to a 2002 Center for Impact Research study, a mark that makes it more difficult to get a job and do other things necessary to change the direction of one’s life.

“This neighborhood is flat-out oppressed by the criminal justice system,” he says.

COOK COUNTY’S JUVENILE Justice Division reports that about 75 percent of young people on probation re-enroll in school, but not necessarily the same school they attended at the time of arrest. (As part of juvenile probation, students must enroll in school.) Those on the ground say many are steered toward alternative schools. CPS is in the midst of a major expansion of alternative schools, many of them to be operated by for-profit companies.

Elvis Aguilera found out the hard way how difficult it can be to re-enroll. Elvis just turned 16 in January, but he has already been in and out of the detention center three times and in-patient drug rehab programs three times as well. The last time he got out of youth prison in St. Charles on parole in October 2013, Elvis went with his mother to get back into Farragut High School. School officials, he says, told him to just wait. Every two or three weeks, he and his mother went back and asked for him to be let back in, only to be turned down.

Eventually, the staff at Urban Life Skills got involved and reached out to a re-enrollment specialist at CPS. (In 2013, CEO Barbara Byrd-Bennett hired these specialists to look for teenagers not in school.) According to Elvis and Art Guerrero, they were given some surprising news: Farragut still counted Elvis as enrolled.

The re-enrollment specialist told Guerrero that it is not unusual for schools to keep students enrolled, even though they are gone for months at a time. With high schools struggling to keep enrollment up because the district has switched to providing money on a per-pupil basis, it benefits schools to have these students on their
ANDREW, GETTING ASSIGNED to juvenile probation officer Elizabeth Marrero and placed in Guerrero’s diversion program felt eerily familiar. Both Marrero and Guerrero worked with Anthony’s older brother, Victor. Guerrero says he met Anthony when was was about nine or 10 years old and would beg to tag along on field trips with the diversion program. Diversion programs often take their clients to ball games, museums or downtown.

Guerrero also volunteered at Kanoon, taking a group of “at-risk” sixth-, seventh- and eighth-graders aside and talking to them about once a week. Anthony was part of that group. “I have known him since he was a shorty,” Guerrero says.

Guerrero’s life mission is to prevent others from following the same path he took. In his wallet, Guerrero, who is almost 50, has a picture of himself from 13 years ago. His face is sunken in, with deep wrinkles. His eyes have large swollen bags under them. He’s rail-thin.

Guerrero says he was just like these boys at one time. He grew up in the neighborhood and his grandmother still lives in the same house just a few blocks from the diversion program. He gang-banged. He smoked weed. He got addicted to heroin. He overdosed six times.

On September 25, 2005, Guerrero was arrested and charged with dealing drugs near a school, a Class X Felony. He was 39 years old, and faced between six and 30 years behind bars. “In jail, I was saved,” he says. “I felt like God was telling me that I had a purpose and it is not to be a dealer or an addict.”

After a year, he came out of prison and started volunteering with Urban Life Skills, which is connected to New Life Church, an evangelical church with several locations in Chicago. That is when Guerrero became involved in Anthony’s life. Guerrero’s face has filled out and now, he has a middle-aged pouch that makes him look healthy and normal. He likes taking Anthony and the other boys out to get something to eat. In the quietness of a car ride or over a taco or some ice cream, they’ll often talk to him about their fears and their hopes.

Guerrero says he gains the boys’ trust. Marrero says he plays good cop. “I play bad cop,” says the probation officer, a tall, thin striking woman. She says she has to be stern to let her clients know that she is about business. She is a mandated court reporter, so what she finds out she has to tell the judge. But she is also motherly.

Guerrero says that over time the drugs may have changed, but the cycle is much the same. Young teens, like Anthony, mostly smoke weed. But as they get deeper into the street life, they graduate to harder drugs. The addiction to drugs makes it more difficult to take a different path.

When Anthony first started at the juvenile diversion program, some drug tests showed he was smoking marijuana. But lately, they have come out clean.

ANTHONY IS YOUNG ENOUGH and eager enough that he’s still got the potential to change his trajectory. That is why there was a palpable sense of relief on the Friday before graduation when he flew into the Urban Life Skills basement and announced that he was going to graduate. “The principal called me into the office and told me I could walk,” he says. “They gave me a gown.”

