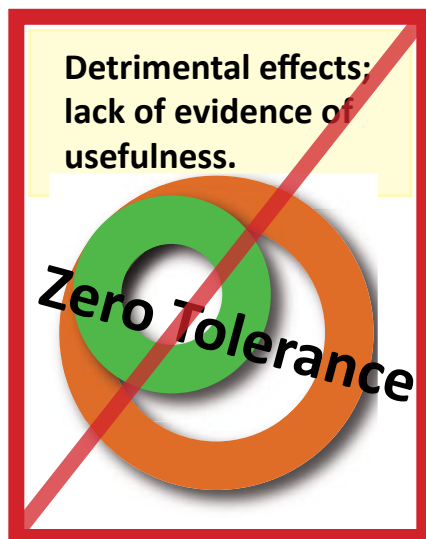


Zero Tolerance

An Ineffective Discipline Policy

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Over the past fifteen to twenty years, school shootings and other violent incidents at school have garnered national attention. Schools and their communities have struggled with how to prevent these kinds of incidents from occurring in the future. As a result, schools have attempted to put in place policies and practices which are aimed at stopping these kinds of incidents from harming children. While these efforts have included a wide variety of topics, one of the more prominent of these is the adoption of zero tolerance discipline procedures.

What is Zero Tolerance?

Zero-tolerance is often defined as “swift, certain, and severe” punishments for any form of behavioral misconduct at school, no matter how minor the infraction (Peterson & Skiba, 2001), although there is not a consensus on behaviors that may constitute zero tolerance discipline (Atkinson, 2005). For example, a publication from the National Center for Education Statistics (NCES) report defines zero tolerance more ambiguously as “school policy mandating predetermined consequences for various student offenses” (Heaviside, Rowand, Williams, & Farris, 1998, p.7). Serious punishments (e.g., suspension, expulsion, exclusion from school) are often applied without consideration of mitigating factors or the environmental context (American Psychological Association [APA], 2008; Atkinson, 2005).

Correspondingly, broad interpretations of zero tolerance policies have led to publicized cases in which seemingly model students are suspended or isolated for petty school violations, such as possession of nail clippers or Advil (APA, 2008; Peterson & Skiba, 2001). Many cases have resulted in legal action filed against school districts and some states have revised their zero tolerance policies to accommodate the use of discretion (Pipho, 1998). However, other schools have refused to incorporate flexibility into their zero tolerance policies since these punishments are not only intended to decrease behavioral infractions in perpetrators, but are also delivered in order to “send a message to potential troublemakers” (Skiba & Peterson, 2003, p. 66).

How Did Zero Tolerance Policies Become Common In Schools?

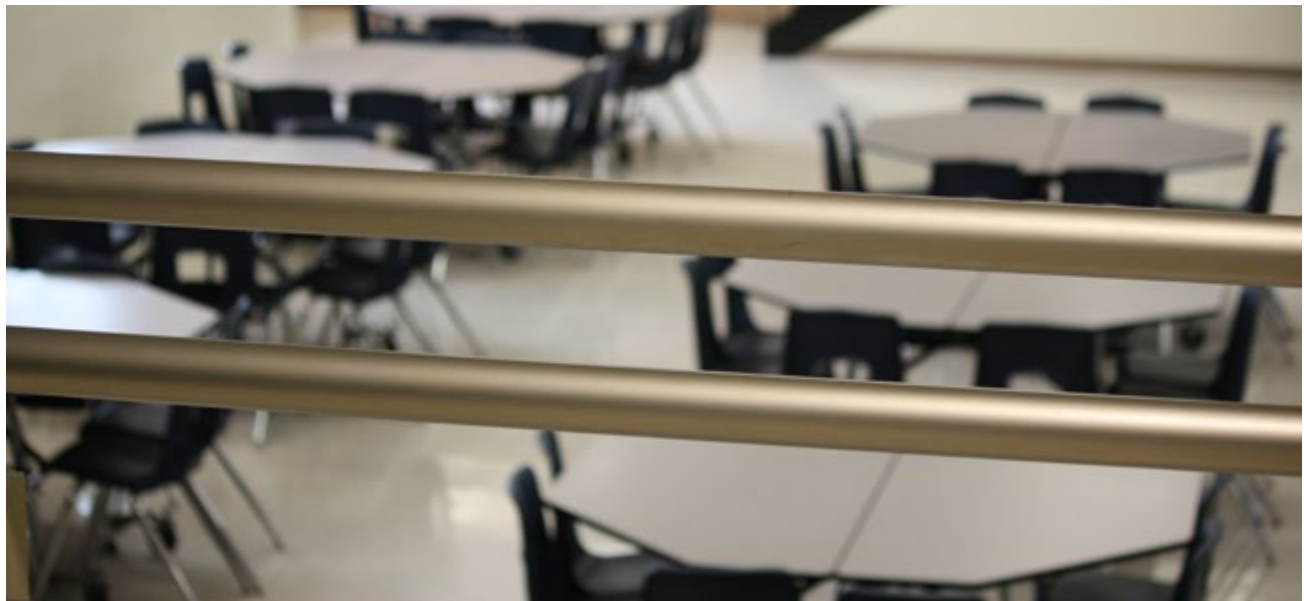
The zero tolerance policies that exist in schools today originated as an outgrowth of federal drug enforcement programs created during the “war on drugs” and the related concern for crime control during the 1980s (APA Zero Tolerance Task Force, 2006; Atkinson, 2005; Gage,

