

# Group Finds Racial Disparity in Schools' 'Zero Tolerance'

*Policies May Exacerbate Pattern of Black Students Being Suspended, Expelled More Often Than Whites, Advocates Say*

By KENNETH J. COOPER  
Washington Post Staff Writer

It started with one peanut, flung in close quarters on a school bus. Soon peanuts were flying back and forth as the 40 teenage passengers, laughing, went about their raucous, risky play. Then somebody misfired and hit the bus driver, who swerved abruptly, braked to a halt and flagged down a patrol car.

The entire busload of students was hauled to the county courthouse and threatened with arrest. But the next day, only five African American boys were charged with assault, slapped with a two-week suspension and banned for a year from riding the bus to their rural high school more than 20 miles away.

One boy's mother, juggling work and child care responsibilities, drove him to school. The rest had no other transportation. They dropped out.

The Mississippi peanut-throwing incident is cited in a new report that suggests that "zero tolerance" policies have exacerbated a long-standing pattern of black students being suspended and expelled from school more frequently than white students. That disparity has persisted for at least 25 years, though no national study has ever conclusively shown racial discrimination to be the cause.

The report, scheduled for release today by the Advancement Project, an advocacy group led by civil rights lawyers, contends that school administrators have used zero tolerance policies to punish black and Latino students more strictly than they might have previously.

The authors suggest serious sanctions have been used even when misbehavior falls far short of weap-

on or drug possession, the dangers the tough new policies were intended to address.

The report acknowledges that white students also have been disciplined more harshly under zero-tolerance policies and includes examples of how individual white students have been affected.

But based on an analysis of federal statistics for 1996-97, the authors determined that "zero tolerance policies are more likely to exist in predominantly black and Latino school districts."

For example, 85 percent of predominantly minority districts had zero tolerance for acts of violence such as fighting, while 71 percent of mostly white districts had similar policies.

"This disparity in the adoption of zero tolerance policies may also account for some of the racial disparities (at least on a national level) in disciplinary actions taken," the report suggests.

The Education Department yesterday released national statistics that showed blacks, who comprise 17 percent of the nation's students, made up 33 percent of the students suspended in 1998. The department also released the first official statistics on expulsion rates, which showed that 31 percent of the students kicked out of school were black.

"The disparity in expulsions is pretty much the same as the disparity in suspensions," said Raymond C. Pierce, deputy assistant secretary for civil rights. "It's still a matter of concern."

Zero tolerance policies were initiated a decade ago to expel students caught with illegal drugs, then expanded under a 1994 federal law to apply to students with guns.

The policies have become controversial in some

places after students were disciplined for possessing nail clippers, pocket knives, scissors and other items school officials believed could be used as weapons.

Some states have gone beyond guns and drugs, with disruptive behavior or defiance of school authority being lawful grounds for expulsion in 10 states, according to a survey conducted by the Advancement Project, whose leaders formerly worked for the NAACP Legal Defense and Educational Fund.

They said that such offenses are often vaguely defined and that school officials have at times used their discretion to sternly discipline black students for relatively minor infractions. The report cites the example of a Mississippi girl in the fourth grade who was suspended twice for defying authority—once for humming and tapping on her desk and a second time for talking back to her teacher.

In East Baton Rouge, La., a black ninth-grader was expelled for a year because her book bag contained sparklers, a nonexplosive firework she had used over the weekend and forgotten to remove, according to the report.

Penda D. Hair, co-director of the Advancement Project, said such disciplinary actions have been particularly common in southern states and appear to be intended to "keep a new generation of African Americans subordinate by training African Americans to be submissive from kindergarten on."

In South Carolina, one of 11 states that require record-keeping on disciplinary actions to be broken down by race, black students made up 42 percent of enrollment statewide in 1998 but accounted for 69 percent of students accused of "disturbing schools."

The disparity didn't extend to more serious and better-defined offenses committed in the state: Whites were accused of drug violations twice as often as blacks and of gun-related charges with the same frequency.

Bill Modzelewski, the Education Department's safe schools director, agreed that zero tolerance policies have been stretched beyond their original purposes in some states. He suggested that disrespectful behavior such as talking back to a teacher should be handled in school, not with suspensions. But he declined to criticize the broad policies in general.

"For the most part, we are talking about community standards. What's done in Washington, D.C., can and should be different from what's done in Fargo, North Dakota," Modzelewski said.

At Montgomery County High School in the Mississippi delta region, Principal Jimmy Pittman said the five boys who threw the peanuts deserved to lose their bus privileges—even if it meant that four of them could no longer attend school.

"I'm very satisfied with the way we handled that," Pittman said. "They posed such a threat to the school bus driver. Those students put a lot of innocent kids' lives in jeopardy. . . . It was a dangerous situation."