That evening the clients were treated to Mexican food, as well as a guest speaker to kick off the theme of the month: perseverance. One of the first things the speaker did was ask the young men if they knew the definition of the word. No one did.

“It means doing something despite difficulty,” says Arnulfo Torres, a counselor for Rudy Lozano Leadership Academy, an alternative school in Humboldt Park. “What happens when you walk down the street and you get jumped and you go to the hospital? What happens when your brother gets shot up? What happens to you? You keep living. Life still goes on. You don’t stop being what you are. You have perseverance.”

A few days later, Guerrero and Marrero attend Anthony’s graduation. They stand in the back behind the parents and brothers and sisters. They each came with differ-
Art Guerrero, who runs the juvenile diversion program, took Anthony Martinez out to lunch after attending his eighth-grade graduation, along with Anthony's probation officer, Elizabeth Marrero. The two have been involved with the boy's family since Anthony was 9 or 10 years old. [Photo by Bill Healy]

ent messages that they wanted to get across to him. Marrero wanted this to be special for Anthony. She wanted him to savor the moment. She kept pointing out to him how so many people were proud. “Even the principal gave you a real honest hug,” she told him.

Marrero watched him closely. She noticed that when all the other graduates tossed their caps into the air, Anthony reached up and held his firm on his head. Later, when she mentions it to Anthony, he says: “I didn’t want to lose it.”

Guerrero wasted so many years cycling in and out of prison and drug rehab and now spends his days trying to hold a life jacket out for young men, some of whom are destined to do the same. Guerrero knows that Anthony’s journey is not going to be easy. The message Guerrero had for Anthony is that he can overcome the assumptions and expectations that he won’t make it.

As he hugged him, over and over again as though repeating a prayer, he says, “This is just the beginning. This is just the beginning.”

“I told the principal that in the end, Anthony is going to prove everyone wrong,” he says, looking straight at Anthony. “He is going to graduate from high school. He is going to make it.”
Threatened with expulsion

CPS says it wants to lower expulsions. But a new policy allows schools to send students threatened with expulsion directly to alternative schools, even before a legal hearing.

By Sarah Karp

In June, CEO Barbara Byrd-Bennett heralded changes to the Student Code of Conduct that she said will reduce disparities in how school discipline is carried out and ultimately cut the number of suspensions and expulsions.

But Catalyst Chicago has discovered that officials slipped a loophole into the new code that will allow principals to request a transfer for a student who has been referred for expulsion—even without a hearing. Students would be transferred to a school for expelled or suspended students; effectively, the only difference between this maneuver, called a "disciplinary reassignment," and an actual expulsion is that students won't be identified as expelled.

Meanwhile, the Board of Education approved in May a second alternative school for expelled students, which, at the time seemed to contradict the publicly stated goal of lowering expulsions. CPS plans to spend $3.5 million on the two schools, up from the $1.37 million it spent last year. The board has already approved a contract with Camelot Alternative Education, a private entity based in Austin, Texas, to run the schools.

A CPS official calls the option for disciplinary reassignment one of the new "alternatives to expulsion" outlined in the revised policy, and stresses that disciplinary reassignments can only be used for Group 5 and 6 violations, the most serious offenses. They also note that suburban schools often have this option.

Officials say that the Law Department "advises" network officers to hold a meeting with parents and principals to talk about reassignments beforehand. "The goal of this meeting is to provide due process and notice that the student is being considered for removal to another school," according to the district. But the code does not require such a meeting or offer any recourse for students or parents who don't want the transfer.

Disciplinary reassignments are the opposite of what advocates for youth want to see happen with young people, says Mariame Kaba, founding director of the group Project NIA, which has tracked school arrests and discipline in CPS.

Kaba was taken aback when she heard about the loophole. She was part of a group that worked with CPS this year to change the Student...
Code of Conduct to emphasize restorative justice strategies, rather than punishment for misbehavior.

“This is really surprising to me,” Kaba says. “It is really bad. There is always some fine print.”

CPS POLICY STATES THAT EXPULSIONS are only to be issued “after a hearing officer determines that a student engaged in behavior(s) that are the most seriously disruptive or illegal in nature and no other alternatives are appropriate.”

The official numbers show that fewer young people are being expelled—only 166 teens in 2012-2013, about half the number of students who were expelled from district-run schools three years ago. Yet despite the decline, thousands of students are still threatened with expulsion and sent to hearings each year, even for seemingly minor offenses.