Sugai, Lunde, & DeLoreto, 2013; Peterson & Skiba, 2001). When a drug dealer was arrested under these policies, the agency might confiscate homes, vehicles, or other property of that person – anything which might even be connected to the law violation, and might mandate long incarceration. The idea was that these “harsh penalties” might be a disincentive for these crimes, thereby serving as a preventative strategy. However, these types of policies were soon modified in the case of drug enforcement due to having many negative side effects such as the confiscation of important equipment needed for safety or business. Another example is the “three strikes and you are out” policies adopted in many states to impose harsh penalties on “habitual” criminals, which resulted in huge increases in prison populations. Nevertheless, the concept of “zero tolerance” was adopted or continued, and by the late 1980s, “zero tolerance” was a phrase uttered in response to combating issues ranging from environmental pollution to sexual harassment (Skiba & Peterson, 2000), to insubordination and noncompliance in school settings (National Association of School Psychologists, 2001).

In 1994, a federal law implemented an example of a school-related zero tolerance policy

when the Gun Free Schools Act (GFSA) was signed into law. This law mandated a one calendar year expulsion (presumed to be a harsh punishment) and referral to the criminal justice system for any student who possessed a weapon at school (Atkinson, 2005). The Gun Free Schools Act was amended to be in accordance with the Individuals with Disabilities Education Act (APA Zero Tolerance Task Force, 2006). Still, in many areas, zero tolerance policies have expanded beyond consequences for firearms and drug abuse to cover instances of fighting, threats, and sexual harassment (Atkinson, 2005) occurring in school.

Although the goal of zero tolerance approaches are to create safe classrooms and address severe student behavior (Maag, 2012), these zero tolerance philosophies have spawned the phrases “Schoolhouses becoming Jailhouses” and “the war on drugs has become the war on youth” (Fuentes, 2011). These practices are often cited as contributing what has been characterized as “the school-to-prison pipeline,” (Kim, Losen & Hewitt, 2010) in which zero tolerance practices serve to push students who are already at-risk out of schools and into the juvenile justice system. Some students are also displaced to the unsupervised streets where



What do We Know about Zero Tolerance Policies?

Unfortunately, there is a lack of controlled studies that have examined the effectiveness of zero tolerance on improving student behavior and school climate (Maag, 2012). Additionally, zero tolerance policies often have unintended consequences that are likely to outweigh any benefit gained from exclusionary discipline (Atkinson, 2005). Still, it is evident that zero tolerance policies are frequently utilized in schools, with roughly 75% of schools indicating in 2001 the use of some form of zero tolerance discipline (National Association of School Psychologists, 2001).



