

Impact: Prison bad for future opportunities, disproportionately affects minorities

Nance 2015 [Jason Nance is PhD and assistant professor of law at the University of Florida Levin College of Law. “Students, Police, and the School-to-Prison Pipeline,” *Washington University Law Review*,

<<http://www.americanbar.org/content/dam/aba/administrative/diversity/Jason%20Nance.authcheckdam.pdf>>] //CJC

Students’ increased involvement with the justice system is part of a growing concern that many dub the “school-to-prison pipeline.” 10 The term “school-to-prison pipeline” (“Pipeline”) connotes the intersection of the K–12 public education system and law enforcement and the trend of referring students directly to law enforcement for committing offenses at school or creating conditions that increase the probability of students being arrested, such as suspending or expelling them. 11 Although some may believe that arresting students may “scare them straight,” on the contrary, **an arrest usually does not achieve the desired reformatory effect, and the negative consequences that often occur instead are quite severe.** Empirical studies demonstrate that **arresting a student substantially reduces the odds that the student will graduate from high school, especially if that student appears in court.** 12 **It also lowers the student’s performance on standardized tests, decreases future employment opportunities, and increases the likelihood of future involvement in the criminal justice system.** 13 Furthermore, **the Pipeline does not impact all racial groups equally. Abundant empirical evidence demonstrates that students of color are affected disproportionately throughout every stage of the Pipeline.** For example, **minority students are disciplined more often and more severely than white students for committing similar offenses,** 14 **and have higher arrest and conviction rates when they are referred to the justice system**

Deterrence falters

Taslitz 2010 [Andrew E. Taslitz is a Law Professor at Howard University School of Law. “What is Probable Cause, and Why Should We Care?: The Costs, Benefits, and Meaning of Individualized Suspicion,” 73 *Law and Contemporary Problems* 145-210 (Summer 2010) <http://scholarship.law.duke.edu/lcp/vol73/iss3/5>] //WGC

A. The Costs of Individualized Suspicion

“Requiring individualized suspicion imposes eight potential primary costs. First, precisely because acquiring such suspicion can sometimes be difficult, fewer searches and seizures will occur. But that may mean that more guilty persons escape justice.”⁴⁴⁸ Of course, the mere existence of the Fourth Amendment necessarily reduces crime-detection effectiveness. If police could break into homes, arrest persons willy-nilly, hold them for long periods of interrogation, all without any need to justify these police actions, doubtless more crime would be discovered and punished. But many more innocent persons would be swept up as well. Still, the costs cannot be ignored, and, in theory, if these costs become sufficiently high, crime could rise to a point at

which social stability is threatened, prompting a harsh backlash against robust civil-liberties protections.

Second, and relatedly, if a high enough number of criminals escape justice, specific and general deterrence will falter.^{.449} Unpunished criminals see no reason not to offend again, and previously law-abiding persons seeing little chance of harsh consequences from wrongdoing may in the future turn to crimes from which they might otherwise have desisted.^{.450}

Third, in some instances, the time needed for investigation to establish individualized suspicion can have grave consequences. Specifically, as when terrorism is involved, enormous imminent harm can be avoided only by prompt action unsupported by individualized suspicion. In the perhaps-fanciful, ticking- nuclear-time-bomb scenario,^{.451} police strongly suspect that a nuclear weapon will wipe New York City from the map within an hour. Yet, lacking individualized suspicion, they let millions of Americans die. Real-world scenarios are likely to leave much less at stake, with whether harm is “imminent” being an open question. Nevertheless, all that humans can fairly be expected to do is to make their best judgments in an uncertain world. Even if the harm raised and the certainty of its occurrence are much less perhaps a threat by kidnapers to kill a single child if ransom is not delivered within an hour the consequences of delay can involve substantial human pain that cannot be ignored. Civil liberties have their price.

Fourth, unbending application of an individualized-suspicion requirement can dramatically raise the costs of meeting it. For example, police may find themselves with inadequate evidence of probable cause to search a home. They may, however, have some reason to believe that a suspect’s cell phone, which he sometimes leaves unguarded on his desk, contains evidence sufficient to give the police the probable cause they are lacking.^{.452} **If an individualized-suspicion requirement bars searching the cell phone, police may never catch the bad guy.** On the other hand, if they are free surreptitiously to read his cell phone when it is unguarded, that may give them individualized suspicion sufficient to obtain a search warrant for his home. The choice is therefore not necessarily between individualized suspicion and nothing. Rather, the breadth of the mandate can be varied, sometimes requiring individualized suspicion, sometimes not. An unbending obsession with such suspicion may, therefore, impose significant social costs that a more flexible scheme might reduce.

Fifth, individualized-suspicion mandates impose significant out-of-pocket and opportunity costs. Police must do more investigation.^{.453} Sometimes this investigation may be modest, perhaps standing on a street corner unobtrusively observing a suspect a few minutes longer. But, other times, the expense in time and money can be far greater, including such things as extended stakeouts, undercover work, covert fingerprinting, DNA testing, and a host of other activities.^{.454} Moreover, every extra minute that police spend investigating one case that may or may not pan out is a minute subtracted from

another potential case or from such crime-preventative activities as building community trust via neighborhood meetings and other community-policing efforts.

Sixth, individualized suspicion may for all practical purposes be impossible to attain in certain settings, at least at a tolerable cost. For example, inspecting homes for fire-code violations would be virtually impossible if such inspections could be done based only upon probable cause.⁴⁵⁵ Yet even one resulting serious fire risks spreading, perhaps sacrificing, an entire neighborhood.

Seventh, a too-robust and widespread individualized-suspicion mandate may itself harm the law's legitimacy. If the state cannot protect its citizens' safety one of the central American ideological justifications for having a state then how can citizens be expected to accept and defer to state actions in that and other areas?

Eighth, judges fearing just these sorts of costs may dramatically limit the scope of Fourth Amendment protections. They can do so by narrowly defining what constitutes a "search" or a "seizure" thus narrowing when the Fourth Amendment even applies in the first place or by diluting those protections that do apply, for example, finding individualized suspicion based upon weak evidence of questionable trustworthiness."

Restorative justice is exploding in the SQUO

Gonzalez, April 2012 [Thalia González, "Keeping Kids in Schools: Restorative Justice, Punitive Discipline, and the School to Prison Pipeline," Journal of Law & Education, Vol 41, No. 2, No Publication, http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2658513] MJS 8-30-2016

Although the use of restorative justice in schools is hardly new globally, **the emergence of school-based restorative justice in the United States as an educational practice to address the far-reaching negative impacts of punitive discipline policies is a more recent phenomenon. School-based restorative justice programs in the United States have grown exponentially in the last five years.** Within the school context, restorative justice is broadly defined as an approach to discipline that engages all parties in a balanced practice that brings together all people impacted by an issue or behavior. It allows students, teachers, families, schools, and communities to resolve conflict, promote academic achievement, and address school safety. Restorative justice practice in schools is often seen as building on existing relationships and complementary with other non-discipline practices, such as peer mediation or youth courts. This Article examines the implementation, development, and impact of a school-based restorative justice program across the United States with a specific case study of North High School in Denver, Colorado. Part II details the impact of punitive discipline policies in schools as a framework for understanding the critical importance for schools to adopt alternative practices in addressing student behavior. Part III presents the practice of restorative justice in schools. Specifically, Part II provides a foundation for understanding the emergence of school-based restorative justice, the philosophy of restorative justice, and models of restorative justice in schools. Part III also discusses preliminary data collected from school-based

restorative programs. Part IV contextualizes the school-based restorative justice practice in the Denver Public School District. This article concludes in Part V with reflections on the need for reform of punitive schools' discipline policies as integral to a fight for educational equity.

Media focuses on searches

Dana Bedden, 2006 [doctorate in Educational Leadership and Policy Studies from Virginia Tech, "STUDENT SEARCH AND SEIZURE IN K-12 PUBLIC SCHOOLS," <https://theses.lib.vt.edu/theses/available/etd-03102006-174524/unrestricted/DBeddenFinalETD.pdf>] MJS 9-24-2016

Because of increased resources, technological improvements and media industry growth, newspapers, televisions, radios, etc. across the country broadcast the aforementioned statistics to the public. The news media communicates that students are participating in more violent and illegal behavior that includes, but is not limited to theft, the use of weapons, drugs, explosive devices and other forms of violence. While, **the news media reports** provide us with information on events that occur locally, nationally, and internationally in the larger society, news reports can also **create a false perception, that there is more violence than what really exists. The news articles and broadcasts are communicating what appears to be a significant problem facing our schools and administrators as it relates to school safety and more specifically, searching students.**

9/10 teachers would support ZT

John H. **Holloway, 2002** [Project Director, Educational Testing Service, "Understanding the Law: The Dilemma of Zero Tolerance," ASCD: Educational Leadership magazine, <http://www.ascd.org/publications/educational-leadership/dec01/vol59/num04/The-Dilemma-of-Zero-Tolerance.aspx>] MJS 9-17-2016

Zero tolerance policies, those school policies that mandate predetermined consequences or punishments for specific offenses, have become a popular disciplinary choice. According to a recent government study, more than three-quarters of all schools reported having such policies (National Center for Education Statistics, 1998).

According to the National School Safety Center (2001), 9 of 10 principals who participated in a poll said that tough discipline policies, including zero tolerance, were absolutely essential for keeping schools safe, even though they resulted in an increase in student suspensions. Echelbarger and colleagues (1999) found that when school personnel fail to confront student misbehavior, students infer permission to continue inappropriate behavior. The researchers believe that a zero tolerance policy may serve to establish a standard of behavior for students. These findings suggest that, at least intuitively, zero tolerance policies are good for students and schools. But are these opinions supported by research?

Police officers in schools→ 5x arrests (controlling for poverty)

Aviva Shen, 1-17-2013 [senior editor of think progress, "The Dangers Of Putting More Armed Guards In Schools," ThinkProgress, <http://thinkprogress.org/politics/2013/01/17/1462781/the-dangers-of-putting-more-armed-guards-in-schools/>] JSM 7-15-2016

"While no discernible link between safer schools and armed guards has been established, there is one clear impact. Student arrests shot up when school resource officers became more prevalent in schools after the Columbine shooting. **Even controlling for poverty level, schools with armed officers have nearly five times the rate of arrests for disorderly conduct.** As states beef up their security after Sandy Hook, more students are at risk for being treated like criminals. **One Pennsylvania county immediately hired armed guards who are reportedly searching childrens' lunch boxes.** Local governments in Utah, Florida, Tennessee and Texas also started hiring armed guards after the NRA speech."

SROs→ prison pipeline

Justice Policy Institute, 2011 [Justice Policy Institute, "EDUCATION UNDER ARREST:

The Case Against Police in Schools", *Justice Policy Institute,*

http://www.justicepolicy.org/uploads/justicepolicy/documents/educationunderarrest_executivesummary.pdf] //AKC

The increase in the presence of law enforcement in schools, especially in the form of school resource officers (SROs) has coincided with increases in referrals to the justice system,2 especially for minor offenses like disorderly conduct. This is causing lasting harm to youth, as arrests and referrals to the juvenile justice system disrupt the educational process and can lead to suspension, expulsion, or other alienation from school. All of these negative effects set youth on a track to drop out of school and put them at greater risk of becoming involved in the justice system later on, all at tremendous costs for taxpayers as

...

School resource officers (SROs) can be charged with a number of duties that include education and mentoring, but first and foremost, their primary function is to provide security and law enforcement while stationed in schools. According to the National Center on Education Statistics, a school resource officer is a "career law enforcement officer, with sworn authority, deployed in community-oriented policing, and assigned by the employing police department or agency to work in collaboration with school and community-based organizations." 5 **SROs are typically accountable first to the police department and then to the school,** which might pay part of an SRO's salary or administrative costs. Nonetheless, a handbook for recruiting and retaining SROs, says that **an SRO can overrule a school administrator that wants to prevent the arrest of a student.**6

Warrant must be supported by a sworn police officer

FindLaw ["The Fourth Amendment Warrant Requirement," Findlaw, <http://criminal.findlaw.com/criminal-rights/the-fourth-amendment-warrant-requirement.html>] MJS 8-20-2016

Since the Fourth Amendment applies to a particular search or seizure, the next question is under what circumstances is a warrant required. The Supreme Court has ruled that the Constitution expresses a preference for searches, seizures, and arrests conducted pursuant to a lawfully executed warrant (see *Mincey v. Arizona*, 437 U.S. 385 [1978]). **A warrant is a written order signed by a court authorizing a law-enforcement officer to conduct a search, seizure, or arrest.** Searches, seizures, and arrests performed without a valid warrant are deemed presumptively invalid, and any evidence seized without a warrant will be suppressed unless a court finds that the search was reasonable under the circumstances.

An application for a warrant must be supported by a sworn, detailed statement made by a law enforcement officer appearing before a neutral judge or magistrate. The Supreme Court has said that probable cause exists when the facts and circumstances within the police officer's knowledge provide a reasonably trustworthy basis for a man of reasonable caution to believe that a criminal offense has been committed or is about to take place (see *Carroll v. United States*, 267 U.S. 132 [1925]). Probable cause can be established by out-of-court statements made by reliable police informants, even though those statements cannot be tested by the magistrate. However, probable cause will not lie where the only evidence of criminal activity is an officer's affirmation of suspicion or belief (see *Aguilar v. Texas*, 378 U.S. 108 [1964]). On the other hand, an officer's subjective reason for making an arrest does not need to be the same criminal offense for which the facts indicate. (*Devenpeck v. Alford*, 543 U.S. 146 [2004]).

The Fourth Amendment requires not only that warrants be supported by probable cause offered by a sworn police officer, but it also requires that a warrant "particularly" describe the person or place to be searched or seized. Warrants must provide enough detail so that an officer with the warrant can ascertain with reasonable effort the persons and places identified in the warrant. For most residences a street address usually satisfies the particularity requirement, unless the warrant designates an apartment complex, hotel, or other multiple-unit building, in which case the warrant must describe the specific sub-unit to be searched. Warrants must describe individuals with sufficient particularity so that a person of average intelligence can distinguish them from others in the general population.

Securitization is only legal under a reasonableness standard - Probable cause bans dragnet searches

Primus 2011 [Eve Primus is professor of law at the University of Michigan. "DISENTANGLING ADMINISTRATIVE SEARCHES", *Columbia Law Review*, <<http://ssrn.com/abstract=1670947>>] //CJC

Anyone who has been stopped at a sobriety checkpoint, screened at an international border, **scanned by a metal detector** at an airport or government building, **or drug tested** for public

employment **has been subjected to an administrative search** (or seizure). **Searches of public school students**, government employees, and probationers **are characterized as administrative**, as are business inspections and—increasingly—**wiretaps and other searches used in the gathering of national security intelligence**.¹¹ In other words, **the government conducts thousands of administrative searches every day. None of these searches requires either probable cause or a search warrant.**

A dragnet search, as I am using the term, **is one in which the government searches or seizes every person, place, or thing in a specific location or involved in a specific activity based only on a showing of a generalized government interest.**⁴

The Supreme Court first recognized the permissibility of a dragnet administrative search in 1967, when it suggested in *Camara v. Municipal Court* that routine government inspections of homes for housing code violations could be conducted without individualized showings of probable cause. The housing inspections at issue in *Camara* were not conducted on the basis of any particularized reason to believe that a given house was in violation of the housing code. Rather, government officials executed a general plan of inspecting every home in a given geographic area. The government fully expected that many or even most of the homes inspected would be in compliance with the housing codes, such that the inspections would burden many law-abiding homeowners who had done nothing to trigger any suspicion of wrongdoing. **If the normal requirement of individualized probable cause were in force, therefore, any such inspections would violate the Fourth Amendment.**

One consequence of the elimination of the individualized suspicion requirement from administrative search doctrine is that the permissibility of searches is often governed only by an all-things-considered reasonableness standard. Where it applies, the requirement of individualized suspicion creates a rule that the government must satisfy. Absent that requirement, the courts often do no more than balance the government's interest in conducting the search against the degree of intrusion on the individual's privacy

Stats on guns, metal detectors

CDC, 10-15-1993 [Morbidity and Mortality Weekly Report, "Violence-Related Attitudes and Behaviors of High School Students," CDC, <http://www.cdc.gov/mmwr/preview/mmwrhtml/00022011.htm>] MJS 9-15-2016

Homicide is the leading cause of death among New York City (NYC) youth aged 15-19 years (1) and the **second leading cause of death among this age group nationally** (2). During the 1980s, the rate of firearm-related homicide increased more rapidly among this age group than did any other cause of death (2). The 1991 national school-based Youth Risk Behavior Survey indicated that 26% of students in grades 9-12 reported carrying a weapon at least once during the 30 days preceding the survey (3). To more effectively target violence-prevention programs for youth in NYC, in 1992 the NYC Department of Health (NYCDOH), the NYC Public Schools (NYCPS), and CDC conducted a survey of violence-related attitudes and behaviors among a

representative sample of NYC public high school students. This report summarizes the results of the survey.

A self-administered questionnaire was given to a representative sample of 9th-12th grade students in the NYCPS during June 1992. The sampling frame included all academic, vocational, and alternative NYC public high schools stratified by presence (n=19) or absence (n=96) of a school-based metal detector program. Schools in the metal detector program were visited approximately weekly by a team of security officers with hand-held metal detectors who scanned randomly selected students as they entered the building. Self-reported data were collected from 100% (n=15, three with and 12 without metal detectors) of sampled schools and 67% (n=1399) of sampled students.

