

DISPROPORTIONATE IMPACT?
SCHOOL DISCIPLINE IN A NEO-LIBERAL STATE

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By

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ABSTRACT:

Recent reviews of the Safe Schools Act, Ontario's school disciplinary policy have raised concerns regarding the disproportionate impact on racialized students and students with disabilities. Critics claim that zero tolerance and the simultaneous provision of mitigating factors leaving room for the abuse of discretionary authority, calls into question the role of discipline in the education system. Reactions to the reports were highly publicized, suggesting that a certain level of resistance existed among members of school communities in the Greater Toronto Area. This exploratory study set out to examine whether this resistance could be substantiated and if so, how it is structured. Using a qualitative, semi-structured interviewing format, this study explored the opinions of parents, educators and community advocates regarding the impact on racialized students facing suspension and expulsion in particular. Participants were asked to reflect on the introduction and application of the policy and its effectiveness in addressing safety, in the context of the neo-liberalization of the education system and corresponding devolution of an institutional commitment to equity. This author reflects on the punitive approach to behaviour management and discipline driven by an ideology of safety in the neo-liberalized system, using an integrative anti-racist approach that validates the restorative justice model. Shifting notions of citizenship help to legitimate the militarization of the school system manifesting in increased surveillance and criminalization of racialized students and parents. This study concludes by highlighting participants' reflections on the lack of accountability in a litigious school environment, where the denial of public education has serious implications for students who face systemic barriers to economic survival. Finally, the paper concludes with suggestions for moving away from punitive approaches to behaviour management to the institution of a restorative justice principles in building a culture of reparations.

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INTRODUCTION

It has long been argued that public education is necessary for the development of citizenship among young people and a strong labour force. Recent reviews of Ontario's Safe Schools Act (Bill 81) have called into question the role of discipline in the public school system and the implications this has for determining its accessibility. In 2001, the Harris government introduced the Safe Schools Act, which took a punitive approach to issues regarding behaviour management and school violence. Teachers and administrators were given more authoritative power than ever before, which according to one report has resulted in the overall increase in total suspensions and expulsions in the Toronto District School Board (Kalinowski, 2002). Proponents of zero-tolerance advocate these policies are fair because they assume all students receive identical punishments for inappropriate behaviours. Critics argue that the power to define what is unsafe, under the provision of discretionary authority is being abused. Some community advocates and legal experts believe that the ability to expel students from all school boards "disenfranchises the offender from the school community and creates a disruption in his or her learning" (Colman and Otten, 2004).

Although no one would disagree that there is a need to create safe spaces for learning, recent reviews indicate a growing perception that the Safe Schools Act has had a "disproportionate impact" on racialized students and students with disabilities who already face structural inequities in the school system (Ontario, 2003 and TDSB, 2004). This accusation has been refuted because no quantitative evidence has been collected on the

demographics of suspended and expelled students in Ontario.

For many, the Safe Schools Act represents a further loss of educational opportunities for students of colour and an extension of the criminalization of racialized communities in wider society. This research focuses on the application and impact of “zero-tolerance” policy guidelines in Ontario on racialized students in particular. This paper draws on primary data based on in-depth, semi-structured, qualitative interviews with racialized parents and school administrators obtained from a purposive, snowball sampling method (n=20; 11 individual interviews and 1 group interview). Reactions to the recent reviews of the policy were highly publicized. This researcher was interested to explore whether a certain level of resistance had formed among members of school communities in the Greater Toronto Area. This study set out to explore whether this resistance could be substantiated and if so, how it is structured in different school communities. I will explore participants’ opinions regarding the introduction and application of the policy and its effectiveness in addressing safety in the education system.

I will be using a theoretical framework which incorporates integrative anti-racist theory contextualized within a feminist understanding of the neo-liberal restructuring of the welfare state in Ontario to explore the social and political nature of the way discipline in education is explored in this social policy. I will be exploring how the need for safety is conceptualized in the neo-liberal state, where there has been a devolved commitment to anti-racism and equity policy. Incorporating Anti-Oppressive Practice theory, allowed shifts in the research design as determined by participants, as a way of transcending the traditional relationship between the knower and known (Potts and Brown, 2005). The data collection

process required a flexible approach which could accommodate participants' needs due to cultural and linguistic barriers.

The implications of this policy are far-reaching and extend beyond the world of schooling to the labour market. This researcher is interested in how a discourse of citizenship rights and safety operates in a lean market which reinforces labour market prejudices. A policy which aims to exclude “problem” students from the education system may have serious implications for affected students who already face barriers to finding meaningful employment and whole communities who systemically face economic disadvantage. What remains is the need to question: What does it mean to be safe? Whose safety is being protected and who from? Who benefits from this construction of safety and how? How can we encourage the resolution of school conflicts in ways that respect the civil liberties and identities of all students? What are the educational reforms necessary for the creation of a truly liberatory school system and more engaged student population who are invested in the daily processes of their school structures? While this research does not assume that these findings are necessarily generalizable to the experience of all racialized students affected by the Safe Schools Act, the intent is that these findings will illuminate a much needed exploration of behavioural management in the context of racism in the school setting and how the misapplication of zero tolerance policies can threaten equal access to the education system

CONCEPTUAL FRAMEWORK

I have situated this paper within an integrative anti-racist theoretical framework which incorporates a feminist critique of multiculturalism, citizenship education and the marketization of education (Bannerji, 2003; Dei and Karumanchery, 1999; Ng, 1993; and Sears, 2003). Sears (2003) outlines a theory of a “neo-liberal cultural revolution” which had to occur in order to reset the boundaries of commonly accepted notions of citizenship and equity determined by the development of the welfare state. These notions are rooted in a narrative of “White Canadianness” where “identity is almost always defined in relation to internal and external others” (Mackey, 2002, p. 22).

One of the main purposes of the education system has been to bring students into “the embrace of the state” and instill an understanding of social citizenship (Conley, 1989; Sears, 2003). Citizenship formation can be seen in the structure of the classroom where students’ relations with each other are mediated through the teacher, mimicking our individual vertical relationships to the state vs. horizontal relationships with our citizen counterparts (Sears, 2003, p. 10-11). Freire (1970) talks about the “banking system of education”, where students are viewed as passive vessels waiting for information to be deposited by the all-knowing authoritative educator as a way of reinforcing hegemonic structures in society (p. 73-74). Foucault (1977) argues the purpose of schooling is to operate as a structure of surveillance and discipline all who inhabit the formalized system of learning:

The power in the hierarchized surveillance of the disciplines is not possessed as a thing, or transferred as a property; it functions like a piece of machinery. And although it is true that its pyramidal organization gives it a 'head', it is the apparatus as a whole that produces 'power'....This enables the disciplinary power to be both absolutely indiscreet, since it is everywhere and always alert, since by its very principle it leaves no zone of shade and constantly supervises the very individuals who are entrusted with the task of supervising; and absolutely 'discreet', for it functions permanently and largely in silence (Foucault, 1977, p. 177).

Foucault's description of the oppressive gaze of the institution of education highlights the duplicitous nature of the liberal education model which promises free access to the education system. The development of public education in Canada changed with the growing belief in the importance of citizenship discourse, influenced by the mobilization of marginalized communities struggling to be recognized by the state. The state responded to these demands with the introduction of official policies on multiculturalism and bilingualism. Anti-racist theorists have criticized the rhetoric of multiculturalism as being an institutional attempt to manage difference and maintain state hegemony, while ignoring the basis of social conflicts relating to race and power. (Bannerji, 2003; Dei, 1996; Mackey, 2002; and Sears, 2003). Sears (2003) argues that the state benefited by officially legislating policies regarding multiculturalism and bilingualism, while hiding the exclusionary and hierarchical nature of citizenship status, under the guise of inclusion and egalitarianism and a mutable definition of Whiteness (p. 142). The liberal education model promotes uniformity and "suppresses real diversity in the name of a relatively standardized curriculum and a homogenized national culture", through the use of everyday racism which constructs universality through narrow definitions of being in the world (Bannerji, 2003 and Sears, 2003, p. 129). One must question whose standards the system is being measured against and whose histories and ideologies are constructed as truth.

Liberal education is deeply and irreparably grounded in the perspective of the bourgeois, European, heterosexual, able-bodied man. His culture and his science are seen as the only instruments that make the world knowable...indigenous ways of knowing are marginalized in liberal education. The whole system of Canadian citizenship is founded on the destruction of aboriginal nations and cultures (Sears, 2003, p. 23 and 45).

Further, students and teachers of colour are continually forced to struggle with the tension of being assimilating into European ways of being, while mediating their construction as visible outsiders because of their skin colour.

Schooling has been re-oriented under a leaner concept of citizenship, in the neo-liberalization of social policy, where “the individual develops a self in relation to the market rather than the state” (Ibid., p. 11). Dehli (1996) tells us social policy decisions are dictated by the needs of the state, “as if notions of market and state refer to real objects in the world, and/or as if there is a relatively fixed boundary marking their limits” (p. 363). This rhetoric has been used to de-legitimize any expectations of the welfare state and a commitment to equity, requiring a reorganization of public and private understandings of state boundaries. The main purpose of social policy within the lean state is to reduce barriers to commodification, through the promotion of a cheap pool of labour through “non-unionized flexible work” and the weakening of social benefits (Sears, 2003). Women and racialized individuals are also pushed into provide unpaid labour in the home and community, determined by gendered expectations of who should provide care, the guise of volunteerism and racist notions of what kinds of work experiences are considered relevant to the Canadian workplace (Dehli, 1996, Hiebert, 1997 and Sharma, submitted 2004).

Anti-Racist theory and critical theory recognizes the importance of one’s social location and multiple identities. The intersection of oppressions is recognized as being determined by the various facets of identity that make up our core selves which affect the

way that we experience the world (i.e. race, class, gender, dis/ability, geography, sexual orientation etc.) (Moosa-Mitha & Brown, 2000; Razack, 1998). Anti-racist educators challenge the liberal notion of multicultural education, which engages in the tolerance of different cultural traditions and practices. Further they seek to explore how race, class and gender mediate our lived experience of power and privilege. It is considered necessary to reveal the true history of racism in Canada and the way it has been used to exploit cheap labour, natural resources and steal land in the name of nation building. Black educators call for the use of an Afro-centric perspective as a way bringing African history from the margins to the centre. It recognizes the heterogeneous nature of the African-Canadian community and diasporic experience as mediated by the nature of the “hidden curriculum” in Eurocentric schooling, which can be seen in staff and student culture, school activities and expected behaviours (Dei, 1996, p. 6). Further, Black feminist educators seek to explore how gender intersects with one’s experience of race in an educational setting that values the straight, White male norm (Collins, 2000). A liberatory approach to education recognizes the need for the decolonization of pedagogy. Maori theorist Linda Tuhiwai Smith (1999) says:

Decolonization...does not mean and has not meant a total rejection of all theory or research or Western knowledge. Rather, it is about centering our concerns and world views and then coming to know and understand theory and research from our own perspectives and for our own purposes (p. 39).

A decolonized education would challenge normative pedagogical models in their dependence on hierarchical, linear thinking and the valuing of a Eurocentric, capitalist culture, which informs our educational system. This decolonized model would also

incorporate a holistic approach to strengthen relationships in the school community and discipline.

Drewery and Winslade (2003) also describe a holistic approach to school discipline as a form of resisting neo-liberal principles. They also problematize the focus on student infractions and viewing the resistance to institutional standards as an individual deficit. They take Foucault's sentiment further by comparing school disciplinary practices to judicial systems.

Just as in criminal courts, crime is primarily thought of as offences against the state, in schools most offences are construed as offences against the school. In both cases, offences are considered more in terms of their challenge to the power of the authorities than any harm done to persons in the community...For more serious offences, criminal justice systems act to protect the majority of citizens by locking offenders up. In schools, the equivalent is to lock young persons out (p. 6).

In the retributive model, the elimination of any "problem" students who threaten the efficient administration of a school community is rationalized. This author would like to approach the discussion of school discipline using an anti-racist, restorative justice approach which is focused on building and "restoring the damage done" to relationships in the school community. While punishment may still be an element of the restorative process, it is not to be seen as the main focus or solution. Students are asked to respond not to authority with "meaningless punishments", but to take responsibility for their actions by addressing the impact they have had on their victims. This model has been particularly celebrated in New Zealand as a way of addressing the high suspension and expulsion of Maori students (Ibid., p. 2).

LITERATURE REVIEW

Education reforms have significant implications for the changing composition of the student population. Studies have told us that the proportion of racialized students in schools is on the rise. Nearly 200,000 immigrants enter Canada annually. Almost 45,000 are school-aged children who enroll in Canadian elementary and secondary schools (TDSB, 1993). While the overall number of newcomer children as a proportion of the total population is small, these children exert a considerable impact on schools, particularly in urban centres. As a result approximately two-thirds of all school-aged immigrant children arrive speaking neither official language, which places special demands on the school system and its ability to meet these challenges.

Many theorists have argued schooling is integrally tied to the reproduction of a segmented labour market and stratified society – divided along the lines of race, class, gender, dis/ability, sexual orientation and geographical location (Dei et. al, 1995; Reid and Rubin, 2003). This is concerning for newcomer communities who continue to be over-represented in the secondary labour market -- domestic care, child care, janitorial work, and garment labour (Hiebert, 1997). While racialized and female workers have significantly improved their positioning in the primary market, they continue to be over-represented in low-wage labour (Reid and Rubin, 2003).

Further, the education of racialized youth seems to show a similar racial disparity in terms of academic success and failure. A wealth of literature has exposed how the legacy of colonialism and residential schooling has failed racialized communities. Several Canadian

studies revealed that First Nations and Black high school students had overwhelmingly low academic achievement and retention rates, high truancy and failure rates, and were most frequently streamed into low academic tracks more than any other racial group (African Canadian Community Working Group, 1992; Bramble, 2000; Dei, 1995; Henry, 1994; and Henry et. al. 1995 and Ontario, 1995b). It is important to note that disparities in educational success were exacerbated by the neo-liberalization of education under Harris government's Commonsense Revolution. In the following section, I will describe social policy changes which laid the foundation for a re-conceptualization of the regulation of disciplinary practices.

The Neo-Liberalization of Education under Harris' Commonsense Revolution

In 1995, Ontario voted in Mike Harris' Progressive Conservative government. The discourse of market was effectively used throughout Mike Harris' campaign and eventual re-election as Premier of Ontario. Using the language of democracy, self-reliance, family values and a lean management approach to economic efficiency, the Harris' government introduced government restructuring and welfare reform. This government argued for drastic changes resulting in \$400 million in education cuts through controversial legislation "designed primarily to decentralize state responsibility to schools while centralizing power under the auspices of government control" (Dei and Karumanchery, 1999, p. 5). With Bill 104, school boards were forced to amalgamate from 167 to 66 boards and drastically reduce spending on administrative, personnel and classroom costs (Ibid., 5). In 1996, the Harris government introduced the Education Quality Improvement Act (Bill 160) indicating a clear shift

towards the privatization of schooling in Ontario. This bill sought to increase provincial control over the spending of tax revenues for education and introduced a new funding formula that would fix the amount of money each local board of education was to receive from the province.

All of these changes were facilitated by advancing the rhetoric of accountability and cost-effectiveness, coupled with the necessary de-legitimizing of equity-seeking projects, posing that they contradicted the basic tenets of a liberal democracy (Dei and Karumanchery, 1999, p. 2). Baines (2004) argues that there has been a shift in managerial discourse in social service delivery, reflecting a “pro-market, non-market reconstruction of social caring and responsibility” under the model of New Public Management (NPM). This model is also being utilized in other areas of the public sector including the education system and can be seen in the use of Total Quality Management as a way of assessing efficiency in educational administration and meeting standards.

...the development of a new provincial funding formula for education in Ontario has used the median school board as a benchmark for assessing space requirements and overall costs. The focus then, is more on the measure of board against board than it is on the adequacy of educational funding to meet the actual needs of a given population in specific circumstances (Sears, 2003, p. 227)

This focus on standards is determined by an emphasis on the measurement and evaluation of students' performance and effectiveness of teachers' and the school system as a whole. The transformation of the teaching process has included new technologies, multi-tasking and work differentiation (Sears, 2003, p. 22). Workers in non-teaching positions (i.e. custodians) have been downsized and contracted out as a cost-cutting measure. Extensive reforms were made regarding the rights of teachers including: increasing the average maximum class sizes and teaching time, while decreasing teacher prep time; reducing

the number of professional development days; requiring mandatory teacher testing; and restricting the right to strike. A necessary part of the education reform agenda was the launching of an aggressive campaign against teachers and political organizing in order to counter their resistance to neo-liberal restructuring. Dehli (1996) describes the construction of the “bloated” nature of greedy public sector unions and a corresponding welcoming of corporate-school partnerships rooted in the interests of economic man. The marketization of the school environment is not only one in which students are constructed as consumers of knowledge but of corporate products. Dehli (1996) describes the pursuit of corporate ‘partnerships’ as a popular replacement for government dollars:

Within local school boards, private corporations such as Pizza Hut now run school cafeterias, while Pepsi obtained an exclusive contract for soft-drink vending machines in the Toronto Board of Education....One Toronto-area school board now boasts of 400 partnerships with corporations and community organizations, arrangements that according to one promotional newsletter accrue ‘wonderful benefits’ (Dehli, 1996, p. 368).

