

Zero Tolerance: The Assumptions and the Facts

By Russell Skiba

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In the face of serious incidents of violence in our schools in the last decade, the prevention of school disruption and violence has become a central and pressing concern. Beyond the prevention of deadly violence, we know that teachers cannot teach and students cannot learn in a school climate characterized by disruption. A recently released national survey of middle and high school teachers and parents found almost universal support for the proposition that schools need good discipline and student behavior in order to flourish; a large majority felt that the school experience of most students suffers at the expense of a few disruptive students.¹ Clearly, schools have the right and responsibility to use all effective means at their disposal to maintain the integrity, productivity, and safety of the learning climate. About this, there can be no dispute.

Great controversy has arisen, however, about *how* to keep schools safe and productive. In the last ten to fifteen years, many schools and school districts have applied a disciplinary policy that has come to be known as zero tolerance. The philosophy of zero tolerance, adapted from the war on drugs in the late 1980's (see *What is Zero Tolerance?* sidebar on page 2), encourages a non-sense approach to school discipline, increasing both the length and numbers of suspensions and expulsions for a broader range of behavior. By punishing both serious and less serious disruptions more severely, the goal of zero tolerance is to send a message to potential troublemakers that certain behaviors will not be tolerated.

Zero tolerance discipline relies upon a certain set of assumptions about schools, violence, and the outcomes of discipline. In the period of heightened fear about school-based violence during the 1990's, it was not always easy to dispassionately examine the evidence for different strategies of violence prevention. It seemed imperative to put an end to school shootings immediately, and those strategies promising the shortest route to that goal were often the most appealing.

In the last few years, however, there has been an enormous amount of study concerning the most promising methods for preventing school violence and promoting effective school learning climates. Unfortunately, much of this evidence has not supported the assumptions that guided the acceptance of zero tolerance discipline in the 1990's. The purpose of this briefing paper is to

examine that evidence. To what extent are the promises and assumptions of zero tolerance borne out by our rapidly increasing knowledge about school violence prevention?

Fifteen years after the rise of zero tolerance ... there is still no credible evidence that zero tolerance suspensions and expulsions are an effective method for changing student behavior.

It should be noted that, unlike future briefing papers, not all of the specific information presented in this paper may directly reflect the experience of Indiana's schools. Indiana has not included an explicit reference to zero tolerance in its regulations governing school discipline. Much of the rhetoric about zero tolerance has emerged in political conversations at the national level; it is difficult to gauge how much that discussion has affected local school practice in Indiana. Nevertheless, we believe that reviewing the national controversy and the national data about school discipline may provide a useful starting point for educators wishing to reflect upon their local experiences. More specific information about practices in Indiana will follow in Briefing Papers 2 and 3 (see *About the Children Left Behind Project* insert on page 8).

Zero Tolerance School Discipline: What Have We Assumed? What Do We Know?

Federal educational policy under *No Child Left Behind* has begun to stress the importance of using only those educational interventions that are supported by research-based evidence. Thus, it makes sense to examine the empirical support for a disciplinary practice that has been widely implemented in our schools. Below, we list each assumption commonly associated with zero tolerance, briefly review the evidence concerning that assumption, and close with the facts reflecting the match between the assumption and the research-based evidence.

The Children Left Behind briefing papers and supplementary information may also be downloaded from the project web site: <http://ceep.indiana.edu/ChildrenLeftBehind/>



WHAT IS ZERO TOLERANCE?

Zero tolerance first received national attention as the title of a program developed in 1986 by U.S. Attorney Peter Nunez in San Diego, impounding seagoing vessels carrying any amount of drugs. U.S. Attorney General Edwin Meese highlighted the program as a national model in 1988, and ordered customs officials to seize the vehicles and property of anyone crossing the border with even trace amounts of drugs, and charge those individuals in federal court.

Beginning in 1989, school districts in California, New York, and Kentucky picked up on the term zero tolerance and mandated expulsion for drugs, fighting, and gang-related activity. By 1993, zero tolerance policies had been adopted across the country, often broadened to include not only drugs and weapons, but also smoking and school disruption.

