

# **Fightin' and Fussin':**

## **An Examination of School Arrests, Adjudications, and Dispositions in Delaware**

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**Chief Judge Chandlee Johnson Kuhn**  
**Family Court**  
**of the State of Delaware**

**Kerrin C. Wolf, JD, PhD**  
**Freedman Fellow**  
**Temple University**  
**Beasley School of Law**

# A Difficult Time for Schools

- We demand a lot of our schools
- We ask our schools to provide a good education to EVERY student who walks through their doors
- Tension exists between educating EVERY student and educating MOST students
- School discipline is at the heart of this tension
  - May enable the latter
  - Impedes the former

# The Criminalization of School Discipline

- Security policies
- Discipline policies
- Twenty year trend
- Affects schools **EVERYWHERE**
- Increases the number of students excluded from the classroom

# A Tipping Point for School Discipline?

- Challenges to exclusionary discipline policies consistently raised
- Ability to understand individual student's challenges is improving
- Alternative responses to misbehavior are improving
  - PBIS
  - Peer Courts
- Data is improving our understanding of the effects of our disciplinary approaches
- BUT ... Inclination to exclude misbehaving students to enable others to learn remains

# School Arrests

- Arresting students for conduct in school is nothing new
- New disciplinary regime has increased number of arrests in schools
  - Federal laws (gun-free and drug free schools)
  - School resource officers
- School arrests have been a point of interest in Delaware for several years

# Research Questions

During the 2010-2011 school year:

1. What types of offenses lead to school arrests?
2. What are the characteristics of arrested students?
3. What are the court outcomes for the arrested students?

# School Arrest Database

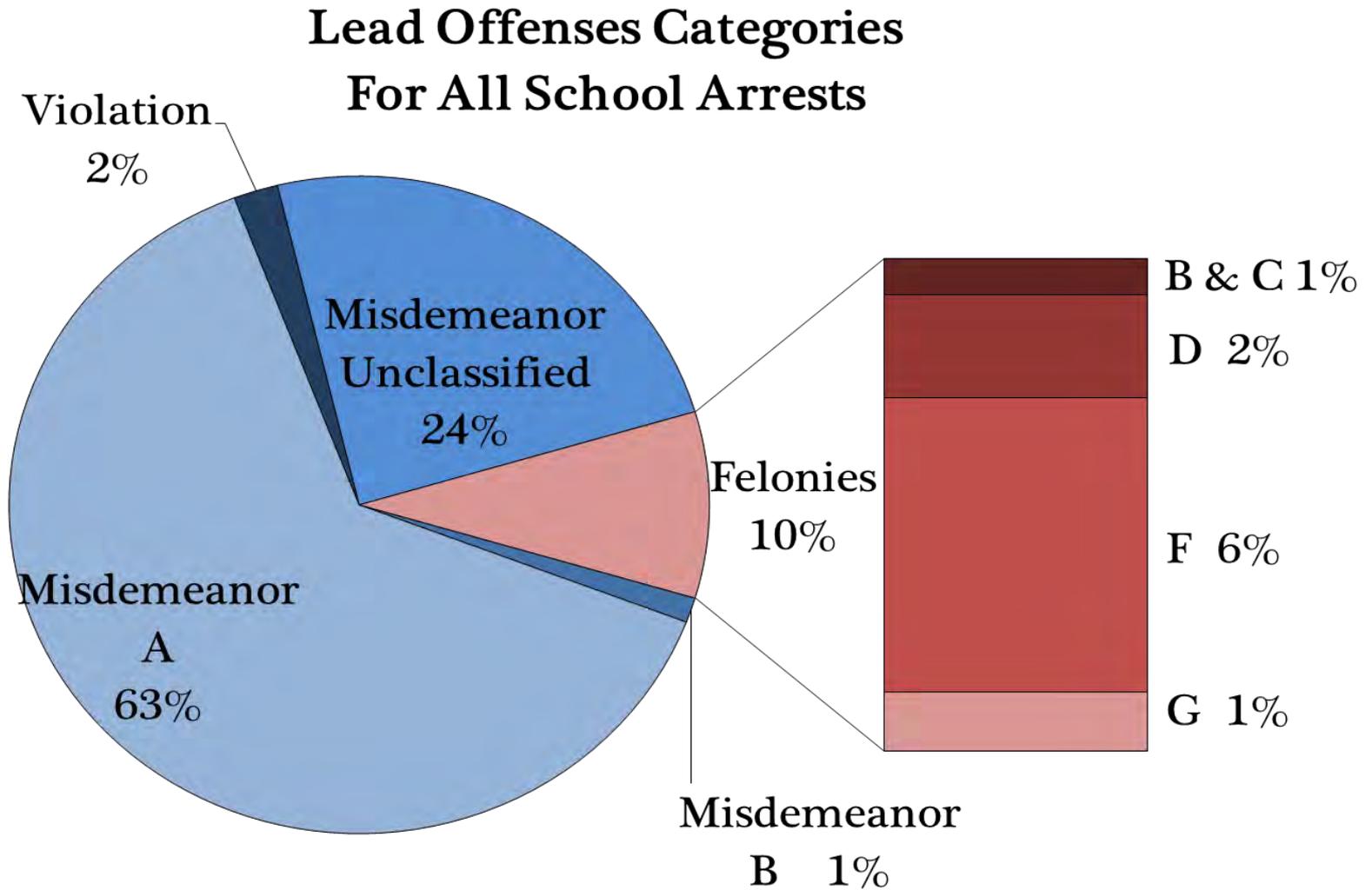
- Included all school arrests in Delaware during 2010-2011 school year
- Created from FAMIS (computer database) and paper files
- Gathered student-level variables, including
  - Age, race, gender, home zip code
  - Offenses, arrest histories
  - Court outcomes (adjudication, disposition)
- Compiled July/August 2011