In the liberal system, students were encouraged to develop their identity as national subjects, through the valuing of multiculturalism, bilingual education, and Canadian nationalism. However, current constructions of citizenship are based on a push for the development of entrepreneurial culture as a form of nation-building. Students are expected to “develop enterprising skills and attitudes such as self-reliance, network-building, informed risk taking and flexibility” (Ontario, 1996). The liberal model’s focus on citizenship development and student-centered curriculum was framed as being antithetical to the value of self-regulated learning, training students to value the same insecurity they would face as workers in an unstable market (Sears, 2003, p. 22). These were seen as necessary shifts in a changing labour market due to the advancement of information technology. It was argued

the education system needed to focus on the different kinds of problem solving skills necessary for this changing workforce, which was being sufficiently met by a liberal education model. One report called for the promotion of:

entrepreneurship and innovation learning at an early age and continue through the education system [by] teaching courses in entrepreneurship and innovation learning at an early age and continue through the education system [by] teaching courses in entrepreneurship and business in secondary school and following through to post-secondary education...(OJIB, 1999, p. 63).

This emphasis on entrepreneurialism is most obviously seen in the focus on “career awareness” beginning in Grade 1. The compulsory unit of community service and emphasis on co-operative education, and simultaneous devaluing of liberal arts courses insinuates that education is merely a means to employment, rather than a place of learning and personal development. Further, the gendered nature of Ontario curricular reform is seen in the apparent feminization of liberal arts courses and corresponding valuing of the male-dominated subject areas of mathematics and sciences. Sears describes this as fitting “ideologically with the emerging...rationalized forms of hegemonic masculinity” and heteronormatively (Sears, 2003, p. 184). Curriculum has also been restructured around the notion of standardized testing, claiming that “more detailed measurement combined with increased opportunity to fail, will increase the students’ skill foundation” (Ibid., p. 66). However, these testing methods are often culturally specific in language and content as stated by Sears. The reading of results is also divorced from the reality of structural inequalities in societies which inhibit certain students from reaching pre-determined levels of success and failure.

Testing for achieved competence at a pre-determined set of uniform tasks is then used to increase differentiation associated with a more hierarchical and competitive educational system, including a renewed emphasis on streaming. This increased streaming is certain to be racialized [and] will be naturalized. It will be presented as a result of different abilities rather than of inequality and oppression (Sears, 2003, p. 152).

This standardization framed in neutrality, is translated into the push for uniformity, where racial and cultural difference is seen as threatening (Ibid., p. 152). This is not only limited to curricular uniformity, but also in cultural expressions of difference in dress. The push for a dress code has been set out in Ontario's Code of Conduct and a discussion of mandating school uniforms in the public school system has also been initiated.

Dehli (1996) problematizes the manipulation of parent activism for the purposes of the furthering state interests. This initiation of pushing "private individuals into a more involved role in public governance" is seen in the elimination of the number of democratically elected trustees in favour of parent councils and decision making bodies, thus shifting the responsibility of making decisions to individuals, families and mothers in particular (Dehli, 1996, p. 369). While the insertion of parental involvement is a seemingly positive step for a government resistant to equity initiative, the assumption they will be willing to engage in unpaid labour for the administration of their children's schooling is well-noted. She questions the power relations in parent-school relations and construction of 'parent' as being divorced from any understandings of the complexities of identity or power as being necessary for reproducing the gendered and classed division of labour in school administration (i.e. school councils) (Ibid., p. 92).

However, parental involvement is advocated as being necessary by Gandin and Apple (2002) who describe the re-visioning of the education system in Porto Alegre, Brazil – a city made famous by famous for the policies put in place by the Workers' Party based on a model of Popular Administration (*Orçamento Participativo* or OP). One of the main goals of The Citizen School, which has utilized OP has a goal of transforming the relationship between state and civil society by involving all members of the school community in all

aspects of decision making processes, including student, parents, teachers, school principals (who are elected) and community members. Previously education fell under the auspices of the federal, provincial and municipal governments and operated under a system of centralized bureaucratic management. Failure rates were high, with dropouts close to 20% in the 4th grade. Since the OP took office, schools are administrated at the municipal level. The number of schools has drastically increased by 220% and rates of school vandalism are now virtually non-existent. All of the new schools were built in impoverished areas of the city to ensure that decision making process would be controlled by Porto Alegre's most economically disadvantaged citizens. School councils are a central aspect of change in decision making processes. They are responsible for making decisions about school administration, curriculum, allocation of resources and oversee the implementation of these resources (Ibid., 269).

Each School Council has 50% of the seats for teachers and staff and 50% for parents and students. One seat is guaranteed to the administration of the school, usually the principal elected ...by all the members of the school....Students who are 12 years old or more and parents or legal guardians of students who are less than 16...can vote and be elected (Ibid., 268).

In the last election of principals, almost 30 000 people voted. Teachers are encouraged to be fully involved in all aspects of school activities, decision making and ongoing seminars where teachers gather with progressive educators. In order to compensate teachers for their time, the SMED increased their salary to US \$325 per month. In the state schools, teachers make US \$150 (Ibid., 270).

Schooling was transformed by the elimination of the year-long grade structure and notion of 'failure' and replaced by 3 cycles, each one 3 years long (Ibid., 266). Curriculum

transformation is also central to the development of a ‘thick’ democracy, in the rejection of left-liberal multiculturalism and Eurocentric definitions of knowledge. Students, parents and teachers decide collectively on the various courses by directly linking curriculum formation to the interests and problems of the community so that students are not studying issues that are irrelevant to their current situation. For example, three sub-themes listed by the community were: the ‘rural exodus’ (migration of people who moved from rural areas to the cities), social organization (i.e. challenging silence around race issues, the conservative agenda of various community associations), and property (i.e. living on land with no legal title, lack of infrastructure etc.) (Ibid., 267). While this system is not without its challenges, The Citizen School represents a powerful alternative to the structure of state-administered education in the neo-liberal context. The examples of the Citizen School and the use of the restorative justice model with Maori students are practical examples of school systems resisting the neo-liberalization of schooling and corresponding punitive approaches to discipline.

Racializing and Marketizing a Discourse of Fear

The discursive construction of racialized communities has been historically framed as “biological inferiority, moral depravity and mental deficiency” for the justification of the control and management of certain populations (Dei, Karumanchery and Karumanchery-Luik, 2004, p. 45). Ideological constructions of the need for safety and who is un/safe are necessary for the legitimation of the over-targeting of a particular racial group -- particularly in a post 9/11 climate, where fear dictates enormous shifts in domestic and foreign policy. Sharma (submitted 2004) questions the legal and judicial processes which differentiate people

as citizens, “non-citizen-Others” and migrants without citizenship status” based on racialized and nationalized definitions of who is a potential threat to the “Canadian” identity. Social policy of the lean state depends on a well-defined politics of exclusion which seeks to criminalize poor and non-White immigrants, while utilizing them as a source of labour power for the low-wage, hidden labour economy.

The use of discretionary authority in the criminal justice system has long been critiqued for its subjective interpretation and vulnerability to abuse, because of its inability to divorce itself from the dominion of biased portrayals of racialized people in the media (Ontario, 1995a). Studies on racial profiling have documented the misrepresentation of African Canadians in the media, manifesting in disproportionate number of arrests, vehicle stops and incarceration rates (Smith, 2004).

Martin (2002) argues that crime is marketed as a political commodity to middle class voters, through the use of “brand named legislation” in a time of decreasing crime statistics. She gives two examples of provincial legislation marketed as “get-tough” approaches, providing safety for the most vulnerable only in name (i.e. Alberta’s *Protection of Children Involved in Prostitution Act* and Ontario’s *Safe Streets Act*). While in name they appear to promise safety, they are in fact is designed to criminalize panhandlers and street life based on a “moral panic” (p. 217-218). Ontario’s Safe Schools Act was similarly constructed as a necessary response to the imagined rising crimes of youth gangs and school violence, when in actuality youth crime is also on the decline. Statistics Canada (2003) tells us:

Police charged 99,000 youths with a Criminal Code offence in 2002. Following two years of slight increase, the rate of youths charged dropped 5%, continuing the general downward trend seen over the past decade. The youth crime rate in 2002 was 33% lower than in 1992 (Canada, 2003, July 24).

Despite the reality of these statistics, sensationalist portrayals of the degeneration of today's youth make for highly compelling news stories. The coverage of incidents, such as Columbine or Canada's own highly publicized Reena Virk case, where a South Asian teenage girl was brutally murdered by 8 other youth in Victoria, B.C, have been used to legitimate a need for hard-line legislative changes (Girard, 2005, A04; Giroux, 2003, xiv).

Zero Tolerance Policies in Other Jurisdictions

Anecdotal evidence indicates that Black students in particular are being unfairly targeted and that this is similarly experienced in American jurisdictions (The Civil Rights Project, 2000 and Skiba et. al, 2000). Skiba et al., states:

While 29 states suspended over 5% of their total Black enrollment, only 4 states suspended 4% or more of White students. Finally, Black students were more likely than White students to be suspended more than once, although no racial differences were found in the length of suspension administered (2000, p. 2).

Some studies argue that the over-representation of racialized students is more of a reflection of socio-economic status rather than a racism issue. However, according to their findings, Skiba et al. (2000) state that racial disparities in school disciplinary practices remain even when controlling for socio-economic status (Ibid., p. 5). In Britain, figures from one study of school revealed Black students represented 10.1% of expelled students, while comprising a mere 3.2% of the school population (Ontario, 2003, p. 23).

In Canada, the province of Nova Scotia set a precedent for the rejection of zero-tolerance policy. Similar to the case of Ontario, the Progressive Conservative platform for the 1999 Nova Scotia provincial election, promised a 'zero tolerance policy for violent behaviour and drugs' in the school system (Ontario, 2003, p. 24). Following the election, a

School Conduct Committee was formed to review zero tolerance policy. This committee recommended a rejection of such hard-line approaches to discipline, arguing that they tended to disproportionately affect the working poor, racial minorities and students with special needs based on quantitative evidence from explored in an extensive literature review. This recommendation was eventually accepted by the province. In a CBC documentary, “The Colour of Zero Tolerance” a member of the committee revealed what was experienced by school boards which implemented zero tolerance policies:

...what [the committee] found in the research was the number of suspensions and expulsions skyrocketed ...the thinking was that initially you would get increasing numbers until you'd get used to it and then it would decrease. Then you would get the desired behaviour that you were looking for. But in fact that didn't happen. But it also had the effect of having an overrepresentation of minorities in the application of harsh disciplines such as suspensions and expulsions...(Canadian Broadcasting Corporation, 2002, November 20).

The province was also set to “implement a province-wide system of data collection of behaviour infractions and related consequences, in the 2003-04” which was to “include differentiation on the basis of race and special needs” (Ontario, 2003, p. 24).

In Ontario, school disciplinary practices were critiqued for the disproportionate impact on racialized students in Ontario in the 1995 release of the Report of the Commission on Systemic Racism in the Ontario Criminal Justice System where the issue was briefly discussed (Ontario, 1995a, p. 360-365).

The Safe Schools Act: A Punitive Approach to Discipline

A politics of exclusion coupled with an ideological construction of the need for a standardized model of education, requires the heavy policing of student behaviour. However,

before we begin to examine the Safe Schools Act, we must first explore the policies governing school discipline prior to the introduction of the policy in question.

In 1994, Ontario had a “Violence-Free Schools Policy” under the Education Act (1994) which included a broad definition of safety, including protection from different forms of discrimination based on standards of equity. It advocated for a restorative justice, community-centered approach to looking at the historical root causes of violence in our society. It also discusses the importance of preventative measures as well as an extensive plan for dealing with violent incidents and their aftermath to promote healing, including the incorporation of peer mediation and Aboriginal elders. While this policy did make provisions for suspensions and expulsions, it was situated in a more holistic approach to conflict management (Ontario, 1994). In the 1990s, the Scarborough Board of Education was the first school board in the province to adopt a Safe Schools Policy on Violence and Weapons.

Before the 1999 provincial election, the Progressive Conservatives promised to establish a province wide zero tolerance policy for “bad behaviour” (Progressive Conservative Party of Ontario, 1999, p. 40-42). In April 2000, then Education Minister Janet Ecker introduced a Code of Conduct for Ontario schools. Prior to the introduction of the Safe Schools Act, discipline was mandated under Section 23 of the Education Act. Principals had the power to suspend students for up to 20 days. Boards were the only body given authority to expel students from all publicly funded schools, but only if “the pupil’s behaviour was so ‘refractory’ that the pupil’s presence was ‘injurious to other pupils or persons’ (Ontario, 2000b).

However, in May 2000, Ecker introduced the Safe Schools Act proposing to make drastic changes to the provincial approach to discipline. The Safe Schools Act was passed as

an amendment to the Education Act in June 2000 and came into effect September 2001 -- legislating a hard-line approach to issues regarding behaviour management and school violence. Teachers and administrators now have more authoritative power than ever before. Under the new legislation, teachers were given authority to suspend students for one school day. School principals were given new power to expel students from their school for up to one school year, previously a decision only made by the board (Ontario, 2000a). The Safe Schools Act also introduced the mandatory institution of opening and closing exercises of the school day to include the singing of "O Canada". Principals can decide if they would also include the recitation of the pledge of citizenship. Interestingly, it states that a pupil is not required to participate in the opening or closing exercises in certain circumstances, however those situations are not clearly defined (Ontario, 2000a).

According to the Safe Schools Procedures Manual, principals must also consider the various factors including the nature, circumstances of the incident, degree of harm caused to the victim, intent to cause harm, age of individuals involved, attendance history, a history of offences and a willingness to undergo a rehabilitation program. One of the most substantial changes is the stipulation of mandatory suspensions and expulsions and police involvement for infractions while the student is at school or engaged in a school activity (view table) (Education Act, R.S.O. 1990, 306, 309). Expulsions have also been expanded so that student can be excluded not only from their respective board, but from all publicly funded schools in Ontario. The OHRC report tells us:

*There are now two kinds of expulsions: (1) A limited expulsion from the school the student was attending until the later of a) a date set by the principal or board (twenty-one days to one year) or b) the date on which the student meets requirements established by the board and (2) A full expulsion from **all** (publicly funded) schools in the province until the*

student has attended and met the requirements of a strict discipline program (emphasis mine) (Ontario, 2003, ii)

Mandatory suspensions are to be given if the student:	Mandatory expulsions are to be given if the student:
<ul style="list-style-type: none">a) utters a threat to inflict serious bodily harm on another personb) possesses alcohol or illegal drugs is under the influence of alcoholc) swears at a teacher or at another person in a position of authorityd) commits an act of vandalism that causes extensive damage to school property at the pupil's school or to property located on the premises of the pupil's schoole) engages in another activity that under a policy of the board, is one for which a suspension is mandatory	<ul style="list-style-type: none">a) possesses a weapon, including possessing a firearmb) uses a weapon to cause or threaten bodily harm to another personc) commits physical assault on another person that causes bodily harm requiring treatment by a medical practitionerd) commits sexual assaulte) is trafficking in weapons or illegal drugsf) commits robberyg) gives alcohol to a minorengages in another activity that under a policy of the board is one for which expulsion is mandatory

(Ontario, 2003a)

Discretionary suspensions are to be imposed when a student “engages in an activity that under a policy of the board, is an activity for which suspension is discretionary” for a maximum duration of 20 school days “for conduct injurious to the moral tone of the school or the physical or mental well-being of others in the school” (Ontario 2003a, 307; Trepanier, 2003, p. 17).

Interestingly, while provincial legislation regulating behaviour in schools has taken the punitive approach, federal legislation governing youth crime has adopted a more holistic positioning. In 2003, the Youth and Criminal Justice Act replaced the Young Offenders Act and embraced a retributive justice model and restorative justice principles (Colman and Otten, 2004, 288). The Youth and Criminal Justice Act:

requires police and Crown counsel to consider and where appropriate, pursue other avenues of accountability for the young person outside of the laying and prosecution of criminal charges. The emphasis is on meaningful accountability and rehabilitation of the young person, as well as the involvement of the victim and greater community in determining the appropriate outcome for the young person (Ibid., p. 288).

Thus the allowance of full expulsion can be considered constitutionally unfounded, in that 1) All school-aged children are to be provided with a publicly funded education, under the realm of citizenship rights and 2) It defies the federal approach to addressing youth crime through healing community relationships rather than through the application of punitive measures.

The Provision of Mitigating Factors

The Safe Schools Act makes provisions for the mitigation of factors with respect to students with disabilities. In 1997, the Ministry of Education developed a policy called the “Special Monograph No. 5”. It clearly states that making a student responsible for unacceptable behaviour that he or she is unable to control due to a disability can be considered discriminatory (Ibid., 27). Mandatory suspensions and expulsions are not to be considered if the student: does not have the ability to control his or her behaviour; does not possess the ability to understand the consequences of his or her behaviour; or does not present a risk to the safety of the school community (Ontario, 2000a and Trepanier, 2003, 13). In these cases, principals are not *obligated* to apply a suspension, but can still do so if they choose. Thus, school administrators are required to utilize their discretionary authority to gauge the mitigating factors in making decisions regarding how to address students’ infractions. However, Colman and Otten (2004) tell us, “the thrust of the legislation seems to be that punishment is the norm; only in exceptional cases will a student offender’s behaviour

be excused” (p. 288). Similar attempts to address racial profiling in school discipline policy have not been made in the same way as they have for students with disabilities.

Education of Suspended and Expelled Students

Currently, school boards are not legally required “to provide homework or alternative programs for students subject to suspension or expulsion” (Ibid., 12). However, in a June 2000 news release, Education Minister Janet Ecker announced that school boards might be required to provide programs for suspended and expelled students to help them return and keep them with the school system. To this date, this has not occurred (Ontario, 2000c). However, according to Regulation 37/01, a student facing full expulsion can return to school if s/he “successfully completes a strict discipline program or has satisfied the objectives required for the successful completion of such a program” (Ontario, 2003a). When the Safe Schools Act was introduced, there were only seven strict discipline programs operating in Ontario which meant that very few students were being given a place to learn and continue doing homework in order to keep up with their peers. To this date, there are 22 English boards and five French boards who have introduced strict discipline programs, however it is not legally mandated for all boards in Ontario to create them (Ontario, 2005a). While the legislative provision for alternative programming has been made, they are not easily available. Colman and Otten (2004) tell us that even within large urban centres, transportation to the programs is difficult and there are limited spaces. Rural programs are even less common. Thus, students that face a full expulsion is concerning because there is little recourse to make it back into the public school system.

