

Zero Tolerance Policies

Since 1994, when Congress passed legislation requiring states to stipulate a one-year expulsion for any student carrying a firearm on school property, all states and 80 percent of districts have devised "zero tolerance policies" against a host of violent behaviors in schools. Modeled upon zero tolerance policies in the criminal justice system that require mandatory minimum sentences for individuals convicted of violent and drug-related crimes, these policies usually require schools to suspend or expel students who participate in behaviors for which the district or state has "zero tolerance."

Although zero tolerance policies for students were initially intended to curb the prevalence of weapons in schools, less than half of all states and even fewer districts currently limit their zero tolerance policies to weapons-related infractions. On the contrary, in most states zero tolerance policies have been written to include *non*violent behavior such as drug possession, defiance of authority, habitual profanity, defacing school property, and gang-related behavior on school campuses.

Despite the widespread adoption of zero tolerance policies, they are not without detractors. These critics point out that zero tolerance policies often take troubled students who need the most adult guidance and supervision and give them the least by turning them out of safe, supervised school environments onto the streets. Critics also believe that when zero tolerance policies are strictly applied they can defy common sense, and as evidence point to cases in which students have been expelled for possession of "drugs" such as aspirin, Tylenol, and white out and "weapons" such as paper clips, nail files, and scissors. Furthermore, critics believe that zero tolerance policies conflict with principles of good discipline that require "the punishment to fit the crime" and encourage discipline techniques to serve as learning opportunities for students who break rules. Critics also believe that zero tolerance policies can result in unduly harsh consequences for nonviolent, first-time offenders who are treated equal to seasoned criminals. Finally, while critics concede that student expulsion rates generally decline over the years of a

zero tolerance policy, they believe this can at least partly be explained by the increasing number of students disciplined under zero tolerance policies who are placed in alternative educational programs or drop out of school altogether.

On the other hand, advocates of zero tolerance policies assert that they are important tools for sending an unequivocal message to children and youth about the seriousness of certain behaviors. For an orderly learning environment, advocates contend, there must be clear lines between appropriate and inappropriate behavior, and students need to know that crossing that line will bring swift, severe consequences. Advocates of zero tolerance policies believe that making exceptions for first-time offenders or for perpetrators' particular circumstances blurs the lines of discipline for other students and may make schools less safe by returning violent offenders to school. Finally, advocates believe that flexibility in discipline can lead to inadvertent racial and ethnic discrimination. Where zero tolerance policies have resulted at times in unduly harsh punishment, advocates contend the policy was poorly written or poorly administered and should be fine-tuned rather than discarded.

In fact, little research has been done on the effectiveness of zero tolerance policies in curbing unwanted student behavior or the consequences of zero tolerance policies for other community issues such as juvenile delinquency and student dropout rates. As a result, arguments both for and against zero tolerance policies are based more on beliefs and notions about the best way to curb unwanted student behaviors than on facts concerning the efficacy of specific programs and policies.

Issues to Consider

★ **Comprehensive discipline and safety policies.** There are clear differences between student discipline, student punishment, and school security. Discipline progressively helps children learn appropriate behavior and is based on assumptions that all children learn differently (and thus different types of discipline are appropriate for different

students). On the other hand, zero tolerance policies are generally punitive and mandate specific punishments for specific behavior, regardless of individual circumstances. Zero tolerance policies are also often justified as a way to ensure the security of other students by removing violent or disruptive students from school. Thus, while zero tolerance policies may be one form of student punishment and may be one component of an overall system of school safety, they cannot effectively supplant many components of a comprehensive system of student discipline. Furthermore, because discipline, punishment, and safety policies may have very different purposes, states may need to consider the extent to which zero tolerance policies help or hinder the implementation of other components of a comprehensive school discipline and safety plan.

★ **Equity.** Zero tolerance policies are more likely to exist in predominantly African-American and Latino districts, and students of color are in general more likely to be suspended or expelled than white students. There is also some evidence that students of color are more likely to be disciplined for minor and subjective acts of misconduct that are often covered under zero tolerance policies, such as "beligerance" or "disturbing the educational process." Because of the likelihood of differential application of discipline to students of color and the prevalence of zero tolerance policies in districts serving students of color, states may want to carefully monitor the effects of zero tolerance policies on students according to race, gender, and type of infraction.

★ **Criminalization of Children and Youth.** Forty-two states require schools to report youth to law enforcement for a variety of infractions, and often reporting is mandatory for students who violate a zero tolerance policy. Where zero tolerance policies are written to include noncriminal behavior, law enforcement may become involved with students in cases of nonviolent, noncriminal behavior.

★ **Focus on Prevention.** While states need to ensure that schools' responses to violence, sexual harassment, and other serious infractions are appropriate, they also need to ensure that student misbehavior is minimized through comprehensive prevention programs. Supporting conflict resolution programs, modeling a healthy concern for justice and fairness, and fostering strong, caring bonds between at-risk youth and trusted adults are a few ways to help prevent violent behavior among youth.

★ **Flexibility.** Effective discipline policies give districts the teeth they need to discipline appropriately and maintain

a safe learning environment without imposing unduly harsh and inflexible penalties on students who break rules. Some states and districts have written zero tolerance policies to include a number of penalties and responses covering a range of student misbehavior, while at the same time encouraging local officials to take into account students' home life, prior discipline record, and other circumstances when deciding upon appropriate responses to misbehavior.

★ **Educational options.** Expelling students to the street exacerbates behavior problems and increases the likelihood students will drop out of school. Consequently, states should consider placing expelled students in alternative educational programs that cater to the particular needs of at-risk students. Currently, only about half of all states require that students expelled from school be placed in an alternative educational setting.

State Actions

★ **Colorado** requires districts to provide alternative educational services to expelled students whose parents request them. The state has made over \$3 million available to help districts pay for these services.

★ **In Illinois**, the state superintendent has called for state-wide public forums on suspensions and expulsions after data demonstrated that the number of expelled students in the state more than doubled from 1990-91 to 1997-98.

★ **In Texas**, the Safe Schools Act of 1995 requires districts to remove violent students from mainstream classrooms and place them in alternative educational settings. Under this law, teachers have the right to remove any student who regularly disrupts their class, and an administrator cannot routinely put a disruptive student back into a class from which they have been removed.

Resources

Annenberg Public Policy Center, *Justice Talking*. A radio debate between John Whitehead of the Rutherford Institute and John Mitchell of the American Federation of Teachers (Annenberg Public Policy Center, www.justicetalking.org, 2000).

The Civil Rights Project, *Opportunities Suspended* (Cambridge, MA: The Civil Rights Project of Harvard University, 2000).

Shanker, Albert, "Zero tolerance: It's No Laughing Matter," in *Where We Stand* (Washington, DC: American Federation of Teachers, 1997).