# School Arrest Database: Basics

<b>Total</b>	<b>739*</b>
High School	333
Middle School	269
Elementary School	12
Charter School	15
Alternative School	50
Other Specialty Schools	26
Busses	14
Unknown location	20

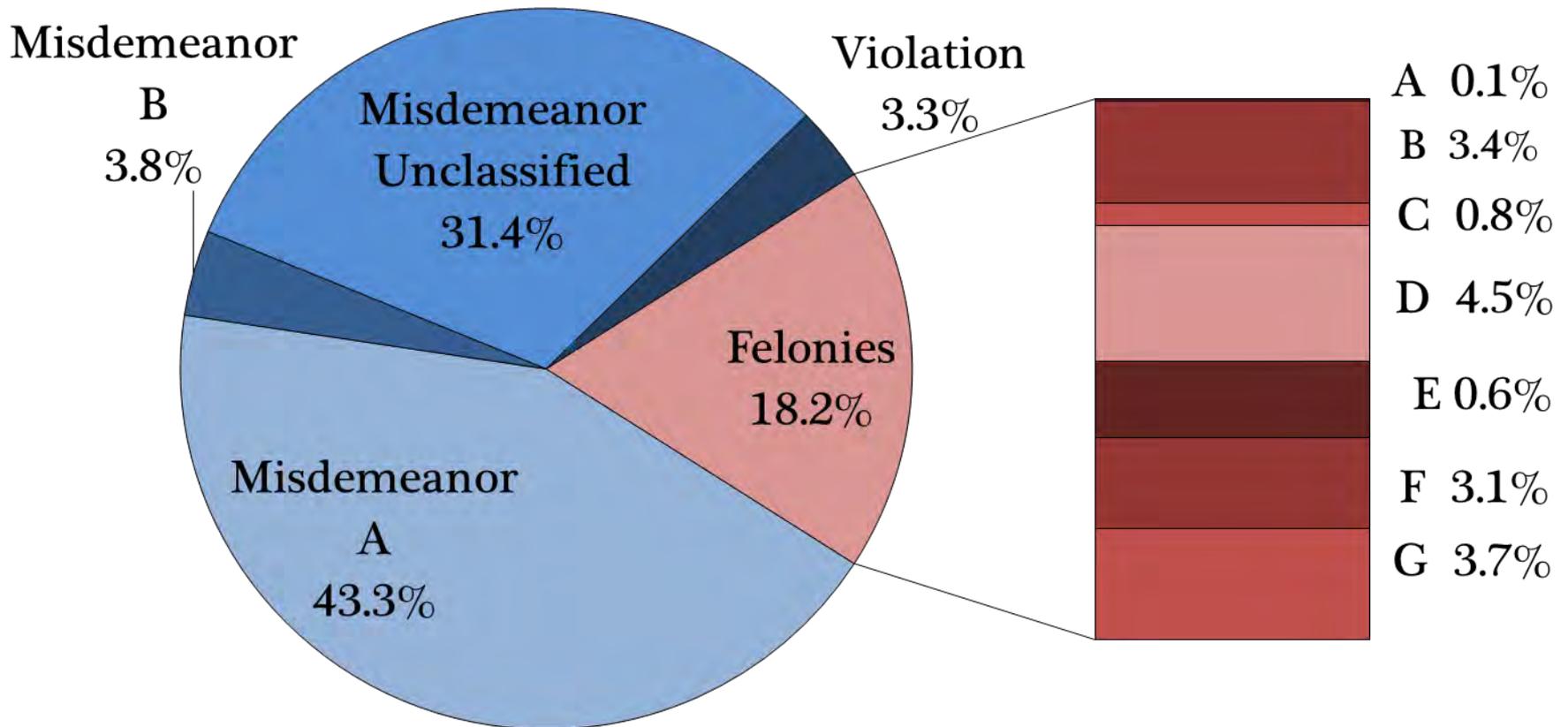
\* 16% of all juvenile arrests, Sept. 2010-June 2011