Many self-reported accounts concerning the effectiveness of zero tolerance on decreasing rampant drug use or violence have been documented, however without more rigorous corroboration these reports can hardly be considered evidence-based research (APA, 2008). Studies that have been conducted in natural settings suggest that zero tolerance approaches that emphasize “get tough,” no-nonsense punishments (e.g., exclusion) have been shown to be ineffective at reducing school violence (APA, 2008). In addition, the implementation of zero tolerance may actually increase disruptive behavior and drop-out rates in schools, and lead to an increase in mental health concerns (Casella, 2003; Daniel & Bondy, 2008; Peterson & Skiba, 2001). Overall, while it is evident that schools have the responsibility to protect students, zero tolerance discipline is often not successful in ensuring this safety (Boccanfuso & Kuhfeld, 2011).

Moreover, suspension and expulsion prevent all students from accessing educational services, which is especially problematic ethically and legally for students with disabilities (National Association of School Psychologists, 2001). Finally, these policies may also create a school climate of stress and fear which may interfere with learning and other school goals.

The relationship between harsh punishments and school dropouts was investigated in a study conducted by Ekstrom, Goertz, Pollock, and Rock (1986), in which the researchers reported that 31% of school dropouts had been previously suspended. One potential explanation is that students who are suspended from school have more time to engage with other troubled students on the streets or in other areas, and are becoming more exposed to violence, substance abuse, and eventually, the criminal justice system (National Association of School Psychologists, 2001). In addition, suspending a student from school who already has issues with school rules and school administration may only further alienate the student from the school culture (Skiba, Peterson, & Williams, 1997). Aggressive and unjustified zero tolerance policies that include intrusive searches, undercover tactics, or corporal punishment may be particularly responsible for students choosing not to trust school staff, resist further intervention, and ultimately drop-out (Hyman & Perone, 1998).

Moreover, it has been postulated that harsh and coercive punishment practices do not function to necessarily improve the behavior of the perpetrator, but rather to reaffirm the power associated with authority figures (Noguera, 1995). In an age characterized by the accountability associated with The No Child Left Behind Act, the punishment-oriented strategies that many schools are embracing with these policies in order to deal with misbehaviors may be comforting and reassuring to school administrators or the larger community, but are largely ineffective in reducing recidivism (APA, 2008).

In 2006, the APA Zero Tolerance Task Force initially examined the evidence behind many of

the core assumptions of zero tolerance in order to further examine its impact on schools. Their investigation (published in 2008) found that zero tolerance disciplinary procedures continue to be implemented and upheld contingent on the poorly developed assumption that school violence is increasing at an alarming and frightening rate (APA, 2008; Hyman & Perone, 1998). Although severe instances of school violence occur relatively infrequently (Daniel & Bondy, 2008), the heinous nature of these crimes contributes to the public perception that school violence is occurring and increasing at rapid rates. In fact, fear of severe school violence, such as school shootings or bombings, that receive heightened attention in the media, may be a driving force behind the adoption of zero tolerance policies (Skiba & Peterson, 2001).

Zero tolerance policies that fail to tailor consequences to the severity of the offense are likely to intervene harshly and inappropriately upon many minor infractions and have less of an impact on the severe violent incidents for which the policies were intended to prevent (Peterson & Skiba, 2001). Therefore, zero tolerance policies may benefit from being modified to include appropriate consequences for the most frequently occurring, rather than the most horrific, crimes.

Additionally, adoption of zero tolerance policies is based on the assumptions that removal of students who engage in aggressive behavior will set an example for others, that there is zero possibility that any students will get away with these misbehaviors, and deter students from committing future disruptive or violent acts. Zero tolerance policies also presuppose that the school climate will be more positive and conducive to learning once those who misbehave have been suspended or expelled (APA, 2008; Daniel & Bundy, 2008). However, in a study of disciplinary practices in an urban elementary school conducted by Scott and Barrett (2004), the researchers found that suspended students missed approximately 462 hours of instructional time. This time out from academic instruction and resulting deficits in academic achievement would likely be compounded by the time stu-

dents reach middle and high school. Data indicate that a negative relationship exists between schools that have high rates of suspension and expulsion and school achievement (APA, 2008). However, more research in this domain needs to be conducted that controls for the confounding effects of socioeconomic status on both high suspension rates and lower achievement.