Ersie Jackson acknowledged that her son, Delrintus Eden, had done wrong but argued it was unfair for the school to cause him to drop out for lack of transportation.

"I was begging this white man [Pittman] to let my child back on the bus," said Jackson, who lives in tiny Duck Hill. "He said, 'No, wait until next year.'"

Discipline  
Fair

# Judge Rejects Hate Charge In Killing on Eastern Shore

By LORI MONTGOMERY  
Washington Post Staff Writer

CHESTERTOWN, Md., June 14—A Kent County judge today threw out hate crime charges against an Eastern Shore man, saying prosecutors failed to prove that the shotgun slaying of an elderly black woman on her way home from a Christmas shopping trip was motivated by racial hatred.

Circuit Judge J. Frederick Price let stand seven other charges against the man, Daniel Robert Starkey, 20, including first-degree murder, which carries a maximum penalty of life without parole. A jury began deliberating Starkey's guilt, but had not reached a verdict late today.

Defense attorneys contended throughout the trial that the Dec. 4 shooting of 73-year-old Germaine Clarkston was a case of road rage taken to its tragic extreme rather than a crime of racial violence.

The FBI has opened a federal civil rights investigation of the shooting, but Thomas McCarthy Sr., an attorney for Daniel Starkey, said Price's ruling "made it a lot harder for the feds" to argue in its own investigation that a hate crime had occurred.

Kent County State's Attorney Robert Strong Jr. said he was not surprised that the charge was dismissed. Price refused to let prosecutors present evidence that Starkey and his brother, David Wayne Starkey, 24, shared an interest in symbols of white pride and were seeking a racist trophy.

That evidence could still be used against David Starkey, who is accused of firing the fatal shot that killed Clarkston and faces a separate trial next week.

The brothers are accused of stalking a car carrying Clarkston and two other black women for more than 20 miles on the evening of Dec. 4 after the women's hatchback and the Starkeys' pickup truck nearly collided at an intersection in the brothers' hometown of Millington, Md., near the Delaware border.

The Starkeys, who had spent

the day drinking and deer hunting, pursued the women to their homes in a predominantly black community near Chestertown. There, according to testimony, Daniel Starkey sped past the hatchback while David opened fire, narrowly missing the head of a backseat passenger with his first shot. He hit Clarkston in the hip with his second. She died two days later.

Strong swiftly shifted gears to embrace the road rage theory in closing arguments this afternoon: Both brothers said in statements to police that they had been "aggravated" by the driver of the hatchback, Michelle Wilson, who slammed on her brakes at a confusing intersection, forcing Daniel Starkey, at the wheel of the pickup, to do likewise. The hatchback, Strong told the jury, "dared to get in their way" on a good-time Saturday night.

Strong then moved to the more complicated issue of Daniel Starkey's guilt. Though he did not pull the trigger, Daniel Starkey is charged with aiding and abetting his brother in the commission of first-degree murder—which, under Maryland law, could merit a first-degree murder conviction for him.

Defense attorneys argued that Daniel had no way of knowing that his brother intended to shoot at the hatchback. But Strong said the brothers were sitting side by side in a five-foot-wide truck cab. Daniel, he argued, had to know what was happening as his brother loaded his shotgun and rolled down his window.

"No matter how you look at the facts, after listening to his brother say, 'I'm going to load the gun, I'm going to shoot the tail lights out,' and probably saying, 'I'm going to shoot one of these individuals,'" Strong said, "Danny Starkey pulled his brother right up to that victim's car."

"Danny Starkey was in the driver's seat," Strong said. "All he had to do the whole 20.7 miles was just lift up his foot."

Defense attorneys countered that Daniel was merely annoyed by what he thought to be a drunk driver. Pursuing a dangerous vehi-

cle was "a reasonable thing to do," argued Thomas McCarthy Jr.—the senior McCarthy's son who is a member of the defense team. The lawyer noted that the brothers even called 911 to report the erratic vehicle.

When David began talking about shooting, Daniel thought it was just "crazy statements," McCarthy Jr. said, noting that prosecutors had presented no evidence that Daniel knew David was actually going to shoot.

"You're being asked to convict Daniel Starkey based on what his brother did," McCarthy Jr. said.

As the jury deliberated, the dismissal of the hate crime charge was the talk of the courtroom.

Prosecutors were unable to produce any evidence at trial that Daniel Starkey holds racist views. Their case against David Starkey, scheduled to begin Monday, appears to amount to two tattoos ("White Pride" on his neck and a German cross on his leg), a doodle found in his apartment that says "KKK," and his alleged exclamation to Daniel that "I'm going to scare those niggers" just before he opened fire.