# School Arrest Database: Offenses



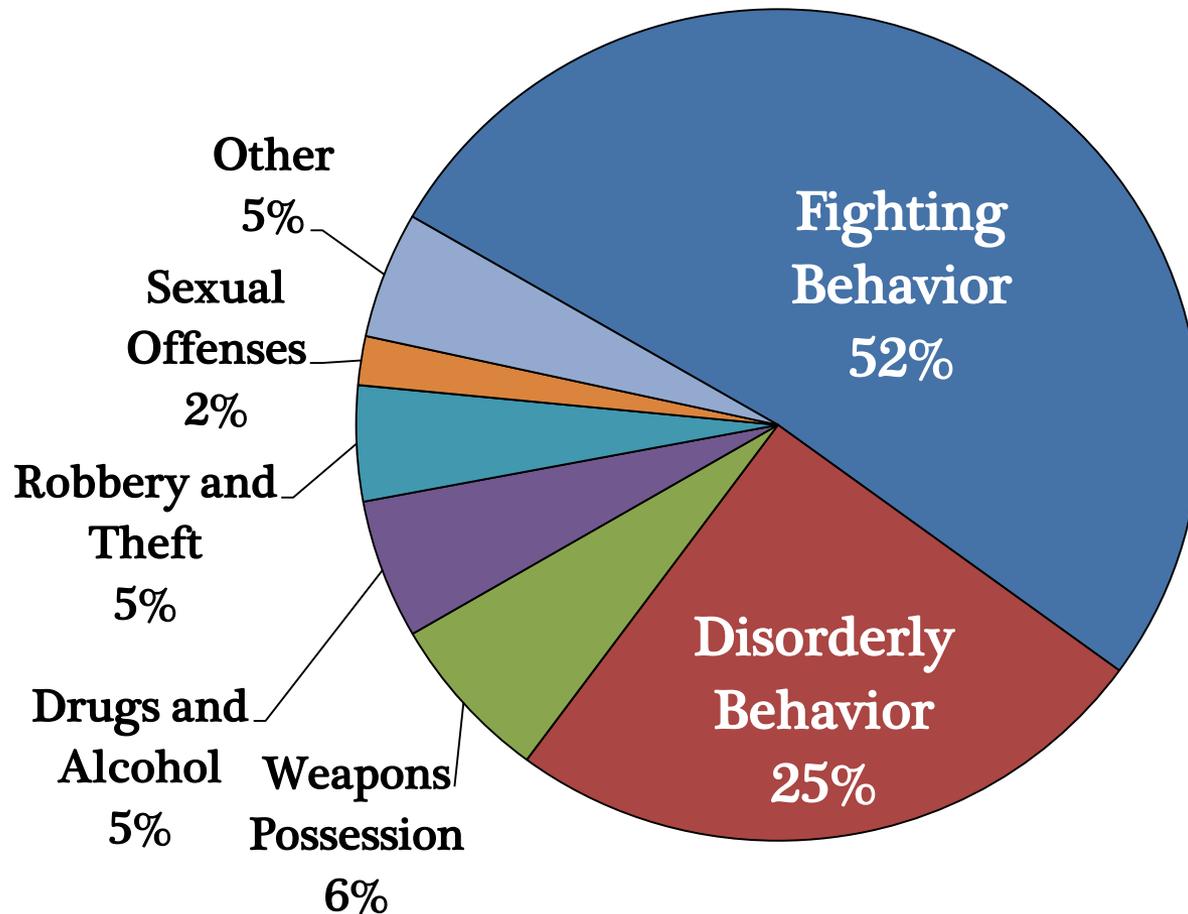
# School Arrest Database: Offenses

## Lead Offense Categories for ALL Juvenile Arrests in Delaware



# School Arrest Databases: Offenses

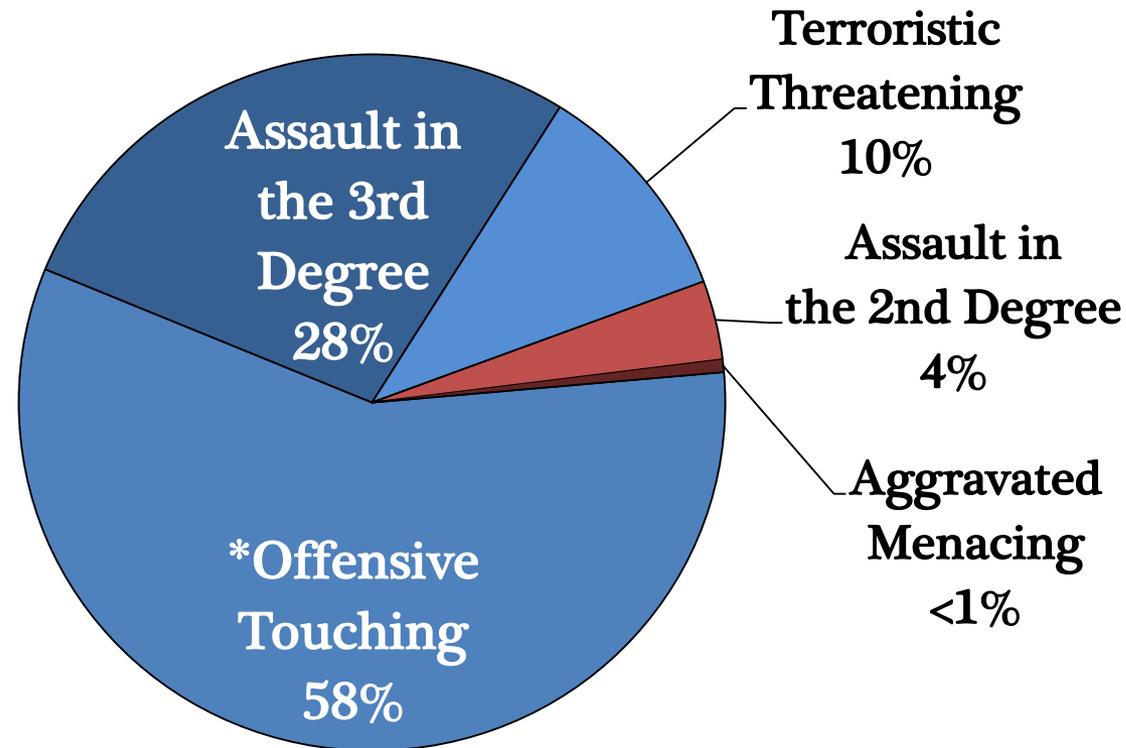
## Lead Charges Against Students Arrested