Expulsions from district-run schools are only part of the story. Charter schools expelled 307 students in the 2012-2013 school year—63 percent of all those expelled—even though charters only enroll 12 percent of all students. (The 2012-2013 data is the latest available.) No data are available to show how many charter students are referred for expulsion or go through the hearing process.

Before an expulsion can take place, the long process from referral to hearing can leave young people with the feeling that they are being forced out of school. More than 2,800 students were referred for expulsion in the 2012-2013 school year, but only half of them went through a hearing, according to CPS data. Ultimately, fewer than 12 percent of students who go through hearings are expelled.

CPS officials say that some of the expulsion referrals were rejected, either because of laws that strictly regulate the expulsion of a special education student or because there were too few witnesses to testify against a student. Also, principals can withdraw an expulsion referral at any time. At least one principal said he has withdrawn referrals because the student left the school on his or her own.

In fact, only about 500 of the 1,400 expulsion hearings in 2013 involved offenses for which principals must refer a student for expulsion—Level 6 offenses, such as arson, a bomb threat or selling drugs. The rest involved less serious offenses.

About 600 of the hearings resulted in students being sent to the district’s intervention program, called SMART, for Saturday Morning Alternative Reach Out and Teach. But fewer than half complete the program, which is held downtown on Saturdays and has a parent and community service component.

Joel Rodriguez, an organizer for the Southwest Organizing Project, says that going through an expulsion hearing can have a devastating effect on a young person. Students must be sworn in, so the atmosphere can feel intimidating, like a courtroom. Rodriguez, who has attended hearings with students, says that school officials often bring up trivial matters that paint the young person in a bad light.

“It is scarring,” he says. “The reality is that most behaviors could be addressed in a lot of different ways, instead of warranting an expulsion hearing.”

Most students show up at hearings with only their parents, says Jessica Schneider, who provides pro bono representation for students in expulsion hearings as a staff attorney for the Chicago Lawyers’ Committee for Civil Rights Under Law. Schneider says many parents and students don’t understand the expulsion process and don’t think to get an attorney, though she believes having one helps.

Schneider says her impression is that school administrators often want the student expelled, while attorneys or advocates press for the SMART program or a “do not expel” ruling. “School administrators who see the student every day are trying to push the kids out,” she says.

JESUS VELAZQUEZ IS NOT CONVINCED that much will ever change in CPS to reform the expulsion process. His own experience with a long suspension and an expulsion hearing completely changed his views of school—so much so that he has become an activist against harsh discipline with the grassroots groups Voices of Youth in Chicago Education and Logan Square Neighborhood Association.

Jesus readily admits his offense: He had a marijuana pipe in his backpack, something that he shouldn’t have been carrying. But he still cannot believe how that one mistake tripped him up so badly.

Jesus was immediately issued a 10-day suspension by the principal of Kelvyn Park High. After being absent for two weeks, he struggled to pass his classes. He ended up failing most of his classes during sophomore year, putting him behind and now facing a fifth year in high school in order to graduate.

CPS officials say that expulsion hearings are usually held from four to six weeks after the incident. But Jesus says it wasn’t until nine months later that he received a letter telling him to show up for a hearing.

“I didn’t even know I was referred for expulsion,” Jesus says. “I was surprised.” At the time, he didn’t know anything about the expulsion process and thought that if he lost out at the hearing, he would just be completely shut out of going to school forever. “I didn’t know about alternative schools,” he says.

Besides some occasional pot-smoking, Jesus says he was a good student with ambition, and was frightened at the prospect of losing his chance at an education.

His dad, who was furious about the situation, had to take time off work for the hearing. The two of them went downtown to central office headquarters. Jesus was sworn in and a recorder was turned on. He had to explain what happened and then he was given two options: Go to the SMART intervention program or be expelled and forced to finish high school at an alternative school.

Jesus chose to go to SMART. But it took three months for him to get a spot in the program—nearly a year since the pipe was found in his backpack. SMART runs in eight-week intervals, so if a student misses the enrollment window, he or she must wait until another session begins.

SMART was good, Jesus says, and the staff talked about how to make better decisions. Jesus says he even stopped smoking weed and took up running.

Yet Jesus is still upset and says there’s no reason for the long protracted process. “It was just dumb.”