Appeals Processes

The Safe Schools Act also makes provisions for students to access review procedures at the request of a parent or student. The review process generally includes school board personnel who will review the suspension decision (Trepanier, 2003, p. 33). Because expulsions take a considerable amount of time and resources, many people try to reach a resolution before going to a hearing. Students may admit wrongdoing and decide to attend a strict discipline program. However, if the issue is not resolved, then a hearing can be “expedited...if the parties are prepared to present an agreed statement of facts to the committee of trustees, setting out the facts...which are not in dispute” (Ibid., p. 32). If the review is unsuccessful, parents and students can seek out an appeal, for suspensions issued over a day and expulsions. Suspension reviews are generally less formal. However both kinds of appeals are held by a committee of trustees rather than by the whole board of trustees.

The committee is the decision maker who will hear the case, and make a decision whether to confirm, overturn, or modify the discipline imposed by the administrator. The principal's role is to defend the discipline imposed...using as much detail as possible...In the case of “mandatory” discipline, a principal should be prepared to explain how the pupil's conduct constituted one of the listed infractions, and why none of the mitigating factors applied to the situation. If mitigating factors did apply, but the principal exercised his or her own discretion to discipline in any event, the reasons for this decision should be explained (Ibid., p. 34-35).

Also appeals should follow the regulations set out in the Statutory Powers Procedure Act, which sets the standards for “general rules of procedural fairness”, where a student is entitled to have a fair trial with an impartial decision maker and to understand the details of the case in order to defend him/herself (Ibid., p. 35). Further, the student has a right to be represented by legal counsel, with the opportunity for cross examination of witnesses from both sides of the incident (Ontario, 2003, p. 14-16). While school board decisions are

supposed to be considered final, parties can also consider a judicial review of the case in court (Trepanier, 2003, p. 34).

Reviews of the Safe Schools Act by the Ontario Human Rights Commission and the Toronto District School Board

In the 2001-2002 school year, over 2 million students attended publicly funded schools in Ontario (Ontario, 2003). In the same year, the Toronto Star reported a 40% increase in the overall number of suspensions in the Toronto District School Board (TDSB) from 17,371 to 24,238 cases (Kalinowski, 2002, p. B05). Many people attributed this increase to the mandatory reporting rule instituted in the Safe Schools Act. Critics have commented on the contradictory messages between the call for zero-tolerance and simultaneous provision for mitigating circumstances, with little guidance on how to identify such situations.

Recent reviews by the OHRC and a Task Force on Safe and Compassionate Schools (TDSB) revealed a growing perception regarding the disproportionate impact of the Act on racialized students and students with disabilities. The anecdotal claims have been difficult to ignore, despite the fact that there is no quantitative evidence to verify them. After the implementation of the Act, the African Canadian Legal Clinic reported an increased need for the “representation of Black students in suspension and expulsion matters” making this “one of its priority areas of work” (Ontario, 2003). Several TDSB trustees estimated that 80% of the students they were seeing in suspension hearings were Black students – the majority being male (Ibid., p. 35). One submission to the TDSB Task Force by two Toronto lawyers indicated that between the two of them they had:

...represented 15 students and their parents on expulsion hearings...of the total, all were racialized minorities and 14 were African Canadian. All but one was male. In addition,

it appears that the overwhelming majority of students attending the statutorily required Strict Discipline Programs in Toronto...are African Canadian (TDSB, 2004, p. 14).

Some ethno-specific agencies reported that White students often received lesser punishments or were left unpunished in interracial conflicts. It was suggested that police authorities were also more likely to be called in when racialized students were involved in infractions (Ibid., p. 26). Many TDSB administrators would not confirm or deny racial profiling in disciplinary practices because they believed in principals' objectivity and a misrepresentation of numbers, particularly in schools with high populations of racialized students (Ibid., p. vi).

Currently, "there is no legal requirement for school boards to provide homework or alternative programs for students" facing suspension or expulsion (Ibid., p. 12). The motivation to continue to be interested in school is difficult when homework is not being given and a lack of alternative programs are few and far between. When these students return to class they often find themselves 'hopelessly' lost because of missed lessons. Further, it is frustrating for students that have been expelled from one board and are only able to receive an education if they go to another school board that may be logistically difficult for them to get to. Many people believe this increase in suspension and expulsions is leading to higher drop outs. Thirty per cent of students never try to search out alternative programs and head out to find a job (Ontario, 2003, p. 55-56). It is argued that suspensions can become idle time spent in malls or parks (TDSB, 2004, p. 8). Suspended and expelled students must also deal with the stigma of feeling left out of the mainstream system. One community advocate from an ethno-specific agency explained:

We have extreme stresses on young people who have become fearful. More than distrustful. They have become stoic. They've become very hard, very cold. They don't like to show

emotion. They don't like to show fear. And that translates through their entire social life. Which means they are not successful at negotiating jobs or going down and negotiating loans (Ibid., p. 19-20).

Students must also suffer the economic impact of being ordered to leave their school and facing another barrier to finding meaningful employment, which is already an issue for racialized students. Racialized parents expressed frustration over the linguistic and cultural barriers they face in not being able to understand written and verbal communications from the school board. The TDSB Task Force (2004) also briefly mentioned the issuing of trespass letters as a way to “avoid parents who advocate on behalf of their children” (p. 22). Further, some parents were not informed of their right to appeal the suspension or expulsion.

Both reports made extensive recommendations which are far too numerous to describe here. They included the call for a data collection process on the demographics of suspended and expelled students; a removal of zero tolerance language and increased funding for student support systems. School authorities were strongly suggested to consider the systemic barriers facing racialized students and how this may have contributed to the situation at hand. The TDSB Task Force made many practical suggestions including a complete review of hiring practices and that all “performance review processe[s]...be expanded to include Safe Schools” (Ibid., p. 15). It also detailed the need for a transparent appeals process which respects due process rights that provide clear communication of student/parental rights and translation when needed. It cautioned against the use of informal suspensions and argued principals should have access to a template detailing the mitigating factors which should be considered in appropriate situations. It was suggested that a permanent standing committee governing expulsion appeals be formed and that

committee members be paid for their time. It was also recommended that an ombudsman office be established for fielding complaints and be mandated to “advocate on behalf of students and their families” affected by Safe Schools (Ibid., p. 22). Further, the ability to expel students under the age of Grade 3 be repealed (Ibid., p. 21). A review of best practices used in the GTA with respect to Safe Schools policies and a comprehensive cataloguing of anti-bullying programs was strongly recommended (Ibid., p. 13).

Following these reviews, a provincial task force reviewing The Safe Schools Act was announced (Ontario, 2004, December 14). The press release cited that \$9 million has been allocated for this review which is to include: provincial wide school safety audits developed in partnership with the Centre for Addiction and Mental Health, the creation of an anti-bullying hotline “for students to report bullying and get support and the implementation of province-wide anti-bullying programs in every school. Further, boards can now apply for funding to “cover the cost of security access devices to protect students from school intruders and prevent problems before they occur” (Ibid.). This summer, the OHRC filed an official complaint against the TDSB and the Ministry of Education on the basis that “little progress had been made since the Commission first raised concern in 2003”. Chief Commissioner Keith Norton is quoted as saying:

...we felt it was necessary to take the next step of initiating these complaints before the next school year begins so that the Commission may use its legislated power to investigate and seek a systemic resolution of the issues more directly.” If no resolution is reached, the complaints could be referred to the Human Rights Tribunal of Ontario. No such determination has been made at this point (Ontario, 2005).

METHODOLOGY

Kirby and McKenna (1989) suggest critical researchers use a methodology which supports “research from the margins” by creating safe spaces for people to “identify and examine how living on the margins affects their lives, their opportunities, the way they think and act” (p. 64). Using Anti-Oppressive Practice (AOP) as part of this framework, it was necessary that this research not just be for the purpose of gathering information, but to create social change. Potts and Brown (2005) tell us that it is not enough to merely give voice to the marginalized to describe their experience, but to collaborate with participants who have been typically excluded from the process of knowledge production. AOP also recognizes the imbalance of power between researcher and participant and seeks to transcend this in the development of relationships based on reciprocity. Kirby and McKenna (1989) tell us that researching from the margins does not view participant as passive actors in the process, but creates space for them to think of clearer ways in to ask questions and point out conceptual gaps in the research process (Ibid., p. 68). Potts and Brown (2005) suggest the use of “political listening” during the data collection processes so that researchers remain open to any changes in the research design.

We listen not for what we expected to hear or for what fits with what we already think, but for assumptions made both by ourselves as listeners and by speakers while attending to the dance of power.... We can't assume that we or anyone else can anticipate or control all that goes on between people during a research project. Instead we position ourselves to respond well (Ibid., 2005, p. 272).

The AOP framework chooses to measure the trustworthiness of a research process by evaluating the level of transparency in the process, the communication of the biases in the research and how much participants see of themselves in the study (Ibid., p. 277).

Feminist perspectives tell us that self-location is an important part of participating in producing knowledge, because our positionality has significance for the ways in which we interpret the social and political relations in our society (Dei, 1999, p. 396-397 and Neysmith, 1995, p. 104). As a racialized woman, I approached the research process with a lived experience of what it means to move through the school system as a body of “colour” and yet recognized the privileges I would experience in my role as researcher and the many ways I will benefit from this process.

Sampling

Purposive, snowball sampling methods were used to recruit through individuals that know potential participants who “meet research interests” (Glesne, 1999, 29). This researcher contacted various parents’ associations, community advocacy groups and coalitions, school board officials and online list serves for educators. The purpose of the research and the need for participants was explained. This researcher also attended various community forums, information nights on the Safe Schools Act and an educational roundtable in order to publicize the need for participants. In order to respect privacy and avoid the issue of coercion, community leaders and educators contacted individuals that they thought would have relevant contributions to the research. Interested individuals contacted the principal researcher for more information and interviews were arranged. Interviews were generally conducted in a space that was most comfortable for them (i.e. participants’ home or office). A combination of parents and public officials were interviewed (n=20). The following chart gives a breakdown of the interviewee categories:

	Individual Interviews	Group Interview
Self-Identified Parent Activists	4	
Parents		9
Public Officials	7	

All of the parent participants were racialized and some were new to the country. Four individual interviews were conducted with parents who self-identified as Somalian, South Asian and African Canadian parent activists. These four individuals had been members of school councils and were well-connected to a network of community members working on various issues relating to racism and educational restructuring.

An impromptu group interview was also conducted with 9 newcomer mothers from Djibouti, Eritrea, Ethiopia, Somalia and Sudan. Although individual interviews were arranged through an ethno-specific agency, many parents arrived with other community members who also wanted to tell their story or were present for support. Furthermore, many did not feel comfortable being interviewed alone or being tape-recorded. This author speculates that the desire to have other people present during the interview may have occurred for a number of reasons: A need to feel safe, their potential distrust of the research and the political agenda, and a belief that one does not speak for the community but with other community members. Some had only been in the country for a few months and all had children who had already been suspended or expelled. Because these were fairly new to the country, the questions did not apply to their experience. Instead, this researcher disregarded the interview guide and initiated an informal conversation about their experiences of the school system and their relationships with school authorities, as informed

by Potts and Brown (2005) notion of “political listening” (p. 272). Furthermore, there were 3 common languages in the group interview and parents had to interpret for each other and for the researcher. This researcher did not anticipate the need for interpreters or even multiple languages would be spoken because the group composition was pre-determined by the agency. Even though the original plan to conduct individual interviews with all participants did not occur, it was critical to ensure that participants felt as safe and comfortable as possible, given the level of risk they were taking in sharing such personal information.

This researcher also conducted 7 individual interviews with public officials, who occupied a diversity of positions as community advocates, an elected trustee school administrators and one lawyer.

The principal researcher sought consent from each of the participants to participate in both the initial interview and taped if participants felt comfortable (See Appendix 3). A summary of the project will be made available for research participants, and a copy of the research project will be provided at their request following completion of the project. It is possible that a community forum may be initiated and planned with interested participants. Many of the participants have indicated an interest in developing a support network and meeting other parents who have been similarly affected by the policy.

Data Collection

The intent of this study was to explore the perspectives of educators, public officials and whether the well publicized complaints of racialized parents could be substantiated and whether this had manifested as informal or formalized resistance (see Appendix 1).

Participants were asked to comment on recent claims of disproportionate impact, its particular impact on racialized students and parents and whether they saw a connection to institutional racism and education restructuring in general. Participants were assured that they had the freedom to suggest questions I had not considered, challenge the way I framed the issues and provide any criticisms of the interview guide itself. While the author would have wanted the research to have been participatory, the limitations of the time did not allow for the level of collaboration that would have created a mutually beneficial process. As the Principal Investigator, I had the power in being able to define the research questions (Ibid, p. 262). Thus, while the process was initiated by myself, I was open to any changes as informed by the notion of “political listening” (Potts and Brown, 2005).

Data Analysis

Interviews were transcribed and analyzed for various themes relating to participants’ perspectives about the benefits and drawbacks of the policy and if applicable, how they structured an in/formal resistance to the application of the Safe Schools Act. In order to analyze the data, this researcher read through the manuscripts and field notes transcribed from each interview and extracted the common themes which emerged. Data was organized in sections by topic and type (i.e. parent vs. public official). Participants that were more familiar with the system explained their understanding of the socio-political landscape under which the Act was introduced and the current political climate in the school system. All participants agreed that there needed to be a Code of Conduct and a disciplinary policy in order to set a standard for behaviour. While some participants saw benefit and value to the policy, the majority of participants believed the Act should be re-written if not repealed.

Participants described power relations undergirding the strained relationships between parents and schools, which one individual described as being based on a culture of distrust. Many pointed to a militarized school culture of where racialized students and parents are heavily scrutinized by school administration. Police and the Children's Aid Society were also described as having been used by school officials as extensions of their disciplinary power. Participants gave their perspectives on the application of the Act and the claims of disproportionate impact on racialized students. They also explored litigious nature of the school environment and the questionable lack of due process in the suspension and expulsion process. Further, many described the culture of resistance taken up by parents and educators seeking to highlight the deficiencies of the Act. Policy alternatives were described and more holistic methods of approaching conflict resolution were also explored.

Limitations of the Research Design

This paper does not claim to have a sample that is representative of the totality of experiences of racialized students or educators because this study was based on a small sample and anecdotal evidence gathered through qualitative research design. Understanding the concern for trustworthiness, this researcher recognizes the drawbacks of a study which cannot be reproduced due to the impromptu changes made to the research design in order to attend to immediate needs of participants. Traditional critiques of the snowball sampling method claim that this can result in a homogenous sample because of the "chain of connection between participants" and the "researcher's own personal/professional networks" (p. 78). However this author would argue that parent participants did not articulate the issues in a homogenized way because their experiences were all so varied,

contributing to the richness of the data. The clarity of parents' responses in particular and their passion for the issue highlighted the way in which they had been politicized by the experience.

In the research process, it became clear that this interview guide had been ill-conceived and should not have been written with the assumption that this resistance existed or that it would take shape in certain ways. In the initial formation of the research question, this researcher assumed a formalized resistance against the Safe Schools Act existed, based on the OHRC and TDSB reviews of the Act. Thus, in the initial interview guide, participants were asked to contribute their views on how the policy had affected their lives and whether they perceived a disproportionate impact on racialized students. They were also asked to relay how they understood their role in the struggle against the Safe Schools Act and institutional racism in general, as an individual or as a member of a coalition. Further, participants were asked to suggest policy alternatives.

Furthermore, this researcher realized that the questions were inappropriate for schools administrators and educators because the questions did not take into account how many school boards have openly discouraged people from speaking to the issues. Many boards encourage all questions of this nature to be forwarded to their public relations department. As a result this author had to reframe the questions so that they would not assume that they necessarily disagreed with the Act. Questions were reframed to explore participants' perceptions regarding why the policy was introduced, the benefits and drawbacks of the policy and how it had improved or decreased the quality of life in their school community. Administrators were asked if they believed this was the most appropriate way to deal with conflict and whether the classroom would be uncontrollable without a zero

tolerance policy. This is possible within qualitative research because new themes can emerge, which forces the researcher to reconsider the data collection method, particularly when informed by the “political listening” model (Potts and Brown, 2005). Furthermore, this researcher would suggest that the participants helped keep the trustworthiness of the data in check by reframing questions, suggesting thoughts which had not been explored, challenging the research biases and conceptualization of ideas.

The most difficult part was finding educators and school administrators who were available. This was difficult because school boards were contacted at the end of the school year which is the busiest time for school administrators and teachers dealing with end of term activities. Furthermore, contacting teachers and administrators during their summer vacation seemed even less realistic. Many school boards have instructed their teachers to not speak to these issues, which should be dealt with by their respective public relations personnel. Several teachers felt they would compromise their jobs, despite the fact that they were assured that all identifying information would be removed.

One supply teacher and another full time elementary school teacher were interviewed. Unfortunately these interviews were not useful because there was a problem with the taping and their voices were difficult to hear (Z3 and Z7). Because field notes were not recorded, these interviews were not used in order to avoid misinterpretation of participant responses.

One of the major worries was about what was being lost in translation with newcomer participants and particularly the group interview with parents who did not have a strong grasp of the English language. The director of the agency and other group members

translated for me and others when needed. Time was taken to clarify details of each story to ensure that it was being recorded accurately.