# School Arrest Database: Offenses

## Fighting Behavior

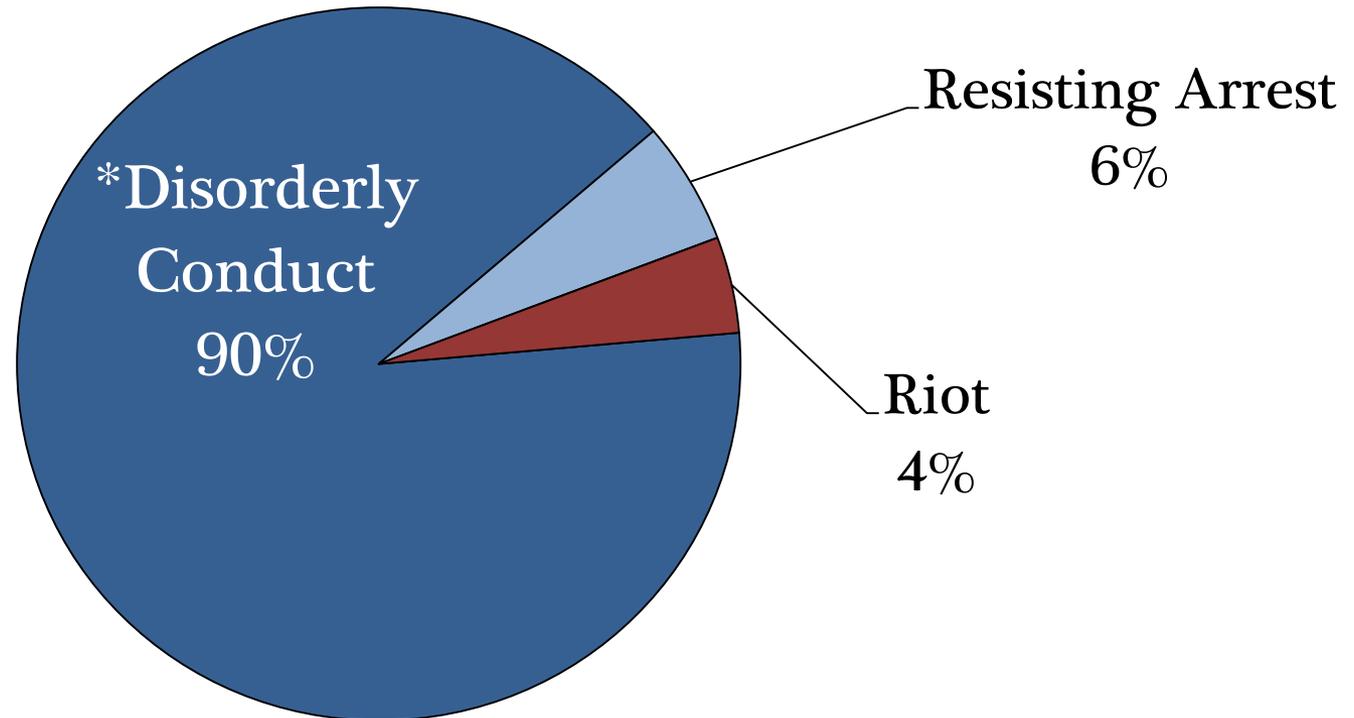
N=382



\*34% of all juvenile arrests for offensive touching occurred in schools (Sept. 2010-June 2011).