Prosecutors say David Starkey also made a cell phone call minutes after the shooting, telling a friend he had earned a "13 tattoo." Among Starkey and his friends, prosecutors say, such a tattoo is a badge of honor for committing an act of racial violence.

An attorney representing David Starkey declined to comment on the allegations.

Clarkston's son, Linwood, 56, said he still believes that the Starkey brothers killed his mother because she was black. "Without a doubt," he said, when asked if the killing was a hate crime.

"But that's my opinion. I accept what the judge has ruled," Clarkston said. Besides, "hate has been around for 9 million years. How would we ever resolve it here?"

Educ - Discipline

William Raspberry

# Safety, Discipline, Standards

And parents don't mind "tracking," either, as long as students don't get locked in a slow track.

Albert Shanker won't dismiss the efforts at renewing, reforming and reorganizing our schools. He'll stand with those who insist on more funding, tighter standards or better-trained, better-paid teachers. But he believes these things don't have much to do with why so many of our children aren't learning.

And what does? The simple loss of discipline.

It may be an unexpected answer from the president of the American Federation of Teachers—at least if you expect union officials to support and exonerate their members while blaming their difficulties on others. But Shanker believes it is the right answer—believes also that unless we address the problem of discipline, none of the other reforms will make any difference.

"A lot of what we're seeing in the educational politics of the country—including the movement for choice and charter schools and educational vouchers—is frustration with the government's inability to do the basic things that everybody knows need to be done. Like ordinary discipline," he said in an interview last week.

"Parents want their children in schools where they can be safe and where there's not so much disorder that kids can't learn. And if we can't provide such a place, they say, 'Give me a chance to take them somewhere else.' That's what the 'choice' movement is mostly about."

So where did discipline go? Where did the violence come from?

Shanker—again surprisingly—doesn't mention television or movies or gangsta rap, though he surely believes all these play a role. He puts the blame much closer to home.

"The amount of disruption in our schools is much larger than it needs to be because it is tolerated," he told me. "A second-grade youngster has an outburst—maybe he curses at the teacher or throws something at another kid, and nothing happens. At recess, he taunts his buddies, tells them how tough he is and how chicken they are. One kid, and then another, reacts to the challenge, and pretty soon you've got a classroom that's unmanageable."

The same dynamic works with older children, he said. "If the schools aren't seen as taking it seriously when a kid comes to school with a gun," he said, "you'll soon see other kids coming to school with guns—in self-defense, of course. At first. Then they'll use them to intimidate, and worse. And once again, the result is an unmanageable school."

"How bad is it? A majority of schools in the country are plagued with violence. There are some schools in Brooklyn and the Bronx where new teachers have lasted for as little as three days. But almost as important as outright violence is the growing incidence of substantial disruption. At least in the worst cases of violence, students may be expelled.

But when it is 'only' disruption, teachers are forced to concentrate on one youngster, or two, and neglect the rest."

Shanker, whose union has launched a campaign to restore order to schools, acknowledges that discipline "isn't the only piece" of the puzzle of academic failure—just an essential piece. It is also the one thing that private schools have the unshackled authority to enforce, which, Shanker believes, is one of the reasons for the growing interest in non-public schools.

The other major piece of the solution, he says, is the question of standards—not the nebulous "each child must reach his or her potential" or the impossible "first in the world in math by 2000."

"What is needed are standards that relate to the children—that require some stretching but are still achievable."

But won't standards that "stretch" the slowest students bore the brightest, and those that challenge the brightest leave the slower students in a fog?

There is, says Shanker, a way out: Tracking.

Again he gives the unexpected answer. Tracking has been so thoroughly castigated by Shanker's fellow liberals that hardly any moderate dares mention it.

"Parents want it," Shanker explains. "They remember being left out while teachers focused on the other



BY JOHN OVERMYER

kids—whether those other kids were brighter or slower. They don't mind tracking as long as it includes second chances, so you don't get locked in a slow track."

But suppose the lower tracks wind up full of minority youngsters.

"In the inner cities, most of the discipline cases will be minority children—but so will the beneficiaries of lessened disruption. The same is true for tracking. In the suburbs, the racial disparities on tracking or discipline are a problem, but it's just something we have to face and deal with.

"Running away from it—tolerating disruption and failure—is what got us in trouble in the first place."

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Charles Krauthammer

## Counting by Race

*It's done now not by affirmative action but by "diversity."*

Last week The Post reported on two Asian American children who were denied transfer from one local public school to another because of their race. The school board denied them entry to the second school, with its unique French immersion program, because the first school had only 11 Asian students. To keep their numbers up, no Asians were permitted to transfer out.

This is by no means a unique case. A white parent, writing just a few days later in The Post, described the agonies of trying to transfer his adopted Korean-born child, a transfer denied because of its "impact on diversity" as the school board's rejection letter memorably explained.