This tide swept zero tolerance into national policy when the Clinton Administration signed the Gun-Free Schools Act of 1994 into law. The law mandates a one-year calendar expulsion for possession of a firearm, referral of law-violating students to the criminal or juvenile justice systems, and the provision that state law must authorize the chief administrative officer of each local school district to modify such expulsions on a case-by-case basis.

State legislatures and local school districts have broadened the mandate of zero tolerance beyond the federal mandates of weapons, to drugs and alcohol, fighting, threats, or swearing.² Many school boards continue to toughen their disciplinary policies; some have begun to experiment with permanent expulsion from the system for certain offenses. Others have begun to apply school suspensions, expulsions, or transfers to behaviors that occur outside of school.

(From Skiba & Knesting, 2001)

Over time we have come to understand that violence is not rampant in America's schools, nor does it appear to be increasing.

ASSUMPTION

School violence is nearing an epidemic stage, necessitating forceful, no-nonsense strategies for violence prevention.

It is true that there was a substantial increase in youth violence in the early 1990's, an increase that leveled off in the latter part of the decade.³ Advocates of zero tolerance pointed to the presumed increase in violence in schools as a rationale for a newer, tougher approach to school safety.

Over time, however, we have come to understand that violence is not rampant in America's schools, nor does it appear to be increasing. Data consistently support the assertion of the U.S. Department of Education's Annual Report on School Safety that "The vast majority of America's schools are safe places."⁴ Serious crimes involving gangs, weapons, or drugs constitute less than 10% of the problems cited by principals in their schools; where crimes against students occur, the majority of incidents appear to be theft or vandalism, rather than physical attacks or threats with a weapon. With a school homicide rate of less than one in a million, the chances of violent death among juveniles are almost 40 times as great out of school as in school. Nor does there appear to be any evidence that violence is becoming more prevalent in schools. While shocking and senseless shootings give the impression of dramatic increases in school-related violence, national surveys consistently find that school violence has stayed essentially stable or even decreased slightly over time. As noted school violence researcher Irwin Hyman concludes from an examination of these data, "Despite public perceptions to the contrary, the current data do not support the claim that there has been a dramatic, overall increase in school-based violence in recent years."⁵

FACT

Violence and disruption are extremely important concerns that must be addressed in our schools, but national reports have consistently found no evidence that violence is out of control in America's schools, nor that school violence is worsening.

ASSUMPTION

Zero tolerance increases the consistency of school discipline and thereby sends an important message to students.

Unless an intervention can be implemented with some degree of consistency, it is unlikely that intervention can have a positive effect. In particular, behavioral psychologists have argued that punishment, applied inconsistently, will be ineffective and probably lead to a host of side-effects, such as counter-aggression. Federal policy in the Gun-Free Schools Act of 1994 mandating a one-year expulsion for firearms appears to have increased statewide consistency in response to students bringing weapons to school. But zero tolerance has also been extended to a host of other infractions from fighting to drugs and alcohol to threats to disruption, and these other applications of zero tolerance have resulted in a high degree of inconsistency and controversy.⁶

In general, there is wide variation across states, school districts, and schools in how suspension and expulsion are used. Although student behavior does contribute to the probability of discipline, idiosyncratic classroom and school characteristics may be more important than student behavior in determining who will be suspended or expelled. In one study, one-quarter of classroom teachers were found to be responsible for two-thirds of the referrals to the office (see Figure 1 on page 5). School-to-school variability in suspension and expulsion are so great that one set of investigators concluded that students who wish to change their chances of being suspended or expelled "will be better off by transferring to a school with a lower suspension rate than by improving their attitudes or reducing their misbehavior."⁷

FACT

Beyond federal policy on weapons possession, the consistency of implementation of zero tolerance is so low as to make it unlikely that it could function effectively to improve school climate or school safety.

ASSUMPTION

The no-nonsense approach of zero tolerance leads to improved school climate.

