

THE RUTHERFORD INSTITUTE

Post Office Box 7482
Charlottesville, Virginia 22906-7482

JOHN W. WHITEHEAD
Founder and President

TELEPHONE 434 / 978 - 3888
FACSIMILE 434 / 978 - 1789
www.rutherford.org

February 6, 2014

Via Email (jpprice@cps.edu) and U.S. Mail

Director John Price
Chicago Public Schools, Network #4
6323 N. Avondale
Chicago, IL 60631

Re: Suspension of Caden Cook

Dear Director Price:

The Rutherford Institute¹ has been asked by Edith Fraustro to intervene on behalf of her son Caden Cook, a sixth grader at Frederick Funston Elementary School who was suspended after he, of his own volition, informed school officials that he had inadvertently brought a plastic toy gun with him to school. The toy, clearly marked with a red tip, neither shoots projectiles nor makes shooting noises. Nevertheless, the 11-year-old was subjected to intimidation tactics, interrogation, accusations of lying, threats of heinous punishments, including criminal penalties—all in the absence of his mother—and is being required to undergo counseling and a psychiatric evaluation before he can return to school, all because he supposedly violated the school's weapons policy against dangerous objects.

While we all have an interest in ensuring that students remain safe at school, there is no reason that this young boy should have been deprived of adequate procedural safeguards, stigmatized, branded a miscreant, denied an educational experience, and made to suffer the long-term consequences of a "weapons violation" on his permanent school record simply because overzealous, misguided school officials are incapable of distinguishing between an impotent toy and truly dangerous behavior that warrants an attitude of zero tolerance.

Therefore, to rectify this situation immediately, we request that you rescind Caden Cook's suspension and remove all references to it from his permanent school record.

¹ The Rutherford Institute is a non-profit civil liberties organization that provides free legal representation to individuals whose civil rights are threatened or infringed.

To provide some background: it is our understanding that Frederick Funston Elementary School introduced a random “pat down” to its security and screening procedures at the beginning of this school year. In previous years, students were required to pass through metal detectors at the entrance of the building before eventually continuing on to their classrooms and only students who set off alerts would be subjected to a “secondary screening” where their bags and person were searched for suspicious or dangerous materials. This year, however, all students are being physically separated from their bags and randomly chosen for a manual “pat down” before passing through the metal detectors. Students’ bags are also being separately searched at random.

According to Caden’s mother, Ms. Fraustro, Caden was waiting in line to be patted down on Friday, January 31st, when he realized that he had mistakenly left in his sweater pocket a toy plastic gun which he had played with the previous night while he was out with friends and family. Immediately realizing his error and that the toy was a prohibited item on school grounds, Caden alerted the security personnel to his predicament, explaining that he had accidentally brought the plastic toy to school and relinquishing the toy to school security personnel.

Instead of recognizing that Caden was attempting to do the right thing and acknowledging the mistake, school officials—namely, Vice Principal Timothy Daly—allegedly subjected the 11-year-old to intimidation tactics, interrogation, accusations of lying, threats of all manner of heinous punishments, including criminal penalties. Even in the face of such badgering, threatening, distressing treatment by school officials, Caden continued to maintain that the toy was brought to the school in error.

All of this was done in the absence of Caden’s mother and without her having been informed of the incident. It was only after the 11-year-old had been thoroughly interrogated that Ms. Fraustro was called and alerted of the incident. Upon arriving at the school, Ms. Fraustro was berated and criticized for allowing her son to use toy guns and warned that the “seriousness” of his offense could result in expulsion. School officials also explained that Caden would be required to serve a one day at home suspension, would have to undergo counseling and a psychiatric evaluation before he would be permitted to return to school, and that the suspension would remain on his permanent school record.

According to the school’s misconduct report, Caden was charged with a “Section 4-13” infraction, which falls under the heading of “Very Serious Disruptive Behaviors” in the Chicago Public School’s (CPS) 2013-2014 Student Code of Conduct and is described as occurring when a student is in “possession of any dangerous object as defined by this SCC [Student Code of Conduct].”² Yet in keeping with the school’s own guidelines, Caden’s conduct does not rise to

² Chicago Public Schools Student Code of Conduct, 2013-2014 at 25,
http://cps.edu/Documents/Resources/StudentCodeOfConduct/English_StudentCodeofConduct.pdf.

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the level of serious disruptive behavior, given that he immediately alerted school officials to his accidental transgression and voluntarily turned in the toy once he realized his mistake, even prior to entering the screening area. Nor does the plastic toy gun constitute a dangerous object by the school's standards or anyone else's.

Clearly, school officials have overreacted and in doing so, have dealt with Caden and his family unjustly. In fact, the entire incident has been greatly distressing for Caden and his family, resulting in nightmares for the 11-year-old and a complete loss of trust in the school system to act judiciously *in loco parentis* such that Ms. Fraustro removed both of her children from the District in order to homeschool them.

As a national organization that has dealt with thousands of cases like this, we have found that this growing reliance on zero tolerance policies by school officials, ostensibly intended to make schools safer by discouraging the use of actual drugs and weapons by students, has instead resulted in the inhumane treatment of young people and the criminalization of childish behavior. A perfect case in point is this incident involving young Caden Cook.

Rather than showing the young boy and his family that school officials are capable of exercising good judgment, distinguishing between what is and is not a true threat, and preserving safety while steering clear of a lockdown mindset better suited to a prison environment, school officials instead opted to overreact to this incident.

Thankfully, this matter can still be rectified if school officials will agree to rescind the suspension and remove all references to it from the student's permanent school record. Thus, in order that we may advise Ms. Fraustro how to proceed in this matter, please provide a response to this letter on or before the close of business February 19, 2014.

Sincerely yours,



John W. Whitehead
President

Cc: Edith Fraustro
Jesse H. Baker IV, Esq.