Diversity is now the great successor to affirmative action as the justification for counting and assigning by race in America. First, diversity sounds more benign. Affirmative action has acquired a bad reputation because it implies the unfair advancement of one group over another. Diversity cheerfully promises nothing more than making every corner of America "look like America."

Moreover, diversity is a blunter instrument. Affirmative action requires an inquiry into history and justifies itself as redress for past injustice. Diversity is much simpler. It does not even try to justify itself by appeal to justice or some other value. It is an end in itself. It requires no demonstration of historical wrong, only of current racial imbalance. Too few Asians at the Rock Creek Forest School? Fine. No Asian will be allowed to leave.

Because of its blithe disregard of anything—individual rights, common citizenship, past injustice—except racial numbers, the appeal to diversity represents the ultimate degeneration of the idea of counting by race. At its beginnings, affirmative action was deeply morally rooted as an attempt to redress centuries of discrimination against blacks. Yes, affirmative action did violate the principle of judging people as individuals and not by group. But it did so in the name of another high moral principle: the redress of grievous, gratuitous harm inflicted on one group because of its race.

Had affirmative action remained restricted to African Americans and to the redress of past discrimination, it would still command support in the country today. Instead it has been stretched, diluted and corrupted beyond recognition, transmuted from redress for blacks—a case of massive, official, unique injustice—to diversity for all, except, of course, white males.



BY TYLER MALLORY FOR THE WASHINGTON POST

By what principle should government preferentially award a contract to, say, the newly arrived son of an Argentinian businessman over a native-born American white? None. Diversity alone, in and of itself, is invoked to justify such a travesty.

Diversity, drawing on no moral argument, is morally bankrupt. It draws only on a new form of American Utopianism, a multi-hued variant of an older Norman Rockwell Utopianism, in which in every walk of American life race and ethnicity are represented in exactly correct proportions.

Like all Utopianisms, this one is divorced from reality. It is entirely cockeyed to expect different groups to gravitate with strict proportionality to every school, workplace and neighborhood in America.

And when they don't, this Utopianism partakes of the brutality of all Utopianisms and forces the fit. Individuals who obstruct the quest for the perfect post-Rockwell tableau beware.

The kindergartners denied entry to the French program at the Maryville Elementary School in Rockville constitute such an obstruction. Yet they are hardly the most deeply aggrieved parties. That honor belongs to California's Asian American high school graduates who, alas, have excelled disproportionately in school and thus threaten to overwhelm California's best colleges.

Everyone knows that there is an unspoken

quota system in the California universities and in other schools around the country that keeps Asians out because of their race. How does this shameful practice differ from the exclusion of similarly gifted Jews during the '30s and '40s? Perhaps only in the hypocrisy of those defending the practice. In the old days, the justification for anti-Jewish quotas was simple antipathy toward "pushy" Jews. Today, justification for excluding "nerdy" Asians is more highfalutin: They are an impediment to diversity.

Proponents of these appalling classifications by race prefer, of course, to pretend that they are about such grand notions as culture. Nonsense. As the white father of the untransferable Asian school kid notes, "I couldn't help wonder what cultural contribution my son could make [as an Asian]—he was just five months old when he left Korea." These quotas are not about culture. They are about skin color, eye shape and hair texture.

One stymied Asian American mother, desperate for a loophole, tried having her child reclassified as white because the father is white. More parents will seek such solutions. How shall we adjudicate these vexing questions of mixed blood?

Turn to the source—the modern state that produced the most exquisitely developed system of race classification. The unemployed justices who enforced the Group Areas Act of apartheid South Africa may finally find gainful work again.

EDUC =  
Discipline

# Education Contract With America

By ALBERT SHANKER

Successful school systems in other industrialized countries are effective because they have four essential elements: student discipline, rigorous national or state academic standards, external assessments and strong incentives for students to work hard. There is solid evidence to believe that our school system could be just as effective if we did the same. What are the chances? Not good, given that both liberal and conservative politicians are caught up in faddish and radical schemes for reforming schools. Very good if we look at where the American public is on these issues.

The first essential element is the refusal to tolerate disruptive student behavior that regularly interferes with education. In other industrialized countries, a student who constantly disrupts a class is suspended or placed in a separate class or school. That such disruptive behavior goes unchecked here can be seen in the fact that Americans constantly cite discipline as the top school problem in the Phi Delta Kappa/Gallup polls. The public holds parents responsible but also wants schools to act: 77% want chronically disruptive students transferred to a separate facility.

## Politically Incorrect

Yet this solution remains politically incorrect in the U.S. We are told that we must allow one child to destroy the education of 30 others because a major mission of schools is social adjustment. Or that separating these students would persecute them for having a disability beyond their control. Or that enforcing standards of conduct would have a disparate impact on minorities. (Actually it would: They would benefit disproportionately.)