Advocates of zero tolerance argue that it makes sense that removing the most troublesome students from a school would lead to an overall improvement in the quality of the learning climate for those students that remain. Once again however, the facts don't support the intuition. Rather than making a contribution to school safety, the increased use of suspension and expulsion seems to be associated with student and teacher perceptions of a less effective and inviting school climate. Schools with higher rates of suspension have been reported to have higher student-teacher ratios and a lower level of academic quality, spend more time on discipline-related matters, pay significantly less attention to issues of school climate, and have less satisfactory school governance.⁸ In the long-term, there is a moderate correlation between the use of exclusionary discipline and school dropout. Even more troubling are emerging data suggesting that higher rates of school suspension are associated with lower average test scores on tests of achievement.⁹

FACT

It is difficult to argue that disciplinary exclusion is an essential tool in promoting a productive learning climate when schools that use suspension more frequently appear to have poorer school climates, higher dropout rates, and lower achievement.

ASSUMPTION

Zero tolerance has made a difference in school safety and improved student behavior.

There are currently no controlled and comprehensive studies that could be used as an evaluation of the effectiveness of zero tolerance at the national level. The most comprehensive data, released by the U.S. Department of Education in its progress report on the Gun-Free Schools Act,¹⁰ showed a change in weapons reports on school campuses over a two-year period after the implementation of the Act, but there was also a concurrent change in reporting requirements during that period, making the data all but uninterpretable.

More generally, data on the effectiveness of suspension and expulsion for changing student behavior are not promising. Descriptive studies of school suspension have typically found that 30% to 50% of those suspended are repeat offenders. Such a high rate of recidivism suggests that school suspension is not a particularly effective deterrent to future disruptive behavior. Indeed, in one study, students who were suspended at the sixth-grade level were more likely to be referred to the office or suspended in eighth grade, leading the researchers to conclude that "for some students, suspension functions more as a reinforcer than a punisher."¹¹

FACT

Fifteen years after the rise of zero tolerance, and almost ten years since it became national policy for weapons, there is still no credible evidence that zero tolerance suspensions and expulsions are an effective method for changing student behavior.

ASSUMPTION

Students learn important lessons from the application of zero tolerance, and ultimately feel safer.

The purpose of the application of punishment is to teach students a lesson about behavior. Yet published interviews of students regarding suspension and expulsion have found them less likely than adults to believe that discipline keeps them safe and more likely to perceive that school suspension and expulsion are ineffective and unfair. Even students who are most successful within current school structures are likely to criticize school disciplinary policies as meaningless and stultifying. Those students whose behavior does put them at risk for contact with school discipline believe that enforcement is based more on reputation than behavior. Regardless of their own background, most high school students appear to share the perception that school discipline, especially school suspension, unfairly targets poor students and students of color.¹²

FACT

Students resent arbitrary enforcement of rules and tend to believe that suspension and expulsion are used unfairly against certain groups.

Students of color have consistently been found to be suspended at rates two to three times that of other students, and similarly overrepresented in office referrals, corporal punishment, and school expulsion.

ASSUMPTION

Zero tolerance is more equitable for minorities, since it treats everyone the same.

Federal education policy prohibits discrimination in the application or outcomes of educational interventions. Yet disciplinary exclusion in general and zero tolerance in particular have consistently led to the disproportionate punishment of students of color. Students of color have consistently been found to be suspended at rates two to three times that of other students, and similarly overrepresented in office referrals, corporal punishment, and school expulsion. If anything, those disparities appear to have increased since the passage of the Gun Free Schools Act. Statistical analyses have shown that racial disparities in school discipline cannot be accounted for by the economic status of minority students; nor is there evidence that minority students misbehave to a degree that would warrant higher rates of punishment.¹³ Rather, available data make a case that the use, and especially the overuse, of disciplinary removal carries with it an inherent risk of racial bias.

FACT

Increased use of zero tolerance only seems to increase the disproportionality of African American students in school discipline.