# School Arrest Database: Offenses

## Disorderly Behavior N=186

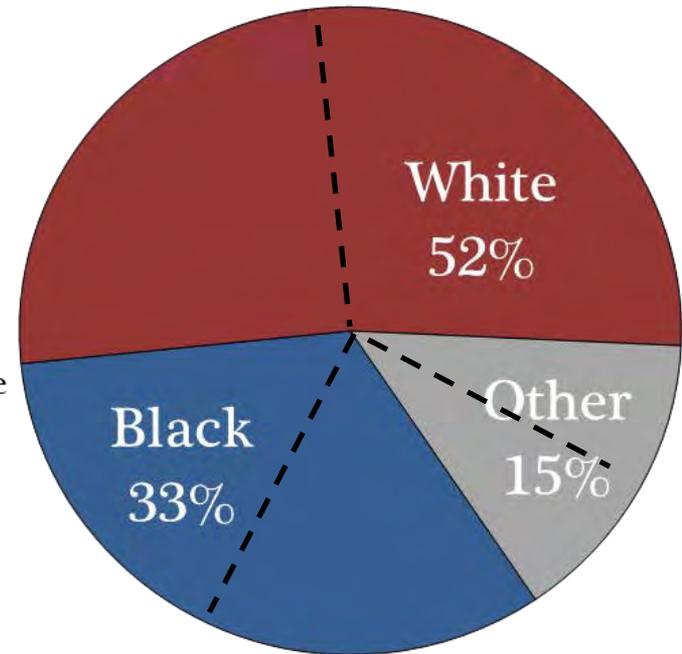
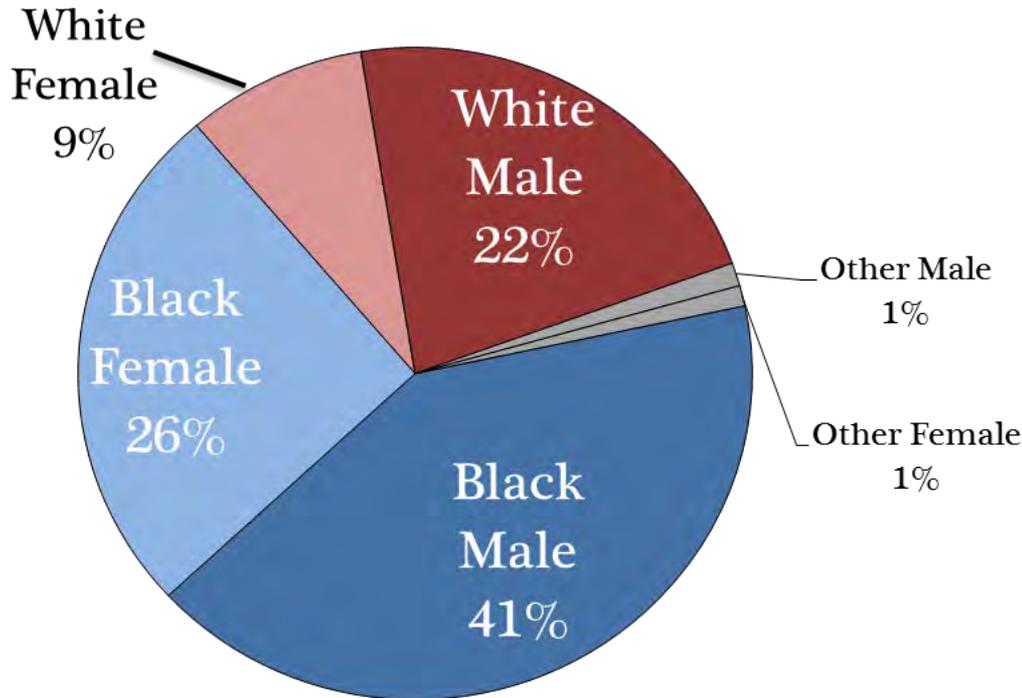


\* 49% of all juvenile arrests for disorderly conduct occurred in schools (Sept. 2010-June 2011).