So efforts to remove chronically disruptive students are few. When they occur, advocacy groups mount lengthy, expensive legal challenges. And courts are apt to side with the "repentant" offender rather than the unseen victims—the other students. Few cases even get that far, since there are powerful incentives for schools not to report problems that would give them a bad reputation or tie up principals and school boards in court. Failure to act only encourages more students to misbehave.

The second essential element in effective school systems is the existence of academic standards at the national or state level. These specify what is taught in each subject at each grade level and the quality of student performance required. Students are taught to the same standards in the early grades, but at some point (between grades five and nine, depending on the country), students are put in different tracks, each demanding, on the basis of their achievement.

There are no such standards here. Efforts to establish national standards have been particularly controversial, but if other democratic countries with a range of political ideologies have been able to work them out, couldn't we? The public seems to want us to. The Phi Delta Kappa/Gallup Poll has included different questions about national standards, and support has ranged from 69% to 83%.

State standards have made more headway, but almost none of them gives real guidance to teachers. Many are vague: e.g., learn to appreciate literature. Some are so encyclopedic that each teacher has to decide what to do.

The public demands more. According to the 1994 Public Agenda survey, 82% of Americans favor "setting up very clear guidelines on what kids should learn and teachers should teach in every major subject." And the 1995 Phi Delta Kappa/Gallup Poll shows that 87% of Americans think students ought to meet "higher standards than are now required in math, English, history, and science in order to graduate from high school."

The disconnect between the public and public officials is also large on the issue of tracking. American schools, like school systems in other countries, track students, but we do it poorly and unfairly. One way



to turn that around is to do what other nations do: Have common high standards in the early grades and ensure that students in different tracks in the later grades all have challenging standards to meet and second chances to move to higher tracks. Instead, public officials are jumping on the de-tracking bandwagon, the idea that a 10th-grader who is at, say, a fifth-grade reading level should be taught in the same class as students at the 10th-grade level. Why? To avoid the harmful effects of labeling some students as "slow," or to see if lower achieving students will rise to the level of high achievers.

This is clearly unworkable. What's a teacher supposed to do—teach the same lesson to all? Divide the class into groups, and give each group only a small amount of attention? Ah, we're told, with lots of time, training and other expensive changes, teachers may learn new methods that work.

The public is not buying. According to a 1994 survey by the Public Agenda Foundation, "only 34% of Americans think that mixing students of different achievement levels together in classes . . . will help increase student learning. People remain skeptical about this strategy even when presented with arguments in favor of it . . . [because it] seems to fly in the face of their real-world experiences."

The third essential element of successful school systems is external testing that is administered by state or national governments. Secondary school students

abroad know that being admitted into a university or technical institute or getting a good job depends on passing rigorous external exams. Most nations' college-entrance exams cover four to seven subjects, each taking about six to eight hours of essay writing and problem solving. About 30% of all students pass them. There are also rigorous exams to enter technical schools.

In the U.S., we have no comparable curriculum-based exams, though the old New York State Regents exams came the closest. The Advanced Placement exams are somewhat comparable but are not required; only 7% of students take them. Standardized reading and math tests given in all schools measure only those skills and don't measure students' performance against objective standards. Minimum competency tests for 12th-grade graduation typically measure seventh- or eighth-grade skills. None of this satisfies the public's demand for high standards.

The fourth element of successful education systems is high stakes for student achievement—the glue that holds the other elements together. Students in other countries study hard because they know that unless they pass their exams, they will not get into a college, technical institute or apprenticeship program. They may not even get a job because employers hire on the basis of school records.

In the U.S., almost nothing counts for students—not grades, not behavior, not even attendance. There is a college willing to take all hopefuls in America, no matter what courses they took or what grades and SAT or ACT scores they received. Eighty-nine percent of four-year colleges offer remediation. Those not headed for college needn't worry either. Employers do care whether the applicant is a graduate or dropout, but they don't ask for the student's academic and behavioral record.

## Not on the Agenda

Without high stakes, students won't work hard and, therefore, won't learn much. But this is not on the American political agenda. Liberal politicians say it is unfair to hold children accountable until we equalize the resources spent on them. Conservatives seem no more eager than liberals. They spend their time placing blame for low student achievement on teachers' unions, tenure and government monopoly of education—each of which is present in successful school systems.

The liberals' solution for low academic achievement is to push social engineering first, which has little public support. The conservatives' solution is to push vouchers, which haven't improved achievement and which, according to the 1995 Phi Delta Kappa/Gallup poll, are opposed by 65% of Americans. And both sides, for different reasons, are embracing an even greater degree of the local control that brought us to this state of low achievement in the first place.