During the **1991-92 school year**, 36.1% **of all 9th-12th grade NYC public school** students surveyed reported being threatened with physical harm, and 24.7% were involved in a physical fight anywhere (including home, school, and neighborhood) (Table_1). Overall, 21% of students reported carrying a weapon such as a gun, knife, or club anywhere 1 or more days during the 30 days preceding the survey; 16.1% of students reported carrying a knife or razor; and 7.0% reported carrying a handgun. In comparison, **rates for violent and potentially dangerous behaviors were substantially lower inside the school building (being threatened, 14.4%; carrying a weapon, 12.5%; carrying a knife or razor, 10.0%; being involved in a physical fight, 7.7%; and carrying a handgun, 3.7%) and when going to or from school.**

Compared with all 9th-12th grade students, students who were involved in a physical fight in school during the 1991-92 school year were less likely to believe that apologizing (38.1% versus 19.0%) and avoiding or walking away from someone who wants to fight (55.5% versus 35.5%) were effective ways to avoid a physical fight, and they were more likely to believe their families would want them to hit back if someone hit them first (56.9% versus 77.9%) (Table_3). Compared with all 9th-12th grade students, students who carried a weapon inside the school building during the 30 days preceding the survey were more likely to believe that threatening to use a weapon (21.4% versus 43.9%) and carrying a weapon (19.9% versus 47.9%) were effective ways to avoid a physical fight; were more likely to believe their families would want them to defend themselves from attack even if it meant using a weapon (43.6% versus 67.5%); and were more likely to feel safer during a physical fight if they had a knife (29.6% versus 64.2%) or a handgun (26.5% versus 60.5%). Reported by: C Ginsberg, New York City Dept of Health; L Loffredo, New York City Public Schools. Div of Adolescent and School Health, National Center for Chronic Disease Prevention and Health Promotion; Div of Violence Prevention, National Center for Injury Prevention and Control, CDC.

Schools rely on RS for safety

Thomas J. Billitteri, 2-15-2008 [CQ Researcher, "Discipline in Schools," CQ

<http://library.cqpress.com/cqresearcher/document.php?id=cqresrre2008021506>] JSM 7-21-2016

Fortunately for the millions of youth attending our nation's schools, local, state and federal courts have given school officials the authority and responsibility to provide a safe learning environment. The hallmark of this authority lies in the ability of schools to search lockers if school officials or safety personnel have a "reasonable suspicion" the locker contains drugs, weapons or other contraband.

Legal definition of a search

Findlaw ["Search," Thomson Reuters, <http://dictionary.findlaw.com/definition/search.html>] MJS
7-13-2016

1 : **an exploratory investigation** (as of an area or person) **by a government agent that intrudes on an individual's reasonable expectation of privacy and is conducted usually for the purpose of finding evidence of unlawful activity or guilt or to locate a person**
[warrantless searches are invalid unless they fall within narrowly drawn exceptions "State v. Mahone , 701 P.2d 171 (1985)"] see also exigent circumstances , plain view probable cause at cause , reasonable suspicion search warrant at warrant compare seizure NOTE: The Fourth Amendment to the U.S. Constitution prohibits unreasonable searches and requires that a warrant may issue only upon probable cause and that the warrant must particularly describe the place to be searched. Some searches, such as a search incident to an arrest, have been held to be valid without a warrant

Witnessing violence makes you much more likely to also commit crimes

Harvard Gazette, 2005 [Witnessing gun violence significantly increases the likelihood that a child will also commit violent crimes," May 26, 2005,
<http://news.harvard.edu/gazette/story/2005/05/witnessing-gun-violence-significantly-increases-the-likelihood-that-a-child-will-also-commit-violent-crimes/>] MJS

Felton Earls and his fellow researchers have found that teenagers who witnessed violent crime are significantly more likely than teenagers who did not witness crime to commit violence themselves in later years.

"Based on this study's results, showing the importance of personal contact with violence, the best model for violence may be that of a socially infectious disease," says Felton Earls, MD, HMS professor of social medicine and principal investigator of the study. The study, a project that included interviews of children and teenagers from Chicago neighborhoods, used statistical advances and detailed information about the study subjects to go beyond the factors typically considered by social scientists to determine violent behavior. By comparing teens with similar likelihood of exposure, the researchers were able to isolate the independent contribution made by seeing gun violence. **It turned out to swamp factors like poverty, drug use, or being raised by a single parent.** The researchers studied the subject teens at three points in their adolescence. Initially they and their caregivers were interviewed about social, academic, and personal factors. Two years later, the subjects were interviewed to see which of them had witnessed gun violence. Finally, three years later, they were interviewed to determine who had

participated in violent acts. Researchers must decide whether violence is a product of families, or something like an environmental contaminant, lurking in some communities. Based on this study's results, Earls feels the best model may be a socially contagious disease.

Restorative justice is exploding in the SQUO

Gonzalez, April 2012 [Thalia González, "Keeping Kids in Schools: Restorative Justice, Punitive Discipline, and the School to Prison Pipeline," Journal of Law & Education, Vol 41, No. 2, No Publication, http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2658513] MJS 8-30-2016

Although the use of restorative justice in schools is hardly new globally, **the emergence of school-based restorative justice in the United States as an educational practice to address the far-reaching negative impacts of punitive discipline policies is a more recent phenomenon. School-based restorative justice programs in the United States have grown exponentially in the last five years.** Within the school context, restorative justice is broadly defined as an approach to discipline that engages all parties in a balanced practice that brings together all people impacted by an issue or behavior. It allows students, teachers, families, schools, and communities to resolve conflict, promote academic achievement, and address school safety. Restorative justice practice in schools is often seen as building on existing relationships and complementary with other non-discipline practices, such as peer mediation or youth courts. This Article examines the implementation, development, and impact of a school-based restorative justice program across the United States with a specific case study of North High School in Denver, Colorado. Part II details the impact of punitive discipline policies in schools as a framework for understanding the critical importance for schools to adopt alternative practices in addressing student behavior. Part III presents the practice of restorative justice in schools. Specifically, Part II provides a foundation for understanding the emergence of school-based restorative justice, the philosophy of restorative justice, and models of restorative justice in schools. Part III also discusses preliminary data collected from school-based restorative programs. Part IV contextualizes the school-based restorative justice practice in the Denver Public School District. This article concludes in Part V with reflections on the need for reform of punitive schools' discipline policies as integral to a fight for educational equity.

Original Flemming Study

Flemming, 1997 [Roy B. Flemming, John Bohte and B. Dan Wood, Texas A&M Professor, "One Voice Among Many: The Supreme Court's Influence on Attentiveness to Issues in the United States," American Journal of Political Science, <http://www.jstor.org/stable/pdf/2960488.pdf>] MJS 8-30-2016

This research has attempted for the first time to chart through systematic analysis the extent to which the Supreme Court focuses attention to issues in the United States system. **In three different issue areas over a period stretching from 1947 through 1992, four reputedly important Supreme Court decisions prompted the media to increase its coverage of the issues and to sustain this heightened level of attention. Three other decisions produced temporary jumps in media coverage, although in two of these instances the shifts**

potentially reflect other events occurring at about the same time. Why did these four particular decisions produce lasting shifts in systemic and media attention? Each decision **markedly rearranged the prior distribution of political influence and benefits, either material or symbolic, for various segments of the population.** The issues involved in all of these decisions were also highly affective. As a result, the decisions were extremely controversial at the time they were announced. The media participated in expanding the scope of system-wide conflict by publicizing the initial decision and its implications. **In each case, the Supreme Court's decision sparked intense national debates that drew in new participants and expanded the scope of conflict through time.** The escalating conflict involved not only groups with an interest in benefits and influence, but the broader public, as well as the president and Congress. It also involved the continued interaction of the media which both stimulated and interpreted the expanding conflicts through time. **The issues involved in each decision opened wide ideological cleavages among political actors that remain until this day.**

Court cases polarize opinion through the media

Ura, 2013 [Joseph Daniel Ura, Associate Professor in the Department of Political Science at Texas A&M University, "The Placement of Conflict: The Supreme Court and Issue Attention in the National Media,"

[http://people.tamu.edu/~jura/papers/Ura%20\(2014\)%20Covering%20the%20Court.pdf](http://people.tamu.edu/~jura/papers/Ura%20(2014)%20Covering%20the%20Court.pdf)] MJS

While Rosenberg's analysis remains the most widely known study of the Supreme Court's influence on the mass media, subsequent research has sharply challenged his conclusion. Flemming, Bohte, and Wood (1997) investigate the role of the Court in elevating the media's attention to civil rights, free speech, and public displays of religion (See also Flemming, Wood, and Bohte 1999). Flemming and his coauthors find that a small number of the Court's salient decisions in these issue areas had a significant influence on the media's systematic attention to the underlying issues addressed in each case. **These agenda-setting cases included three civil rights cases** (Brown v. Board of Education 1954, Cooper v. Aaron 1958, and Griffin v. County School Board of Prince Edward County) 1964, **one free speech case** (Texas v. Johnson) 1989, **and three Establishment Clause cases** (Illinois ex. rel. McCollum v. Board of Education 1948, Engel v. Vitale 1962, and Lynch v. Donnelly 1984). **These key cases: markedly rearranged the prior distribution of political benefits,** either material or symbolic, for various segments of the population. The issues involved in all of these decisions were also highly affective. As a result, **the decisions were extremely controversial at the time they were announced. The media participated in expanding the scope of system-wide conflict by publicizing the initial decision and its implications. In each case, the Supreme Court's decisions sparked intense national debates that drew in new participants and expanded the scope of conflict through time...The issues involved in each decision opened wide ideological cleavages among political actors that remain until this day** (Flemming et al 1997, p. 1247).

Though other Supreme Court decisions may be legally or symbolically important, these decisions so substantially reshaped the nation's policy landscape that the national news media refocused its attention on the issue areas they addressed.

Republicans pushed for zero tolerance

Kneeland 2016 [Timothy Kneeland is a political science professor. "Today's Social Issues: Democrats and Republicans", *ABC CLIO*,

<https://books.google.com/books?id=8vUDAAAQBAJ&pg=PA175&lpg=PA175&dq=republicans+support+zero+tolerance+policies&source=bl&ots=wRPjma7laJ&sig=QV6PabP5qSwx85oU4szBDfpRlr0&hl=en&sa=X&ved=0ahUKEwixvqq054fOAhUEph4KHRe_Bvs4ChDoAQhXMAk#v=snippet&q=zero%20tolerance&f=false>] //CJC

Republican Governor Nelson Rockefeller. The Rockefeller Drug Laws were the most stringent in the nation and were advocated as an important tool for dealing with crime that rose across the United States from the late 1960s through the early 1990s. Ronald Reagan, who was president from 1981 to 1989, used his office to ensure that there was **zero tolerance** for drug abuse. First Lady Nancy Reagan's signature program was her antidrug campaign, "Just Say No to Drugs" policy implemented in the mid-1980s. In the 1990s, congressional Republicans were important supporters of crime and welfare bills that stripped those convicted of drug use from access to public housing, food stamps, welfare, and, at the state level, restricted their right to vote, sometimes for life. Republicans drew a rhetorical picture of drug abuse as part of a sinister plot by Columbian drug lords who were ruining America. Many Republicans verbally attacked Democrats who suggested alternate sentencing in the 1990s. In their 2000 party platform, the GOP said that "the entire nation has suffered from the administration's virtual surrender in the war against drugs . . . [while] Drug kingpins have turned entire neighborhoods into wastelands and ruined uncounted lives with their poison." They also raised the image of vulnerable children targeted by drug pushers (Republican Party 2000).

In 2004, Republicans conceded some funding for drug prevention and treatment, but they maintained the law needed to "ensure that jail time is used as an effective deterrent to drug use and support the continued funding of grants to assist schools in drug testing. At the same time, we should make drug treatment available to people willing to take the courageous step of admitting they have a problem and working hard to overcome it" (Republican Party 2004). When President Barack Obama, who took office in 2009, sought to eliminate mandatory minimum sentences for those convicted of drug crimes, many Republicans objected. Senate

Judiciary Committee Chairman Charles E. Grassley (R-Iowa) spoke for many in his party when he disparaged the idea as "lenient" and "dangerous."

Uniqueness — Liberals favor increased use of probable cause, the resolution is inherently partisan toward adopting a liberal policy

Slobogin 2007 [Christopher Slobogin is professor of law at the University of Florida. "The Liberal Assault on the Fourth Amendment", *Ohio State University*,

<<http://moritzlaw.osu.edu/students/groups/osjcl/files/2012/05/Slobogin-PDF-03-11-07.pdf>>

//CJC

In this essay, I too suggest that the modern Court's early expansive stances on the Fourth Amendment have ultimately led to its diminishment. **But Katz's expectation-of-privacy formulation is not the culprit.** Rather, three **other liberal dogmas—what I call the probable-cause-forever position**, the individualized suspicion mantra, and the obsession with exclusion as a remedy—are the primary reasons we have a Fourth Amendment Lite. The end-logic of these three dogmas produce such unappealing results that even moderate and liberal justices have balked at them, leaving us with a search and seizure jurisprudence that is much less than it could be. **When a search requires probable cause to be constitutional, courts are naturally more reluctant to denominate every police attempt to find evidence a search.** When suspicion must be individualized, they are more likely to gloss over the harms caused by investigations of groups. And when the sole serious sanction for an illegal search or seizure is suppression at trial, many judges have less sympathy for viable claims, because they cannot stomach dismissal of criminal charges against guilty people.

5 Republican vote for RS in TLO, Republican judges tend to find against the student when students sue over intrusive searches

Torres 2007 [Mario Torres is Assistant Professor of Educational Administration at Texas A&M University. "Students' Fourth Amendment Rights and the Federal Judgeship: Examining the Link Between Political Appointments and Case Outcomes", *Brigham Young University*, <<http://digitalcommons.law.byu.edu/cgi/viewcontent.cgi?article=1228&context=elj>>] //CJC

President Reagan's position on the Fourth Amendment raises questions whether conservative appointed federal judges would choose to adopt the same or similar viewpoints and thus be inclined to rule for or uphold greater discretion for school officials. **Votes by Supreme Court justices in the T.L.O. ruling by party appointment reveal that political partisanship may be partly influential (i.e., five Republican nominated justices ruled for greater administrative latitude in student searches).** Should Republican appointed judges embrace President Reagan's thinking on "greater latitude," one would expect that such judges would tend to support greater administrative discretion over the more liberal interest of greater privacy protection. If true, the implications for students' rights as well as the legal system's capacity to resolve cases fairly and objectively are far reaching.

[...]

As the marginal table indicates in Table 4, 59% of the federal judges ruled against the student in more intrusive searches and 71% of the time against students when the search was less intrusive. **Republican appointed judges ruled against the student nearly 15% more than Democratic appointed judges regardless of the intrusiveness of the search.** As the Breslow-Day homogeneity test conveys ($\chi^2=.048$, $p=.827$), odds ratios for partial tables differed minimally between political parties. The Cochran independence test ($\chi^2=.420$, $p=.517$) also revealed that the political party was non-influential.

Education currently a non-issue, but bringing it to the forefront will polarize it

Michael B. Henderson, 8-3-2015 [, "How far apart are Democrats and Republicans on school reform?," Brookings Institution, <http://www.brookings.edu/blogs/brown-center-chalkboard/posts/2015/08/03-school-reform-politics-henderson>] MJS 7-19-2016

These are the trademarks of what public opinion scholars call “non-attitudes,” uninformed and haphazard responses without any real underlying opinion. This occurs when the public has not given an issue much attention. Americans may value education, but as an issue it is not at the forefront of their minds. When asked what they think is the most important issue facing the nation, only about five percent say education.

This murky ground of confusion is unlikely to make a solid foundation for consensus. Typically when the public starts paying attention to an issue, they look to their party leaders and fall in line accordingly. As they learn about the debate, confusion turns into polarization. It is unsurprising that the biggest partisan gap here concerns spending, an issue that easily taps into a familiar broader debate between parties. We are now seeing parties polarize over the Common Core as well. **If issues such as testing, charters, or preschool seize the public mind, they may soon follow the same path.**

Schools overreact and are risk averse

Madfis, Sept 2015 [Eric Madfis, Assistant Professor of Criminal Justice at the University of Washington Tacoma, ““It’s Better to Overreact”: School Officials’ Fear and Perceived Risk of Rampage Attacks and the Criminalization of American Public Schools,” Crit Crim, <http://link.springer.com/article/10.1007/s10612-015-9297-0>] MJS

In recent decades, highly-publicized school rampage attacks with multiple victims have caused widespread fear throughout the United States. Pulling from in-depth interviews with school officials (administrators, counselors, security and police officers, and teachers), this article discusses officials’ perceptions of fear and risk regarding rampage shootings and how this relates to their justification for and acquiescence to the expansion of punitive discipline and increased security. Data collected in this study provide additional understanding of the causes of enhanced discipline and security from the perspective of those tasked with administering school safety in the wake of Columbine.