A major limitation was a lack of time to fully engage participants from the beginning to collectively decide on what the research question was, how the interviews would be conducted and how the data would be interpreted. While an effort was made to convey my own biases and create an open space so that participants would be free to challenge the research question and design, a lack of time did not allow for a level of transparency that was desired. The limited time offered within the structure of the school year did not allow for a truly anti-oppressive research design which could have incorporated participant involvement in the way that was wished. It is hoped that further research can be pursued that can incorporate parent activists and students as co-researchers.

FINDINGS:

Describing the Socio-Political Climate

Many participants reflected on the social and political context into which the Act was introduced, echoing what was chronicled in the literature. Some people described the impact of funding cuts and the subsequent removal of needed student support systems, such as school social workers and community workers. One public official said:

Most teachers and...principals are doing the right thing....Some of them call for the support of resources and don't get it for months! And I want to tell you that the better schools are often the ones that are most neglected because they figure that principal will figure it out (Z1, 8).

One member of an advocacy group for Black children described how these funding cuts and the corresponding deinstitutionalization of anti-racist policies and elimination of monitoring bodies such as the Anti-Racism and Equity Secretariat, the Ministry of Education's Anti-Racism Division and employment equity represented a "removal of those rights we thought we had won" (Z4, 3, 9). Instead a focus on "standardization" and "teaching to the test" was made a defining measure of success and failure within the education system (Ibid., 6). One principal commented:

It's been documented that the standardization of education is at the basis of every fascist government that's come into place around the world. One of the first things it does is put in place a standardized education system. So EQAO standardized testing, and the effective dismantling of the education system that Harris put into place with a variety of policies was complemented by the Safe Schools Act (Z9, 6)

One community advocate stated that standardized testing was being challenged by members of the Black community who pursued legal action because their children had failed Grade 10 literacy tests and were being streamed into vocational programs on that basis (Z4, 2005, 4).

One public official believed that there was “a real absence of program” that “gets students working”, which was to mean that what was being taught was not challenging enough to keep them engaged and interested (Z1, 5).

The impact of the removal of funding for ESL programs and translation was also communicated. This same participant remembered a time when funding for translation was made a priority and questions why this is not longer the case. She detailed a parent conference she attended in 1982 where approximately 1300 parents from across the city were in attendance and there were translators for all major groups at that time.

So in terms of education funding, what is happening to the budget that this is not made possible? There were several communicates from the Board which used to go out in the several major languages for many years. So there obviously has been a lot of cutback of resources (Ibid., 11-12).

One parent activist described how the lack of ESL support was especially concerning for students experiencing displacement and emotional trauma from growing up in countries wracked by civil war (A2, 2005, 8).

Many participants described the complete denial of racism or desire to address issues of difference beyond costume and dance and even in one case where the discussion of race was considered inappropriate according to an ESL teacher (Z8, 11). Two participants blamed this on the lack of analysis provided in training of educators and even non-teaching staff, such as school custodians (Z4, 8 and Z9, 7). The lack of representation of racialized communities in school administration and among teachers was concerning to many participants. This was illustrated by this vice-principal’s experience of the lack of teachers of colour in the elementary schools in her board. She estimated that there were out of 2400 teachers there were 25 elementary teachers of colour (Z8, 12). A parent with children in a

different board, described how one school which has approximately 80% Punjabi school population was still predominantly staffed by White teachers and administrators (A1, 3). One African Canadian parent activist described the intentional resistance of a former principal to hire teachers of colour in a school that was predominantly populated by racialized students. She described a parent-teacher social night when the principal approached her after hiring a South Asian teacher and said:

“Oh...I hired a Black teacher. You must be happy about that...I hope you really like her.” And I just...don’t even recall answering her. I just kind of...shook my head and she just... walked off. Like she’s doing it because she knows at this point she kind of had to do it like it looked really bad that she was in this school and ‘Let’s plop in a ‘Black’ one.’ I mean she wasn’t even [Black]...I mean she was a minority but...(A4, 9).

One Somali parent activist described her intense frustration in having to resist her children being “dominated in a White education system” and Eurocentric curriculum (A2, 1). When her son was young, she would receive calls from the school asking why her son refused to participate in Christmas activities, when it was obvious that they did not practice Christian rituals because they were Muslim (A2, 1). Some referred to the over-streaming of racialized students and particularly African-Canadian students into vocational programs which has a long history that is reflected in the literature (Z6, 1 and Z4, 10). This same parent also described a traumatic experience of racism, where during a meeting with school psychologists, social worker and school administrators, she was asked inappropriate questions during a meeting where they were discussing the possibility that her son might have a disability.

They took my son in another room and they question me and they said, “When you have pregnant, you didn’t eat food?” Like that’s a ridiculous question. Like I said, “I don’t understand what you mean”...“Who’s deliver your baby. You deliver outside? Can you explain more?”...I didn’t answer nothing. ‘Cause I didn’t understand because my son come out with delivery...It’s professional everything in Somalia but they ask me like I’m

from bush somewhere who has no life and stuff like that. I didn't answer nothing. I just quiet. I walk away. I come my home. I frustration (A2, 2).

Many of the participants from immigrant communities felt their culture was being pathologized as a deficiency and that their children were being inappropriately assessed as having learning disabilities, when they believed to be a matter of having English as a Second Language. Two parents expressed a two-tiered level of concerns regarding the labelling of their children as being learning disabled: 1) the funnelling of extra funds to individual schools when a child had been identified as having a disability and 2) the lack of specialized forms of education for their children. They argued for a re-examination of psycho-educational testing which they felt was Eurocentric.

Example, the assessment they asking the question to this children, what is about this area? Like where hockey players? But kid from over the world has no idea hockey. Hockey is only here. They ask children their fruit. We don't have...the same fruit in Toronto in Somalia (A2, 12).

One trustee felt that this was a cultural difference between a Somali culture where “every child is just a child” and the North American provision of Special Education which is “basically deficit oriented” approach which attaches labels to children (Z5, 10). Conversely, one lawyer felt that racialized students were immediately assumed to be lazy, rather than given the opportunity to get psycho-educational testing to verify whether the child had a learning disability (LD). She argued that when children are not properly assessed their needs cannot be met and when they act out, the behaviour is seen as a fault of the child (Z5, 14).

It is often argued that racism in Canada is subtle and insidious and therefore difficult to take apart. However, one African Canadian parent activist illustrated how sometimes the racism is not as subtle as one would think. One parent described when her principal first joined the school, she ordered the removal of a mural depicting prominent leaders in Black

history including Haile Selassie, Marcus Garvey and Bob Marley and wanted it repainted as a painting of Egerton Ryerson. Ryerson is considered to be a prominent leader in the history of public education in Canada, but was also a known proponent of racial segregation in the school segregated schooling and the residential schooling system. Interestingly this was also segregated school at one point in the history of the board:

...when the principal came to the school she said picture didn't need to be up there and it wasn't important.... she wanted this man's picture painted up right over the mural that depicted important Black people. So she erased the mural and said it had to go on that side of the wall... Anyway, she got the mural painted over and decided that the painting of Egerton Ryerson could go on the other side of the wall....So in other words it never had to be removed. She did that solely out of disregard for Black people....But... the painting of Egerton Ryerson was never ever finished. So you have half of him painted on the other wall. And the wall with the beautiful mural... is gone....Her school board policy excuse [was] that there can't be paintings of anything on the walls. And a few years back, all the kids had their hand prints put on the wall and she allowed that. But she didn't allow this mural to stay on the wall (A4, 15-16).

However, one board employee did not verify the existence of institutional racism in the school system, based on the fact that she had never witnessed racist behaviour, indicating a common perspective that racism is individually oriented rather than a systemic problem:

Perhaps there are people who are unfair. I don't know. I don't have those stats. All I know is that when we look...and I can't speak about that based on the people I work with... But I'd be naïve to believe that there aren't people within the board that are racist. I mean we're so huge. We are huge. So I'm sure there are people, but I just sincerely hope that isn't the case. I personally have not seen it... I've ever had to say to anybody, "Whoa, what's going on here?" You know? But I can only speak about my own personal experience. I don't know if other people have experienced something different (Z2, 2-3).

Teaching Culture

Some believed this inability to acknowledge racism was rooted in the construction of altruism in the teaching profession which is not challenged in teaching programs. Administrators described the how emotionally invested educators were in the notion that

they were doing “good in the world” and particularly if they taught in a “high needs” school because they considered themselves to be “helping more”. They believed that many teachers lacked insight into the kind of power they wielded in the lives of their students blinded by what a vice principal called “big desk syndrome” and middle class notions that if you worked hard enough, one could get anywhere (Z8, 13 and Z9, 7). One vice principal said that even in schools where a culture of collaboration was more established there was still a mindset among teachers that they were always right. She described many teachers as being “control freaks” because they are always worried about their classrooms getting beyond their control. She shared how many teachers she knows begin to have nightmares in August featuring a chaotic classroom where the students are completely unmanageable. She felt that this illuminated the lack of support teachers often feel around issues of discipline in their schools. Thus when student disengages, it is easier to name him or her as being disruptive or lazy rather than critiquing the system and why students are not engaged in the program (Z9, 7). She also explained that there are some teachers that are more likely to want to deal with conflicts independently in the classroom, rather than sending students to the office, while others take a more punitive approach (Z8, 4).

One trustee described the frustration regarding the lack of preventative work and instead the fierce competition for time-limited funding between wards in his board, creating a lack of continuity:

I mean if it's considered a hot spot then what we're doing is...we're throwing all these resources in there and to be quite frank, they're practically stepping all over each other to get to the clients...It's like something serious has to happen out of the Safe Schools Act in order to be able to bring the resources forward (Z5, 2005, 4).

The Perceived Need for a Zero Tolerance Policy

Some participants shared their perspectives on the constructed need for a provincial zero-tolerance policy. Some described it as an ideologically driven political tool used to fabricate the notion of school violence as getting out of control. A lawyer described it as the Tory government's "knee jerk, let's deal with violence, law and order agenda", comparing it to America's War on Drugs Campaign (Z6, 4). One vice principal said:

It was political. Mike Harris, right? Like everyone said, "The school was going to hell in a hand basket. There's no discipline. There's nothing happening. It's terrible. You can't do anything." And so they decided "We're gonna' put our foot down and make it look like we mean business. And we're gonna' lick those kids into shape and deal with them." And I think that's why it was brought in (Z8, 3).

A former principal and prominent community advocate comments on the creation of "bogeyman" in the school system and how statistics are used to prove a "self-fulfilling prophecy":

I mean suspensions have been in place for years. That's not new. But when you put it under the blanket of the Safe Schools Act...It implies that...before this, schools weren't safe. They were safe. There was the odd incident. And I mean really odd...There's a bogeyman there...Especially kids in certain schools and "Look! We've got the research to prove it. Look at how many of these kids have been thrown out" (Z1, 12)

This same principal felt that this discussion of school violence often takes on a racialized tone. One principal argued that the racialization of safety was to be rooted in the overcriminalization of racialized communities who have always been touted as unsafe by institutions who can determine "who's allowed in and who's allowed out" (Z9, 13).

...And so this whole notion of guns being fairly rampant in our schools and gangs ...is hugely racist, because it's always bared an ethnic and racial connotation when we talk about gang makeup and neighbourhood makeup (Z9, 13).

One lawyer spoke about the over-criminalization of African Canadian communities law enforcement agencies where Blacks are assumed to be criminals or underachievers (Z6, 1). Participants also felt that isolated incidents such as Columbine and Canada's Reena Virk case received unnecessary publicity and was used as reasoning for the institution of zero tolerance policy in Ontario.

...They've created the perception of a problem. If one more person quotes to me about Columbine without doing research...I will absolutely scream. Columbine was a Caucasian, middle-class are where teachers had ribbed, aggravated kids. (Z1, 12).

One trustee claimed how some school officials in his board were scared after the takeover of the Russian school by Muslim:

And all of a sudden there was a whole round of discussion among principals of you know, "Could that happen here?" Give me a break, you know! Like it's not gonna' happen here. We just need to be vigilant but we also need to be open (Z5, 13).

Furthermore, they also spoke to how discipline is tied to nationalism by requiring students to participate in the opening and closing exercises of the school day (Z9, 13). A vice-principal commented on how preposterous it was to make it mandatory for students to sing the national anthem, because realistically they would not suspend a whole class if they chose not to participate – which most students often don't, particularly once they reach upper ages (Z8, 10).

One principal explains that the function of creating a climate of panic is to:

...distract people's attention from other things like a declining economy, like increasingly stringent and counterproductive (for our communities) immigration laws, like a culture of standardization and control that were definitely put in place by the Harris government (Z9, 6).

When asked to reflect on the potential benefits of the Safe Schools Act, school administrators had varying opinions. A vice principal felt while it was important and

beneficial to have some guidelines on paper that parents and educators can look to because it clearly defined what is considered a mandatory suspension or expulsion. However, she explained that when the Act was first implemented, she saw it as just “a piece of paper” that didn’t make a huge impact on her (Z8). Conversely one principal defiantly stated that she did not see any benefit to having such an act.

I think that it's sufficiently confusing, poorly written, full of holes and contradictions that all it does in schools is create from a principal's perspective more to manage and less discretion in terms of the implementation of discipline policy....So I don't see it as beneficial at all other than having been made a big make work project for the ministry and for boards because whole departments were created to manage this act. So people got a lot of jobs out of it. Some people anyway. (Z9, 2)

A Constitutional Conundrum

This same principal questioned the inherent contradictions that exist in the Safe Schools Act which disrespect the provincial and federal provisions for the protection of Canadian citizens.

The whole notion of zero tolerance and...using...access to education as a disciplinary tool is hugely controversial. So to argue it as a breach of constitution would be in a federal court, which means that you'd have to prove that you had gone through provincial jurisdiction recourse first (Z9, 3).

When she questioned a Ministry of Education lawyer on the constitutional validity of a full expulsion, he responded by saying that they anticipated constitutional challenges, but had decided to initiate it anyway (Ibid., 3).

She went on to critique the requirement for students facing full expulsion to attend a strict discipline program, all of which are run by health facilities. While the Ministry set guidelines for the requirement to attend such a program, there are no regulations stating how one decides whether students have fulfilled the terms of the program. She felt this was

concerning because the people who run the programs are the ones that decide whether someone has satisfied the requirements for success and are completely unregulated. In addition, this participant argues that this requirement defies the Health Care Act which declares that patients have the right to refuse care. Thus, requiring treatment as a condition for returning to school is a constitutional contradiction (Z9, 3-4 and Ontario, 1998).

The lack of provision for the protection of due process is also constitutionally mandated. This will be explored in further detail later in the findings. However, if the claim of disproportionate impact is to be taken seriously, then one could argue the disrespect for constitutional rights and due process is being ignored for a specific segment of the population.

A Culture of Distrust: Relationships Between Students, Parents and Schools

Most participants described an educational system in which a lack of communication between parents and schools was rooted in what one vice-principal called a “culture of distrust on both sides”.

...the parents think the school doesn't want to listen to them and the school thinks the parent doesn't want to listen to them. They both don't trust each other, when I think for the most part they do both want to listen. And that's when you get these parents who feel that they're not valued (Z8, 16).

However, in some cases it was clear school administration was clearly opposed to hearing the issues of racialized parents. One Black parent said that her principal had deliberately made sure the Chair of the parent council in their school was an individual that would decide on the agenda of the meetings so that there was not room for parents could not force their concerns – which of course is against board policy (A4, 15-16). However, a

new chair was elected who had done research to learn about the rights of the parent council and how much power the principal can actually have. However, this participant felt that the principal was into bullying racialized parents and children.

She bullies parents...to the point where they have to leave. Like they feel so overwhelmed and frustrated...that for the sake of their children they pull them out of school...It was actually brought up why kids can't bully but she's allowed to bully children and parents... (A4, 17).

One parent described the difficulty in doing outreach for the parent council meetings in a school that was predominantly populated by African, Indian and Somalian children. Many parents are intimidated by the system and don't want to be identified and risk their children being targeted. He even described a situation in which one mother traveled from a far-away school board to his school council meeting to ask them if their school provided textbooks for all of their students – a question she was too afraid to ask her own school authorities.

They don't want to say anything against what the school has said...I've come across parents who said, "...We cannot come forward because we don't want to get our kids into problems, because if the principal or teacher finds out that they have said anything against them they are going to give them a hard time." And I have tried hard to say, "You don't have to disclose your name and you don't have to say the name of the school." But they are still hesitating and they say, "Oh principal going to be there. He will recognize my son or daughter.... (A1, 1-2).

The vice-principal understood her school to have similar issues of distrust explained that in her school and alluded to the fact that there may be a correlation between the higher number of suspensions in inner city schools and parents' intimidation of the system:

...we have a lot of parents that who aren't comfortable negotiating the system. They don't understand necessarily how it works. They're intimidated by figures of authority. So they don't really say much. And I'm gonna' guess that because of that, that's one of the factors that's gonna' contribute to more suspensions in inner city schools (Z8, 3).

However, this same vice-principal also explained that she also knew of some school administrators who made decisions about how to discipline depending on the parental backlash that could ensue as a result, thus implementing more lenient punishments.

A Militarized School Environment

Many participants were concerned about what one public official named as the setting up of a militaristic school environment, in which a significant amount of energy and funding is being put into the surveillance and administration of school discipline, replacing the myriad of support systems that had existed prior to the funding cuts made during the Harris government.

Participants described the overwhelming presence of police authority in schools. One participant described *three* levels of police surveillance in his school board: 1) Internal security officers who are hired as employees of the board, 2) Community police officers who are in the school to talk to students about safety issues and 3) Police who enter school property if there has been a criminal offense (Z5, 8). However, participants said that they had met police who were extremely resentful of the fact that they were often called in on “all sorts of pretenses” and trivial matters (Z1, 1 and Z5, 7).