The American public and parents want high standards of conduct and achievement in our public schools. Surveys of teachers show the same. They're right: Discipline and academic standards work and are workable. Smart politicians should propose this as an Educational Contract with America and deliver.

Mr. Shanker is president of the American Federation of Teachers.

## The Misuse of Air Power

By MARK YOST

*"Air power is an unusually seductive form of military strength, in part because, like modern courtship, it appears to offer gratification without commitment," Eliot Cohen, Foreign Affairs, January/February 1994.*

This quote explains the enchantress that lured Bill Clinton into supporting NATO airstrikes against Bosnian Serb positions—until yesterday. After about 4,000 sorties, NATO announced yesterday that it was temporarily halting its airstrikes "pending possible political developments." Regardless of the outcome, U.S. and NATO commanders should reevaluate whether the military experiment in Bosnia was effective, or a textbook lesson in the misuse of air power.

Air power, since its inception, has been proclaimed as the "silver bullet" that could turn a losing army into a winner. Unfortunately, air power has never lived up to those expectations, especially in the foreign policy arena. This was a fact lost on the Clinton administration and those who strongly advocated the use of air power in Bosnia.

As Mr. Cohen's quote hints, advocates believe that air power can be an antiseptic solution to a muddy situation. Most air power proponents talk of "strategic bombing" where laser-guided bombs are dropped with pinpoint precision, inflicting maximum damage with little risk to civilians. Nothing could be further from the truth.

First, no adversary has ever been defeated by air power alone, with the Gulf War being the most recent example. Despite tens of thousands of sorties, it still took an army to push Iraq out of Kuwait. Similarly, the NATO air campaign has done nothing to move the Serbs from their positions around Sarajevo.

Second, the idea that sorties can be flown from aircraft carriers or far-off bases with only pilots at risk is a myth. For air power to be used effectively, forward air controllers—ground troops—must be used to aid the planes in finding their targets.

This last point is made clear by NATO's target selection. Because it is relying on satellite intelligence photos, targeting the true culprits—the Serbs' heavy weaponry—is impossible. By the time the satellite photos have been processed (often it takes up to a day), the weapons have been moved. With the proliferation of shoulder-launched antiaircraft missiles, the last thing a pilot wants to do is lope around the hills of Sarajevo looking for a target that isn't where it was supposed to be.

Before the air strikes began, the ad-

ministration hoped that air power would cut off the Serbs' supply lines. But as the air campaign has shown, this is another myth. Despite heavy bombing of fixed sites, such as ammunition dumps and supply depots, the Serbs remain entrenched in the hills around Sarajevo.

While air power can sometimes interdict supply lines, it's not hard, especially in this terrain, to find an alternative route. Air power may be able to stop trucks—albeit temporarily—over a major supply route such as the Posavina pass, but it can't stop pack mules and human caravans. Despite NATO's efforts, the Serbs are getting supplies to their troops. NATO has been stymied in part because full interdiction requires around the clock bombing. In Bosnia, NATO planes are dependent on the weather. On a clear day, they rule the skies; but one overcast or rainy day, and the Serbs have the opening they need to resupply their forces.

Unfortunately, air power is a lot like a trump card: It's effective as long as it's in your hand. But once it's played, your threat is greatly reduced.

"You have done air power, you have done cruise missiles—then what do you do?" Lawrence J. Korb, a former assistant secretary of defense, told the Baltimore Sun. The answer is "not much." The U.S. isn't prepared to insert ground troops, and coordinating a ground campaign with Bosnian Muslim and Croat forces is not only technically impossible but would dispel the West's ruse of impartiality.

Part of the reason the campaign against the Bosnian Serbs failed is due to the inherent limitations of airpower. But an even bigger part of the failure is due to the political restrictions that have hamstrung NATO pilots.

One of the administration's goals was to have the Serbs move their heavy weapons outside the 12.5-mile exclusion zone around Sarajevo. It's well known that the Serbs are hiding many of their heavy weapons in civilian buildings—schools, hospitals, apartment complexes. These targets *could* be taken out using air power. But since NATO is reluctant to use forward air controllers, they haven't been. The cruise missiles could do the job as well, but NATO won't risk a miss with such a powerful weapon; the public relations damage would be too much. So the recent cruise missile attack, while reducing some of the air defense capabilities of the Serbs in northwest Bosnia, did absolutely nothing to achieve the primary goal of relieving the siege of Sarajevo. Rather, it was a sign of the administration's frustration with the fact that air

power wasn't achieving what many said it could: namely, the capitulation of the Serbs.

When does air power work independently? When it is designed to achieve limited objectives. Air power is best used to inflict damage on the industrial infrastructure of an adversary. The best example of this is when the Israelis used air power to pre-emptively strike Iraq's nuclear complex in 1981.