Utilizing insight from moral panic theory, **the findings suggest that, when the genuinely high potential cost of school massacres fused with an exaggerated perception of their likelihood and randomness, school rampage attacks came to be viewed as a risk that could not be tolerated and must be avoided at nearly any cost.**

School discipline and security in American public schools have dramatically transformed since the turn of the twenty-first century. Over the last two decades, school safety policies have been driven, at least partially, by reactions to extreme events, especially the fear of multiple-victim

rampage attacks with guns and explosives. Some scholars have argued that the 1999 massacre at Colorado's Columbine High School, in particular, has had a profound impact upon public perceptions and policy debates surrounding school crime and safety (Muschert and Peguero 2010; Muschert et al. 2013). **Just as politicians, pundits, and policy makers refer to our contemporary climate as the post-9/11 era, many practitioners of school discipline refer to the post-Columbine era in schools, meaning that everyone must now think about school safety in an entirely new manner. This new way of thinking entails a disciplinary regime which has expanded zero-tolerance policies that dictate mandatory suspensions, expulsions, and arrests of students alongside enhanced surveillance through the proliferation of police officers and security cameras in schools.** These developments, which Hirschfield and Celinska (2011, p. 39) have collectively referred to as **school criminalization**, represent a swift and widespread **“penetration of law enforcement personnel and technology into urban, suburban, and rural schools.”** This article explores school and police officials' fear and perceived risk of school rampage violence in order to better outline the impact that these rare but devastating events have had upon contemporary school policy.

One of the defining features of moral panic scholarship is the focus upon what Cohen (2002, p. 19) labeled “exaggeration and distortion” and what Goode and Ben-Yehuda (1994) called “disproportionality,” both of which refer to an overreaction to the actual threat. Numerous scholars (such as Aitken 2001; Altheide 2009; Best 2002; Burns and Crawford 1999; Frymer 2009; Maguire et al. 2002) have emphasized the disproportionality inherent in much of the reaction to school rampage. The events at Columbine High School amounted to the most followed story for the entire year of 1999 (Pew Research Center 1999). As a result, fear of schoolyard killers became commonplace throughout the United States (Gallup 1999; Kiefer 2005; Newport 2006), though the rate of juvenile offending and victimization (particularly violent crimes) declined precipitously from 1994 onwards (Butts 2000). As youth were becoming less violent in general, schools were also becoming safer—the percentage of teachers threatened or physically attacked by their students similarly declined (Fox and Burstein 2010). **More generally in terms of probability, “only about 1 in 2,000,000 school-age youth will die from homicide or suicide at school each year” (Muschert 2007, p. 61) and “any given school can expect to experience a student homicide about once every 6000 years” (Borum et al. 2010, p. 27). This background knowledge was lost on many Americans who consumed a wave of school rampage coverage which greatly exaggerated their prevalence and potential risk (Aitken 2001; Burns and Crawford 1999; Cornell 2006).**

Glassner (2004, p. 820) described this phenomenon as a fear mongering narrative technique called “the christening of isolated incidents as trends.” Indeed, after the attack at Columbine, 30 % of students polled said that “there [were] groups at their schools that remind[ed] them of the infamous ‘Trenchcoat Mafia’ at Columbine High School,” while 36 % stated that there were individuals at their schools who were “potentially violent enough to cause a situation such as the one that occurred at Columbine High School”

(Gallup 1999). A year after Columbine, Nagy and Danitz (2000) discovered that 71 % of parents felt that the event changed their perspective about how safe their children's schools actually were, with only 40 % of respondents stating that they regarded them as "very safe." The Gallup survey conducted immediately after Columbine found that two thirds of Americans believed that a similar shooting was "very likely" or "somewhat likely" to occur in their own community (Saad 1999), while the same poll conducted right after the March 2005 school shooting incident on the Red Lake reservation in Minnesota revealed that nearly three-fourths of Americans believed that a similar attack was "very likely" or "somewhat likely" to happen in their communities (Kiefer 2005). **Over the years, parental fear has dissipated somewhat. While polling conducted shortly after Columbine discovered that 55 % of parents with school-aged children expressed concern about their children's safety while in school (Newport 2006), only 26 % of parents expressed the same fear in 2009 (Gallup, n.d.).** Though widespread fear of school rampage has lessened to some extent in recent years, various scholars still assert its significance in terms of shaping current school disciplinary policy (Muschert et al. 2013; Muschert and Peguero 2010).

One of the few exceptions to this gap is the emergent literature on "The Columbine Effect" (Muschert and Peguero 2010; Muschert et al. 2013), which describes **"the leveraging of anxiety about youth social problems in the expansion of school discipline, particularly punitive measures aimed at preventing extreme forms of violence"** (Muschert and Madfis 2013, p. 14). Coming out of a constructionist social problems framework, the notion of the Columbine Effect fits in the moral panic tradition by emphasizing the exaggeration among much of the reaction to rampage, but also how the specter of Columbine has, to continue with Cohen's (2002, p. 27) language, achieved long lasting "symbolization" where various words or objects come to symbolize complex negative emotions and meanings.

More than a decade after Columbine, rates of youth violence and school violence in particular remain lower than the early 1990's (Fox and Burstein 2010), yet most of the policies and procedures formed in the initial wake of public anxiety over school rampages remain in place (Madfis 2014a). It is vital to understand the current state of fear and perceived risk surrounding school rampage because, while surveys indicate that fear of school rampage remains somewhat high (though rates often increase immediately after an event and then slowly decrease), these data lack depth, and prior studies leave it entirely unknown to what extent school personnel still craft school safety policies and procedures with the problem of school rampage in mind. Ultimately, the causes of enhanced discipline and security are myriad and complex. As such, it is vital to fully comprehend the thought processes and motives of the school and police authorities who have undertaken the project of post-Columbine school safety and reframed the way discipline operates in school settings.

The data, taken as a whole, result in numerous significant implications. First, when officials in districts with relatively low rates of crime and violence overestimate the occurrence of school rampage and base broad policy decisions on these devastating events, their risk calculation is not only statistically inaccurate, but rhetorically dishonest. **The public, including school and**

police officials but also students and parents, ought to be engaging in a debate over whether or not the negative aspects of punitive zero tolerance policies and enhanced security (such as changes to the school atmosphere as an educational institution, potential violations of students' civil liberties, expenditures of limited resources for personnel and technology, etc.) are worth the benefits of reducing or preventing typical and relatively minor student misbehavior, **rather than having to conduct a cost-benefit analysis where one side of the equation is characterized in such a radically skewed manner (i.e. the cost of not adopting law enforcement solutions in schools will immanently result in multiple students deaths)**. There is much to gain, then, by advancing a rational discourse about school rampage that emphasizes the true rarity of these events and the lack of empirical evidence indicating the success of enhanced security and discipline in deterring rampage (see, for example, Madfis 2014a).

High suspension rates; suspensions → drop outs, incarceration

Carly Berwick, 3-17-2015 [, "Why Large, Urban Schools Are Getting Rid of Zero-Tolerance Policies," Atlantic,

<http://www.theatlantic.com/education/archive/2015/03/zeroing-out-zero-tolerance/388003/>] JSM 7-16-2016

Zero-tolerance policies mean that suspension is used as a consequence for infractions ranging from severe (such as weapon possession) to minor (defiance or chronic tardiness). In some charter-school networks, including Success Academy in New York and Uncommon in Newark, as well as some public-school districts—such as Pontiac, Michigan, and Saint Louis, Missouri—nearly a third of students are suspended annually, according to the UCLA study. Meanwhile, Florida as a whole has a 19 percent suspension rate. **And in Texas, nearly 60 percent of students have been suspended by the time they graduate high school, according to a 2011 report by the Council of State Governments' Justice Center. As that report documented, suspensions and expulsions can predict a cascade of poor outcomes for kids, including failing a grade, dropping out, or becoming incarcerated.** (The UCLA report excluded New York City because of inconsistently reported data.)

Zero tolerance second largest indicator of suspension rates

Carly Berwick, 3-17-2015 [, "Why Large, Urban Schools Are Getting Rid of Zero-Tolerance Policies," Atlantic,

<http://www.theatlantic.com/education/archive/2015/03/zeroing-out-zero-tolerance/388003/>] JSM 7-16-2016

And administrators' beliefs about how to control students often determine the number of kids who get suspended rather than the actual misdemeanor count, according to some studies. In 2008, principals in Indiana took a survey about their thoughts on discipline. **Russell Skiba**, the lead researcher, found that **principals who favored zero-tolerance approaches over preventative ones suspended and expelled students at higher rates**. While this may not be surprising, what was striking was that **this belief in zero tolerance outweighed other factors, such as poverty or the type of infraction; the only other variable that strongly associated**

with suspension rates was race. "Administrators don't suspend kids because they love kicking kids out of school," Skiba said. "It happens because they don't know what else to do." In other words, if you don't send a message that the student caught smoking in the bathroom needs to cool off at home, what other options do you have?

Suspensions link to S2PP

Donna Lieberman (The New York Civil Liberties Union), 2007, "The Impact of School Suspensions, and a Demand for Passage of the Student Safety Act," No Publication,

<http://www.nyclu.org/content/impact-of-school-suspensions-and-demand-passage-of-student-safety-act/20//> ENDI - DY

Testimony Of Donna Lieberman On Behalf Of The New York Civil Liberties Union before The New York City Council Committees On Education And Civil Rights Regarding The Impact Of Suspensions On Students' Education Rights Council Member Jackson and members of the City Council's Education and Civil Rights Committees: My name is Donna Lieberman, and I appear before you today on behalf of the New York Civil Liberties Union ("NYCLU") and its 48,000 members statewide. Since 1951, the NYCLU has been the state's leading advocate on behalf of New Yorkers' civil rights and civil liberties. In March 2007, the NYCLU released a report on the impact of DOE and NYPD disciplinary and safety policies on the educational environment in the schools. The report examined the origins and the consequences of the city's aggressive policing operation in the schools, and provided analyses of the results of a broad student survey performed by the NYCLU and profiles of individual students whose experiences illuminate the problems with policing in schools. The report included numerous stories of instances in which school and police personnel meted out harsh punishment in situations that should have been resolved through counseling, conflict mediation, and similar supportive methods. The report included an analysis of student suspension practices, and found that the length and duration of student suspensions had increased significantly, under circumstances where school officials were failing to adhere to their obligation to provide suspended students with alternative educational services that were real and meaningful. Students and teachers are entitled to a safe educational environment that is conducive to both teaching and learning. A school's authority to suspend a student plays an important role in securing such an environment. Yet too often suspensions also serve as a quick fix for student disciplinary problems that demand a more supportive response. In the long term, many student suspensions hamper, rather than improve student safety. Such suspensions impact students long after the suspension has been served. I testify today to urge the City Council to closely examine suspension practices in the city's public schools and to create mechanisms for greater accountability and oversight of school disciplinary practices, including suspensions. As my testimony will indicate, student **suspensions play a pivotal role in perpetuating the "School to Prison Pipeline,"** both nationally and in New York City. It is time for the City Council to stem the flow of students into the criminal justice system, and support corrective measures, such as those contained in the Student Safety Act1. Suspensions Perpetuate the School to Prison Pipeline The School to Prison Pipeline describes local, state and federal education and public safety policies that operate to push students out of school and into the criminal justice system. This system disproportionately impacts youth of color and youth with disabilities. Inequities in areas such as school discipline, policing practices, and high-stakes testing contribute to the pipeline. The School to Prison Pipeline operates directly and indirectly. Schools directly send students into the pipeline through zero tolerance policies that involve the police in minor incidents, which too often lead to arrests, juvenile detention referrals, and even incarceration. Schools indirectly push students into the criminal justice

system by excluding them from school through suspension, expulsion, discouragement and high stakes testing requirements. Suspensions, often the first stop along the pipeline, play a crucial role in pushing students from the school system and into the criminal justice system. Research shows a clear correlation between suspensions and both low achievement and dropping out of school altogether². Such research also demonstrates a link between dropping out of school and incarceration later in life. **Specifically, students who have been suspended are three times more likely to drop out by the 10th grade than students who have never been suspended**³. Dropping out in turn triples the likelihood that a person will be incarcerated later in life⁴. **In fact, in 1997, 68 percent of state prison inmates were school dropouts**⁵. Despite the poor outcomes associated with suspensions, schools across the nation have seen an explosion in the number of suspensions and expulsions, mainly due to zero tolerance policies that rely heavily on harsh disciplinary practices. Originally meant to address only the most serious violent behavior, zero tolerance policies now too often target normal, non-violent behavior, even though schools nationwide continue to benefit from a fourteen year steady decrease in violent and non-violent crime in public schools⁶. In 2006, the American Psychological Association found that zero tolerance policies have been ineffective in reducing violence in schools and have instead increased disciplinary problems and dropout rates in middle schools and high schools, as well as the number of referrals to the juvenile justice system for minor infractions once handled by educators in the schools⁷. The report also found that zero tolerance policies have led to an over-representation of students of color in school discipline processes. The national racial disparities in school discipline are indeed profound. [and that] Nationwide, black students are 2.6 times more likely to be suspended than white students⁸. Black students, who make up only 17 percent of the nation's student population, account for 36 percent of out of school suspensions and 31 percent of expulsions⁹. This disparity has been on the rise during the recent ascendancy of zero tolerance, with 6 percent of black students and 3 percent of white students being suspended at least once in 1973 compared to 14 percent of blacks and 5 percent of whites in 2003¹⁰. Black students with learning disabilities are even more vulnerable to both suspension and incarceration. They are three times more likely than white students with learning disabilities to be removed from school and four times more likely to be placed in a correctional institution¹¹. Our nation's over-reliance on suspensions and other exclusions from school continues to limit the futures of our most vulnerable youth – students of color, low income students, and students with special need.

Willard 07 - RS deters by 7%

[Nancy Willard, Loyola, "Educator's Guide to Cyberbullying and Cyberthreats", *Center for Safe and Responsible Use of the Internet*, 2007]

Schools have a duty to exercise reasonable precautions against student cyberbullying through the district Internet system and via cell phones on campus. Routine maintenance and monitoring, technically and by staff, should be expected. An individual search of cell phone and Internet use records can be conducted **if there is reasonable suspicion that the student has violated district policy, including policies against bullying. Clear notice to students enhances deterrence. Monitoring student Internet use records and personal digital devices has led to a 7% decrease in cyberbullying**

Reasonable suspicion deters contraband

Tiller, Benjamin C., Attorney, "Problems of Probable Cause: Meneese and the Myth of Eroding Fourth Amendment Rights for Students," *The Saint Louis University School of Law*

http://www.slu.edu/Documents/law/Law%20Journal/Archives/LawJournal58-2/Tiller_Article.pdf
(2014): 589.

Others, like Dodd, argue that because statistics indicate that violence in schools is declining, then a probable cause standard is sufficient to curb violence.²³⁶ However, the fact that violence and guns in schools are decreasing does not make them absent.²³⁷ Rather, “violent crime in the schools . . . [is a] major social problem[].”²³⁸ **Even if there is decreased school violence, it is necessary to apply the reasonable suspicion standard to deter students. If students know that they can be searched with only reasonable suspicion, they will be less likely to carry contraband onto school property. Conversely, if students know that a warrant must be obtained before they can be searched, they will be more tempted to bring contraband to school because they would have a reduced chance of being caught. It is clear that guns, drugs, and violence are an unfortunate part of the American school system.** It is equally clear that educators and resource officers have a legal duty to protect students while in school. A probable cause standard would frustrate the fulfillment of the resource officer’s duty, make it harder for schools to keep contraband off school property, and make it easier for students to conceal drugs or weapons at school.

Lower search standard saves lives - getting a warrant takes time

Benjamin Tiller, J.D. Candidate, 2014, Saint Louis University School of Law, “THE PROBLEMS OF PROBABLE CAUSE: MENESE AND THE MYTH OF ERODING FOURTH AMENDMENT RIGHTS FOR STUDENTS”,

<http://www.slu.edu/Documents/law/Law%20Journal/Archives/LawJournal58-2/Tiller_Article.pdf
> 2014// ENDI-JM

It is clear that guns, drugs, and violence are an unfortunate part of the American school system. It is equally clear that educators and resource officers have a legal duty to protect students while in school. **A probable cause standard would frustrate the fulfillment of the resource officer’s duty, make it harder for schools to keep contraband off school property, and make it easier for students to conceal drugs or weapons at school. This high standard will not mitigate drug and gun problems, but will make them worse. It will force educators and resource officers to take the time to apply for a warrant instead of immediately addressing a perceived threat—time that in some circumstances, could literally be the difference between life and death. Reasonable suspicion, though, allows educators and resource officers the flexibility to search without wasting time obtaining a warrant, and discourages students from bringing contraband to school.** As a result, **reasonable suspicion should apply when no “outside” officers are involved.**

Benjamin Tiller, St. Louis Law Review: “The Problems of Probable Cause: Meneese and the Myth of Eroding Fourth Amendment Rights for Students.” St. Louis University Law Journal, 2014.

http://www.slu.edu/Documents/law/Law%20Journal/Archives/LawJournal58-2/Tiller_Article.pdf

This Note does not seek to encourage the suppression of individual rights, liberty, or autonomy. There is no question that “students do not shed their constitutional rights . . . at the schoolhouse gate.” However, **while society protects the rights of**

students, it must not forget to also protect their health and safety. American schools are experiencing substantial gun, violence, and drug problems that have no end in sight. It is the legal duty of schools and school resource officers to identify and resolve these problems—something they cannot do without the flexibility to quickly intervene and resolve dangerous situations. If probable cause were the standard, teachers and resource officers would be forced to apply for a search warrant to search students. Unfortunately, the time this would take could be the difference between life and death for students. With the reasonable suspicion standard, though, like what happened in *In re Josue T. and In re William V.*, **schools will be safer because teachers and resource officers will be able to respond quickly and prevent violence before it occurs.**

One gun found at school per day

Jennifer Mascia and Erin Corbett, 1-29-2016, "Once Per Day, an American Kid Brings a Gun to School," Trace, <https://www.thetrace.org/2016/01/guns-in-schools-america/> // ENDI-JM

January 6, a 15-year-old boy in Sumner, Washington, was busted trying to sell a .38-caliber revolver at his high school. He had brought the weapon from home. The next day, an elementary school teacher in Chester, South Carolina, lifted one of her students out of a wheelchair and discovered that the child had been sitting on a handgun. Police believe it was an accident. The day after that, in Palm Beach County, Florida, a pre-kindergarten student boarded a school bus with an unloaded handgun in his backpack. The boy's parents said they sent him to school with the wrong bag. In the first half of the academic year — from late August, when many districts started classes, to January 15, when many concluded the second report-card period — **there were at least 135 incidents in which elementary, middle, and high school students were caught bringing guns into America's schools.** The number is an update to The Trace's reporting in November, which found 77 such incidents in the first three months of the school year. All told, **a handgun has been discovered in the possession of a child more than once a school day.**

Metal detectors are searches

National School Safety Center, 1995, "STUDENT SEARCHES AND THE LAW,"

<https://www.ncjrs.gov/pdffiles1/Digitization/161361NCJRS.pdf> // ENDI-JM

There is no question about the legality of using a metal scanning device if the T.L.O. standard has been met. **If an administrator has reasonable suspicion to conduct a search, a scanner should viewed as a tool to conduct the search.** In fact, metal detectors can help a school official to meet the T.L.O. requirement of being reasonable in scope. The use of these devices in searching for metal objects is certainly less intrusive than, for example, a pat-down search. The controversial aspect of these devices is that they are frequently used to conduct "suspicionless" searches. Some schools require students to submit to a metal detector search to enter the school. All students or a randomly selected number of students are chosen to be searched. The search is not based on evidence about an individual but on the group as a whole. The T.L.O. court explicitly refused to state that individual suspicion is required to conduct a search on a school campus even though the T.L.O. case was one involving individualized

suspicion. Thus, courts have asked, Can a search be reasonable under all the circumstances if there is evidence that weapons are coming into the school, even if that evidence does not point to an individual as the culprit? The trend seems clear. Random or blanket searches through the use of metal detectors are acceptable as long as there is no evidence that the school used the search as a ruse to go after certain individuals or to target certain ethnic groups. As long as the school does not violate the equal protection clause of the Fourteenth Amendment to the U.S. Constitution, the search will probably be upheld.