One participant (Z9) described an incident which illustrates the militarized atmosphere in a school where the principal allowed frequent police searches of lockers. This participant spoke about her experience as a vice-principal in a school where she had been very vocal about issues of race and advocating for African Canadian students. The school had a large populations of students newly arrived from Africa. In the previous year, the school had a problem with counterfeit money circulating in the school. One week, this

participant had been on vacation and when she got back, she received a phone call from an angry mother who's son had spent the night at the police station. The mother was scheduled to meet with the principal that day, but did not want to come because she had "had enough". Apparently a Grade 9 student had bought his lunch with a counterfeit 20-dollar bill in the school cafeteria. The student was reported by the cafeteria staff to the principal, who said that he received the money from another student.

So the principal brings in this other kid. Both kids are in Grade 9. Both kids are Black. Both kids are from newly arrived African families and both are Special Ed, ok? So principal questions the kid, calls in the cops. The cops come to school and take the two Grade 9 boys out in handcuffs and takes them to jail. They stay there overnight because apparently a judge can't be found for family court to proceed to an arraignment. Meanwhile the principal has requested that all of the Black kids in school empty out their lockers and pockets. Not all Black kids in the school, but there was a section of lockers behind the cafeteria where a lot of the older Black boys who were like in Grade 12 or 13 used to hang out together and have their lockers. Went through all their lockers, made them all empty out their pockets and...their lockers (Z9, 7-8).

Later on it was discovered that a student had received a 50-dollar bill from his mother. He had gone to the park near his house and bought a jersey and baseball hat. The change he received was counterfeit which he lent to a friend to buy lunch. Apparently the police had later apologized and said that the whole incident had been a mistake. Later on, in discussion with one of the students who had spent the night in jail, he told the vice-principal that he felt that his human rights had been violated. When she asked if his family was going to appeal he responded by saying that they did not "want anymore problems with the police and the court" (Ibid., 7-8).

So she had effectively targeted kids and families who were vulnerable. She had put them through this whole process and this same principal regularly had police and dogs come in twice a year to do a general raid of the school which is illegal. You're not allowed to do that unless you have reasonable doubt and in that case you're only allowed to search the student you have reason to doubt. And anything you find is inadmissible in court. So for sure there's a huge climate of oppression and targeting and it's so subtle that someone who

wasn't in the school wouldn't understand how that works. So that's been my experience (Z9, 7-8).

The TDSB is the only school board in the province that has a department funded with the specific mandate to deal with Safe Schools suspensions and expulsions. One interesting detail is that all of the Safe Schools Advisors are former police officers or have a law enforcement background of some kind. One public official describes her concern over the creation of this department.

... In the Toronto District School Board there's an entire department. There's a staff of 13 or had at that time...focused on dealing with the Safe Schools... It's interesting that you figure that parents send their children to school, to the principal at the corner of the street, they don't expect that there's an army of staff there that's employed to deal with them should they misbehave (Z1, 2).

However, one school board employee believed that the Safe Schools Department was a positive initiative, because the department is employed by staff with a specific skill set and have a general picture of what is occurring across the system. She argued the TDSB had the foresight to recognize that it would face considerable challenges being the largest board in the province and the need to create a department that could be a support for school administrators, staff and parents to “interpret the Safe Schools Act appropriately and to monitor what’s going on within [the] school system and...provide assistance in trying to reduce crime” (Z2, 1). When asked whether Safe Schools Advisors were always called to mediate suspensions and expulsions, this participant responded by saying that school administrators were not obligated to consult with the the Safe Schools Department unless they were looking at an expulsion. However, quite often many administrators did call the department asking for guidance, particularly if it was a complex issue. This participant also said that it was not the role of a Safe Schools Advisor to advise the principal on how many

days to suspend or expel, but they would help them assess the severity of the situation based on the existence of mitigating factors and how far along in the school year they were. While, it may be argued that such departments and the involvement of police is there to support the school community, many argue that they are being overutilized and abused by school administrators as extensions of their disciplinary power (Z1, 6).

You set up a department, people are going to use you... It's all done on the computer now. ...That's part of the ambiguity...You get the suspension letter up on your screen. You type it in...And the team...comes into action. Although it's done differently in different schools. And the one from your district takes over and they deal with the parent...So you...have sent your child to the corner school to the principal that you may or may not have met...to the vice principal...and to the teachers down there. And you're confident that they're taking care of your kid. And all of a sudden your kid gets suspended and you're dealing with who? From where? From the school board? From the district of...? And he's not there in support of the principal. He's there sometimes telling the principal what to do. But he doesn't know your child, you see? (Z1, 6).

One trustee explained the immense amount of pressure and expectation put on the Safe Schools Department, which is trying to do preventative work on a limited budget, while also being told that their role is to be “prescriptive” (Z5, 10).

Furthermore, many schools have instituted video surveillance systems to monitor and ensure that intruders are not entering or violating board property, which had been instituted in the Scarborough Board a while ago, according to one board employee (Z2, 5). This participant said that there are guidelines around when and when not to view the cameras. One parent felt that the video surveillance was positive so that the school would have knowledge of what was happening on the school grounds (A1, 3). According to one trustee, the provincial government has suggested that they would supply money for schools to have surveillance cameras (Z5, 8). This same parent described how the suggestion to bring in school uniforms in the public school system and the requirement of wearing student

ID as necessary to identify intruders was positive (A1, 4). However, some of the participants' comments indicate that the definition of intruder is widening to include not just individuals from outside the school community, but parents as well.

Parents are no longer welcome inside the schools for safety reasons supposedly....More and more parents are being asked to drop their kids outside the school, not to come into the school in the morning or in the evening....because it's a safety issue (Z5, 8).

The argument is that if there are less people in the school, it will be easier to determine who is an intruder. However, this trustee argued that in an engaged community, people (including parents and teachers) would be able to notice if an intruder entered the premises (Z5, 8).

Unclear lines: The Use of Discretionary Authority

Many of the participants spoke to how the issue of discretionary authority complicates issues. Often the lines were unclear because the alleged behaviour did not fall into a category for mandatory suspension or expulsion. One vice principal commented how unrealistic it was to assume that situations of school violence or inappropriate behaviours could be dealt within a zero tolerance framework. She believed so much depends on the subjective interpretation of the school administrator and their style of dealing with conflicts. She also suggested it often came down to an arbitrary decision of how one defines "opposition to authority" or "profane language" and whether the student should go home or for how long (Z8, 2, 6). This was concerning to some participants who felt it was inappropriate to give school administrators this level of power when they did not have the training to make decisions for behaviours that can be interpreted with such subjectivity.

...you're giving teachers and principals...immense powers with a lot of discretion. And they're not used to doing this stuff. They're not police people and if you give them that they will use it. And people if they have racist views which they do because we live in a racist society...whenever there's a...situation...they will act accordingly. I mean the teachers are being judges now right? ...And some of [those categories] are very broadly worded. "Detrimental to the safety"...What does that mean? (Z6, 5, 11)

While principals are given the authority to interpret situations that are unclear or could be influenced by mitigating factors, many don't. One principal described how in one conversation with a TDSB Safe Schools Advisor, she was told that rates of suspension and expulsion rose exponentially in cases where school administrators were less experienced and thus did things "by the book" (Z9, 2). According to one trustee, many boards have gone through huge staff changes in the hiring of new administrators since the number of retirements, having huge implications for the ways in which discipline will be handled in schools across the board (Z5, 14).

Deciding how to Mete out Punishment in a Responsible Way

School administrators felt that there was a way to discipline in a way that was responsible and respectful to the student, parent and school community. One principal discussed how she approached student discipline by developing a culture of restitution and reparations. This will be explored later on in the section on administrators' resistance to punitive measures.

Administrators described the process they go through before meting out a suspension. A vice principal explained how she works very hard to get a full picture of the issue and the incident in question, particularly if she thinks it's heading towards a suspension. Sometimes this can take a long time, especially if a child is angry and needs time to cool down. In these situations, she gives the student a quiet space to think about what happened

and wait for them to approach her when they are ready to talk. However, she felt that this was the best way to approach the situation because if she was to later find out other parts of the story which were not heard, or a misrepresentation of the situation, then this would affect her credibility with parents (Z8, 6). One principal said that she does her best to determine the “how wide the impact is on other people” (Z9, 10). She says:

Whether the act was intentional or not, if people get hurt then you're responsible for that. Because I think it's careless to teach students that you don't bear responsibility for how your actions affect other people. So you teach them responsibility and you teach them to accept and interrogate themselves....I mean there's some things like trafficking drugs in school...I wouldn't have any choice. I'd have to suspend her or him (Z9, 11).

She also explains the civil consequences their actions can take in a litigious context and the consequences their actions can have (Z9, 11).

Warehousing students

Participants also described the ineffectiveness of the Strict Discipline Programs which were available to students facing expulsion. One trustee felt it was problematic to remove students from their home environment and put them into a program where they are not receiving a great deal of educational support because there are few staff who are expected to teach a class with a range of ages.

...What we do is warehouse them for a year or 6 months or whatever and there'll be kids from the ages of 14 or 16 and 18 or 19 years of age all in the same program. And it doesn't work because...you can't possibly be able to cover through your experience as a teacher, 160 credits. And you could have kids coming in with whatever credits that need to be done. And so you know, it doesn't necessarily work for them (Z5, 11-12).

Participant Opinions on the Issue of Disproportionate Impact

One public official felt that the majority of school administrators are relatively responsible and take disciplinary punishments seriously. She says:

Most teachers and most principals are doing the right thing. Really doing the right thing. So that most of these suspensions come from a core and they do it often. And they keep doing it (Z1, 6).

Many participants discussed their impressions of recent claims of disproportionate impact on racialized students. Some participants stated that the disproportionate suspension and expulsion of African Canadian students was not a new issue. One community advocate said that parents had historically approached their organization looking for support when their children were facing potential suspension, expulsion or what they saw as unfair accusations of the student's behaviour. However, after the implementation of the Safe Schools Act, the number of requests for support to attend suspension and expulsion appeals or visits with school administrators has skyrocketed (Z4, 4). One principal believed that the Act was "structured to perpetuate racial hierarchies" because it was implemented after zero tolerance policies had been rejected in other school systems (i.e. parts of the United States and Britain). A lawyer with a legal clinic echoed the fact that they have also witnessed this drastic increase in suspensions and expulsions of African Canadian youth, which was not surprising because they saw it as an extension of the criminalization of African Canadian youth. She described how school administrators were quick to involve police with Black youth in particular. Typical playground incidences were seen to have often been blown out of proportion, where in the end, African Canadian youth were targeted and disciplined "very harshly quite out of proportion to what the crime or the offense is alleged to have been" (Z6, 1).

....What we've seen is that...the school has now become a conduit from school to criminal justice system...We found that the police get involved now very often particularly when the boys turn 12 because that's when they can be charged or are supposed to be able to understand the consequences of their actions. And we found that police have gotten involved and they get called regularly even on pretty minor issues. We found that African

Canadian kids are given much less leeway when it comes to discipline. We found that alternatives, which have not been outlawed by the provisions, it's just that the principals and teachers have seen this act as if this is the way to go (Z6, 1).

Some participants discussed their concern with the suspension and expulsion of young children. One group interview participant shared how her son of 3 and half years of age was suspended after being in a fight at school. This was in his first 2 months of being in the country. The other boy involved in the fight was White and was not suspended (Group interview, personal notes).

One Black parent activist felt that the issue of disproportionate impact was particularly manifested in the outright targeting of Black students. The previous year, a five year old Black girl was expelled from her daughter's school. This girl apparently had serious issues with anger but had not had not displayed disruptive behaviour in previous years. These issues began to occur after she entered into a classroom with a particular teacher. This same teacher unsure of how to handle the student's behaviour would restrain her with her hands behind her back and sit on her (A4, 4). When the student teacher began a petition to speak out against the child's expulsion, she was threatened by the principal who told her that she would never work in the board again if she did not take her name off the petition. The student teacher who had children in the school was so upset by the incident, decided to pull her children out of the school and quit her job (Ibid., 4).

This same parent described a similar instance of unfair targeting of her son who was suspended twice under the Safe Schools Act (Ibid., 1). The first time he was suspended for being in "opposition to authority" for allegedly calling a teacher a "f---- broad" which both son and mother declared to be a complete lie. The second time he was suspended for three days for calling a teacher a racist. In the second incident, he had been wrestling with two

other friends in the hallway – a Black student and a White student. A teacher who saw them told them to stop. When they told him that they were just playing around, the teacher called the two Black boys forward and let the White student go. After one of the Black boys ran off, the remaining student questioned why he was the only one that was being punished, the teacher said, “Don’t talk to me” and the student called him a racist. When the parent heard about the incident, she organized a meeting on the 2nd day of the suspension period to appeal the suspension. Attendees included school administrators, school superintendent, board staff, school liaison worker, parent council members, community advocates, herself and her son (Ibid., 2). Both the school superintendent and school liaison officer commented that they couldn’t believe that the student was being punished for this reason and suggested that the suspension be erased from his record. However, the principal was incredibly opposed to it. The suspension has yet to be taken off his student record (Ibid., 2). This parent felt that her son was targeted because she was so outspoken on issues of race, as a member of the parent council. Even a board employee agreed that the student appeared to be targeted by school staff.

The problematization of the “opposition to authority” was critiqued by one parent whose child was suspended under this category. She believed that the school system deliberately suppresses students like her son who challenge teachers:

So the teacher doesn't like a challenge...My son, he's too much asking questions. He's challenging view....So I remember they wrote most of the report card. He wants to answer more questions...[He] wants to be leader. [He] wants to be bad. So you can see these people they preparing not to be leader...because he's a very influence kid. They want him to be in cage. That's what they want it. They don't want their system somebody who can make a difference (A2, 8).

One public official had spoken to a student who referred to another classmate that was having discipline problems. She comments on how some students manage to maintain independent thought in an education system that does not encourage it's development:

He said, "You know...the problem with one kid is he doesn't know how to play school"...that's the ones they're letting through and some of those kids lead double lives...they're quite different from the way they are inside. They acquiesce...and the school system supports them. Some of them are brainwashed to becoming the imitation of what power looks like to them and others are clever enough to say I have to do this with the school. But what I think is many of those kids came and spoke us and said, "Yeah they love us and we're the representatives of the student union and..." But you know, they still manage to maintain...some of their independent thought and to use their eyes and ears in a way that wasn't totally influenced by what they were told to think and told to see and told to hear. But they were able to do it in a disguise because they proceeded to...You see school has become not a place to make you think anymore. It's a place to make you demonstrate your diddiership. And it's appalling (Z1, 9)

When I asked one participant about what she thought about claims of disproportionate impact and the the TDSB's Safe and Compassionate Schools Task Force and their review of the Safe Schools Policy, she corrected me by saying that I should remember it was a group of people from the TDSB – indicating a belief that it could be discounted because it was not fully sanctioned by the board. She also said that the higher numbers of racialized youth facing disciplinary action could be due to a misinterpretation of the numbers due to the fact that some schools have a higher percentage of racialized students.

If you have particular schools that have a high percentage of that group in their schools, then those numbers are going to be high....It's not going to look balanced....People aren't taking into consideration...that the majority of students attending a particular school may be of a particular background so the numbers look skewed... (Z2, 2-3).

Punitive Approaches to Trivial Incidents

One lawyer also spoke about defending clients who were being suspended or expelled over trivial matters:

We had a case where a kid threw a grape and was aiming at the wastebasket. The teacher walked by at that point and the grape hit the teacher. And I think it was sort of a raucous lunch room type of thing and so the teacher hauled this kid up and it sort of snowballed into an assault. The teacher had to go to the doctor and get a report. And it was ridiculous and the kid was suspended for like 10 days or something (Z6, 4).

One mother in the group interview said that she knew of children in her community who were playing soccer at school and had to go to the bathroom and asked if they could go to the washroom 3 times and were told they could not. Because they couldn't control themselves, they ended up urinating on the ground. They were suspended for 2 weeks, which was incredibly difficult because there was no one to stay at home with them (Group interview, personal notes). The suspension of students over trivial matters is concerning for the welfare of the student's education and for the impact this has on parents and particularly those that cannot afford appropriate childcare (Z6, 11).

Criminalization of Racialized Parents in an Emotional Situation

Earlier I referred to the climate of distrust which exists between parents and school administrators' conceptions of one another. However, many participants felt this climate of distrust was exacerbated by school authorities who suppressed parental advocacy and resistance. Many times when parents would go to the school to talk about the potential suspension or expulsion of their child, quickly becomes a heated exchange in an intensely emotional situation. One lawyer sketches out a typical situation:

...So what that means is that when the parent comes to the school or gets on the phone and tries to advocate on behalf of the child, in the context of something that is quite egregious or unfair from the point of view of the parent, having seen how the child is treated and having seen what the punitive consequences are, already the situation is charged. And when the parent tries to advocate for the child and for example, argues with the teacher, maybe raising his or her voice or coming to the school and trying to get an answer and being persistent about it, that behaviour is interpreted to be hostile and dangerous (Z6, 2).

Many participants spoke of the use of the Trespass to Property Act when a parent is seemingly unco-operative or raises his/her voice. This act is a provincial piece of legislation which gives power to the proprietor of any private property to ask unwanted persons on their premises to leave in written form or by verbal communication. In the case of schools, principals are considered the proprietors of property and school boards are included in the list of properties upon which people can be considered trespassers (Ontario, R.S.O. 1990, C-T.21). Of course Trespass Notices have been given to intruders, such as people found on school property after hours or parents who have been violent towards school staff. According to a school board employee, a copy of the trespass notice is not only kept on file at the school, but a copy is sent to the board, another to board security and one to the police. The parent is informed that they are not allowed to return to school property for one year (Z2, 3). If parents enter school property after being issued a Trespass Notice, they can be fined under the legalities of the Act (Z6, 2).