It's not that air power isn't a viable option. It is—when used properly against the right targets. Entrenched troops and heavy weapons laying siege to a city were exactly the wrong targets.

*Mr. Yost is a member of the Journal's editorial page staff.*

Education  
Discipline



Barbara Chow  
05/20/99 11:22:27 AM

Record Type: Record

To: Bruce N. Reed/OPD/EOP@EOP, Sylvia M. Mathews/OMB/EOP@EOP, Lawrence J. Stein/WHO/EOP@EOP, Elena Kagan/OPD/EOP@EOP

cc: See the distribution list at the bottom of this message

Subject: Harkin/ESEA side-by-side

FYI: This memo compares the Harkin amendment on violent disabled youth and our treatment of this issue in the ESEA bill which we will send to Congress tomorrow. As the memo notes, the Harkin amendment goes significantly further than our proposal.

----- Forwarded by Barbara Chow/OMB/EOP on 05/20/99 11:17 AM -----



David Rowe

05/20/99 11:05:36 AM

Record Type: Record

To: Barbara Chow/OMB/EOP@EOP

cc: See the distribution list at the bottom of this message

Subject: Harkin/ESEA side-by-side

As requested, below is a comparison of the Harkin amendment to the Administration's ESEA reauthorization proposal, included in Title IX, Section 11206 (Sound Discipline Policy) of the Act, which addresses the same issue.

The Harkin amendment **requires** school personnel to provide immediate interventions and services, including mental health services, to **any** child removed from school for **any** act of violence, including both weapons-related conduct and other violence.

Alternatively, Section 11206 of the Administration's ESEA reauthorization proposal requires States who receive ESEA funds to have a state discipline policy that requires LEAs to develop a policy that would provide appropriate counseling, mental health, and other services to students who are suspended or expelled from school.

The main differences of these two legislative proposals are that:

- **Right to Services:** First, the Harkin amendment goes much further than the ESEA discipline policy provision in terms of the services a student **is required** to receive. The Harkin amendment appears to create a new fundamental right for services for all students who are suspended or expelled for any act of violence. In comparison, the ESEA proposal simply requires the States and LEAs to develop a policy to provide appropriate services to students who are suspended or expelled in order that they

continue to meet the State's challenging standards.

For example, if a student throws a book across the classroom and is suspended or expelled for doing so, the Harkin amendment would require schools to provide immediate intervention services, including possibly mental health services to the student. In fact, it appears that under the Harkin amendment, the parent could sue the school for failure to provide services or mental health counseling for the suspended child.

Under ESEA, for the same child, the school would only be required to have a discipline policy to continue to provide an appropriate level of services to the child during the suspension or expulsion so that the child may continue to meet high standards. The only time mental health services are required under the ESEA are in cases where children bring firearms to school. Since the ESEA provision deals with the school's discipline policy and not the specific rights of the student to services, it appears that the parent would not be able to use the ESEA provision as the basis of a lawsuit.

- **Applicability:** Second, the Harkin amendment is more narrowly focused, as it applies only to violence-related suspensions and expulsions. The Harkin amendment's requirement apply to any student who is suspended or expelled for any weapon related or other act of violence. On the other hand, the ESEA discipline policy applies to all students who are suspended or expelled, regardless of the reason for their suspension or expulsion.
- **Funding:** The Harkin amendment authorizes **such sums** for the services schools must provide, while the ESEA reauthorization proposal just ties the discipline policy requirement to receiving ESEA funds -- it does not authorize any new funds.

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# EDUCATION WEEK

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Parents districtwide are coming together to form a "parents' union" to press for a greater voice in setting policy for their children's education. Center for Parent Involvement in Education, which helped bring parents together during the San Diego teachers' strike.

## United by Strike, Parents Seek Union

Teachers in San Diego and many other districts have come together. And now, a new coalition wants to form a "parents' union" to press for a greater voice in setting policy for their children's education.

"Parents are not at the table in key areas of decisionmaking," said Walter Kudumu, the director of the Center for Parent Involvement in Education, a non-profit group here that works with parents and played a lead role in bringing them together during the strike. "There is a strong sense that parents districtwide are disenfranchised."

The parents' headquarters is the Mal-

colm X Library, a vibrantly colorful, modern building that opened in January in a poor part of town. Parents and community activists from all walks of life regularly gather there to plan ways to build on their newfound unity.

Mr. Kudumu, whose five children attended San Diego Unified schools, points out that 13 of 20 items under dispute during the strike were unrelated to salaries and benefits. "Those were things parents had a right and a responsibility to speak of," he said. (See

Continued on Page 12

## N.Y. Bills Give Teachers Power To Oust Pupils

### *Pataki, Union Join In Unlikely Alliance*

By Drew Lindsay

An unlikely alliance in New York state is working to give teachers there something they have long lobbied for: the authority to suspend unruly students.