Disproportionality. In an early study investigating office referrals and suspensions in two different middle schools, Skiba et al. (1997) found that the use of suspension was disproportionate by race, disability status, and gender. For example, African American and Native American students received a higher number of suspensions, on average, than any other ethnic group. Similarly, students receiving free and reduced lunch were suspended more frequently than students who paid full price for lunch. Students who were verified with an emotional disability were more likely than students in other special education verification categories or in general education categories to be given a suspension. Lastly, boys received more suspensions than girls.

In another study by Sheets (1996) that interviewed students in an urban high school regarding school discipline practices, it was reported that ethnic minority students, when prompted to describe school rules, responded that there were no school rules. Instead, these students believed that rules and punishments



were delivered arbitrarily by teachers in order to exert control or exclude students that they disliked. Additional reports and studies have found that zero tolerance policies have resulted in certain disadvantaged groups of students receiving suspensions disproportionately (APA, 2008; Advancement Project and the Civil Rights Project, Harvard University, 2000; Vavrus & Cole, 2002) calling into question the quality and integrity of implementation of this intervention.

Most recently the controversy regarding the over-representation of African American students, and students with disabilities has become a national issue with the release of a “Dear Colleague Letter” by the US Department of Justice and the US Department of Education (2014, January), calling attention to the need for schools to “identify, avoid and remedy discriminatory discipline.” The letter urges schools to correct these discriminatory discipline practices or to face legal action by these Departments under US Civil Rights laws. The US Department of Education (2014) has also released a variety of guiding principles for improving school climate and supportive school discipline (See resources at: <http://www2.ed.gov/policy/gen/guid/school-discipline/index.html>).

Positions Of Key Organizations

In 2006, the American Psychological Association (APA) Division of School Psychology assembled and funded a Zero Tolerance Task Force in order to examine the effectiveness and the effects of zero tolerance policies in school settings. The Zero Tolerance Task Force was convened primarily to review current zero tolerance policies and compile data based recommendations to improve these policies based on the APA bylaws that dictate the “use of psychology as a discipline to advance health, education, and human welfare in individuals as well as interests of the general public good” (APA Zero Tolerance Task Force, 2006, p. 18). Several key organizations affiliated with educational practices offer opinions and statements regarding zero tolerance policies. The American Bar Association declares that

“1) schools should have strong policies against gun possession and be safe places for students to learn and develop, 2) in cases involving alleged student misbehavior, school officials should exercise sound discretion that is consistent with principles of due process and considers the individual student and particular circumstances of misconduct, 3) alternatives to expulsion or referral for prosecution should be developed that will improve student behavior and school climate without making school dangerous” (American Bar Association, 2001).

Similarly, the National Association of School Psychologists hold the position that “although zero tolerance policies were developed to assure consistent and firm consequences for dangerous behaviors, broad application of these policies has resulted in a range of negative outcomes with few if any benefits to students or the school community” (National Association of School Psychologists, 2001, para 6). Instead of zero tolerance, the National Association of School Psychologists encourages school-wide violence prevention programs, and the implementation of tiered social skills and reinforcement programs for students.

Alternatives to Zero Tolerance

While it is beyond our scope here to fully discuss alternatives to these policies, we will mention a few. Programs that emphasize prevention, early identification of students with



behavioral concerns, and social skills instruction should be implemented in schools instead of zero tolerance approaches. These may also create positive school climates that foster learning

and appropriate behavior. The implementation of three tiered systems of support and Positive Behavioral Interventions and Supports (PBIS; See the Strategy Brief on this topic) have as specific goals the improvement of appropriate behavior and academic success. Social skills training, violence prevention curricula implementation, and early intervention are additional strategies (Boccanfuso & Kuhfeld, 2011; National Association of School Psychologists, 2001).