One school board employee defended the use of the Trespass Notice because of the number of times that parents have tried to take matters in their own hands by threatening students (Z2, 3). However the issue of Trespass Notice to parents who are trying to advocate for a child is a disturbing phenomenon because it criminalizes parent advocacy and as one public official and former principal says, “deparents the child” and renders parents powerless.

...and not only are they feeling frustration...imposed upon...resentment... embarrassment which they cover up with bravado....They're hysterical...it's their kid and they don't want to seem powerless in front of their kid...So all of a sudden you have this large number of parents from various schools who can't go to their schools. Now, I don't send my dog anywhere I can't go. But you've got parents standing on the outside of the school waiting for their Grade 1 student to come down and through the school yard to the door to pick them up. They've embarrassed the parent in front of the child. That's what power is...What

are you trying to do? Are you trying to educate the child? Are you trying to humiliate the parent? Are you trying to help the parent understand with you that the child needs to move forward? Are you trying to establish any routine with the parent? ...In one minute, you've de-parented the child. "My trust. My power" (Z1, 6).

Many participants described how racialized parents and Black parents in particular were often given trespass notices. A lawyer describes how this is an extension of how African Canadian being viewed as hostile and dangerous, filtering into a stereotype of the angry, Black parent. This of course was played out in many ways. While school staff are not likely to recognize their own racist views, she questions whether the same treatment would be given to White parents:

What if the student was a White student? Would they have been given some leeway? Would other alternatives have been applied? With a White parent raising her voice, would this have seemed to be a legitimate response to something that was very frustrating for the parent? Or does it suddenly become a dangerous or hostile action? (Z6, 3).

Furthermore, these situations were described to often snowball, where other government agencies like the CAS or police are more readily called on Black parents who are seen as disruptive and therefore further stigmatized (Ibid., 3).

One Black parent was given a Trespass Notice and has been banned from having any contact with her. In a previous instance, the principal told her she felt threatened in a parent council meeting because she was using her hands to speak too expressively. A school community worker told her not to worry and that the principal was just trying to “undermine [her] and make [her] look like a Black parent who has no control” (A4, 17). After one of her sons was told by a teacher that he was incompetent and incapable of learning she went to speak with the superintendent. After the meeting, she received a letter which stated that she was going to be charged by the school board lawyers because she had

shaken the principal's hand with too much force. However, she believes that she was issued the Trespass notice because she had threatened to go to the media (A4, 13-14).

Lack of Due Process

For Students

All of the clients that one lawyer served were African Canadian students. Many of the time they found that the children were not given basic due process rights. When a situation is first being investigated by a principal or vice principal, they are required to interview the students involved. She described how students are often interviewed separately and a parent is not notified about the situation. Students are often put into a situation where there is a huge power imbalance between teacher, principal and child. Thus the child is in an intimidating situation with little protection. Sometimes stories come out very one sided or the child misrepresents the truth. However, what often ends up happening is that the "statement or interview gets taken and used against the child later on to either suspend or expel the child" (Z6, 2).

A few participants spoke of the use of informal suspensions which was being used by school administrators as an alternative. These are suspensions which are arranged informally between the principal, student and parent and do not go on the student's record. The student is sent home and asked to calm down and return in a few days. One trustee felt this was extremely inappropriate because it is not catalogued or recorded anywhere (Z5, 3). In consulting with the lawyer, she felt that it was illegal because while they serve the same time as a suspension, they don't necessarily have the same rights that a student would have if they chose to appeal.

But it's blackmail because then you don't have a record, you know? It's not even like a plea bargain claim, right? Because with a plea bargain, you're cleared but you have rights in the process. Like you have the ability to say, "No, you shouldn't be putting the 3 days on me." It's taking it onto the system. That's a problem. You see, it's blackmail because what parent wouldn't not want that on their child's record, right? ...That's wrong. Wow. I didn't know that (Z6, 18).

Both administrators spoke of the use of in-school suspensions because they don't necessarily want the incident to go on the child's record, but consider it too serious to let it go.

Lack of Translation Provided to Newcomer Parents

Many newcomer parents with English as a Second Language felt that the school system deliberately took advantage of the fact they could not speak English, thus impacting their ability to advocate for their children (A2 and A3). One group interview participant said:

I feel like I'm lonely and by myself with this problem. I cannot say what I want to say. I would feel happy if I could share this but translator was never offered (Group interview, personal notes).

One public official who is often called upon to advocate on behalf of parents describes a situation in which she challenged a principal regarding her refusal to call in interpretation services because the parent had been in Canada for over 6 years and that "she should be able to speak English".

And I said something that...doesn't breed friends and influence because I was so frustrated....I said, "I've been here 40 minutes and you have made at least 6 grammar errors." And she just looked at me....I said, "You know, I've studied French. I mean the last time I took French was in first year university. You would think after all those years studying French I should be able to have a conversation. I'm always 3...4 sentences behind the person speaking to me. Now we're talking about an emotional discussion about this child, with this parent who is so worried and...concerned and you're speaking in English...You're using language very specific....to education...What are these short forms? What are the acronyms? What do they mean?" (Z1, 19).

One Somali parent activist told me that even when translation services were offered to her, she didn't trust the interpreters. She felt that the Board would deliberately hire those that would defend the interests of the institution and speak in the "language of the Board" and would even doubt the validity of her stories. One South Asian parent disagreed that translation services were being denied, claiming that some parents were just thinking negatively and assuming the worst of school administrators (A1, 4).

Participants also spoke of the lack of due process in informing parents of their right to appeal. Further the few newcomers who can't read English or even if they can, are able to interpret the legalistic language used (Z6, 6-7). Several mothers of North African heritage from the group interview described how they had not received letters notifying them of their children's suspension or expulsion (Group interview, personal notes).

While some school boards are giving basic information, participants said that many parents don't know what to do with it. One trustee how clear it became to him how intimidating the system can be after sitting in on 3 expulsion appeal hearings. Parents were unclear about what their rights were because no information was provided to them because school administrators did not consider it their responsibility to inform parents (Z5, 2). One principal explained that the board's only obligation is to send out printed information. So in essence the letter of the law has been followed, but the spirit of the law has not respected (Z9, 4).

Teachers are not going to say you, "What this means when you have a right to appeal within 15 days is that you can send us a letter and in that letter you can say we are appealing this." No teacher is gonna' tell them that. And so sometimes parents will write a letter and forget to...you know 15 days they miscount and then they think, "Well what's the point? If it's a three day suspension, my kid's already served it. And this is the context too of parents, at least in the African Canadian community having been frustrated with the education system already (Z6, 7).

Who benefits?

Throughout the data collection process, it became apparent that the appeals process was a much more litigious process than one might assume. A lawyer commented that this Act has created a “whole slew of work in the field of education” and the biggest profiteers are the big law firms who represent the trustees and principals because their unions can afford them (Z6, 9). Most parents cannot afford to hire a lawyer and legal aid clinics are overloaded with cases. Many parents aren’t even told they are allowed to seek legal counsel. Participants also said that the process was incredibly intimidating for parents who had not understood how formal the suspension or expulsion hearing would be (Ibid., 9).

Parents often contacted community advocacy groups when they were unsure of what to do in search of support and accompaniment to meetings with school administrators or suspension/expulsion appeals. One participant described how she attended an expulsion hearing with other community advocates, in support of a Black parent and realized how “unfair the system of dealing with infractions can be”

...It was his mother, a relative and four of us members of ___ went with her to the hearing. And the Board was represented by good lawyers and here was a parent who did not have such at her side...So in other words, I’m saying that we simply have seen first hand the unfairness of the act and the way in which a wealthy school board with access to good lawyers can deal with students who are really defenseless if the parents cannot afford to have a lawyer. And if their parents do not know what their rights are and do not have the support of good advocates (Z4, 3-4).

One Somalian parent activist (A3) described a terrifying situation of abuse which her son experienced at his school. She explained how one day the principal locked 10 boys in the basement of the school so that she could continue teaching her lesson, because they were disruptive. Her son hated school and would have nightmares about being punished by

the principal. This parent was unsure of what to do and intimidated by the system as a newcomer. The situation affected her so deeply that she began to experience extreme anxiety and insomnia. Unsure of what to do she sought the help of another Somalian activist (A2) parent, who was involved in an advocacy group for Muslim parents with children in the public school system. The parent advocate accompanied the mother, to a meeting with the school principal who was very dismissive and refused to speak with the mother when the advocate was present. The organization helped her to write a letter detailing the incident, why it was ethically wrong and the actions they wanted to come out of it. They copied the letter to the Minister of Education, school administrators and board superintendent. After the letter was received, the principal contacted the mother. The mother responded with a new confidence that she did not have before because now she had support and recognized she had rights that were being disrespected:

She call me and she said, "...I wanna' talk to you." And I said, "Why you wanna' talk to me? Before you didn't wanna' talk to me. Now you wanna' negotiate with me. You wanna' use for position of authority. And you're abusing my rights. How come now you call me?" [The principal said] "Because I get the letter! From the Muslim community. And everybody get firing. And I get the letter from my highest level. How can you do that to me?" And I said, "Listen you cannot talk to me. Talk to my representative. You have no right to talk to me. It's not me from now on....Talk to my people" (A3, 2-3).

After this phone conversation, the principal tried to turn other Somalian parents in the school community against her, getting 400 parents to sign a school petition supporting the principal. Other members of the community felt intimidated by the principal resented the unwanted attention and asked the mother to drop the complaint. Participant A2 (the parent advocate) explained how she wrote another letter commenting on the principal's attempts to divide the community and the duplicitous nature of the system which will heavily scrutinize parents of colour and are quick to call the CAS but are not similarly punished when school

staff are abusive towards children. The organization soon received a trespass letter, barring all members of the organization from coming to the school based on the letter of support that had been written on behalf of A3. The organization ended up suing the school board based on the fact that the issuing of a Trespass Notice to a community group was unconstitutional, when they had only been advocating on behalf of a parent. They won the case, the board apologized and the Trespass was dropped.

Conflicts of Interest

One participant explained gave examples of situations in which she had witnessed violations of due process as a lawyer at a legal clinic. All of the cases involved African Canadian clients. In one appeal, board lawyers were advising trustees to make the student speak first even though they had received a memo saying the opposite. In a traditional trial, whoever is alleged is supposed to speak first. Some lawyers argue that principals have already completed an investigation and which they argue is a trial. However, the suspension or expulsion appeals process is the first and only chance for the student to speak. This case was challenged and argued on the premise that the trustees were not informed that this was a violation of due process (Z6, 15).

Further, while the Safe Schools Act claims to make provisions for an impartial legal advisor who advises school trustees, one lawyer argues otherwise. In her experience, the lawyers that advise the board often represent principals in other cases.

So we've seen firms where lawyers represent both, not necessarily within the same board. So let's say they might represent the committees in the TDSB but in another school board they might represent the principal. So they don't necessarily appear in front of the same committee. They can't. That's a total conflict. But to me, if you're also representing principals and you're also giving advice to another school board...Well there's the board

lawyer and then there's the principal's lawyer, right? But because the board lawyer sometimes act for the principals, they don't know where to draw the line (Z6, 9).

In one case on a judicial review, the committee refused to take any witnesses. In another case, a principal told the mother that he wouldn't be able to "make it anyway" because it was "typical for someone like him" (Z6, 16). The mother wanted to make an allegation of racism against the principal, but the committee argued that it was irrelevant to the hearing. Another participant described the conflict of interest in an appeal situation where the "person who has to defend the case is the same person who gave the suspension to begin with", which she calls a case of double jeopardy:

So you're essentially penalized to begin with as a student because the same person who thought they should kick you out is the person who has to defend is there and you have to argue against them. So the burden of proof doesn't adhere to the requirements of the law. That's a problem (Z9, 4).

One issue which was brought up in the Report by the TDSB's Task Force on Safe and Compassionate Schools was that if the reason students are committing the infractions are not explored, they are liable to be suspended multiple times by re-committing offences. One principal says:

There's the 1-20 days for a suspension. Well if you're imposing a suspension that lasts 19 days, then the student comes back and is suspended for another 19 days, it never becomes an expulsion, but the student is constantly marginalized and isn't allowed into the school system (Z9, 4).

Engaging in a Culture of Resistance

As stated earlier, there have not been any constitutional challenges of the act, because this would have to occur in a federal court, which could only occur when one could prove that actions had already been pursued in a provincial process. One principal said she had heard that some advocacy groups were preparing joint complaints, she did not know of

any that had gone forward or been successful (Z9, 5-6). However, parents and educators have been active in engaging in acts of resistance in various ways.

Parental resistance to the Safe Schools Act and Institutional Racism

As described earlier, newcomer parents were concerned about speaking out against unethical practices in the school because they were afraid their children would be targeted, which did in fact happen according to one participant's experience in a school where her son was clearly targeted by school staff (A4). Despite the risks involved, parents resist in courageous ways, because it was the only option they had to fight for the protection of their children's right to public education.

One participant described the struggle she and other racialized parents faced in having to work with a principal who she believes was purposely hired by the board to do a "clean sweep" of political activity among racialized communities in the school (Z4, 8). She outlined actions the principal took to eliminate progressive programs that had been put in place to support racialized students in the school including the drastic reduction in the Black cultural program and complete elimination of the Vietnamese program which she believed occurred to make it look like it wasn't just the African heritage program being scrapped. She believes that the Vietnamese program was deliberately targeted because the principal knew that they did not have the English skills to advocate for the program. While Black cultural program was also supposed to be eliminated, the Black parents were able to be vocal in a way that the Vietnamese parents weren't. This same parent activist discussed how concerned parents in their school worked to lobby the board to fire their school principal,

who they felt was racist and deliberately targeted Black children and parents. After 4 years of fighting, they finally convinced the board to fire her and a young, Black male principal has been hired whom she hopes will be a role model for racialized children in the school to look up to (A4, 8).

Educating parents about the Act itself and their rights as parents was seen as necessary and incredibly needed because this information was not being provided by their respective boards. One parent organized information nights through a multicultural association and had speakers from the board and other community organizations come into talk about issues of culture (A1).

One Somalian parent activist (A2) described how she used the internet as a resource to find community organizations and parent advocacy groups. After meeting other concerned parents and community members, she suggested they connect with one another in order to support each other in the struggle for equal access to education. They decided on common goals and objectives for their coalition. Soon enough other community groups were joining and creating coalitions and conferences and rallies of hundreds were organized. Lately she has been focusing on facilitating workshops in the Somalian community. Furthermore, she made myriads of connections with health care and social service professionals who are against the Safe Schools Act. She has also travelled to other cities in Southern Ontario with parent advocates, such as Participant A3, to conduct similar workshops with other newcomer parents to teach them about their rights. They also offer their phone numbers so that people can call them if they are in a situation and need advocacy. She has also helped to organize a coalition of over 800 people. When I asked how it was that she was able to convince parents who were intimidated by the system

particularly as newcomers, she responded by saying that many parents started to realize what she had been saying was true all along once their children were similarly affected (A2, 16-17). Furthermore, she discussed how a big part of it is building relationships with other racialized communities.

A lot of different organizations we work with them. Though now it's Aboriginal people that I working now a lot. Because that people only matching for us now. The only people who not afraid is First Nations. They stand where we stand. Though other people, you know what I mean? But Aboriginal a very serious issue. But they're willing to work with us (A2 speaking in Interview A3, 14).

She explained how she is labeled a “troublemaker” because she is a straightforward person. She felt that this was attached to a cultural difference in raising issues of conflict.

White person who is at my beside will ever raise the issue different me. Different way. Like, example they know each other 'cause I don't know what's going on here. They might say, “Can we help Safe Schools Act? Can we change that way? This way?” That's somehow different. But me I say, “Excuse me. We don't wanna' this.” That's culture. Because I don't know. It's unique communication or smile plastic smile and all kind of lie....Straight question. Straight answer. (Ibid., 12-13).

She also believed in questioning notions of citizenship and national identity. She refers to an instance when a community member asked her what made her a Canadian. She responded by saying that she was not Canadian, but Somalian and refused to stand for the national anthem. She says:

They ask me why. I don't believe the Canadians have right and fair and justice in their system. Why am I stand something I don't know? Makes me Canadian when people respect me then I give their respect. When I see they like my culture, then I like their culture. But when they dominate me and want me to sit there like a vegetable or fruit and they do what ever they want. Then no, I'm not gonna' say that I'm Canadian. But I have a right to live life like whoever Canadian has (A2, 11).

Participants described their usage of the media as a form of getting their issues aired opened to the wider public agenda (A2, 8 and A4). One parent participant described how community groups are organizing a day for racialized students and parents to walkout of

school for a day in protest of the Safe Schools Act and larger issues of racism in the education system (A4, 8).

Resistance of Administrators and Community Advocates

As described, many community advocates supported parents by attending suspension and expulsion hearings and appeals procedures. For many this had been part of a longer history of resisting the neo-liberalization of educational reform and institutional racism.

Part of this resistance included challenging fellow staff members prejudices and racism. A vice principal believes teaching is still very much a “White, middle-class, small ‘c’ conservative” profession. She felt people in her board were very reluctant to address issues of marginalized identities. She saw part of her resistance as challenging racist and toxic worldviews, through a questioning approach. She illustrated this by giving an example of a school in which she had previously taught and the difficulty in getting fellow educators to understand the ways in which they perpetuated institutional racism. A Jamaican parent arrived at the school for a school interview because her child was facing difficulties and was being considered for psycho-educational testing.