School Securitization Up

NCES, 2016 [National Center for Education Statistics, "Indicator 20: Safety and Security Measures Taken by Public Schools", *National Center for Education Statistics*, http://nces.ed.gov/programs/crimeindicators/ind_20.asp] //AKC

Many safety and security measures tended to be more prevalent in schools where 76 percent or more of students were eligible for free or reduced-price lunch ([table 20.2](#)). A higher percentage of these schools reported they enforced a strict dress code, required school uniforms, and required students to wear badges or picture IDs than schools with lower percentages of students eligible for free or reduced-price lunch. Conversely, a lower percentage of schools where 76 percent or more of students were eligible for free or reduced-price lunch reported the use of random dog sniffs (14 percent) than schools where lower percentages of students were eligible for free or reduced-price lunch. A higher percentage of schools where 25 percent or less of students were eligible for free or reduced-price lunch reported requiring faculty and staff to wear badges or picture IDs (82 percent) than schools where higher percentages of students were eligible for free or reduced-price lunch.

The percentages of public schools reporting the use of various safety and security measures in 2013–14 tended to be higher than in prior years (figure 20.2 and table 20.1). For example, the percentage of public schools reporting the use of security cameras increased from 19 percent in 1999–2000 to 75 percent in 2013–14. Similarly, the percentage of public schools reporting that they controlled access to school buildings increased from 75 percent to 93 percent during this time. From 1999–2000 to 2013–14, the following safety and security measures also increased: requiring faculty and staff to wear badges or picture IDs, enforcing a strict dress code, use of random dog sniffs, requiring school uniforms, and requiring students to wear badges or picture IDs.

Metal detectors made kids feel safer

Marie Skubak Tillyer, Bonnie S. Fisher & Pamela Wilcox, 2011 [Marie Skubak Tillyer (PhD) is assistant professor in the Department of Criminal Justice at the University of Texas at San Antonio, "The Effects of School Crime Prevention on Students' Violent Victimization, Risk Perception, and Fear of Crime: A Multilevel Opportunity Perspective," *Justice Quarterly*, <http://www.tandfonline.com/doi/abs/10.1080/07418825.2010.493526#.V4rvfesrLC0>] MJS 7-16-2016

This study examined the effects of school-based crime prevention strategies aimed at reducing criminal opportunity. Results are mixed as to the effectiveness of such efforts in reducing violent victimization among students. Further, few studies have examined the effects net of student-level risk factors. Finally, it is unclear as to whether such measures agitate or placate students' risk perception and fear. Guided by a multilevel opportunity perspective, **this study**

used self-report data from 2,644 seventh-grade students nested within 58 schools to test whether such efforts reduce students' victimization, risk perception, and fear of violence at school. Hierarchical logistic models were estimated to control for individual-level opportunity for victimization. Net of compositional differences, the prevention practices did not significantly reduce the likelihood of experiencing violent victimization or perceptions of risk, and only one measure, **metal detectors, significantly reduced fear.** Implications for school crime prevention are discussed in light of the findings.

Empirically metal detectors solve guns

Johnson, 2010 [Robert Johnson, "Metal Detector Searches:

An Effective Means to Help Keep

Weapons Out Of Schools", *Stanford Law School*,

http://heinonline.org/hol-cgi-bin/get_pdf.cgi?handle=hein.journals/jle29§ion=27] //AKC

In 1989, the Board of Education of New York City instituted periodic metal detector searches of high school students to prevent them from bringing weapons to school. School records presented in a court challenge to the searches stated that over 2000 weapons were recovered in the 1990-91 school year alone. 18 **Similarly, Chicago school records show that a limited number of student searches with metal detectors resulted in the confiscation of 183 weapons in the 1990-91 school year; fifteen guns and 294 other weapons in the 1991-92 school year; forty-two weapons in the 1992-93 school year, and four guns in each of the 1993-94 and 1994-95 school years.** 19 **These data show that metal detectors work-they detect illegal weapons and aid in their confiscation.** An added measure of their effectiveness comes from the reported cases. These unsuccessful challenges to metal detector searches have invariably been brought on behalf of high school students trying to suppress the evidence against them. In other words, they were asking the courts to disregard the illegal weapons with which metal detectors had caught them red-handed. 20

Metal detector viewed as reasonable suspicion empirically

Johnson, 2010 [Robert Johnson, "Metal Detector Searches:

An Effective Means to Help Keep

Weapons Out Of Schools", *Stanford Law School*,

http://heinonline.org/hol-cgi-bin/get_pdf.cgi?handle=hein.journals/jle29§ion=27] //AKC

A California court recently reviewed the daily weapon search procedures of a high school. T.**he searches were instituted under a written policy to protect students and staff. The court approved the school's random searches with a metal detector, which it found minimally intrusive and reasonable in the circumstances** 33 The court concluded its opinion with this observation: Finally, no system of more suspicion-intense searches would be workable. Schools have no practical way to monitor students as they dress and prepare for school in the morning, and hence no feasible way to learn that individual students have concealed guns or knives on their persons, save for those students who brandish or display the weapons. And, by the time weapons are displayed, it may well be too late to prevent their use. 34

Metal detectors make students bring fewer guns

Juvonen, 2001 [Jaana Juvonen, "School Violence Prevalence, Fears, and Prevention", *RAND*, <http://oai.dtic.mil/oai/oai?verb=getRecord&metadataPrefix=html&identifier=ADA400060>] //AKC Weapons deterrence. Although bullying is far more prevalent than violence that involves weapons,³ one primary goal of improved physical surveillance measures is to prevent youth from bringing weapons to school. **Metal detectors** and searches of student lockers and book bags are not uncommon, especially in large urban middle and high schools. **Indeed, fewer weapons are confiscated with these measures in place¹² than are confiscated without them, implying that students are bringing weapons to school less frequently.** Whether metal detectors and searches can prevent a well-planned incident from taking place is less clear.

Probable cause requires character assessments – obviously impossible with anonymous tips

Sherry F. **Colb**, 10-16-13, "The U.S. Supreme Court Considers Anonymous Tips: Part One of a Two-Part Series of Columns," No Publication, <https://verdict.justia.com/2013/10/16/u-s-supreme-court-considers-anonymous-tips> //CJC Under the Fourth Amendment, before arresting someone, police must have probable cause to believe that the person they wish to arrest has committed a crime. Police may acquire such probable cause by directly witnessing the suspect committing the offense, or by directly observing circumstantial evidence of the crime (such as a suspect's running from the scene). However, when police investigate a crime that has already occurred, they frequently must rely on the observations of other people to substantiate the level of suspicion necessary to justify an arrest (or a search, which also generally requires probable cause). These other people are sometimes known as informants. Like the police, informants might directly witness the commission of a crime, or might instead make observations from which they infer that a particular suspect was involved in a crime. When police officers rely on an informant's observations instead of on their own, police must assess the trustworthiness of the informant's tip. Such an assessment generally takes into account two factors, to a greater or lesser extent: How credible and believable is the informant?; and How did the informant come to have the information that he or she is passing along to the police?

Helps with gun violence too

North Carolina Center for Safer Schools, 2016, "What is "SPK UP NC"?", http://www.ncleg.net/documentsites/committees/JLOCJPS/2015-16%20Interim/March%2010,%202016%20Subcom%20Reports,%20Gangs,%20ICAC,%20HERO%20Grants/008%20DPS_Center_for_Safer_Schools_Gang_Prevention_2016-03-10.pdf // ENDI-JM Over 160,000 school children miss school each day in the United States out of fear. Being able to report their fears is paramount in reducing these absences. Over 90 percent of students say they would use an anonymous reporting tool if they had one available. This is also important because over 80 percent of school shooters tell someone before they act. An anonymous reporting tool could help prevent many school shootings and other violent actions on school campuses. SPK UP NC is a tangible anonymous application for smart phones that has been developed with the needs of North Carolina's school children in mind.

People know about school shootings before they happen

Blad 2014 [Evie Blad is a writer for Education Week. "School-Violence Tip Lines Get a Second Look After Sandy Hook", *Education Week*,

<<http://www.edweek.org/ew/articles/2014/02/05/20tiplines.h33.html>>] //CJC

Colorado lawmakers are considering a bill that would provide public funding for Safe2Tell, which is currently operated as a private nonprofit organization. Meanwhile, other states, including Michigan, have recently announced plans to replicate or consider replicating all or part of the Safe2Tell program. **Since its creation in 2004, the Safe2Tell line has received reports and aided in the prevention of 266 separate school attacks**, according to an annual report. **In December 2012 alone, it received 24 tips of planned attacks.** Over the same period, the Colorado tip line also **has collected 1,436 reports of planned suicides and 2,386 reports of bullying**, the annual report says. Tapping Into Peers A 2002 report by the U.S. Secret Service National Threat Assessment Center, prepared after the agency analyzed **37 school attacks** that occurred between 1974 and 2000, concluded that **attackers in 31 of those events had told at least one person about their plans beforehand. In 22 cases, two or more people knew about the planned attack in advance, the study concluded.** In nearly all cases, those peers were classmates, siblings, and friends of the attackers, it said.

Access to guns causes shootings

Thomas, 2000 [Jay Thomas, "Risk Factors in School Shootings", *Pacific University*,

http://www15.uta.fi/arkisto/aktk/projects/sta/Verlinden_Hersen_Thomas_2000_Risk-Factors-in-School-Shootings.pdf] //AKC

How these four dimensions influence behavior depends upon the particular portrayal and the individual viewer. While media violence is usually not a danger for an adolescent whose life is healthy and happy, individual risk factors including isolation, mental health problems, and drug abuse may increase a child's vulnerability to its effects (American Academy of Child and Adolescent Psychiatry, 1999).

Access to a potentially lethal weapon, especially a firearm, increases likelihood that a lethal event will result from an aggressive or violent altercation (Valois & McKewon, 1998). During 1998, there were more than 6,000 expulsions for possession of lethal weapons in American schools. Guns are readily available to many adolescents (Howell, 1997). The National Consortium on Violence Research (1998) reports that 1 out of 5 guns in American homes are stored loaded and unlocked. Most guns used in school homicides come from family members. Numerous epidemiological studies document a direct relationship between the presence of accessible firearms and the risk of homicide and suicide for young people (Strasburger, 1995). **There seems to be little disagreement about the danger of access to lethal weapons for young people who may already be at risk for aggressive and violent behavior.**

Squ Solving Crime

Blad, 2016. [Education Week, "Schools See Less Crime, Fewer Students Feel Unsafe, Federal Data Show."

By Evie Blad on May 4, 2016 http://blogs.edweek.org/edweek/rulesforengagement/2016/05/schools_see_less_crime_students_feel_safer_federal_data_continue_to_show.html

Counter to popular narratives, American schools may actually be getting safer. Reports of student victimization at school continue to decline, and students' reports of fear of harm at school also keep falling, data released today show. **Between 1992 and 2014, the total victimization rate at school fell from 181 victimizations per 1,000 students in 1992 to 33 victimizations per 1,000 students in 2014**, according to the most recent federal data. Those victimizations include incidents such as theft, assault, robbery, and sexual assault. The data come from an annual report, Indicators of School Crime and Safety, which is produced jointly by the National Center for Education Statistics and the Bureau of Justice Statistics at the U.S. Department of Justice. "The data show that we have made progress; bullying is down, crime is down, but it's not enough," Peggy G. Carr, acting commissioner of NCES, said in a statement. "There is still much policy makers should be concerned about. Incident levels are still much too high." The data is collected from surveys of students, teachers, and principals and from official reporting done by K-12 schools, colleges, and universities. It includes a range of indicators about how schools keep students safe, how they administer discipline, and teachers' perceptions of safety and classroom order. Students generally seemed to see school as a safer place, the data show. **The percentage of students who reported being afraid of attack or harm at school or on the way to and from school decreased from 12 percent in 1995 to 3 percent in 2013.**

School shootings account for 2% of youth homicides, 468 violent school deaths over 2 school years

Allison **Boyd**, 6-25-2014, "Student Safety and Gun Violence in Schools," *Knowledge Center*, <http://knowledgecenter.csg.org/kc/content/gun-violence-student-safety-and-public-health>, // ENDI-JM

Weapons in schools are responsible for the deaths of students, staff and nonstudent individuals, **including homicides and suicides.**⁶ Between 1 and **2 percent of all youth homicides** occur at school, and this percentage has been stable during the past decade.⁷ Most attacks occur during transition times, such as lunch or the beginning and end of the school day.⁸ In 2011, 5.9 percent of students stayed home from school at least one day because they did not feel safe either at school or traveling to and from school.⁹ In the 2010-11 school year, there were 31 school-associated violent deaths. Of these 31 deaths, 17 were staff and nonstudents such as parents; 14 incidents—11 homicides and three suicides—involved students between the ages of 5 and 18. These numbers fluctuate over time. For instance, in the 2006-07 school year there were 63 total deaths, with 32 student homicides and nine student suicides. **In total, there were 468 school-associated violent deaths between the 2000-01 and 2010-11 school years.**¹⁰

Interviews of children are “Searches” under the fourth amendment

Doe v. Heck [327 F.3d 492, Page 509-510 (7th Cir. 2003)] <https://casetext.com/case/doe-v-heck>] //WGC

“The threshold consideration in a Fourth Amendment inquiry is whether the governmental conduct in question constitutes a search or seizure within the meaning of the amendment’s text. *Kyllo v. United States*, 533 U.S. 27, 31, 121 S.Ct. 2038, 150 L.Ed.2d 94 (2001); *Brokaw*, 235 F.3d at 1010. **In this case, defendants Wichman and Heck, with the assistance of the police, investigated allegations of child abuse on the premises of Greendale. As part of that investigation, they took John Doe Jr. into custody to interview him.** We think it is clear that **the foregoing actions constitute both a search and a seizure under the Fourth Amendment.**

When the Fourth Amendment was ratified, as now, to "search" meant "[t]o look over or through **for the purpose of finding something**; to explore; to examine by inspection; as, to *search* the house for a book; to *search* the wood for a thief.” *Kyllo*, 533 U.S. at 33 n. 1, 121 S.Ct. 2038 (quoting N. Webster, *An American Dictionary of the English Language* 66 (1828) (reprint 6th ed. 1989)). 1

The defendant caseworkers' investigation on Greendale's premises easily meets this definition because the defendants went to the school for the specific purpose of gathering information, an activity that most certainly constitutes a search under the Fourth Amendment.”

Reasonable suspicion required for CPS investigation

Le Trinh, 3-25-2015 [attorney, "What Happens When CPS is Called?," Law and Daily Life, http://blogs.findlaw.com/law_and_life/2015/03/what-happens-when-cps-is-called.html] MJS 9-13-2016

When CPS receives a report or tip, it must first determine whether or not an investigation is needed. While a caller does not have to be certain or have proof of abuse or neglect, reasonable suspicion is required. Before CPS registers a report and starts an investigation, it must consider:

Identity and Location - Can CPS identify and locate the child and family being reported?

Age of Child - Depending on state law, CPS usually only investigates cases of children under 18 years old.

1. Jurisdiction - Does CPS have jurisdiction? For example, California CPS has jurisdiction over cases where the abuse happened in California. California CPS also has jurisdiction if the abuse happened in another state, but the child now lives in California.
2. Person Legally Responsible - Is the abuser a parent, legal guardian, foster care provider, or other adult responsible for the child’s care? If not, CPS does not have jurisdiction.
3. Allegations - Does the alleged conduct constitute abuse? If CPS determines that the alleged conduct is not abuse, then there probably won’t be any investigation.