The Collaborative for Academic, Social, and Emotional Learning (CASEL) has emphasized that the programs that are most successful in improving positive behaviors involve modeling, practicing, and reinforcing desirable social behaviors (Durlak & Weissberg, & Pachan, 2010). Not surprisingly, social and emotional learning (SEL) programs that are continuously monitored and evaluated also produce the largest and most meaningful gains in skill development. Equally compelling is that, compared to controls, students in the SEL group showed an 11 percent gain in academic achievement following their participation in the SEL program. In addition, carefully designed SEL programs that are implemented consistently and thoroughly have been demonstrated to be effective for students belonging to various ethnic groups and who have been deemed at-risk for emotional and behavioral problems (Durlak, Weissberg, Dymnicki, Taylor, & Schellinger, 2011).

Restorative practices have also begun to be viewed as possible ways to reorganize school discipline philosophies and practices, and in particular the Family Group Conference has shown success in responding to students with serious discipline issues. See separate Strategy Briefs on these topics.

Many of these strategies and others are described in the US Department of Education's Guiding Principles and Resource Guide (US Department of Education, 2014). (See Strategy Briefs on many of these topics.)

Conclusion

There is virtually no evidence that zero tolerance discipline policies in schools reduce school behavior problems. Homogenous, blanket-approaches to school discipline and behavior management, such as zero tolerance procedures, do not allow for the discretion needed to manage student behavior. These policies do not include components which increase students' social and emotional competence. They may also contribute to a school climate of stress which is not conducive to learning. Zero tolerance policies and actions send a message to students that the preservation of order, control, and vague notions of school safety are more important than individual rights, building students' social competencies, and facilitating healthy relationships (Skiba & Peterson, 1999).

Without zero tolerance policies, punishment for misbehavior should not necessarily be eliminated. However, punishments, when employed should be developmentally appropriate for students and their misbehaviors, and should be tailored to the situation and likelihood that they will foster change of student behavior.

Many strategies reflect alternatives to zero tolerance policies. Positive behavior supports, social emotional learning programs, and restorative justice practices are examples. Wherever possible, consequences should include modeling and reinforcement of appropriate behaviors, social skills instruction or training in problem solving skills instead of simply removing students from the educational setting.



There is no evidence that zero tolerance discipline policies reduce school behavior problems. Homogenous, blanket-approaches to school discipline, do not allow for the discretion needed to deal effectively and fairly with student behavior.



Resources

American Bar Association Position Statement on Zero Tolerance.

http://www.americanbar.org/groups/child_law/tools_to_use/attorneys/school_disciplinezerotolerance-policies.html

A position statement from the American Bar Association opposes exclusionary discipline practices without consideration of the student's history. Additionally, the statement argues for alternatives to zero tolerance that are able to ensure safety for all students.

American Psychological Association Zero Tolerance Task Force Paper

<http://www.apa.org/pubs/info/reports/zero-tolerance.pdf>

This is one of the most comprehensive published reviews of zero tolerance definitions, examples, policies, and evaluations. The report also considers evidence of disproportionality in the implementation of zero tolerance policies and offers recommendations for reform.

Collaborative for Academic and Social and Emotional Learning (CASEL)

<http://www.casel.org/research>

The Collaborative for Academic, Social, and Emotional Learning (CASEL) is the nation's leading organization advancing the development of academic, social and emotional competence for all students. Their website and extensive research publications offer support for the implementation of social and emotional learning skills in the classroom to foster student success. Parents and teachers are often incorporated into these interventions as active participants and agents of change.

Positive Behavior Interventions and Supports (PBIS)

<http://www.pbis.org/>

This website provides technical assistance for teachers and schools who are looking to identify, implement, and evaluate positive behavior interventions and supports practices in their schools. Links to professional development events, training documents, research studies, and related topics (e.g., bullying) are also available.

Vera Institute of Justice.

<http://www.vera.org/pubs/zero-tolerance-in-schools-issue-brief>

A recent policy brief has been published by the Vera Institute of Justice which summarizes the history and status of zero tolerance. The report which can be accessed at the Vera Institute website is: Brown, J., Trone, J., Fratello, J., & Daftary-Kapur, T. (2013, December). A Generation Later: What We've Learned about Zero Tolerance in Schools.

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