# School Arrest Database: Race and Gender

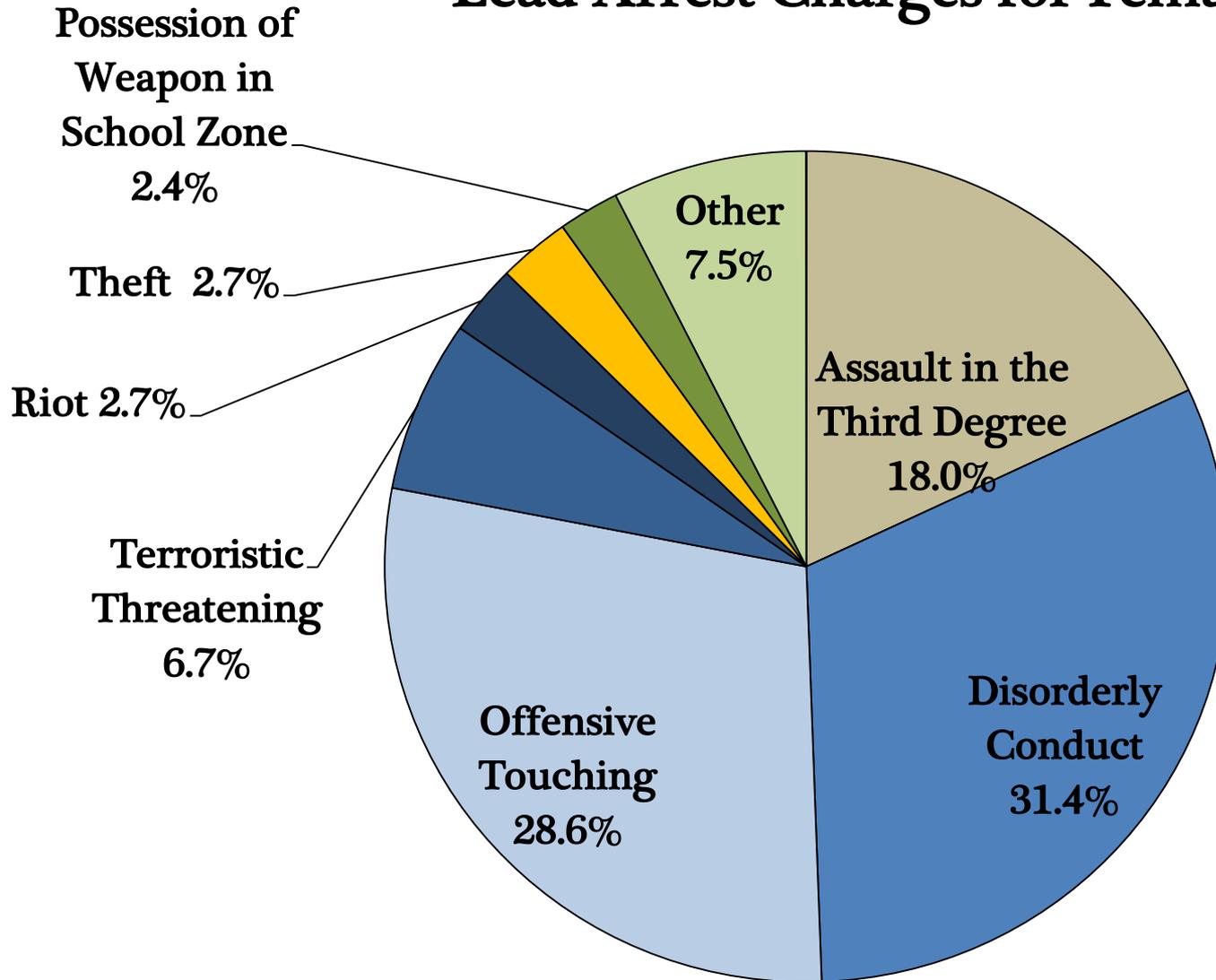
Student Body By Race and Gender  
Grades 6-12

