# Trouble in School: Law, policy and the dynamics of everyday life at school

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**Purpose:** The purpose of this research is to uncover why disputes are not settled at the local level and why rights violations cannot be guaranteed or settled at a local level without mobilizing legal authorities and legal sanctions. A question answered in this research is if recourse to legal remedies help or hinder dispute settlements at the local level.

**Abstract/Results.** This project is composed of three different studies.A study of 717 ninth grade students in eight schools located in different socio-economic environments show that students have a low degree of trust in dispute settlement forms available at school. When involved in conflicts or degrading treatment at school they avoid turning to the school for help. Students give themselves a high score for following rules at school but give a much lower score to their classmates’ everyday behavior at school. Interviews with teachers and headmasters show a critical suspicion towards School Inspectorate’s ability to solve conflicts at school. An analysis of 350 cases decided by School Inspectorate/BEO show that many parents solve a worrisome situation at school by changing schools for their child. School administrators often solve a conflict by demanding a psychiatric evaluation of the child involved or by pointing to a need for more resources. School administrators in schools with many problems experience school inspections as annoying. The project has shown that there is a strong and consequent picture of an on-going process within Swedish schools of loss of legitimacy and authority within the school system. Even though the concept of rights of the student has forced itself into the everyday life of school, the increase in recourse to legal processes beyond those available at school has produced unintended consequences.

**Introduction**

The first modern Education Act presented in 1919, gave educators in Sweden the responsibilities to see to it that children learned to respect a peaceful environment and to think internationally. By the middle of the 1950s Sweden’s Educational Act and course plans demanded that schools develop critical thinking and independent behavior among students. Since then many different Educational Acts have emphasized co-operation, tolerance, and increased consciousness of effects of behavior as well as increased empathy for other individuals at school.

Since the 1990s there has been a gradual change in how schools react to minor infractions within the school environment. Estrada (2009) pointed out that teachers were reporting numerous complaints of “trouble” at school to the police although violence at school had not increased.

In 2008 a new School Inspectorate was established to better ensure oversight of schools and their local “plans of action,” and also to process complaints from students and/or parents alleging that the school had failed to meet the rights of the student. The number of complaints filed annually with the School Inspectorate has increased steadily and center mainly on both alleged degrading treatment at school, failure to provide a secure school environment, and/or insufficient support from the school, failure in securing necessary help for the student to achieve an equivalent education.

The new Education Act 2010 has clearly specified that harassment and other degrading behavior is not tolerated and that school personnel are responsible to report, investigate and take measures to end such behavior if it occurs. The law also allows for the use of stronger sanctions by the School Inspectorate as well as a clarification of teachers and head masters authority.

It is obvious from earlier research that there has been an ambiguity about laws and rights within schools. At the same time, all involved parties are in agreement that it is important that everyone involved with the day-to-day life of schools are aware of what laws exist to protect students’ legal rights. Because the research in this project incorporates the introduction of the new Education Act (2010) in 2011 we had the unique opportunity to understand what expectations administrators, teachers and students had on the ability of law to affect everyday life at school.

We see the use of legal mobilization, turning to the police or filing a complaint with the School Inspectorate, as a sign of the breakdown of everyday dispute settlement at local levels. Rights can be perceived as instituted to confirm normative behavior with local institutions filling in the necessary grievance procedures when normative accepted rules are broken. Reluctance to rely on local procedures to curb minor infractions, point to the fact that there is an erosion in norms governing behavior between students as well as an erosion of legitimacy between students and school authorities in seeing that school policy and programs are adequate for resolving disputes at local levels..

**How we did it.**

The research design used a combination of methods. These included survey research, ethnographic methods and documentary analysis to uncover the dynamics of law in everyday school life. The research question invoked by the project was inspired by an on-going project in the United States (Morrill et al 2010). The Swedish research design was revised in relationship to the US project in order to capture the uniqueness in the Swedish school environment. Whereas, the US project was primarily interested in the possibility for disadvantageous students to mobilize their rights, our project was interested in discovering why local solutions were insufficient to settle minor disputes and what were the consequences of invoking legal processes in dispute settlements.

Survey research. The survey study included 717 ninth grade students at eight different schools. Four schools were from Stockholm and four schools were from Malmö. All schools were public municipal schools. The schools were chosen according to different criteria. Schools were analyzed according to socio-economic environment defined by parents’ educational background and school results over a ten-year period. Schools were also analyzed according to number of students born in Sweden and parents born in Sweden. We chose four different combinations of the socio-economic environment.