If CPS determines that there may be abuse or neglect, a report will be registered, and CPS will begin an investigation. CPS will probably also make a report to the police who may conduct their own investigation.

The investigation will usually occur within 24 hours of a report. In this phase, CPS will take the following steps:

1. **Interviews - The caseworker will either call or visit your home to interview you, the alleged perpetrator, the child, or other members of the family or household. While the caseworker may want to interview your child alone, they are usually required to record the interview.**
2. **Examinations - The caseworker may request medical or psychological examinations of your child to determine if abuse or neglect has occurred.**
3. **Explanations- Within a reasonable time, usually 24 hours after all interviews, the caseworker will explain to you the allegations against you or another family member, and allow you to explain the circumstances of any injuries or safety concerns.**

If the caseworker determines that there is no evidence of abuse or neglect, the case is closed and the records are usually sealed.

If the caseworker determines that there is evidence of abuse or a risk of abuse, CPS may:

1. Create a Service Plan: In most cases, CPS will try to work with the family to protect the interests of the child. CPS offers many services including psychiatric counseling, group therapy, parent support services, and more.
2. Remove the Child: **If CPS determines that there are no reasonable efforts that can keep your child safe in your home, CPS will get a court order and take custody of your child. If CPS determines that your child is in immediate danger, CPS may remove your child before getting a court order.** When this happens, the court will review your case the next working day to determine if the removal was necessary and proper.

Two-thirds of drug abusers were abused as kids

Neil Swan, 1998 [National Institute for Drug Abuse Staff Writer, "Exploring the Role of Child Abuse in Later Drug Abuse," Child Abuse and Drug Abuse, http://archives.drugabuse.gov/NIDA_Notes/NNVol13N2/exploring.html] MJS 9-13-2016

As many as two-thirds of all people in treatment for drug abuse report that they were physically, sexually, or emotionally abused during childhood, research shows. However, the role of child abuse - physical trauma, rape and sexual abuse, neglect, emotional abuse, and witnessing or being threatened with violence or other abuse - in the pathway to drug abuse needs closer examination. Although studies probing the effects of child abuse have increased in recent years, researchers still are confronted with broad gaps in information.

11 times more likely to commit crimes

SUZANNE SHEPPARD July 25 2010 ["Think about the children," Newsday, <http://www.newsday.co.tt/commentary/0.124618.html>] MJS 9-13-2016

Research has also proven that children who experience rejection or neglect are more likely to develop anti-social traits as they grow up. Abused and neglected children are 25 percent more likely to experience problems such as delinquency, teen pregnancy, low academic achievement, drug use, and mental health problems

According to a United States National Institute of Justice study, abused and neglected children are 11 times more likely to be arrested for criminal behaviour as a juvenile, 2.7 times more likely to be arrested for violent and criminal behaviour as an adult, and 3.1 times more likely to be arrested for one of many forms of violent crime.

Teachers report lots of child abuse

Ruth **Bridgstock et. al, 2005** [Senior Research Assistant: Centre for Learning Innovation, "Critical factors in teachers' detecting and reporting child abuse and neglect: Implications for practice," Abused Child Trust, http://www.academia.edu/2821874/Critical_factors_in_teachers_detecting_and_reporting_child_abuse_and_neglect_Implications_for_practice] MJS 9-13-2016

Three-quarters (74.5%) of teachers suspected child abuse or neglect at some stage in their careers. Over one third (36.6%) reported their suspicions in the past year. These results confirm that reporting child abuse and neglect is not an uncommon experience for teachers. In accordance with institutional policy, the majority of teachers (94%) who had suspected child abuse or neglect reported their suspicions to their principal. Teachers believed principals reported cases to authorities approximately two thirds of the time (63%). Ten percent (10%) of teachers decided not to report suspected child abuse or neglect at some stage in their careers. These results reflect previous claims that schools and teachers are committed reporters (Abrahams et al., 1992; McCallum, 2000; Zellman, 1990c).

Teachers are more likely to report a case if there are signs of physical abuse and this is not the first time the child has shown these signs. They are more likely to report it if they are experienced; not parents; have self-reported confidence in identifying child abuse and neglect; believe they are legally obliged to report it; have no previous experience in identifying it; believe that child maltreatment happens more frequently in their community than others ;and have less recent child protection training. They are more likely to report it if they work in a metropolitan school

Teachers unlikely in a position to help kids

Cynthia Crosson-**Tower, 2003** [Director of the Child Protection Institute at the Fitchburg State College, "The Role of Educators in Preventing and Responding to Child Abuse and Neglect,"

U.S. Department of Health and Human Services,
<https://www.childwelfare.gov/pubPDFs/educator.pdf>] MJS

As is illustrated throughout this manual, **educators are important partners in preventing, identifying, and responding to child abuse and neglect. Because of their close and consistent contact with students and their families, educators are in a unique and critical position to help deal with these issues.** Schools and educators have developed creative approaches in the programs they have established and supported, as well as in the messages and lessons incorporated into curricula. This creativity is instrumental in allowing educators to play an ever-evolving role in addressing the needs of maltreated children and their families.

6.6 million examples of child abuse

Childhelp ["Child Abuse Statistics," <https://www.childhelp.org/child-abuse-statistics/>] MJS
9-13-2016

Every year more than 3.6 million referrals are made to child protection agencies involving more than 6.6 million children (a referral can include multiple children).

The United States has one of the worst records among industrialized nations – losing on average between four and seven children every day to child abuse and neglect.

In 2014, state agencies identified an estimated 1,580 children who died as a result of abuse and neglect — between four and five children a day. ² However, **studies also indicate significant undercounting of child maltreatment fatalities** by state agencies — **by 50% or more.**

School Violence leads to Punitive Policies/Measures

Cline 04 [Anne, "Heightened Security and Safety Measures in Public Schools," *York College Pennsylvania*. Accessed at:

<http://www.ifpo.org/resource-links/articles-and-reports/school-security-training/heightened-security-and-safety-measures-in-public-schools/>.] //DNP

A couple of years ago, scenes like these were common in public schools around the country. Today they are almost nonexistent. Public schools used to have minimum security in which teachers, administrators, and a single security guard monitored student's behavior and school violence. Currently these types of security and safety measures are rarely implemented in public schools (Ellis, 2003). **Growing public anxiety over acts of violence in public schools has prompted educators and lawmakers to drastically heighten security and safety measures in public schools in order to reduce and prevent violence and ensure safety in schools.** Recent incidents that have caused public concern over school violence and increased security in schools are the Columbine shootings, the September 11th tragedy, an increase in terrorism, and the 47 school-associated violent deaths that occurred between July 1998 and June 1999 (Snell, Bailey, Carona, & Mebane, 2002). These incidents have also caused students to fear for their safety. In the year 2000, 1.1 million students reported avoiding areas in school out of fear for their safety. Students' feeling unsafe in their own schools is another reason why security and safety measures have recently been heightened in public schools (Ellis, 2003).

The measures that schools are taking to reduce school violence and increase students safety include adopting a zero tolerance policy, increasing physical security, increasing liaison with

law enforcement and private security agencies, and offering students types of violence prevention programs. These heightened security and safety measures have both advantages and disadvantages towards the public school system (Bridges, 1999).

Sellers 13: Schools empirically hire SROs over fear of lawsuits

Sellers 2013 [Brian Sellers, professor of criminology, "Zero Tolerance for Marginal Populations: Examining Neoliberal Social Controls in American Schools," *University of South Florida*, <http://scholarcommons.usf.edu/cgi/viewcontent.cgi?article=5965&context=etd>] //CJC

By increasing the role that the police and the justice system play in school disciplinary matters by way of school criminalization and zero tolerance, school administrators are able to reduce their likelihood of being sued (Hirschfield, 2008). Thus, **discipline is "outsourced" to other law enforcement and state agencies, so that teachers are now simply responsible for students' minds while security staff are responsible for 83 their bodies**

(Beger, 2002; Devine, 1996; Kupchik & Monahan, 2006). Furthermore, the transfer of disciplinary authority to strict zero tolerance codes and law enforcement entities allows school administrators to circumvent litigious claims from students who believe their constitutional privacy and due process rights have been violated by zero tolerance practices (Arum, 2003; Hirschfield, 2008). Consequently, the manner in which neoliberal social controls are exerted via school-based zero tolerance policies and an increased law enforcement presence at schools has reinforced the formation of a crime control model where students' rights are weakened, due process is minimized, and the movements of students are controlled (Lyons & Drew, 2006; Nolan & Anyon, 2004). School criminalization teaches students three things: (1) they have no meaningful influence over their schools, (2) they have little recourse should the government violate their rights, and (3) they have few rights to begin with (Hirschfield & Celinska, 2011; Kupchik & Monahan, 2006; Lyons & Drew, 2006).

Mass shootings create culture of fear, people miss school

Thomas, 2000 [Jay Thomas, "Risk Factors in School Shootings", *Pacific University*, http://www15.uta.fi/arkisto/aktk/projects/sta/Verlinden_Hersen_Thomas_2000_Risk-Factors-in-School-Shootings.pdf] //AKC

These multiple-victim events are rare; however, they capture an enormous amount of media attention. The resulting climate of fear in schools is having an impact on students' readiness and capacity to learn, hiring and retention of teaching staff, openness and accessibility of the campus, student rights to privacy, physical building and grounds, the quality of the learning environment in general, and the emotional wellbeing of students and teachers (Elliott, Hamburg, & Williams, 1998). **This has resulted in changes** in local and state laws, **school discipline policies and procedures**, and attitudes and perceptions of children and youth about their safety in school and in society in general (Centers for Disease Control, 1999b). The Bureau of Crimes Statistics reports that 9% of all students in secondary schools fear that they will be attacked or harmed at school and avoid one or more places at school for fear of their own safety. **Nationwide, 4% of students had missed 1 or more days of school during the 30 days preceding the study because they had felt unsafe at school or while traveling to or from school** (Kelly, Huizinga, Thornberry, & Loeber, 1997). The climate of fear generated by the media coverage of the multiple-victim events has been used to justify actions against students by schools that would previously have been viewed as excessive. Concerns surrounding school shootings are leading directly to expulsion and suspension of students for minor and, at times, noncriminal acts.

...

91% of students are monitored

National Center for Educational Statistics, 2001 [National Center for Educational Statistics, "Technologies and Procedures to Prevent Student Access to Inappropriate Material on the Internet", National Center for Educational Statistics, <https://nces.ed.gov/pubs2002/internet/8.asp>] //AKC

- In 2001, almost all public schools with Internet access (96 percent) used various technologies or procedures to control student access to inappropriate material on the Internet (table 19). Across all types of schools, between 92 and 99 percent reported using these technologies or procedures. In addition, 98 percent of these schools used at least one of these technologies or procedures on all Internet-connected computers used by students (table 19).
- Among schools using technologies or procedures to prevent student access to inappropriate material on the Internet, **91 percent reported that teachers or other staff members monitored student Internet access (table 20)**. Eighty-seven percent used blocking or filtering software, 80 percent had a written contract that parents have to sign, 75 percent had a contract that students have to sign, 46 percent used monitoring software, 44 percent had honor codes, and 26 percent used their intranet¹². As these numbers suggest, most of the schools (96 percent) used more than one procedure or technology as part of their Internet use policy (not shown in tables).

52% of students are cyber-bullied

Bureau of Justice Statistics, 2016 [Bureau of Justice Statistics, US Department of Health and Human Services, Cyberbullying Research Center, "Cyberbullying/Bullying Statistics," *US Government (Posted on StatisticBrain.com)*,

<http://www.statisticbrain.com/cyber-bullying-statistics/>] /WGC

<u>Cyber Bullying Statistics</u>	<u>Data</u>
<u>Percent of students who reported being cyber bullied</u>	<u>52 %</u>
<u>Teens who have experienced cyberthreats online</u>	<u>33 %</u>
<u>Teens who have been bullied repeatedly through their cell phones or the internet</u>	<u>25 %</u>
<u>Teens who do not tell their parents when cyber bullying occurs</u>	<u>52 %</u>
<u>Percent of teens who have had embarrassing or damaging pictures taken of themselves without their permission, often using cell phone cameras</u>	<u>11 %</u>
<u>Where Cyberbullying Takes Place</u>	<u>Percent Who Reported</u>
<u>Facebook</u>	<u>84.2 %</u>
<u>Instagram</u>	<u>23.4 %</u>
<u>Twitter</u>	<u>21.4 %</u>
<u>Snap Chat</u>	<u>13.5 %</u>
<u>Instant Messages</u>	<u>11.2 %</u>

<u>Cyberbullying by Gender</u>	<u>Male</u>	<u>Female</u>
<u>I have been cyberbullied</u>	<u>16.6 %</u>	<u>25.1 %</u>

<u>Someone posted mean or hurtful comments online</u>	<u>10.5 %</u>	<u>18.2 %</u>
<u>Someone posted a mean video about me online</u>	<u>3.6 %</u>	<u>2.3 %</u>
<u>I have cyberbullied others</u>	<u>17.5 %</u>	<u>21.3 %</u>
<u>I spread rumors online about others</u>	<u>6.3 %</u>	<u>7.4 %</u>
<u>I posted a mean / hurtful picture online</u>	<u>4.6 %</u>	<u>3.1 %</u>

Bullying Statistics (Non-Cyber)	Data
<u>Percent of teens who reported being bullied while at school</u>	<u>37 %</u>
<u>Percent of students who had bullied others "often"</u>	<u>17 %</u>
<u>Percent of bullying that occurred inside the school</u>	<u>85 %</u>
<u>Percent of bullying that occurred on school grounds, bus, or on their way</u>	<u>11 %</u>
<u>Percent of victims that reported it to someone at school</u>	<u>29 %</u>
<u>Victims who were bullied once or twice during the school year</u>	<u>2 in 3</u>
<u>Victims who were bullied once or twice a month</u>	<u>1 in 5</u>
<u>Victims who were bullied daily or several times a week</u>	<u>1 in 10</u>
<u>Percent of middle schools that reported bullying problems</u>	<u>44 %</u>
<u>Elementary schools that reported bullying problems</u>	<u>20 %</u>
<u>High schools that reported bullying problems</u>	<u>20 %</u>

<u>Percent of middle and high school students who have had hate terms used against them</u>	<u>10 %</u>
<u>Percent of students who avoided school or certain places because they were afraid of being harmed in some way</u>	<u>7 %</u>
<u>Percent of teen weapon injuries that took place at school</u>	<u>8 %</u>
<u>Common Types of Bullying</u>	<u>Percent of Students</u>
<u>Percent of students who were made fun of by a bully</u>	<u>20 %</u>
<u>Had rumors or gossip spread about them</u>	<u>10 %</u>
<u>Physically bullied</u>	<u>20 %</u>
<u>Threatened</u>	<u>6 %</u>
<u>Excluded from activities they wanted to participate in</u>	<u>5 %</u>
<u>Coerced into something they did not want to do</u>	<u>4 %</u>
<u>Had personal belongings destroyed by bullies</u>	<u>4 %</u>

States With Highest Level of Reported Bullying Incidents

<u>Rank</u>	<u>State</u>
<u>1</u>	<u>California</u>
<u>2</u>	<u>New York</u>
<u>3</u>	<u>Illinois</u>
<u>4</u>	<u>Pennsylvania</u>
<u>5</u>	<u>Washington</u>

Additional Bullying Statistics

Homosexual and bisexual teens are more likely to report bullying than heterosexual teens

Students with disabilities are more likely to be the victims of bullying

Females are more often the victims of bullying than males

Males are more likely to experience physical or verbal bullying

Females are more likely to experience social or psychological bullying

Females and white students reported the most incidents of being the victims of bullying

[<< PRIOR DATA SET](#)

[NEXT DATA SET >>](#)

Bullying is a form of aggressive behavior manifested by the use of force or coercion to affect others, particularly when the behavior is habitual and involves an imbalance of power. It can include verbal harassment, physical assault or coercion and may be directed repeatedly towards particular victims, perhaps on grounds of race, religion, gender, sexuality, or ability. The "imbalance of power" may be social power and/or physical power. The victim of bullying is sometimes referred to as a "target".

Source: Bureau of Justice Statistics, US Department of Health and Human Services, Cyberbullying Research Center

Research Date: February 19th, 2016

[Nancy Willard, Loyola, "Educator's Guide to Cyberbullying and Cyberthreats", *Center for Safe and Responsible Use of the Internet*,2007] //

Schools have a duty to exercise reasonable precautions against student cyberbullying through the district Internet system and via cell phones on campus. Routine maintenance and monitoring, technically and by staff, should be expected. An individual search of cell phone and Internet use records can be conducted if there is reasonable suspicion that the student has violated district policy, including policies against bullying. Clear notice to students enhances deterrence. Monitoring student Internet use records and personal digital devices has led to a 7% decrease in cyberbullying.