Student Arrests By Race and Gender

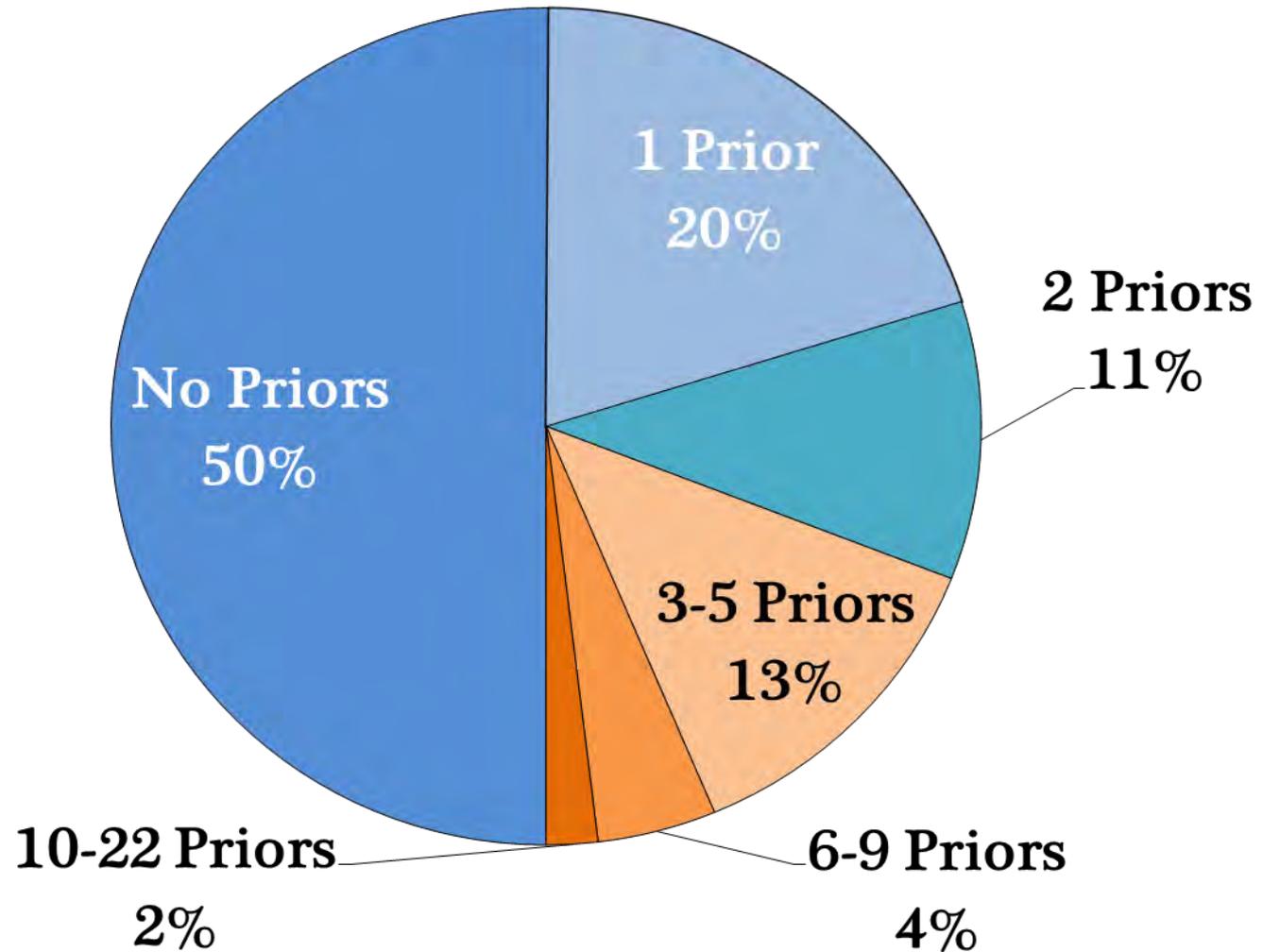


\*Black students were **3.5** times more likely to be arrested than white students.