In this way, the schools in each municipality were considered a pair with one of the schools in the other municipality and gave us a built-in stratification in our research design. It should be mentioned that we did not include schools with the very highest or lowest grades, highest or lowest parental educational obtainment or highest or lowest number of students and parents born in Sweden, but we chose schools that were very close to the highest and to the lowest and schools in the middle of these categories.

The student survey was divided into six different components: 1) demographics; 2) behavior commitment and attachment related to school/work performance; 3) self reports of peer/colleague attitudes and behaviors; 4) current understandings and past experiences of laws and legal structures; 5) ideas about law and institutional authority; and 6) responses to hypothetical legal problem scenarios.

 Ethnography. The ethnographic work done in this project is known as “analytic ethnography.” This means that we engage in both participant and passive observation, in-depth individual interviews and focus-group interviews to gain triangulated, and process knowledge about both law and other normative sources of authority in the everyday life of school actors.

We had two major sites of our ethnographic work. One site was the schoolyards and the corridors of the eight schools in our study. The other site was a follow-along with school inspectors during 10 different directed school inspections. Our ethnographical work at the schools involved doing an “ecological mapping” of sites. We tried through our observation to see how space at schools was used functionally, socially and normatively. From field notes and mapping we could see for example, schools where space was socially and normatively used as boundaries between teachers and students, space that encouraged aggression and space that revealed hierarchies.

The ethnographic work done by following along during a school inspection often involved more than one day and was filled from early morning to late afternoon. Although the observation was about how inspectors inspect, much was also revealed about how schools, teachers and students reacted to the school inspection.

 Complaining cases. 350 randomly selected cases decided by School Inspectorate/BEO (Child and Student representative) were analyzed. 250 of the cases were decided according to the Education Act 1985 and filed 2010 and 2011. 100 cases were decided according to the Education Act 2010 and filed 2013 and 2014. The analysis focused on the process of bringing about a resolution. The material in these cases clearly showed how and why students and/or parents, through their narratives, mobilize their rights. They describe how local school authorities met their problem and why parents were not satisfied. The cases also showed how the local school authorities witnessed the event and reasons for why they saw their action as appropriate. By reading motivations to case decisions by School Inspectorate/BEO it is possible to see the differences in the regulative rule setting and sanctioning perspective of legal authorities, the normative influences from the educational professions as well as the cultural/cognitive shared conceptions of the person filing the complaint where one assumes that meaning is understood by everyone.

**Discussion**

Each part of our research produced interesting results but an even more interesting picture when looked at together. The eight schools were different from each other and also different from their twin school. Based on our ethnographic work we categorized the eight schools into three different type schools: academic focused school, a transition school, and a vulnerable school. An academic school was defined within the study as a school where ninth graders worked independently, focused, did not disturb classmates and were interested in the background of the survey. Teachers at the school were generally satisfied with their work place but thought that the students put too much pressure on themselves and on their grades. A transition school is a school where some students have difficulty to concentrate and to focus on schoolwork. Classroom disturbances are many and students hang about in the corridors. The corridors are noisy and there is a tension between students. Not all students are eager to leave the corridor and return to class. Teachers are dissatisfied with school management and report losing interest in the school. Vulnerable schools have many students with difficulties both socially and academically.. Students are spontaneous and give a happy if somewhat boisterous impression. They seek verbal contact with teachers. The corridors are generally chaotic. Teachers have either given up on the students and the ability to teach or are ambitious with the school presenting help activities.

Students at all schools, independently of the schools socio-economic background, reported past conflict during the school year, 39,7 per cent of boys and 48,6 per cent of girls. Students were more often in conflict with their teachers in schools defined as academic schools, although this also was the prevalent mode of conflict in one of the Transitions schools.

An important finding in our study was that students involved in conflicts, both with teachers and/or other students usually, over 50 per cent, handled the conflict by doing nothing. Another 25 per cent resolved the conflict by using extra-legal mechanism such as talking with a friend or with their family. Very few students turned to the school for help or to an outside legal authority such as the police or School Inspectorate.

When asked what was the reason they were involved in the dispute a number of reasons were given. Some of the reasons were that it was an argument; that the other person lacked respect; that usually it is because they have different opinions; or else that usually they are just joking around. They also mention that small things can become big problems. When asked about reasons for a conflict they might have had with a teacher, they responded that the teacher was not fair; that the teacher was teaching something that was not right; that the teacher was dumb; that the teacher feels challenged and demeans a student’s work because it is good; or that the teacher is just not fair or is a racist.

When faced with solving a hypothetical situation about a dispute, students showed that they would be more willing to talk about it with others, although not with school officials or with legal authorities, and less willing to just not do anything.