Cyberbullying impact

McGrady, Thomas Patrick, ""Keeping Up With Technology": An Analysis of the Fourth Amendment Concerning the Search and Seizure of Students' Cell Phones to Investigate Instances of Bullying" (2013). Law School Student Scholarship. Paper 365.

http://scholarship.shu.edu/student_scholarship/365 //ENDI-JB

C. Bullying Negatively Impacts Students' Academic Performance

Since **cyber-bullying victims become overwhelmed with depression, anger, and frustration**, these emotions, **in most cases, [this] result[s] in victims' inability to focus and perform academically**. 135 "Stories shared by cyberbullying victims attest to the fact that cyberbullying can decrease students' grades and performance in school."136 Maria Eisenberg and Dianne Neurmark, in their article Peer Harassment, School Connectedness and Academic Achievement, noted "that **students who are bullied are more likely to miss school which in turn adds to being disconnected and missing educational opportunities**." 137 In an article to the UCLA Newsroom, **Stuart Wolpert discussed a study conducted of 2,300 students in eleven public schools in the Los Angeles area**. 138 **The research revealed that a higher level of bullying was directly connected to a decrease in grade point average**. 139 The study also produced findings that **[t]he students who were rated the most-bullied performed substantially worse academically than their peers**. Projecting the findings on grade-point average across all three years of middle school, **a one-point increase on the four-point bullying scale was associated with a 1.5-point decrease in GPA for one academic subject** (e.g., math)-a very large drop. 14 It is clear from the various studies highlighted above that bullying creates a true threat to a student's security in the classroom and his or her ability to perform academically. Since bullying has become such a prevalent issue in our society today, schools are becoming active to prevent its dire consequences. Nonetheless, it remains that school officials have a limited ability to regulate student bullying without violating their students' constitutional rights.

Victims of cyberbullying are more likely to commit suicide

Hinduja, 2010 [Sameer Hinduja, "Bullying, Cyberbullying, and Suicide", *International Academy for Suicide Research*,

https://www.researchgate.net/profile/Justin_Patchin/publication/45289246_Bullying_cyberbullying_and_suicide/links/55098f1f0cf26ff55f85eaa2.pdf] //AKC

In research stemming from the Netherlands, surveys from 4,721 primary school boys and girls revealed that approximately 13% of boys directly bullied and 18% of boys indirectly bullied suffered from suicidal ideation (van der Wal, de Wit & Hirasing, 2003). **Similar trends were identified in Roland's (2002) study of 1,838 Norwegian 8th graders; boys who were bullied suffered from suicidal ideation 2.5 times more than non-bullied boys, while bullied girls experienced those thoughts 4.2 times more than non-bullied girls. In addition, boys who bully others suffered from suicidal thoughts 3.8 times more than non-bullying boys, while girls who bully others suffered from suicidal thoughts 8 times more than non-bullying girls (Roland, 2002)**. Australian research by Rigby and Slee (1999) paralleled this finding, identifying correlations between suicidal ideation and boys who bullied (.33), boys who were bullied (.18), girls who bullied (.18), and girls who were bullied (.34). Analogous

results were also found in an Americanbased study, where bullying offending and victimization were significantly related to severe suicidal ideation and suicide attempts, with higher exposures to the former leading to higher risk of the latter (Klomek, Marracco, Kleinman et al., 2007). Finally, Klomek, Sourander, Kumpulainen et al. (2008) conducted the first longitudinal study of bullying behavior and suicidal ideation, and found that youth who frequently bullied others at age 8 were more likely to have thought about killing themselves at age 18 compared to nonbullies—but that this link disappears when controlling for depression. No relationship was found between bullying victimization and suicidal ideation. However, the scale they used was based on one question with four statements representing a continuum of suicide risk, instead of a more complex, multifaceted set of measures.

...

With respect to bullying, all forms were significantly associated with increases in suicidal ideation among sample respondents. That is, youth who experienced traditional bullying or cyberbullying, as either an offender or a victim, scored higher on the suicidal ideation scale than those who had not experienced those two forms of peer aggression. Moreover, it appears that bullying and cyberbullying victimization was a stronger predictor of suicidal thoughts and behaviors than was bullying and cyberbullying offending. In general, however, results suggest that experience with bullying explains only a small amount of the variation in suicidal ideation (only about 6% in the victimization models and 3% in the offending models). Finally, we sought to identify if bullying and cyberbullying experiences were related to an increased likelihood of an adolescent attempting suicide. For this final approach, we dichotomized our bullying and cyberbullying summary scales (those who scored 0 or 1 were coded as “0” while those who scored 2 or higher were coded as “1”).⁴ Results of this analysis were similar to the previous results with all forms of peer aggression being associated with a significant increase in the likelihood that the respondent attempted suicide (see Table 5). For example, traditional bullying victims were 1.7 times more likely and traditional bullying offenders were 2.1 times more likely to have attempted suicide than those who were not traditional victims or offenders. Similarly, **cyberbullying victims were 1.9 times more likely and cyberbullying offenders were 1.5 times more likely to have attempted suicide than those who were not cyberbullying victims or offenders.**

Farivar, 2013 [Cyrus Farivar, “California school district hires online monitoring firm to watch 13,000 students”, *ARS Technica*, <http://arstechnica.com/tech-policy/2013/09/california-school-district-hires-online-monitoring-firm-to-watch-13000-students/>] //AKC

The way Chris Frydrych tells it, monitoring schoolkids’ public social media posts and then reporting questionable activities about them daily to school officials is an unquestionable net positive.

So his new startup, [Geo Listening](#), does just that. Geo Listening looks for social media posts that deal with depression, despair, online bullying, hate speech, or other words and phrases that may indicate a possible violation of school codes of conduct—whether it's by a student or someone in and around a school's location.

Last month, Geo Listening even signed a deal with the Glendale Unified School District located north of downtown Los Angeles. Their agreement became the first publicly confirmed partnership between the company and a school district. Glendale will pay \$40,500 for Geo Listening to monitor posts by 13,000 students across its eight middle and high schools for an academic year.

“If our service gets kids to privatize their pages, that’s all a positive for our kids and our society,” Frydrych told Ars. He noted that the service would not catch posts that are locked down as private.

Geo Listening—based in Hermosa Beach, California, a small beach town just south of the Los Angeles International Airport—is not given a list of student names. Rather, it is scanning posts across Twitter, Facebook, Instagram, and other online services, searching for certain keywords and location information that would tie a person to the school community. Relevant data is then presented in a daily report to school officials.

Inherency: National guideline against zero tolerance; zero tolerance kills trust

Paulson 2014 [Amanda Paulson is a staff writer for the CS Monitor. “School discipline: New US guidelines shift away from zero-tolerance policies (+video)”, *CS Monitor*, <<http://www.csmonitor.com/USA/Education/2014/0108/School-discipline-New-US-guidelines-shift-away-from-zero-tolerance-policies-video>>] //CJC

Tough school discipline codes like zero-tolerance policies and mandatory suspensions for even minor infractions may have significant costs and glaring inequities.

That was a major message behind new guidelines issued Wednesday by the Obama administration, **calling on schools to seek alternatives to harsh penalties like expulsions and suspensions that rob students of classroom time and may be racially biased.**

The guidelines emphasize the need for a positive school climate and supports, **clear and appropriate expectations and consequences, and equity in discipline policies.** They're a response to a growing body of statistics showing both the costs of harsh disciplinary policies and the frequent inequities in how they're applied, particularly to black and special-education students.

“When carried out in connection with **zero-tolerance policies, such practices can erode trust between students and school staff, and undermine efforts to create the positive school climates needed to engage students in a well-rounded and rigorous curriculum,**” wrote Education Secretary Arne Duncan in a “dear colleague” letter to school officials. “In fact, research indicates an association between higher suspension rates and lower schoolwide academic achievement and standardized test scores.”

Inherency: Specific empirics of reforms in squo

Anderson 2015 [Melinda Anderson is a writer for The Atlantic. “Will School-Discipline Reform Actually Change Anything?”, *The Atlantic*,

<<http://www.theatlantic.com/education/archive/2015/09/will-school-discipline-reform-actually-change-anything/405157/>>] //CJC

The data on the shortcomings of zero-tolerance discipline is clear and overwhelming, and with increasing regularity and in increasing numbers school districts and states are responding to calls for reform. A wide range of approaches to address discipline concerns with new policies and laws are being tested across the country—including in New York City—with varying degrees of success and enthusiasm. Many of these efforts are spurred by grassroots activists, as well as a growing research base suggesting that suspensions—particularly for minor infractions—are a flawed discipline strategy. A 2011 analysis by the advocacy group and think tank Child Trends found that **majority of school suspensions are for nonviolent offenses.** The analysis cites a study on one large, unnamed urban school district in Florida showing that **attendance violations and disrespect were the most common reason for suspensions in the jurisdiction, while another study, this one included in a DOE report, found 95 percent of out-of-school suspensions were for slight infractions and misbehavior.**

The impetus for the emphasis on suspensions—which is still used in many districts and charter-school networks such as KIPP—didn’t have a strong research basis, explained Dan Losen, the director of the Center for Civil Rights Remedies at UCLA’s Civil Rights Project. Instead, schools took a cue from the 1970s War on Drugs with its zero-tolerance approach, he said, and dramatically expanded the use of exclusionary discipline—taking students out of their everyday educational settings—with unanticipated outcomes. In New York City, the Department of Education and Mayor Bill de Blasio, who pledged to address school discipline in his progressive-themed mayoral campaign, rolled out a highly anticipated plan in February, which was met with a somewhat lukewarm review. A diverse coalition of students, parents, community and children’s-rights groups had worked for many years to reform the district’s discipline code, heavily weighted toward harsh disciplinary actions like summonses, out-of-school suspensions and arrests. Civil-rights groups also joined the push as discipline reports showed students of color disproportionately punished by schools. A major sore point for many activists in the old discipline code was a policy allowing principals to suspend students for up to five days for

“insubordination.” The revised rules only tweaked this policy, leaving intact the option to suspend and simply shifting approval from principals to the DOE.

Zeroing in on this regulation is well-founded: **“Insubordination” is the leading cause of suspensions in middle and high schools. An analysis of DOE data by the New York Civil Liberties Union shows “serious infractions” accounted for fewer than 2 percent of reported suspensions in the 2013-14 school year and eliminating the rule for defying or disobeying authority “would reduce suspensions in New York City by almost one-fifth.”**

Underwhelmed by the first phase of changes, advocates turned attention to the mayor’s Leadership Team on School Climate and Discipline, tasked with crafting recommendations that would form the basis for more substantive policy. As a senior at Bushwick School for Social Justice, Rodriguez joined de Blasio’s team, one of only two youth members. She had advocated for a change in the discipline code for four years as a youth leader with Make the Road New York, a grassroots group that aims to empower Latino and working-class communities by advocating for education, housing, and labor-rights issues. And said she had seen friends unfairly suspended. “I haven’t heard anything positive about it.” The words they’ve used to describe it: crazy, zoo, madhouse. “People are just unsure and feel powerless.” The Leadership Team’s 10-point plan, released this July, includes reforms such as reducing racial disparities in suspensions and more transparent data collection. Looking ahead, the team’s recommendations leave Rodriguez cautiously optimistic.

“There’s a challenging side to it,” Rodriguez said, noting that the mayor’s budget didn’t invest in restorative-justice techniques, which Chalkbeat Tennessee has described as “a philosophy of resolution, discipline and reconciliation based on talking and learning the root cause of disciplinary issues, rather than depending solely on traditional methods of punishment such as detention or suspension.” Restorative justice—which has been adopted by a growing number of school districts—is considered an effective tool in reducing suspensions. As a result, activists mobilized and effectively lobbied the New York City Council to invest \$2.4 million in 15 pilot schools. But for Rodriguez “not really investing in what’s important is conflicting for me.” The city council’s restorative-justice investment is vaguely described as an “allocation [that] will support the implementation of” the pilot program, “which will change the culture of the chosen 15 schools approach to school disciplinary policies.” It doesn’t detail what that expenses or changes that implementation will entail.

Resources are also a central theme in Los Angeles, where its relatively new and widely publicized discipline policy is causing consternation among some school staff. **In 2013 Los Angeles Unified School District banned all suspensions for “willful defiance” – an ambiguous category, presumably similar to “insubordination,” used for everything from dress-code violations to eating and talking in class. As in New York, this catch-all category of minor offenses accounted for a significant percentage of all student suspensions in California and some of the largest racial disparities in discipline.**

San Francisco and Oakland promptly followed L.A. in banning willful-defiance suspensions, and last September California became the first state to at least partially prohibit public schools schools from disciplining for willful defiance. The statewide ban is similar but less comprehensive than those enacted in some of the local jurisdictions: California public-school students can no longer be expelled for willful defiance and children in grades K-3 can no longer be suspended. Groups representing administrators and school boards opposed earlier California Assembly bills that would have expanded the new rule to older students. And the Los Angeles ban continues to roil teachers and school leaders two years after implementation, even as early indications show California has reduced suspensions. According to the Los Angeles Times, however, some observers have questioned the integrity of the suspension data and certain principals' efforts to address disciplinary problems, citing allegations that some administrators have sent children home without officially suspending them; such assertions raise questions about the actual effectiveness of the LAUSD approach.

Inherency & Link: Zero tolerance reforms are happening now; AA suspended 3.5x more often, zero tolerance key feeder of prison pipeline

NJJN 2015 [The National Juvenile Justice Network is a non-profit advocating for treating youth in the justice system fairly. "Better than Zero", *NJJN*, <http://www.njjn.org/uploads/digital-library/ACS_BetterThanZero_Report_Oct-2015.pdf>] //CJC

According to data from the U.S. Department of Education, grades K-12 were suspended in 2009-10, more than double the rate in the 1970s. **African- American students are suspended or expelled at least 3.5 times more often than their white peers. Suspended or expelled students** are more likely to fall behind in their studies, drop out of school, interact with the juvenile justice system, and ultimately, **may end up committing crimes in their communities that result in some type of incarceration.** ² This phenomenon has been dubbed the "school-to-prison pipeline." **School zero-tolerance policies and their role in increasing the number of students suspended or expelled have become a high-profile point of discussion within the school-to-prison pipeline, because some zero-tolerance policies mandate extended periods of time out of the classroom, and students facing zero-tolerance discipline often fall behind and/or drop out of school entirely.**

[...]

While disproportionate punishment of youth offenders can take many forms, one of the most troubling is in the use of zero-tolerance policies without regard for or attention paid to the more critical issue of the origin of destructive student behavior. According to the American Academy of Pediatrics, **between 74% and 94% of schools in the U.S. have implemented zero-tolerance policies.** ¹⁷ Largely instituted in the late 1990s and as a result of the Columbine high school shootings, **zero-tolerance policies remove students from the classroom based on mandated predetermined minimum penalties** (such as suspension and expulsion) **for a wide**

degree of rule violations, and place them in the hands of the justice system. The School Superintendent Association (AASA) found 18 that while federal law mandates automatic expulsion for students who possess a firearm on school grounds, most states also have automatic suspension for a student violating other rules, such as assault (in 16 states) or drug use/possession, sexual assault, or possessing a weapon. Since implementation, zero-tolerance policies have been controversial, with some high profile cases of elementary and middle school students being expelled for sharing an inhaler during gym class, amounts of alcohol 20 or a small clear plastic gun to kindergarten, 21 or for playing cops and robbers at recess. 22 The National Education Association (NEA) has published several articles arguing against the use of zero-tolerance policies and promoting alternatives to the policies, Psychological Association Zero-Tolerance Task Force 24 found in 2008 that zero-tolerance policies, as implemented, have “failed to achieve the goals of an effective system of school discipline.” and offers several policy, practice, and research recommendations to change zero-tolerance policies and to implement alternatives. A 2013 Education Week survey 25 revealed that only 48% of educators (teachers and administrators) think zero-tolerance policies are successful, while 76% believe in-school suspension is effective in reducing student misbehavior; 60% believe law-enforcement referrals work; 46% think out-of-school suspensions are effective and 41% think expulsions work. According to the American Academy of Pediatrics, between 74% and 94% of schools in the U.S. have implemented zero-tolerance policies. 19 bringing small 23 and the American The much-publicized examples above, where zero-tolerance policies are applied to minor offenses, show the pendulum may have swung too far. There is value to maintaining multiple policy options to address behavioral and disciplinary incidents appropriately and to ensure disciplinary actions are commensurate with student behavior. Several states and school districts have already begun to define their discipline policies more clearly, implement new approaches for dealing with the root cause of student behavioral issues, and provide teachers and administrators with the tools and training to maintain student safety and academic success. **Several states have passed legislation that maintains school safety and mitigates the negative effects of zero-tolerance policies on students,** either through changing out-of-school suspension and expulsion policies related to truancy, directly changing zero-tolerance policies, or placing greater emphasis on early intervention or support services to help students stay in school. The Juvenile Justice Information Exchange²⁶ and the National Conference of State Legislatures’ Juvenile Justice Guide Book for Legislators²⁷ are resources to help states address policy changes. The School Superintendent Association (AASA)²⁸ used the 2014 school discipline compendium released by the U.S Department of Education and the U.S. Department of Justice to analyze²⁹ and summarize recent changes in several states, and to predict larger movements in school discipline laws throughout the states. Some examples of state policy changes are included on the following page.