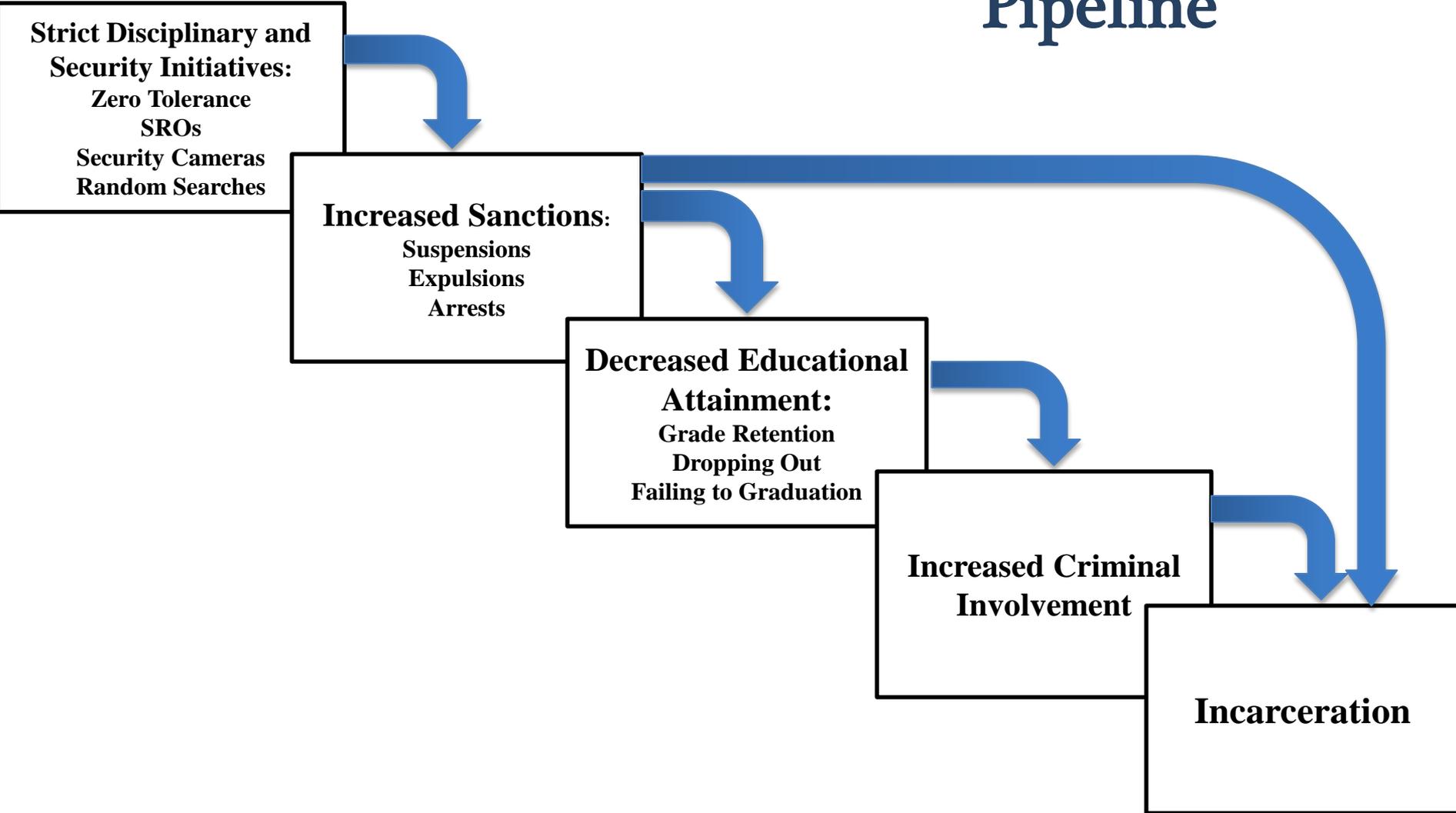
# Lead Arrest Charges for Females



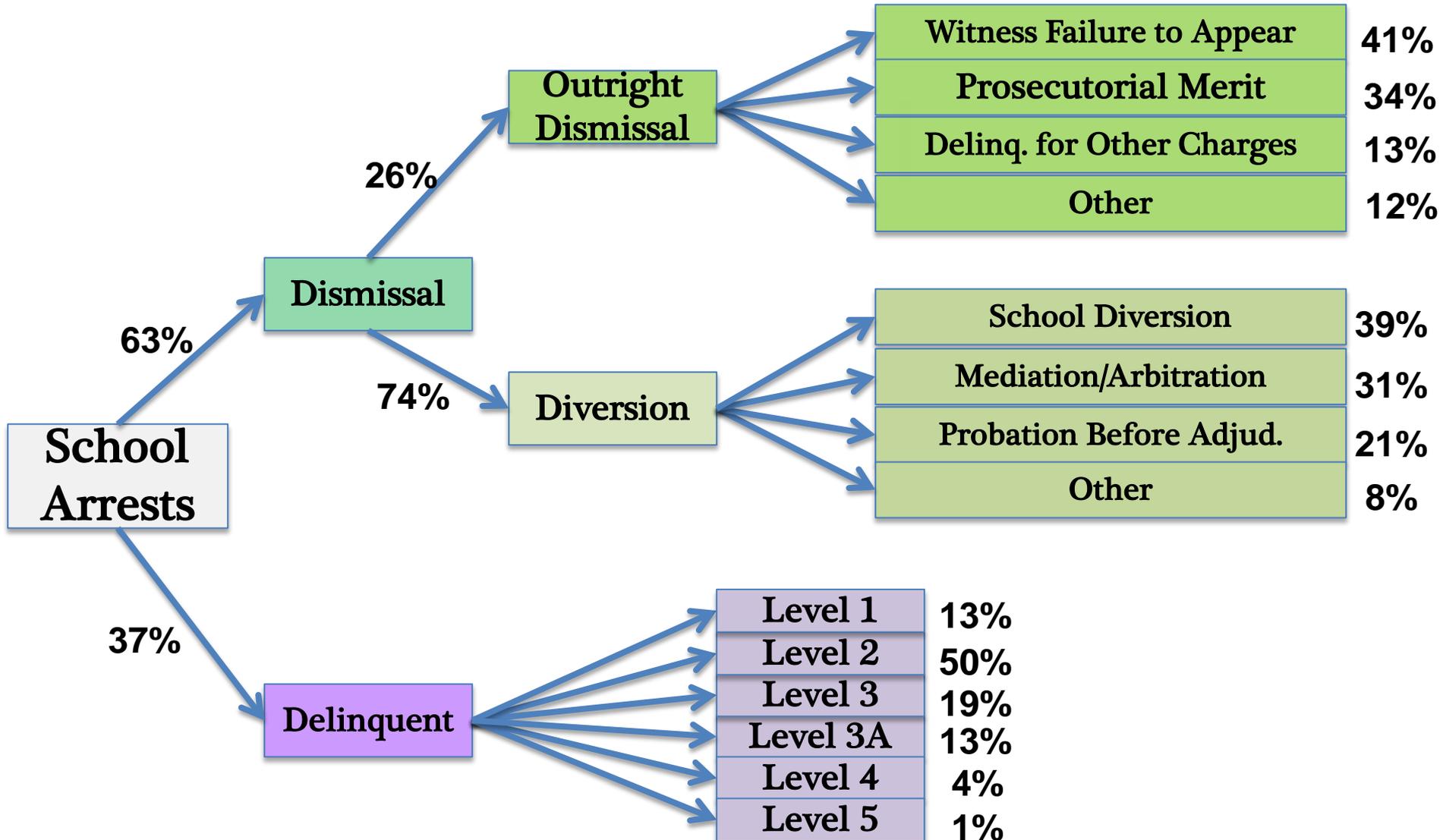
# Arrest Histories for Students Arrested



# The School-to-Prison Pipeline



# School Arrest Database: Outcomes in Family Court



# School Arrest Database: Notable Findings

- The offenses that led to arrests were predominantly minor and predominantly for fighting or disorderly behavior
- Black students were 3.5 times more likely to be arrested in school than White students
- Females students made up a larger percentage of arrests in schools than on the streets
- Half of the arrested students had no JJ contact before being arrested in school
- Most arrests did not result in delinquency adjudications
- Almost half of the students arrested were diverted

# Where does Delaware go from here?

- Graduated sanctions?
- Expansion of Peer Court?
- Explicit restrictions on arrests in school context?
- Civil citations?

# Concluding Thoughts

1. Fightin' and fussin' are normal adolescent behaviors.
2. Fightin' can be unsafe.
3. Fussin' can be disruptive.
4. Schools, with the support of the courts, must find productive and efficient ways of addressing this behavior.
5. Schools and courts must be aware of how their approaches to school discipline affect different student populations.
6. Both schools and courts should take advantage of the modern era of data to help guide their efforts to meet this complicated goal.