One of the more interesting indicators from the study is that students usually evaluated themselves high at following the rules at school and in also accepting the legitimacy of school rules. However, they rated their classmates as lower at abiding by school rules. We found that there was a statistically significant difference in the evaluation of their classmates for those that had been involved in conflicts compared with not involved in conflict. Those involved in conflicts, in all but one of the vulnerable schools where there was no difference, had a lower evaluation of their classmates’ rule following behavior. We also discovered that scores of evaluating the others rule following behavior were lower with a lower socio-economic environment but in all the Stockholm schools, scores were higher in relationship to their twin school in Malmö.

Our analysis of the 350 cases decided by School Inspectorate/BEO (SI) showed that three types of cases were recurrent. These types are termed the disappearing case; the accelerating case; and the troublemaker case. The accelerating case and the troublemaker case got their names because of the narratives presented by the parent and the school authorities. The disappearing case was named because it disappeared, that is, it was closed without a full investigation. This could be because what happened in the case was judged as being too old to investigate, the information given was too vague to start an investigation, the case was not within the SI jurisdiction or the person filing the case withdrew the case.

The accelerating case was a case where a problem at school appeared earlier but was never solved. These cases are usually preceded by many discussions between the school and home and School Inspection is seen as a last resort.

The troublemaker case is a case where the school make it abundantly clear that the child involved is a troublemaker and that all efforts have been made to help the student but to no avail. The school sees the student as either having a psychiatric problem, or does not realize that he is instigating most of the trouble, disturbs the class, and/or has unreasonable parents with unreasonable demands.

School Inspectorate/BEO thoroughly motivate the cases in which they open an investigation. There is a difference though in the nature of the “disappearing case.” The general tendency of changes in cases over the time period in the study include that more cases are being left without further investigation because they are categorized as too vague and that cases claiming insufficient support by the school are transferred to the local municipal authority for investigation. In addition there appears a decrease in the number of cases that can be categorized as “troublemaker” cases and an increase in “accelerating” cases.

The narratives of the cases presented by the parents include taking the child out of school as a solution to the problem. Or else the parents report that the child refuses to go to school. Cases from 2013 more often mention that a “worry report” is left to the social authorities. This is usually in connection with the student reporting a severe depression. Even when the school is criticized in the judgment given by SI/BEO, the problem is not solved for the student, the parent or the school.

**Conclusion**

Two general conclusions can be drawn from the research. The first is that Sweden has continually expanded both the responsibility for and definition of acceptable behavior of students at school. In the 1950s the isolated or bullied child was seen as unacceptable. Cases of a bullied child were treated as a problem of the student, a personality weakness, and the solution was help from the school nurse. After some years the problem was seen as emanating instead from the classroom and defined in terms of relationships between students where students were not treating each other as equal. The answer then was changing the method of teaching and improving classroom democracy. When that did not solve the problem of bullying or harassment, emphasis moved to the entire school, the environment and school values. And as schools complained that they did not have the organization or the resources to provide a secure school environment, responsibility shifted to the municipality, money and management. Today, the definition of unacceptable behavior at school is a zero tolerance policy towards all degrading treatment of students at school. It is the legal system, and the use of regulatory power that ensures that the zero tolerance policy is the rule at school. The unintended consequences of this constant shifting of responsibility are that common cultural imagery for a parent to help a child is to move the child to another school. The unintended consequences for school professionals and local municipal authorities of shifting regulation and sanctions to the legal system is that schools further the segregation of children through the use of diagnosis to lawfully exclude them from the classroom. In addition, schools and municipalities have learned how to produce and manage legally correct material to send to SI in answering criticisms.

The second conclusion of this study is that an analysis of the regulative structure of control of schools is only one of three pillars holding up schools. The cognitive culture of regulative change has fostered a family imagery of participation, equality and a “bag of money” available for every student. This second pillar holding up schools has increased the expectations of families of what they can expect of schools. The result is an increased demand on schools for support and to produce better school results for their children. In turn, the normative evaluation of the school professions of regulative change, the third pillar necessary for a functioning regulative structure, has been a de-professionalization of teachers coupled with a behavior geared to meet decreases in resources by “skimming” the school system for the best students. Increased regulation has also meant increased administration and increased responsibility. In turn, the increased demands from regulation and from families has contributed to lowering the authorities of teachers, increasing problems in recruiting and maintaining personal and a distance between schools and the School Inspectorate.

Together these two conclusions show that disputes are not settled at the local level because there is little trust in schools ability to solve disputes and that strengthening the regulation of schools has had the unintended consequence of creating an imagery of rights and expectations of study results for students and parents that is difficult to reach and a schemata of de-professionalization of teachers and loss of authority that weakens the normative role of authority in the classroom.

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