Gov. George E. Pataki said last week that he will propose legislation that would allow teachers to remove students from their classrooms for up to 10 days.

Just two days later, the state Senate voted 55-3 to pass a similar bill drafted by the state's largest teachers' union. And the state Assembly is expected to take up its own measure.

Until now, the first-term Republican governor and the New York State United Teachers, which represents 345,000 classroom teachers and other education professionals, have tangled on almost every notable education issue.

Policymakers nationwide have churned out dozens of new laws in recent years to crack down on school violence, but Indiana last year became the first state to give teachers the power to punish students by imposing suspensions, according to state-policy researchers and officials at the American Federation of Teachers.

### 'Trust Our Teachers'

In New York, the public's fears about widespread disorder in schools have helped put both the governor and the union on the same side.

"We trust our teachers with our children every day," Gov. Pataki said in a written

Continued on Page 24

## Defining Disruptive

New York Gov. George E. Pataki last week proposed legislation to allow teachers to suspend disruptive students from their classrooms for up to 10 days. The governor's bill specifies five types of behavior that could lead to suspension:

- Committing an act of violence against a student, teacher, or school district employee.
- Possessing or threatening to use a gun, knife, or other dangerous weapon.
- Damaging or destroying school district property.
- Damaging the personal property of teachers or other employees.
- Defying an order from a teacher or administrator to stop disruptive behavior.

SOURCE: New York State Governor's Office.

# N.Y. Measures Would Give Teachers Power To Suspend Unruly Students

Continued from Page 1

statement last week. "We must trust them enough to let them decide when a student is so disruptive that the other students" can't learn.

A poll conducted for the state teachers' union last year reported that 70 percent of New York voters support giving teachers the authority to remove disruptive students from the classroom.

Critics argue, however, that Mr. Pataki and the union are getting political points from proposals that are unworkable.

Teachers will act in the heat of the moment and ignore sensitive discipline issues involving minority and special-education students, said Louis Grumet, the executive director of the New York

Gov.  
George  
E. Pataki



to provide alternative "settings" for suspended students in separate classrooms or other school facilities.

According to an outline of Mr. Pataki's proposal issued by his office, the governor would not require districts to offer alternative programs, raising questions about whether students suspended by teachers would be banned from school.

### Accusers and Arbiters?

"What the hell are they going to do with those kids? Put them in holding pens?" said Chris Pipher, the director of state relations at the Education Commission of the States, a Denver-based education-policy center.

Mr. Grumet of the New York school boards' association likened the new proposals to giving crime witnesses the right to prosecute suspects and then set their prison sentences.

"We have to make certain that the person making the accusations is not also the judge," he said.

Gov. Pataki's proposal would give school principals the authority to overturn a teacher's unwarranted suspension. But Mr. Grumet said that teachers would have the upper hand and be tempted to settle personality clashes—including those relating to race—by ousting students.

"With this, a teacher just points at the door, and you're out of there," he said.

In Indiana, meanwhile, school officials say they have yet to feel much impact from legislation passed last year to give teachers the authority to suspend students for up to five days.

But special-education advocates are worried that teachers are not trained in the state's discipline procedures.

"I think some special-education kids are going to be mistreated," said Michael S. Reed, an Indianapolis lawyer and advocate for special-education students. "But on the other hand, some real badasses are going to get off because somebody screwed up the procedures."

State School Boards Association. "This is governing by press release," Mr. Grumet said. "I don't think [the governor's] genuflecting to the union; he's genuflecting to the baser instincts of the public."

### A Union Issue

Empowering teachers to handle classroom discipline problems has been a goal for many teachers' unions in recent years. In districts such as Cincinnati and Dade County, Fla., teachers have negotiated contracts that give them the right to remove disruptive students from their classrooms, said John Mitchell, the deputy director of educational issues for the AFT. But administrators in those districts still decide the school's disciplinary response.

"This is a welcome piece of authority," Mr. Mitchell said of Gov. Pataki's proposal. "It's the type of authority teachers needed to keep order in the classroom."

In New York, NYSUT, the state affiliate of the AFT, began lobbying for suspension power last year. Teachers are frustrated that administrators are not cracking down on discipline problems, said Linda Rosenblatt, a union spokeswoman.

"We're talking about serious situations where teachers send kids to the principal and get them back in 10 minutes with the situation unresolved," she said.

While Gov. Pataki has not released the legislation embodying his proposal, his bill apparently will differ somewhat from the union's version that cleared the Senate. The union bill would give teachers the authority to suspend students for up to five days, not 10 days as Gov. Pataki proposed.

It also would require districts

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