RECENT STATE POLICY CHANGES IN THE U.S.*

of teacher removal policies by state legislatures and district leaders. Some examples of state policies include: Only Alabama explicitly bans teachers from removing a student from the classroom unless in an emergency. In 2012 Tennessee passed a law prohibiting a principal from challenging the teacher's decision to remove a student because of threatening or persistently disruptive behavior. **In 18 states and D.C. only principals have the authority to suspend and/or expel a student. Eight other states give that authority to teachers and principals.** provide district leaders with the autonomy to discipline truant students. **Since 2011, five states (California, Colorado, Maryland, North Carolina, and Oregon) have passed laws to end or greatly reduce out-of-school suspension or expulsion.** Some examples of other states that have updated their zero-tolerance policies are as follows: On August 12, 2014 the Michigan State Board of Education unanimously adopted the "Model Code of Student Conduct 2014," 31 which had not been updated since 2001. The Code articulates the importance of integrating proactive steps of evidenced-based, pro-social development practices into the school culture and sustaining them as vital elements of the school operations. The Code's objectives are to keep students in school and engaged in the learning process. The Michigan State Board of Education "strongly urges school districts to review zero-tolerance policies and adopt practices that allow educators to adopt disciplinary matters as opportunities for learning instead of punishment." The 42-page document provides useful resources, due process procedures, definitions for disciplinary actions, and guidance to school districts when violations of the code of student conduct occur and for school community response. It also includes model policies for student searches, as well as sample forms and notices. Delaware passed legislation 32 in 2009 amending the zero-tolerance provision of the law to allow school boards the discretion not to expel a child that committed a zero-tolerance Florida amended its zero-tolerance law 33 in 2009 to state that, "zero-tolerance policies are not intended to be rigorously applied to petty acts of misconduct and misdemeanors, including but not limited to minor fights or disturbances." **Several states emphasize prevention to avoid discipline and behavioral issues.**

Link: Zero tolerance literally created the pipeline; Solving pipeline requires getting rid of zero tolerance

Evans 2012 [Michael Evans is Assistant Professor of Family, School, and Community Connections, PhD in Curriculum & Instruction, "Organizing to End the School-to-Prison Pipeline: An Analysis of Grassroots Organizing Campaigns and Policy Solutions", *Miami University*, <<https://nau.edu/uploadedFiles/Academic/COE/About/Projects/Organizing%20to%20End%20the%20School.pdf>>] //CJC

The establishment of zero tolerance policies in public schools has resulted in the creation of a school-to prison pipeline where low-income and minority students are disproportionately subjected to extreme disciplinary measures including referrals to local law enforcement agencies and expulsion. In recognition of the deleterious effects of these policies, stakeholders are increasingly seeking legislative relief or advocating that schools implement early interventions that emphasize positive behavior training strategies. While these

solutions may reduce the school-to-prison track they generally fail to authentically engage the community and address larger systemic concerns. Community organizing is one alternative strategy that seeks to create transformative and sustainable change by empowering individuals as leaders and political actors in their communities. This article examines the campaigns of six community organizing groups seeking to address the school-to-prison issue. Findings indicate an emphasis on the creation of counter discourse, the establishment of dignity based school discipline policies, and a demand for shared accountability among stakeholders. The authors argue that the resulting grassroots policy solutions challenge deficit model policies and increase the likelihood of transformative and sustainable reforms. Defining the School to Prison Pipeline. Zero tolerance policies in US public schools began to take hold nationally in 1994 with the passage of the federal Gun-Free School Act (GFSA). Developed in response to a series of high profile school shootings it "required all states receiving funding from the Elementary and Secondary Education Act (ESEA) to pass legislation that required local educational agencies to expel from school for a period of not less than one year a student who is determined to have brought a weapon to school" (1994). Many states and districts expanded the mandate to include other disciplinary issues (e.g. fighting, truancy, drug possession). Originally, school administrators argued that zero tolerance policies would eliminate bias and uneven administration of discipline, yet in many locales the opposite occurred. Under zero tolerance policies minority students are significantly over-represented in both numbers and the harshness of discipline, with many being pushed out of the classroom and into the justice system (Fowler, 2011; Wald & Losen, 2003).

[...]

In general there is a need for more research regarding the impact of different disciplinary policies. Neither zero-tolerance policies nor the alternatives described above have a strong empirical research base (Gottfredson, Gottfredson, Gottfredson, Czeh, Cantor, Crosse & Hantman, 2000). However, what remains clear is that **zero tolerance policies are disproportionately applied to minority and low-income youth. If schools and districts are committed to reducing expulsions and suspensions and offering meaningful educational alternatives for misbehaving students then educational institutions and leaders must stop criminalizing adolescent behavior** (Meiners, 2007). To achieve this goal **schools need to include more student, family and community involvement in disciplinary decision making and pursue the collaborative development of alternative intervention strategies** (APA, 2006; CPSV, 2008; NASP, 2008).

Arrests down 54 percent

US Department of Justice, 2014 [Philadelphia Police School Diversion Program (PPSDP), 2014, "Keeping Kids in School and out of Court," *Office of Juvenile Justice and Delinquency Prevention (OJJDP), US Department of Justice*

<http://www.stoneleighfoundation.org/sites/default/files/SchoolDiversionProgram-Spreads.pdf>

JSM

In 2012, the School District of Philadelphia (SDP) ended its zero tolerance policy in favor of a disciplinary code that emphasized a more individualized approach, giving principals and staff more discretion in their responses to misbehavior.

Then, in spring 2014, the Philadelphia Police Department and the City's Department of Human Services partnered with the SDP to bring a new Police School Diversion Program to the schools. As an alternative to arrest, professionals intervene with a range of social services and counseling for students—and, crucially, their parents or caregivers—when children first get into trouble. Collaborating partners include Family Court, the District Attorney's Office, the Department of Behavioral Health, and the Defender Association of Philadelphia.

In 2014–2015, its first academic year, the Police School Diversion Program already demonstrated great success: arrests are down 54 percent, and hundreds of young people and their families have been afforded an opportunity to turn their lives around. Importantly, a reduction in the number of school-based behavioral incidents accompanied this reduction in arrest rates in Philadelphia schools—there were 1,051 fewer behavioral incidents than in the previous school year.

Media skews coverage against youth: perpetuates narrative of criminalization

Nancy A. Heitzeg, 2009 [PhD, professor of sociology, "Criminalizing Education: Zero Tolerance Policies, Police in the Hallways, and the School to Prison Pipeline," St. Catherine University,

https://www.hamline.edu/uploadedFiles/Hamline_WWW/HSE/Documents/criminalizing-education-zero-tolerance-police.pdf] MJS 7-15-2016

In the past decade, there has been a growing convergence between schools and legal systems. **The school to prison pipeline refers to this growing pattern of tracking students out of educational institutions, primarily via “zero tolerance” policies, and , directly and/or indirectly, into the juvenile and adult criminal justice systems. The school to prison pipeline has emerged in the larger context of media hysteria over youth violence and the mass incarceration that characterize both the juvenile and adult legal systems.** While **the school to prison pipeline is** facilitated by a number of trends in education, it is **most directly attributable to the expansion of zero tolerance policies.** These policies have had no measureable impact on school safety, but have racially disproportionate effects, increase suspensions and expulsions, elevate the drop-out rate, and raise multiple legal issues of due process. A growing critique of these policies has led to calls for reform and alternatives.

The media's general misrepresentation of crime and criminals certainly extends to youth; some estimates indicate that as much as two-thirds of violent crime coverage focused on youth under age 25 (Hancock 2001). The context for the current climate of repressive youth policies was set in the in the late 1980s and throughout the 1990s. Media generated hysteria inextricably linked “teen super-predators”, gang-violence and the crack cocaine “epidemic”, and

all were unmistakably characterized as issues of race. **The coverage of the youth gangs, which focused almost exclusively on African American and Latino gangs, exaggerated the extent of gang membership and gang violence, contributing the creation of “moral panic”** (McCorkle and Miethe 2000). Headlines screamed dire warnings about the legions of teen super-predators that would come of age by 2010; of course, they were urban, they were black and brown, and they were relentlessly violent (Templeton 1998). Given apparent legitimacy by conservative academics such as Wilson (1995) and DiLuio (1995) this super-predator script took off among both media and policy-makers. Violence, gangs, crack and youth of color became synonymous (Sheldon, Tracy and Brown, 2001; Walker, Spohn and DeLone 2012).

These media representations have real consequences. TV news coverage of crime reflects and reinforces what Glassner (1999) calls “the culture of fear”. This is supported by decades of research. Study after study finds that heavy TV viewers (i.e. those who watch more than 4 hours a day) overestimate the crime rate, the likelihood of crime victimization, and the extent of stranger related violence. In general, heavy TV viewers are nearly twice as likely as light viewers to report crime as the most serious problem, believe crime rates are rising, and indicate personal fear of victimization (Gerber 1994; Braxton 1997; Farkas and Duffet 1998). They have adopted what Gerbner (1994) calls “the mean-world syndrome”; they are overly fearful and mistrustful of strangers.

Widespread acceptance of the stereotype of youth of color as violent predators also has implications for public policy. The media script of youth of color as violent super-predators provided the backdrop for a series of policy changes as well. **Juvenile justice systems across the nation were rapidly transformed in a more punitive direction with media accounts – rather than statistical evidence – driving the agenda.** “Underlying this assault on juvenile justice is the demonization of youth, particularly young people of color, who are stereotypically portrayed as roaming the streets and destroying the fabric of society....The media’s imagery reflects confused reporting of crime statistics, at best, and forsakes the reality of crime rates in favor of sensationalized accounts of youthful offenders, at worst.” (Stein 1997) The policy shifts in juvenile justice are both consistent with and in furtherance of another significant phenomena related to the school to prison pipeline – mass incarceration and the emergence of the prison industrial complex.

Zero tolerance policies are justified by the moral panic

Brian Gregory Sellers, January 2013 [“Zero Tolerance for Marginal Populations: Examining Neoliberal Social Controls in American Schools,” University of South Florida, <http://scholarcommons.usf.edu/cgi/viewcontent.cgi?article=5965&context=etd>] MJS 7-18-2016

The moral panic perspective argues that prompt political responses, accompanied by policy changes, are a product of media driven outrage over a social problem that mobilizes popular support among the citizenry (Burns & Crawford, 1999; Giroux, 2003;

Hirschfield, 2008). **Politicians seize the opportunity to bolster public support by attempting to swiftly remedy the problematic situation by instituting social controls targeting the perceived deviant or potentially dangerous offenders** (Burns & Crawford, 1999; Giroux, 2003). The reactions of policymakers tend to lead to more sensationalizing of the social problem by the media. **Thus, the media's message, which persistently conveys to the public that school violence is an out-of-control social problem, is fueling the implementation of misguided zero tolerance policies by political powerbrokers** (Burns & Crawford, 1999; Giroux, 2003). A moral panic exists when a large number of nondeviant people believe there is a larger number of people engaging in the stigmatized behavior than there actual are and the media's framing of the issue prolongs this sentiment (Burns & Crawford, 1999; Giroux, 2003).

Although weapons in schools are relatively rare (Devine, 1996; Stader, 2004), a culture of fear has persevered, whereby control and surveillance are the paramount concerns of new "get tough" policies in schools (Giroux, 2003, p.560). As such, the fear of school-based crime is used as the overarching rationale to tighten controls on the movements of students in and out of schools, as well as the automatic punitive responses for policy violations (Barrett, Jennings, & Lynch, 2012; Noguera, 1995; Simon, 2007).

As explained in the theoretical framework, **the media-driven moral panic**, which resulted from the school shootings in the 1980s and 1990s, **provided policymakers with the opportunity to gain the public support necessary to implement zero-tolerance policies that allows school officials to remove and exclude students who threaten the reconfigured educational system designed to produce "compliant bodies" demanded by the deindustrialized neoliberal state** (Burns & Crawford, 1999; Hirschfield, 2008; Kupchik & Monahan, 2006). **Therefore, zero-tolerance policies serve as the legislative answer to controlling school violence and crime caused by a perceived growing number of "dangerous" youth in American schools, and** the courts' interest-balancing logic legitimizes this process (**Boccanfuso & Kuhfeld, 2011; Hirschfield, 2008; Hirschfield & Celinska, 2011; Stinchcomb et al., 2006**). Thus, interest balancing is a neoliberal mechanism in which the courts utilize the fear of school violence to rationalize the weakening of constitutional rights for public school students while promoting the state's interest in providing a safe, undisturbed educational environment in which students can effectively be socialized into their appropriate class-defined roles (Hirschfield, 2008). **As a result, the political utility of fear mongering from policy makers is coupled with the interest balancing dynamics of judicial reasoning to convince, parents, school officials, and society more generally that schools should and could be safer through the continued enforcement of zero-tolerance policies** (Giroux, 2003; Hirschfield, 2008; Lyons & Drew, 2006).

Child arrest leads to twice as many adult arrests

HLR, 2015 [Harvard Law Review, 2015, "Policing Students," *Harvard Law Review* <http://harvardlawreview.org/2015/04/policing-students>] MJS

Fourth, time in juvenile prison can have a devastating impact on the course of a child's life. **Juvenile incarceration makes a person significantly more likely to end up in the adult criminal justice system later.** For example, one study of 35,000 juvenile offenders "found that **those who were incarcerated as juveniles were twice as likely to go on to be locked up as adults as those who committed similar offenses and came from similar backgrounds but were given an alternative sanction or simply not arrested.**" In addition, **students who spend time in juvenile prison are significantly less likely to graduate from high school.** Even for students who are not charged, simply being arrested reduces the odds that they will graduate. Such a system should trouble even those who prefer a "tough on crime" approach, as there is no evidence it is making schools or communities safer.

Dog Sniffing Dogs = Probable Cause

Jack E. Call, 2013 ["Drug Detection Dogs and Probable Cause,"

<https://www.radford.edu/content/va-chiefs/home/june2013/harris.html>] JSM 7-15-2016

"Rather, the strongest evidence of competence comes from "controlled testing environments."

Justice Kagan indicated that "evidence of a dog's satisfactory performance in a certification or training program can itself provide sufficient reason to trust his alert. **If a bona fide organization has certified a dog after testing his reliability in a controlled setting, a court can presume (subject to any conflicting evidence offered) that the dog's alert provides probable cause to search.** The same is true, even in the absence of formal certification, if the dog has recently and successfully completed a training program that evaluated his proficiency in locating drugs."

Education is used to criminalize students

Carlos Cárdenas, 11-16-2015 ["Schools that treat students like criminals corrupt their education," Guardian,

<https://www.theguardian.com/commentisfree/2015/nov/16/schools-that-treat-students-like-criminals-corrupt-their-education>] JSM 7-15-2016

It would be preposterous for the writers of this cartoon to include episodes of Dennis walking handcuffed to the local precinct for his behavior. Yet the fictitious world of Dennis stands in stark contrast to the reality our students face in the US. **Valuable resources, such as instructional time, are used to criminalize students instead of to educate them. We'll have only ourselves to blame when our students end up fulfilling the role that we predestined for them.**

SROs → 5x arrests (controlling for poverty)

Aviva Shen, 1-17-2013 [senior editor of think progress, "The Dangers Of Putting More Armed Guards In Schools," ThinkProgress,

<http://thinkprogress.org/politics/2013/01/17/1462781/the-dangers-of-putting-more-armed-guards-in-schools/>] JSM 7-15-2016

“While no discernible link between safer schools and armed guards has been established, there is one clear impact. Student arrests shot up when school resource officers became more prevalent in schools after the Columbine shooting. **Even controlling for poverty level, schools with armed officers have nearly five times the rate of arrests for disorderly conduct.** As states beef up their security after Sandy Hook, more students are at risk for being treated like criminals. **One Pennsylvania county immediately hired armed guards who are reportedly searching childrens’ lunch boxes.** Local governments in Utah, Florida, Tennessee and Texas also started hiring armed guards after the NRA speech.”

Prison → less upward mobility, generational impact

Pew Charitable Trust, 2010 [“Collateral Costs: Incarceration’s Effects On Economic Mobility,” http://www.pewtrusts.org/~media/legacy/uploadedfiles/pes_assets/2010/collateralcosts1pdf.pdf] JSM

Incarceration affects an inmate’s path to prosperity. Collateral Costs quantifies the size of that effect, not only on offenders but on their families and children. Before being incarcerated more than two-thirds of male inmates were employed and more than half were the primary source of financial support for their children. Incarceration carries significant and enduring economic repercussions for the remainder of the person’s working years. **This report finds that former inmates work fewer weeks each year, earn less money and have limited upward mobility. These costs are borne by offenders’ families and communities, and they reverberate across generations.**

SROs → prison pipeline

Justice Policy Institute, 2011 [Justice Policy Institute, “EDUCATION UNDER ARREST:

The Case Against Police in Schools”, *Justice Policy Institute*, http://www.justicepolicy.org/uploads/justicepolicy/documents/educationunderarrest_executivesummary.pdf] //AKC

The increase in the presence of law enforcement in schools, especially in the form of school resource officers (SROs) has coincided with increases in referrals to the justice system,2 especially for minor offenses like disorderly conduct. This is causing lasting harm to youth, as arrests and referrals to the juvenile justice system disrupt the educational process and can lead to suspension, expulsion, or other alienation from school. All of these negative effects set youth on a track to drop out of school and put them at greater risk of becoming involved in the justice system later on, all at tremendous costs for taxpayers as

...

School resource officers (SROs) can be charged with a number of duties that include education and mentoring, but first and foremost, their primary function is to provide security and law enforcement while stationed in schools. According to the National Center on Education Statistics, a school resource officer is a “career law enforcement officer, with sworn authority, deployed in community-oriented policing, and assigned by the employing police department or

agency to work in collaboration with school and community-based organizations.” 5 **SROs are typically accountable first to the police department and then to the school**, which might pay part of an SRO’s salary or administrative costs. Nonetheless, a handbook for recruiting and retaining SROs, says that **an SRO can overrule a school administrator that wants to prevent the arrest of a student.**⁶

The government always has an incentive to fuel the S2PP

Alan Singer, 10-16-2014 [PhD, Social studies educator, Hofstra University, "Why Many Inner City Schools Function Like Prisons," Huffington Post, <http://www.huffingtonpost.com/alan-singer/why-many-inner-city-schools-function-like-prisons> b_5993626.html] MJS 7-14-2016

There is a lot of talk about how schools can transform society. The Bush administration’s education policy declared “No Child Left Behind,” but of course many children are still left behind. Barack Obama demanded that schools lead his “Race to the Top,” but it is not clear what direction he wants the schools and students to run. **The reality is that schools reflect and reinforce society; they do not transform it.** In the United States dating back to the 1920s high schools were organized on factory models to prepare working class immigrant youth for the tedium of factory work and harsh discipline.