After the parent left, the principal who's a White woman...turned to everyone else who was sitting there, who was also White and she said, "Those people and their names." And I said, "...What do you mean those people?"...She was referring to Jamaicans or Black people having different names and it wasn't done meanly...we started talking about...bias and racism. And I said, "We don't know what it's like to be Black and what people experience when they come places." And they just couldn't see it and they were offended that I was intimating that maybe they have some bias. They said to me, "I'm not like that." I just thought, "You just don't get it." And these are people that consider themselves liberal and right thinking and it's something I see over and over again in the teaching profession (Z8, 13).

With regards to Safe Schools Act, one principal described her commitment to creating a culture of restitution and reparations for dealing with issues of conflict in her school community. This author asked how she argues for a less punitive approach, particularly when speaking with parents or fellow staff who may believe that she is creating an unsafe climate in her school. She responded by saying that she tries to be very proactive and publicize how safe her school is. When she goes to a new school, she tries to be clear with the parent council and school staff that she takes a different approach to issues of discipline and believes in an inclusive education. She also uses the power that comes with her position to problematize the construction of safety.

So I say when I go to a school, "This is my philosophy and I believe that we can work together to make sure that things don't get to the point where we need to suspend here....There isn't a safety issue for the school and I believe in an inclusive education....I know it takes time and we gonna' work on it together and support you and I will give you the time that's necessary for us to make this work" (Z9, 9-10)

Sometimes when parents are upset about an interaction that has happened between another student and their child, they will want to know how the other student is being dealt with or punished. One principal deals with these situations by telling the parent that she is not at liberty to discuss the issue because it is a breach of the Freedom of Information Act. She may say:

"So I'm going to talk to you about your child. But I'm not going to talk to you about what I've done with the other child. But you can rest assured that proper consequences have been put in place." And if they push I'll give them a few more details. But I'll tell them when a child is really, really angry, he or she loses control of their temper. And I explain that because I have a little bit more knowledge about the act and I'm more comfortable with it, I can say, "You know this clause says here that..." 'Cause sometimes they'll say, "Well don't you have to suspend?" And I'll say, "Well this clause her says, if a child can foresee the consequences of his or her actions, no I don't have to suspend and I'm choosing not to suspend." And...really once or twice I've had to say to someone, "You know you can always call the superintendent if you're not happy with my decision." But very, very rarely (Z9, 12).

Furthermore, she challenges teachers by reminding them that they didn't become teachers to all of their time disciplining students, but because they wanted to spend the rest of their life learning and sharing that with students and that in order to do that, they have to establish a culture of discipline that is not punitive. She argues that this method is successful because she's never had "really big discipline issues as a teacher" or among her staff. She says that staff are generally supportive, but do get exasperated with her approach.

They'd like there to be a quicker solution and more on paper. You know they want to be able to write a kid up and send it to the office or send it home and have it done. So you know, you lead them through that. You don't force them to collaborate with you but in general, I would say that they're very supportive (Z9, 11).

Participants talked about the importance of building relationship as the foundation for "good school culture" which of course is a common sense approach to preventative work. She says:

...it's tied into the way that you build your school and...strategic vision. So you look at what your community is like, what the demographic of your community are. As a group, you really get the teachers to lead this discussion and then it looks like people buy into a community approach to education. So it's based on trust that kids are there because they want to learn about the things that are necessary for them to do whatever they want to do with their lives and you have to believe that as a teacher (Z9, 9-10).

She states that at the beginning of the school year, she makes a point of walking around the school and trying to get to know the names of all the students, which is possible because she is the principal of a small school. She tells them her expectations of them, which are very high and tries to build an "empathic relationship" and "a climate of listening, honesty and peace and conflict resolution" She also talked about creating "councils of co-operation" where students and educators collective decide on a set of broad behaviour guidelines and consequences for behaviours in a collective way. These councils would meet once a week to discuss issues that are important to them in a confidential and safe space. In

a culture of restitution and reparations, educators are to “lead students through a process where they reflect on what the real problem was, how they are vulnerable to suspension and how they can correct it” (Z9, 10).

One vice-principal said that building relationships was the best way of dealing with conflict. She also felt it was as simple as giving students the opportunity, they can work out the issues themselves by talking it through and apologizing to each other. She also discussed the issue of anti-bullying which she critiqued as being “very en vogue”, which really comes back to community building. Providing peer mediators on the playground could be helpful where many of the conflicts occur during unstructured play times (Z8, 11).

The Costs of Doing Advocacy Work

Social justice work is incredibly time consuming and taxing on one’s emotional state. All of the parent activists spoke of the time they have invested in being members of their parent councils, community advocacy groups, attending rallies and meeting new contacts in order to build their network of support. Of course, this was in addition to paid work and being a full time parent. The financial costs of doing this work in giving up time that would otherwise be devoted to paid work is truly a sacrifice, but one they see as necessary because they have no choice but to work for the benefit of their children’s access to education. One parent activist said that he put in countless dollars into the budgets for the conferences and seminars he facilitates so that they can have refreshments and educational materials for parents (A1, 3). Another Somalian parent activist said:

...many times mental cost is we’re not prepared to come to Canada to fight for the system to fix it. We just come to get better life. But now we don’t see the better life....And people see us as...troublemaker....Waste our time, our money, our energy....But if take our kids and our children, of course. You have to fight back....They see us we waste time!

But we see this is benefit because it's our life.... But me I enjoy. I have a passion. This is part of my life and I want to do. I have a commitment and I have to make a difference. I do like this and I still keep going...I try my best whoever take my knowledge to spread this information...because this is affecting the society. This not only one or two.... (A2, 13-14).

However, all of the participants explained that they do the work they do because they hope for a better world and a stronger education system. Those that strongly disagreed with the Act expressed the anger that motivates them to continue resisting the policy itself and larger context of institutional racism. One community advocate shared that as long as there are oppressive barriers which exist, she felt bound to do the work because her “spirit objects to it” which inspires her to continue. Community advocates also expressed how angry they were that this inequality could exist in a system that we citizens pay for:

You know this is emotion but it is beyond emotion. What is happening is so irrational. It is so irrational. So even in the realm of reason, it doesn't make sense. In my view, it doesn't even make sense. You have a system to educate students and you're going to educate unfairly, unequally, in a public system on public funds (Z4, 13).

It makes me so angry that you think you've got to somehow have a backup system to deal with a system that's in place...in an education system that I and everybody else pays for. Aggravates me and it makes me so angry that I can't stop working in the area. And it infuriates me that they would do that to children and stop their chances of becoming anything they want to' be. It just really aggravates me (Z1, 17).

She said that the powers that be would love for the pain of it all to stop people from pushing, but that it is necessary to find the strength to keep fighting. One Black parent activist said that people often ask her why she chooses to keep her children in school when they continue to face such trauma. But she responds by saying:

“Well if Martin Luther King never did what he did, would things happen different today?” You know? It's like you just kind of hope that things will change. And you have to fight because if you don't, they'll just continue to do what they want to do and then the kids end up suffering....And yeah it is...tedious and...annoying and...sad. But I think if you allow them to win then, you know, children will suffer and they will continue to suffer (A4, 7).

Policy Alternatives and Necessary Changes Suggested by Participants

Three of the parent advocates and one principal outrightly stated that the purpose of their resistance was to fight for the complete abolishment of the Act, based on the fact that they believed it is unconstitutional and racist (A2, A3, A4, and Z9). One community advocate believed strongly that the anti-racism initiatives and human rights protection which had been deinstitutionalized during the Harris regimes needed to be reinstated. She suggested the creation of an ombudsperson's office in the Ministry of Education and a re-institution of an Anti-Racism and Equity Secretariat which would be for all government mandated institutions, which she argued was obviously necessary since people were approaching the Ontario Human Rights Commission because they had no other recourse. Further she argued that there needed to be not just training of teachers, administrators and school board staff in equity, but an in-depth monitoring of the situation (Z4, 9). She believed that it was critical to argue for a definition of safety that was wider than the way it was being conceived in the Safe Schools Act. "The safety of the child's persona in terms of his race, class, gender, orientation and so on...have to be protected also" (Z4, 8). One parent argued that Black focused schools because the education system is failing and undermining the Black community (A4, 12).

Some participants argued it was necessary to not only look at the policy itself, but the racial composition of our representative body and government structure. One parent said:

You don't see Black people, Chinese people, Indian people. It's just only White people. So they're telling me 100 years people who are living here there not smart to go there? They don't have any brain to be challenged and because it's not a White country. It's over the world country. It's minority and majority country. We are the majority (A2, 11).

This parent also stated that students were being misled by being taught a false history, necessitating a complete re-negotiation of the Ontario curriculum, which she said, did not know her child (A2, 11). A principal argued that challenging the ideology of safety through curriculum as an aim of creating an inclusive community. In doing this, it is necessary to get people to question how they conceptualize safety. She says children should be taught to about ways in which racialized communities experienced oppression or how they history has been prohibited from being taught (Z9, 14). She argues, by asking them if they think this was safe and why this may have happened to racialized communities in particular. Further by connecting these moments in history to a day to day lived experience, students are encouraged to re-conceptualize notions of risk (Ibid., 14). She also stated that should Ontario should “mandate a healing curriculum as a means of bringing communities together and forcing communities to looking at what’s at the root of their discipline issues and their different problems” (Z9, 12).

Some participants argued for a complete evaluation of teacher training to include extensive equity training and re-negotiation of the way in which power is conceptualized. It was suggested by a public official that when principal candidates are being interviewed, they should not be asked theoretical questions about their philosophical approaches to culture and difference. Rather, they should be presented with a typical case and how they would respond. She suggests asking:

“You’ve got two kids outside fighting. One of them is arguing that the other one’s mother is gay. And um, you happen to know it’s true. What are you gonna’ do about it?” You know, I mean real questions... “One of the children in the school comes with their uniform and wearing a hijab? It’s a modification of uniform. Some of the parents are concerned. What’s your response?” I mean that’s the real questions and real situations and real kids...and find out how they operate in the real world because that where your going. You know, instead of “What is your philosophy and why?” (Z1, 19).

The lawyer participant strongly supported the collection of racial data as a form of monitoring school administrators, arguing that when police forces began collecting data on police stops, unnecessary police stops with respect to some groups reduced considerably. While she says that there are still figures that tell us there is a disparate impact, police officers modified behaviour when they knew they were being monitored (Z6, 10).

One principal believed a culture of reparations based on a restorative justice approach needs to be institutionalized as a practical and preventative alternative to the Safe Schools Act. This would be more congruent with the Youth Criminal Justice Act which is “based on Aboriginal healing circles and the notion of restitution and reparations” (Z9, 12). Lastly, some participants discussed the value in doing more research. One community advocate commented on how important the recording and critiquing of these changes is – “because sometimes the system pretends that it’s not happening and if it’s only heard, if it’s only spoken” (Z4, 13). However, as commented by one public official commented that the call for more research can also be a way to hid from their responsibility to address the issues at hand.

DISCUSSION

There is no reason to refute the fact that the Ministry of Education and school boards must work to ensure that schools are safe places to learn and teach. However, this author would like to question how the Safe Schools Act is working to ensure that safety and for whom? While it is argued that this policy exists for the protection of all inhabitants in the school environment, this data causes one to reconsider how the application of this Act fulfills this promise when the access to public education is conditional and there is suggestion that a certain population of students and parents may be criminalized. This paper is not written with the intention of implying that the Safe Schools Act was legislated to specifically target racialized students. However, this study suggests that systemic racism which already exists in the school system has been manifested through the implementation of this particular policy as communicated by participants. As shared by a school principal, it could be argued that it was a racist act for the Harris government to advocate a zero-tolerance policy, when research has quantitatively proven that such policies do not reduce violence and tend to create a disproportionate impact (Z9).

Although the opinions shared by the sample (n=20) are not necessarily representative of the experiences of all racialized communities or school administrators, the participants' contributions provide us with a much needed reflection on the climate of racism in the education system, lack of protection of the rights of marginalized populations and the questionable use of discretionary authority in school disciplinary practices. While it can be argued that this research and similar reports of disproportionate impact are based on

the biased sampling of a select few interest groups who are willing to risk the safety of other children in the valuing of a less than hard-line approach, this researcher points the reader to consider who's voices are typically silenced and heard in the framing of school violence. Traditional approaches to qualitative research and notions of trustworthiness may have been considered to be compromised by the irreproducibility of the research design. However, understanding the concept of "political listening" lead this researcher to discern the need to respect participants' decisions about what they needed in order to feel safe in the interview process.

Participants supported the literature by suggesting the protection of marginalized identities was seriously threatened when social policy shifts took away the commitment to equity. In this lean model, safety is guaranteed for certain populations that fit the description of who is 'safe' and who is to be feared. While education is protected under liberal notions of universality and equality of access, this data illuminates a system which regulates belonging according to one's conformity to hegemonic definitions of how to participate in the school life under a cloak of neutrality and standardization. This is not to say that all students of colour or students are similarly targeted. Some students are described by one public official have learned how to "play school" and reproduce the way in which power is presented to them (Z1). However, those that do not conform to these standards and resist the "hidden curriculum" are seen as threatening and therefore dispensable, thus denying students free access to public education. Further, the fact that the Ministry of Education knowingly faced possible constitutional challenges suggests that the notion of

expulsion was seen as a necessary step towards the attainment of a predictable working and learning environment (Z9).

Education is inherently political because it gives people the power to define knowledge and the training to become an efficient worker. In a society where one's life circumstances are decided by one's ability to sell one's labour power, students pushed out of the system will not have the necessary credentials to acquire jobs that will pay a living wage. Individuals are not considered to be citizens worthy of citizenship rights if they are not paying into the system which supports them and doing one's job to sustain the economy and pay taxes. The potential denial of an access to public education through the provision of expulsion is to deny an individual's chances for economic survival in an age when even credentials are not a guarantee for upward mobility. While the claim of disproportionate impact has yet to be quantitatively verified in Ontario, it has been suggested that it would be surprising if there was an altogether different than what has been corroborated by national and international studies of zero-tolerance policies. The possibility of this reality suggests the systemic economic disadvantage already facing racialized communities is being exacerbated by the potential denial of an education. Expelled students have little choice but to look to the low wage labour economy, making illegal sources of income more attractive for individuals unable to find work that pays a living wage.

Foucault's (1977) description of the education system as a tool of surveillance is clearly exemplified in the way some of the participants have experienced the intense policing of racialized students and parents. Many of the participants have experienced what appears to be a highly militarized school environment where racialized bodies are under constant

observation and subjugation. The suppression of parental advocacy has not been explored in depth by either of the OHRC or TDSB reports, although it is briefly discussed. However, this study illuminates how parents' right to challenge the practice of everyday racism in decision making processes is being actively resisted by school authorities who have been "empowered" to enforce their authority through the use of the trespass notice. The idea that not only parents but community agencies can be criminalized for advocating for children's right to public education in legitimate ways illustrates the way in which the law is used against parents for the protection of state interests. Further, the usage of child welfare services as an added policing mechanism because of the potential threat they present in their emotionally distraught state can be seen as a method of social control. The construction of a parent as being unfit to care for their child, in the process of trying to protect their access to schooling is a denial of the principles of due process. The many facets of surveillance in the system are manifested in the overwhelming presence of police, security officers, employment of former police officers in TDSB's Safe Schools Department, surveillance cameras and illegal police searches signals a message that public schools are starting to look a lot more like the prison system. The institution of structures of surveillance and corresponding devolution of students support services suggests that school has become a place where students are to be feared and parents are no longer welcome but seen as threats.

While we know that there are school administrators who do their best to mete out punishment in a responsible manner, the education system does not exist in a political vacuum that can remain unaffected by portrayals of the Other in the media informed by racist ideologies. Thus, when principals are faced with the decision of how to respond to a

“morally injurious” infraction using their discretionary authority, it is unavoidable that their opinions will be clouded by dominant narratives of who is threatening. The data in this study suggests that participants experience the school system as a place where racialized students and Black males in particular, are being racially profiled at a younger age than ever before. Predatorial images of Black men in the media contribute to a culture of fear that is being felt in schools. One would expect that racist portrayals of the fundamental Muslim terrorist in post-9/11 news coverage will similarly affect South Asian communities in the school system. The criminalization of the Black parent as described by the participants draws on the caricature of who is to be feared as painted by the media. The impact of this racist stereotyping will naturally affect the application of discretionary authority in the schools system. To deny the possibility that the racialization of decision making structures in the education system exists, is to ignore a reality that we already know exists in the criminal justice system. The criminalization of trivial incidents tells us that school administrators have not been educated to consider the measurement of impact on the wider school community.

The questionable lack of due process raised in this data defies the constitutional provision of “procedural fairness” that is to be applied in all appeal processes as per the Statutory Powers Procedure Act (Trepanier, 2003). If the majority of students being seen in suspension and expulsion hearings are Black and male as stated by TDSB trustees, then it is cause for concern that a certain segment of the population is not only being disproportionately targeted but also denied a fair appeal. The idea that communities which have historically faced the over-representation in vocational programs and now a potential

denial of any access to public education is cause for concern. As suggested, parents and students are often not given the opportunity to understand the complexities of the litigious nature of a school system, through the denial of adequate interpretation of suspension or expulsion letters and clear communication of their legal rights. The fact that schools take advantage of parents' lack of legal knowledge, which in turn benefits wealthy school boards and law firms who profit from this process accentuates whose interests are being kept "safe" and whose are considered disposable. The duplicitous nature of state is highlighted when one considers the legitimation of the need to eliminate needed programs and resources based on their economic inefficiency and the simultaneous financial commitment to pursuing costly legal actions.

This alleged denial of due process points to the lack of respect of the conception of citizenship rights. While the issue of disproportionate impact can be framed in a discussion of a violation of human rights, it often appears that this discourse is without substantial meaning. It ignores the root causes of the reasons these human rights are being violated, which is rarely addressed in practical ways where changes could be implemented to ensure that the systemic nature of oppression in the schools system is subverted. The devolution of the commitment to equity indicates these human rights have been denied in a broader context. Despite the fact that the provision of human rights exists in the sense that students are given the opportunity to state their case in a hearing and be represented by legal counsel, participant observations tells us that even the processes which have been created to address a misapplication of power are questionably biased to not give students and parents the opportunity to a fair appeal. Even the offer of due process which is supposed to be a nod to

one's citizenship is an assault on these very principles. It is hard to believe that this lack of communication regarding parental and the student right to appeal, particularly in situations where English is a second language was substantiated by administrators who acknowledged that school authorities benefited and knew fellow colleagues who preferred school populations who were less politically aware because it made their job easier (Z8 and Z9). The checks and balances to ensure accountability in the regulation of disciplinary practices are virtually non-existent, beyond the appeals process (Z8). The evaluation of Safe Schools processes have not been included in the TDSB's regular performance reviews, nor are administrators encouraged to be challenged around their understanding and commitment to equity and its relationship to disciplinary practices. One vice principal's suggestion that the checks and balances lie with the parents, places a lot of expectation on their knowledge of the law, their rights and even assumes that they would want to engage in this process (Z8, 8). Her suggestion that school boards benefit by having parents who aren't as well-versed in their rights or are intimidated by the system are well noted. Furthermore, putting all of the responsibility on the administrators to decide what the consequences will be for students who have committed infractions, denies students and parents the opportunity to fully participate in the process of resolving the conflict.

If the student feels that they have not received due process or has been mistreated on the basis of her identity, the onus is on her to apply for an official grievance to the Ontario Human Rights Commission and prove this claim is valid. One must question how willing students and parents already intimidated by the quasi-judicial processes of the school system, with all of its apparent barriers would be willing to pursue an equally rigorous

grievance process through which they face possible re-traumatization. While human rights provisions exist in principle, they can be disabling for the student and family in the requirement to further engage in drawn-out bureaucratic processes through which they will be financially and emotionally exhausted.

The purpose of this study included a goal to substantiate the suggestion that there are parents and community advocates who are not only critical of the policy itself, but engaged in a informal or formalized structured resistance. This data substantiates the suggestion that there are not only those that disagree with the policy itself, but actively resisting racist policies and practices in the quest for an equal education. While none of the participants actively used the word “resistance”, many described their choice to engage in a “struggle” or the “fight” and connection a longer history of civil rights activism. Many of the participants described the coalitions of parent groups, community agencies and educators who are actively organizing to educate the public about the questionable validity of this policy. The formation of community coalitions that are challenging the Eurocentric nature of the Ontario curriculum, the lack of diversity among school administration and staff and alleged disproportionate representation highlights the courage of people who are willing to risk further policing and marginalization. It is also necessary that the struggle of parents who have not become involved in a formalized resistance be minimized or framed as non-resistance. Perhaps for many people, the resistance is in their survival and courage to continue to keep their children in stable educational programs. For anecdotal evidence suggests that racialized students are become victims of educational policies which pathologize students and remove them from rich learning settings.

Two parent activists intensely resisted the notion of psycho-educational testing, which they felt resulted in a pathologization of culture and over-representation of racialized students into vocational streams. Some parents were concerned that the labelling of children was partially motivated by the increased level of funding they received for each child that is identified as having an LD, without corresponding increases in specialized forms of education that benefited their children. Conversely one lawyer felt Black students are assumed to be misbehaving or even refusing to co-operate because of an inherent laziness, rather than considering outside factors, such as a learning disability or the lack of a program that keeps students engaged. Further research is needed to explore the intersections of race and disability, in the context of school discipline, as this was beyond the limited scope of this research study.

Dehli's (1996) comment on the gendered nature of parental involvement in the school community was illustrated in this researcher's brief introduction at the community of parent and community resisters in the Greater Toronto Area. The vast majority of the parents, met through the research process, whether they identified as activists or not, were women. Whether or not this is a reality was not substantiated due to the limited sample size and scope of this research study. Dehli (1996) problematizes the expectation that the mother's role is to be involved in school activities or compensating for the neo-liberal push for less resources for childcare or kindergarten classes. Further research would be beneficial to explore how gender intersects with race and class to shape people's experiences as community advocates or parent activists. Furthermore, the data illustrates how difficult it is for educators who resist the construction of Other and the consequent profiling of students.

While educators are responsible to participate in the policing and expected to adhere to the expectations of maintaining a safe school environment, they are also similarly policed. Administrators' attempts to explore alternative methods on their own accord is to be applauded in an era when stepping out of the accepted way of managing school staff and students is risking their employment and credibility in the community. The fact that it was so difficult to find educators willing to even speak on the issue illuminates the culture of fear that is paralyzing the development of a culture of resistance. However, it is clear that this resistance is possible when the administrator puts the onus on him/herself to understand how to maneuver around the language of the policy and is strongly committed to looking for alternatives to punitive responses.

Is it possible for a school system which exists within a culture of fear, to promote safety in a way that is responsible? What we need to consider are the root causes of conflict rather than an isolation of individual incidents. The retributive approach to dealing with school violence is shortsighted. Rather, an adoption of the restorative justice model is a fresh way of approaching conflict resolution which seeks not to think about the disciplinary infractions as a violation of state legislation, but of community relationship. Furthermore, what decision making structures which do not allow students, educators and community members to be fully involved in the management of the daily life of the school need to be re-conceptualized to allow for the full democratization of learning processes.

As the literature suggests, zero-tolerance policies are unsuccessful at reducing crime rates. This author supports the belief that this Act does not address the root causes of violence, merely choosing to send "problem" students away by pushing them out into the

community where they are likely to face more attention from police authorities. This author would like to suggest that the Ministry of Education seriously reconsider the ways in which conflict is being managed and institute “a culture of restitution and reparations” informed by a restorative justice model, as suggested by one principal participant (Z9). It is ironic that the Ministry has asked students to reconsider the way in which they resolve conflict and to seek more appropriate measure before resorting to violence, while making choices as a Ministry to value punitive measures before mediation. In seeking to resolve situations before calling a suspension or expulsion hearing, educators should seek to look for underlying issues which may be exacerbating a problem and ways in which students can be supported (OHRC, 2003, 62). By asking members of the school community to consider the impact of an incident in question, affected communities are brought together rather than pitted against each other in racialized tensions. The punitive model requires the offender meet his/her punishment under the auspices of the law, while denying any responsibility to understand the effects of the infraction on victims and the interdependence of the wider school community. Further, this is necessary so that the school disciplinary policies do not conflict with federal regulations of the management of youth crime. When considering the contradiction between the Safe Schools Act and the Youth and Criminal Justice Act, this author argues that the Act has not been repealed because restorative approaches are not cost efficient and do not fit within the neo-liberal conceptualization of social policy.

However, imagining the possibility of a school system designed on the principles of enacting social justice in not only the students learning but every aspect of school administration will have massive implications for the way in which students will approach

learning and the prospect of work in later life. An education system managed by the people who are most directly affected creates a system that people feel invested in. If anything, a school system administered by all those affected (teachers, students, parents, administrators) can be in fact more financially accountable than current structures allow.

Creating a culture of reparations means that schools must provide venues for students for students to talk about violence in the school community. This includes the opportunity to deconstruct the root causes of conflict and messages of violence communicated in the media and regarding global conflicts. We cannot expect students to resolve conflicts well when they are bombarded with images of war and the use of militarized aggression. Currently school boards offer many programs on anti-bullying. Programs focused on conflict resolution, peace education and peer mediation should be mandated in all schools as preventative measures to counteract school violence. Students should have equal control over their day, the way in which they are made to learn and the things they are made to learn about. Alternatives to the retributive model and popular administrative and budgeting models explored by school communities in the international context are examples from which we can draw on for inspiration. Schools should support proactive initiatives by students to create school environments through the development of school clubs and extra-curricular activities based in an anti-oppressive framework. Further, yearly evaluations should be completed to audit each school's commitment to anti-violence initiatives that work for social change. (For a full view of recommendations in this policy review, please refer to Appendix 2).

In conclusion, social policy of the lean state has commodified every aspect of the welfare state and most notably the education system, having long-lasting implications for the labour market. Policy changes made under the Harris Regime represented a drastic ideological shift in the construction of citizenship and the social purpose of education, including a punitive approach to school discipline. This author supports participants' claims that the Safe Schools Act is seriously problematic, sufficiently confusing and must be reconsidered if not repealed. The use of access to the public education system as a disciplinary tool is not only offensive but a constitutional contradiction. While it seems that the Safe Schools Act was written as an attempt to provide guidance on behaviour management, it is clear that the way in which it would affect racialized students and students with disabilities was not considered. Although it makes provisions for the mitigation of factors, it also calls for mandatory judgments on behaviours, leaving a great deal of room for discretionary power and abuse of authority. A clearer policy that could give more room for students, parents and educators to carve out a dialogue can only be done with full input and intention to meet the needs that they present. What needs to be further explored is how educational reform can help to achieve a non-segmented labour market. To what extent is the economic sustainability of marginalized communities delayed when we don't consider these questions and certain populations of people are isolated in the labour market? It is hopeful that by questioning the lack of decision making structures, including a collective process in deciding how a community can deal with conflict in the school system can help students consider the possibilities for workplaces and other aspects of civic life to operate in ways that contribute to the development of an economic and socially democratized society.

Appendix 1

Operationalization of Terminology

The following is a description of the way in which terminology has been conceptualized by the Principal Investigator for the purposes of this research.

Resistance: Actively withstanding forms of oppression. For the purposes of this study, I am considering any deliberate actions carried out in opposition to the effects of the Safe Schools Act.

Organized resistance: This kind of resistance is a systemized form of an official and public opposition, with the intention of leading to structural reform and institutional changes that govern institutional equity. It can manifest in different ways, such as the building of coalitions or organizing concerned parents to lobby school trustees.

Unorganized resistance: It is possible that people can unofficially by making individually choosing actions that will oppose the policy without creating and open and public opposition. Teachers and school administrators can individually resist the policy by looking for creative solutions to addressing issues of school violence without resorting to suspensions or expulsions. This may not necessarily lead to structural reform, but can be an action that subverts the expected response to certain behaviours by avoiding the traditional method of punishment.

Appendix 2 Consent Form

Project: Taking back education: Informal and Formal Resistance to the Safe Schools Act by Racial Minority parents and Concerned Educators

Principal Researcher: Ms. Michelle Cho
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Thesis Advisor: Dr. Patricia Daenzer
KTH 309, School of Social Work, McMaster University, Hamilton, ON, L8S 4M4, 905-525-9140 ext. 23790, pdaenzer@sympatico.ca

Background Information:

You are being asked to participate in a study about Ontario's Safe Schools Act and the impact it has had on racialized students. Anti-bullying programs and zero-tolerance policies have been framed as the common-sense approach to addressing school violence and inappropriate behaviours. No person would dispute the fact that our schools need to be safe. However, recent reviews indicate that there is a growing perception that the Safe Schools Act has had a "disproportionate impact" on students of colour and students with behavioural disabilities. The purpose of this study will be how critics have structured the resistance to the zero-tolerance policy and the impact on the relevance and continued application of the Safe Schools Act. I will be interviewing visible minority parents, school administrators and leading experts on anti-racist education who have openly resisted this policy in the Toronto and Hamilton School Boards. Further, I will explore their thoughts regarding potential alternatives to addressing inappropriate behaviours in the school setting. My research question is: **How are racialized parents and educators formally and informally resisting the Safe Schools Act and institutional racism in the school system in general?**

Your participation is voluntary and kindly appreciated. **You can refuse to participate and may also withdraw at any time without consequences.** Following the completion of the project, a copy of the project can be made available to you. If you wish to receive a copy of the summary and/or the project please contact Michelle.

The Interview:

Interviews will be approximately one hour long. They will take place at a location and time which suits you best. Space can be available at McMaster University if you prefer. Attached

is a copy of the interview guide I will be using. Please Michelle know if there are any questions you do not feel are being addressed or any that should be removed or re-written.

With your permission, interviews will be audio taped and transcribed. You have the right to refuse the recording, stop the tape, slow the interview or skip any questions that make you feel uncomfortable at any time. You also have the right to have any portion or the whole interview removed from the project at any time. Any notes, transcripts, or recording, in whole or in part shall be destroyed by Michelle at your request.

Confidentiality:

You will not be identified as a participant of the study in any publication of this project, unless you specify otherwise. You shall be asked for an alias which shall be used in place of your name throughout this study. School board locations and job titles shall be disguised, but the nature of the work shall be noted in the research (i.e. school board, university, legal clinic etc.) All efforts shall be made to conceal the identity of participants in final publications, and statements, position, and agency identifiers can be omitted or changed, with your approval, in order to ensure confidentiality. All audio tapes, notes, and transcripts shall be stored in a locked file cabinet to which only Michelle shall have access. All audio tapes, notes and transcripts shall be destroyed by Michelle two years after the completion of the project.

Risks:

During the interview, you may wish to share stories of a personal nature relating to a student's suspension or expulsion from school. Because this research is looking to explore the relationship between institutional racism and disciplinary policies, it may be necessary to discuss experiences that have been traumatic and emotional.

Benefits:

Your participation will help to better improve our understanding of the strengths and limits of school disciplinary policies and the importance of student, parent and teacher involvement in policy formation. Further, it is possible that research participants can become involved in the further educational opportunities for the public.

Consent

I have read and understand the consent form. I have had the opportunity to ask any questions that I have about this project and my participation in it and am satisfied with the answers provided. I hereby consent to participate in this project.

Name: _____ Signature: _____
Date: _____

This research study has been approved by McMaster Ethics Review Board. Please refer all questions regarding the ethics of this project to:

**Ethics Secretariat, Office of Research Services
Room 306, Gilmour Hall, McMaster University, 905-525- 9140, ext. 23142.**

Appendix 3

Policy Recommendations

When considering the depth and breadth of racism and ableism in our society, incremental policy strategies will not be the most effective way to address rights distribution. This author has provided the following policy recommendations, as informed by the Ontario Human Rights Commission (OHRC) and Task Force on Safe and Compassionate Schools reports and the participants' views on how the culture of conflict resolution can be re-conceptualized in a healthy way.

1. Institute a rigorous data collection process regarding the demographics of students facing suspension and expulsion.

This author supports the OHRC and the Task Force's decision to formally collect, the demographics of students who have been suspended and expelled, for the purpose of addressing experiences of inequity in disciplinary practices in the school system. This should be mandated on a province-wide scale, with adequate resources which can be devoted to the management, analysis and assurance of privacy in the data collection processes.

2. Remove the language of zero-tolerance

The Safe Schools Act never seems to properly identify a concise definition of the term zero tolerance. One cannot have a mandatory response for any given behaviour, while asking educators to make room for mitigating factors. A review of the Act is required to initiate a clearer use of language and send guidance to educators on how to act in circumstances where violence and inappropriate behaviour has occurred.

3. A provincial commitment to anti-racist institutions in the Ministry of Education and school boards in all jurisdictions.

Decreasing the disproportionate level disciplinary actions against racialized students requires that school boards and the Ministry re-consider their commitment to anti-racism and understanding of cultural differences. School boards should not only work to develop their own equity policies but have procedures in place for the monitoring of practices to ensure

that safety for the diversity of identities among. This author supports the re-institution of regulatory bodies such as the Anti-Racism and Equity Secretariat and the Ministry of Education's Anti-Racism Division.

4. Providing extensive supports for all school staff to understand issues of systemic racism and disability in the school system.

Training educators, administrators and support staff on issues of race and disability can help people to understand the mitigating factors that are attached to many situations. This needs to begin in teachers colleges and principal training programs, by mandating a serious questioning of the hierarchical culture of teaching and classroom management. Further, discourse on equity and anti-racism needs to be interspersed through all curricula in teacher's colleges. In the school system, this can be measured by creating a target for the number of required trainings per teacher in every school which are also critical of the power relations in the education system and challenges the Eurocentric nature of teacher culture.

5. Re-examining school board hiring practices

Racialized teachers and administrators that are knowledgeable and committed to meeting the needs of students with special needs and diverse communities should be hired. School boards can complete yearly audits or report cards on how their schools are fulfilling these objectives.

6. Increased funding for social supports and re-institution of community liaison workers and ethno-specific workers, educational aids and lunchtime supervisors

Students and educators are feeling the impact of the elimination of student supports in their classrooms and unsupervised lunch periods. It is in the interest of the Ministry to invest in school boards to support school programs and the development of policy that addresses conflict in a constructive manner.

7. Increased funding for newcomer support systems

Resources need to be re-committed to ESL programming, translation services and legal aid services for parents and students. School boards must work harder in conjunction with racial minority and newcomer parents to address any misunderstandings regarding the expectations of the student and school processes.

8. Increased funding for legal education and legal aid services

Resources must be allocated for parents and students to understand their rights and responsibilities and all legal processes. Legal aid services need to receive more funding for fair access to legal representation in school appeals processes.

9. Creating an inclusive curriculum

A complete revision of the Ontario curriculum that reflects the true history of racialized peoples and the theft of land and resources, through colonization and genocide of Indigenous peoples is necessary.

10. Instituting a culture of restitution and reparations.

A needs assessment may be useful to gather input on how the Act could be re-written to include a restorative justice approach. This needs assessment would involve a community consultation with diverse populations including students, educators, parents, lawyers, social workers, mental health practitioners, community members and Aboriginal elders to give their input on how to structure a policy that would work for them. This author supports the review of best practices in other countries that have had similar policies for longer periods of time and have had a chance to assess their effectiveness, including alternative sentencing programs. Inclusive decision making structures that involve all members of the school community should be explored to create a fully democratized learning community.

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