Since the 1970s factory jobs in the United States have been shipped overseas. Companies do not need students prepared for factory work, so schools have evolved to perform a new social role. **In inner city minority neighborhoods especially Black and Latino young people attend schools organized on the prison model where they are treated as if they were criminals.**

One, because **wealthy people are making money off of their incarceration.** Another is deep-seated racism in the United States. **Conservative groups use fear of Black and Latino youth to mobilize White voters and win elections.** Blacks were outraged by the Trevor Martin murder, they feared for their children. But most Whites accepted the not guilty verdict because they believe Black youth wearing hoodies are potential threats. **But the underlying problem is the unwillingness of anyone in government to recognize that the economic system is not working.** These young people are surplus - there are no jobs for most of them.

In impoverished rural communities prisons are the employer of last resort. White men are hired to guard incarcerated Blacks and Latinos. **If the prison population more evenly reflected demographics, it would be harder to mobilize White voters to support the system and it would be easier to challenge economic inequality.**

Link to increase: Teachers are afraid of being sued

[Jim DeGenova, Education World, 2004, http://www.educationworld.com/a_admin/admin/admin371.shtml] //RJ

A recent Harris Interactive survey conducted for the organization Common Good revealed that **82 percent of teachers and 77 percent of principals say the current legal climate has changed the way they work. More than 60 percent of principals surveyed said they had been threatened with a legal challenge.**

Link to increase: Teachers don’t understand probable cause

Walter T. **Champion Jr.** is professor of law. “Critical Look at the So-Called Locker Room Mentality as a Means to Rationalize the Drug Testing of Student Athletes,” 4 Jeffrey S. Moorad

Sports L.J. 283 (1997).

<http://digitalcommons.law.villanova.edu/cgi/viewcontent.cgi?article=1227&context=mslj>

The standard used for school searches is "reasonableness [] under all the circumstances." *Id.* at 1314 (quoting *New Jersey v. T.L.O.*, 469 U.S. 325, 341 (1985) (alteration in original)). **The rationale for this reasonableness standard**, as opposed to a search warrant or probable cause requirement, is **that school teachers and administrators can not be expected to school themselves in the subtleties of the probable cause standard.**

Schools empirically hire SROs over fear of lawsuits

Sellers 2013 [Brian Sellers, professor of criminology. "Zero Tolerance for Marginal Populations: Examining Neoliberal Social Controls in American Schools," University of South Florida, <http://scholarcommons.usf.edu/cgi/viewcontent.cgi?article=5965&context=etd>] //CJC

By increasing the role that the police and the justice system play in school disciplinary matters by way of school criminalization and zero tolerance, school administrators are able to reduce their likelihood of being sued (Hirschfield, 2008). Thus, **discipline is "outsourced" to other law enforcement and state agencies, so that teachers are now simply responsible for students' minds while security staff are responsible for 83 their bodies**

(Beger, 2002; Devine, 1996; Kupchik & Monahan, 2006). Furthermore, the transfer of disciplinary authority to strict zero tolerance codes and law enforcement entities allows school administrators to circumvent litigious claims from students who believe their constitutional privacy and due process rights have been violated by zero tolerance practices (Arum, 2003; Hirschfield, 2008). Consequently, the manner in which neoliberal social controls are exerted via school-based zero tolerance policies and an increased law enforcement presence at schools has reinforced the formation of a crime control model where students' rights are weakened, due process is minimized, and the movements of students are controlled (Lyons & Drew, 2006; Nolan & Anyon, 2004). School criminalization teaches students three things: (1) they have no meaningful influence over their schools, (2) they have little recourse should the government violate their rights, and (3) they have few rights to begin with (Hirschfield & Celinska, 2011; Kupchik & Monahan, 2006; Lyons & Drew, 2006).

Adding SROs increases weapon and drug crime 29%

Gottfredson 2011 [Denise C. Gottfredson is a Professor at the University of Maryland, Department of Criminology and Criminal Justice. "Police Officers in Schools: Effects on School Crime and the Processing of Offending Behaviors", *Justice Quarterly*, <<https://ccjs.umd.edu/sites/ccjs.umd.edu/files/pubs/Police%20Officers%20in%20Schools-Effect%20on%20School%20Crime%20and%20the%20Processing%20of%20Offending%20Behaviors.pdf>>] //CJC

The table shows that increasing presence of police in schools is positively and significantly related to increases in per capita weapon/drug crimes. It is not significantly related to increases in any other crime type. To interpret the regression coefficients, we must take into account the logarithmic transformation in the negative binomial regression model. Osgood (2000, p. 39) suggests that a relatively straightforward approach is to report that an increase of x in an explanatory variable will multiply the fitted mean crime rate by the $\exp(x\beta)$. **Because increasing presence of police in schools is coded as a dummy variable, an increase of one in this variable corresponds to the contrast between increase and no-increase schools. Thus, the statistically significant coefficient of 0.256 indicates that schools with added SROs have a 29% higher rate of weapon/drug crimes than those that did not add SROs** [$\exp(0.256/1) = 1.29$].

SROs → up to 1.83 times more referrals

Nance, November 2015 [Jason P. Nance, law professor, "STUDENTS, POLICE, AND THE SCHOOL-TO-PRISON PIPELINE," No Publication,

<http://www.americanbar.org/content/dam/aba/administrative/diversity/Jason%20Nance.authcheckdam.pdf> MJS 9-1-2016

All of the models but one demonstrate that having regular contact with an SRO is a strong predictor of whether a school will refer a student to law enforcement for committing an offense. This is true even after controlling for other important factors that may influence a school's decision to refer a student to law enforcement such as having a state statute that requires referral for committing a certain offense, general levels of criminal activity and disorder in the school, and the general level of crime in the neighborhood in which the school resides.

This relationship is present for various serious offenses such as attacks using a weapon and threats with a weapon. But of more concern, this relationship exists for lower-level offenses as well, such as fighting without a weapon, threats without a weapon, theft, and vandalism. **In fact, the odds of referring a student to law enforcement for these lower level offenses are between 1.38 and 1.83 times greater in schools that have regular contact with SROs than for schools that do not. For other non-weapon offenses, such as robbery without a weapon, drug offenses, and alcohol offenses, the odds of referral increase by 3.54, 1.91, and 1.79 respectively.**

Political realignment occurring right now

Michael Lind, 5-22-2016 [staff writer, "This Is What the Future of American Politics Looks Like," POLITICO Magazine,

<http://www.politico.com/magazine/story/2016/05/2016-election-realignment-partisan-political-party-policy-democrats-republicans-politics-213909>] MJS 7-18-2016

What we're seeing this year is the beginning of a policy realignment, when those new partisan coalitions decide which ideas and beliefs they stand for — when, in essence, the party platforms catch up to the shift in party voters that has already happened. The type of conservatism long championed by the Republican Party was destined to fall as soon as a candidate came along who could rally its voters without being beholden to its donors, experts and pundits. **The future is being built before our eyes, with far-reaching consequences for every facet of American politics.**

Most culture-war conflicts involve sexuality, gender, or reproduction (for example, abortion, contraception, LGBT rights, and same-sex marriage). **The centrality of culture-war issues in national politics from the 1960s to the present allowed both major parties to contain factions with incompatible economic views.** For a generation, the Democratic Party has included both free traders and protectionists — but support for abortion rights and, more recently, gay rights have been litmus tests for Democratic politicians with national ambitions. Conversely, Republicans have been allowed to disagree about trade and immigration, but all Republican presidential candidates have had to pay lip service to repealing Roe v. Wade and outlawing abortion.

Like an ebb tide that reveals a reshaped coastline, **the culture war remade the parties' membership and is now receding.** In its absence, we are able to see a transformed political landscape.

The culture war and partisan realignment are over; the policy realignment and “border war” — a clash between nationalists, mostly on the right, and multicultural globalists, mostly on the left — **have just begun.**

The policy realignment of the present and near future will complete the partisan realignment of the past few decades. And though it’s impossible to know exactly how it will end, one thing is clear: **In 2016, the old political system is crumbling, and a new American political order is being born.**

Education was a non-issue in 2012 election

Jaime Rojas, 9-14-2012 [Jaime Rojas Jr. worked for The White House’s Office of Public Liaison and Latino outreach, "Opinion: Education is a non-issue in this election," NBC Latino, <http://nbclatino.com/2012/09/14/opinion-education-is-a-non-issue-in-this-election/>] MJS 7-18-2016

I cannot help but wonder what happened to all the rhetoric about education being first and foremost on the top of the American agenda. With all this mud-slinging from both parties during this presidential election campaign, **I have seen no real national discussion on the topic of education at any level, especially during these last few weeks in which we as Americans prepare to vote for the next president of our country.**

Education continues to be a non-issue

Hayley Munguia, 11-19-2015 [data reporter, "The Big Issues Of The 2016 Campaign," FiveThirtyEight, <http://fivethirtyeight.com/features/year-ahead-project/>] MJS 7-18-2016

Only 4 percent of Americans consider education the nation’s most important problem, according to Gallup’s monthly polling, **which may explain why we haven’t heard much about specific education policy from the presidential candidates.**

Trump Wants to Give Strength and Power to the Police

Emily Atkin, 7-25-2015 ["Donald Trump On Black Lives Matter: ‘We Have To Give Power Back To The Police’," ThinkProgress, <http://thinkprogress.org/politics/2015/08/02/3687090/donald-trump-black-lives-matter-police/>] JSM 7-19-2016

However, Trump said the answer was to give more “strength and power” to the police. “But at the same time we have to give power back to the police, because we have to have law and order,” he said. “We have to give strength and power back to the police. You’re always going to have bad apples .. [but] the police have to regain some control of this crime wave and killing wave that we have in this country.”

Political cooperation needed to reduce school security

Chase Madar, 2-27-2013 [Chase Madar is a civil rights attorney and author, "The School Security America Doesn't Need," Guernica / A Magazine of Art & Politics, <https://www.guernicamag.com/daily/chase-madar-the-school-security-america-doesnt-need/>] MJS 7-19-2016

The last of these incidents made the cover of the New York Post, but the New York City Police Department still doesn't understand what they did wrong—sure, the first-grader spent about four hours handcuffed in a detention room, but that's "standard for juvenile arrest."

Which is precisely the problem: **standard juvenile misbehavior** (a five-year-old pitching a fit, a twelve-year-old doodling on a desk, a thirteen-year-old farting in class, a class clown running around the football field at halftime in a banana suit) **is increasingly being treated like serious crime, resulting in handcuffs and arrest.** If you can't understand why such "consistency" is crazy, please desist from reading the rest of this article.

Ending this cycle of armed fear and violence will require getting police out of the schools along with the whole battery of security state accessories. The only way to get there will be via **the broadest possible civil libertarian coalition: black community groups and Ron Paul types, immigrants' rights activists and teachers and principals unions that see the big picture, liberals and conservatives united against the nanny/thug state.**

Schools securitization has a direct relationship with disorder

Mayer, 1999 [Matthew J. Mayer Peter E. Leone of the University of Maryland, "A Structural Analysis of School Violence and Disruption: Implications for Creating Safer Schools," file:///home/chronos/u-c6b65ab991bab206e0e4a974aa9f4aa3d9c15625/Downloads/MAYER-SR-Os-create-disorder.pdf] MJS

This research examines a model of school violence and disruption using structural equation modeling. Data are analyzed from the 1995 School Crime Supplement to the National Crime Victimization **Survey which includes 9,954 completed interviews of students age 12 to 19 in schools across the United States.** Students were asked questions about school rules and procedures, knowledge of and personal experience with violence against students and teachers, accessibility of drugs, gang presence, other violence or disruption in the school, as well as individual fear relating to being victimized and self-protective actions they had taken. The analysis used a subset of 6947 subjects, age, 12 to 19, all of whom attended public schools for at least five of the last six months prior to the survey. A construct of "System of Law" included a composite (derived) measured variable for student knowledge of school rules and consequences for infractions along with another composite measured variable demonstrating implementation of rules. The "System of Law" construct was shown to lead to less disorder. **On the other hand, a construct of "Secure Building," that included composite measured variables showing physical (metal detectors, locked doors, etc.) and personnel-based (security guards, etc.) actions to run a secure building, led to more disorder.** Implications for school policy and future research are discussed.

The research used four constructs: (a) Secure Building, (b) System of Law, (c) School Disorder, and, (d) Individual Self-Protection." The first construct, Secure Building, represented the nature of and degree to which the school took extra measures to maintain secure premises. The two measured variables used as indicators are Ordpers and Ordphys. The measured variable Ordpers is a composite variable derived from the sum of recoded scores on three questions (V220, V221, V224) pertaining to the presence of security guards, hallway supervision by staff,

and procedures for visitors to sign in. These are all ways of maintaining secure premises through person-based interventions. The measured variable Ordphys is derived from the sum of recoded scores on three questions (V222, V223, V225) pertaining to the presence of metal detectors, locked doors, and implementation of locker checks. These are all ways of attempting to control the physical environment. **A large amount of the Secure Building construct could represent widespread efforts to control and monitor various student activities, movements, and possession of suspect and/or dangerous items.**

The third construct, **School Disorder, reflects the degree of violence and disruption (or perceived amount thereof) present in the school.** The three indicators for this construct are Gangpres, Drugpres, and Percrime. The measured variable Gangpres is a composite of the recoded scores from three questions (V241, V272, V273) pertaining to the presence of gangs in or around the school. The measured variable Drugpres is derived from the sum of recoded scores of nine questions (V232 to V240) pertaining to availability of various drugs at school. The third indicator, Percrime, is a composite of questions (V242, V245, V248) pertaining to both personal attack and personal theft. Missing and/or indeterminate data problems existed with the indicators for Gangpres and Drugpres. Solutions are discussed further on in this paper. More of the School Disorder construct would be reflected in more instances of gang presence, drug transactions, and personal theft and attacks on students.

The moderate path value of 0.54 from the latent variable Secure Building to School Disorder suggests that with more efforts to run a secure premise through physical means (metal detectors, locked doors, locker checks) and through personnel-based interventions (security guards, staff watching halls), that more disorder may be present.

While this might be viewed as a reciprocal process, there is substantive argument in the literature in support of this interpretation (Baker, 1998; Colvin, Kameenui, & Sugai, 1993; Grant, Van Acker, Guerra, Duplechain, & Coen, 1998; Hyman & Perone, 1998; Noguera, 1995; VanAcker, 1995b; VanAcker, 1996); this finding addresses the possible effect of reactive, schoolbased policies not solving violence problems. Creating an unwelcoming, almost jail-like, heavily scrutinized environment, may foster the violence and disorder school administrators hope to avoid. Further investigation of this relationship is warranted. This model used too few latent variables to allow for comparison of alternate directional paths. However, a prior analysis of the 1989 SCS data by these researchers, using a similar structural model, achieved crossvalidation of the structural model showing a similar path value going from a Tight Ship construct to a School disorder construct. Limitations in the source data and the measurement model existed in that analysis, so the findings must be considered tentative.

We would argue that although it may be appealing to think of the relationship more as being reciprocal, the present direction of the arrow is most appropriate because the procedures and policies governing the management of the school premises are of a more long-term, stable nature, where incidents of violence and disruption are more varying, short term, intermittent phenomena. In turn, it would be the more stable, in place procedures that would tend to exert some type of controlling or causal influence on the outcome of disorder. The factor loadings of 0.68 and 0.35 going to the measured variables Ordpers and Ordphys, respectively, suggest the relative contributions of the hypothesized construct to the measured variables.

Warrant Req Before TLO

The American Civil Liberties Union of Massachusetts, "Students: Know Your Rights." The ACLU, June 2011. <https://aclum.org/app/uploads/2011/06/resources-kyr-students.pdf>
ACLU 2011 Sep16.

There are obvious difficulties in applying the Fourth Amendment to students in a school setting. During the 1980s, when drugs and weapons were seen as growing problems in schools, officials complained that the need to obtain a warrant before conducting a search made it impossible to keep schools running smoothly and safely.

Beger 14: Safety Concerns → SROs

Beger 2014 [Randall R. Beger is an associate professor in the Department of Sociology at the University of Wisconsin in Eau Claire and coordinator of the university's criminal justice program, "Increased School Security Measures Violate Students' Rights", *ic.galegroup.com*, http://ic.galegroup.com/ic/ovic/ViewpointsDetailsPage/ViewpointsDetailsWindow?failOverType=&query=&prodId=OVIC&windowstate=normal&contentModules=&display-query=&mode=view&displayGroupName=Viewpoints&limiter=&currPage=&disableHighlighting=false&displayGroups=&sortBy=&search_within_results=&p=OVIC&action=e&catId=&activityType=&scanId=&documentId=GALE%7CEJ3010340207&source=Bookmark&u=san59205&jsid=b54ee7c3af88a4bea6d0d812f1680d8a] //RJ + BS

Despite the relative rarity of school violence, **officials** everywhere **are feeling pressure to improve** the **safety** of students and staff. **An increasingly popular "quick fix" strategy is to hire police and security guards.** According to a U.S. Department of Education study, about 19% of public schools had the full-time presence of a police officer or other law enforcement representative during the 1996-1997 school year.