ASSUMPTION

Regardless of the negative effects of suspension and expulsion, there are simply no alternatives to zero tolerance, suspension, and expulsion.

It is probably true that there is a connection between the use of zero tolerance and the belief that there is no alternative. It is most likely the case that schools who believe they must resort to zero tolerance probably do so simply because they believe they have no other choice.

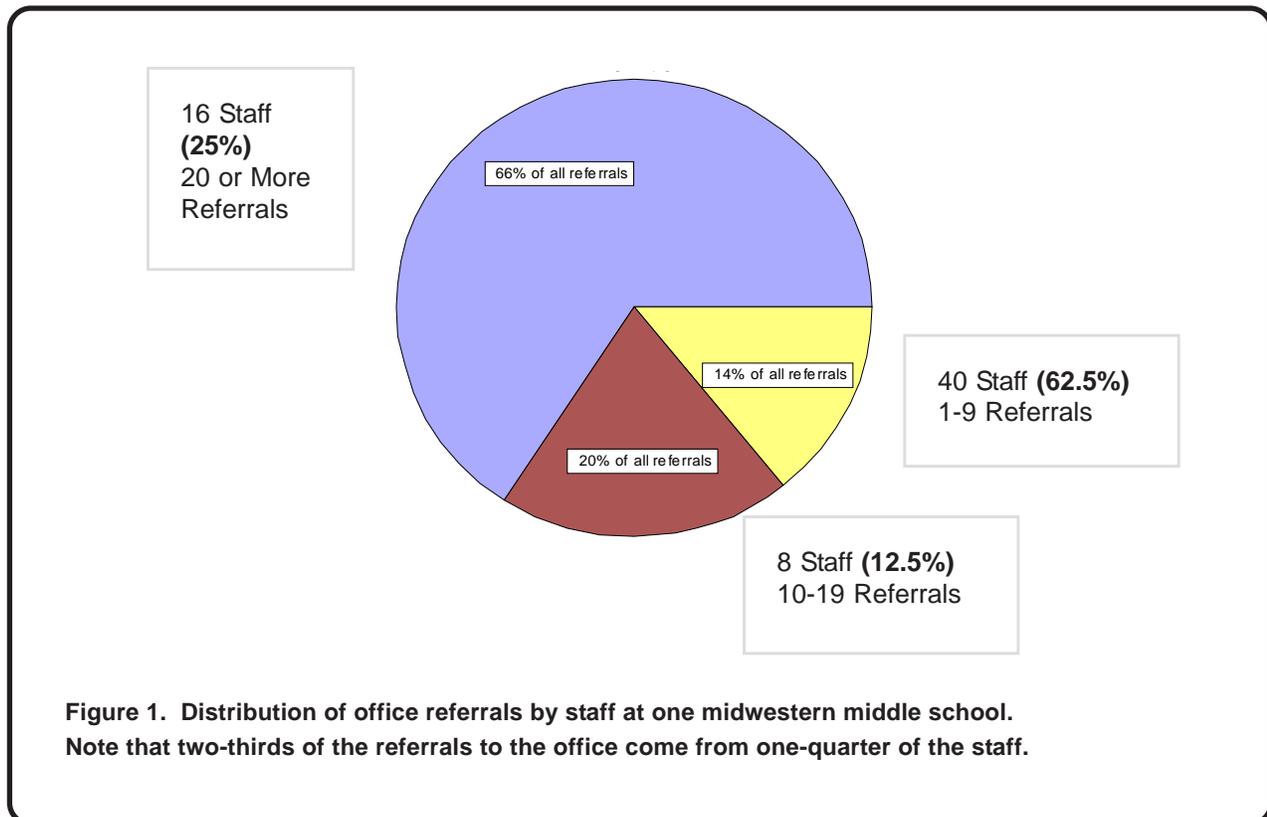
Yet as we learn more about school violence prevention, we have discovered that there are numerous effective alternatives for preserving the safety and integrity of the school learning climate. Educators, researchers, and policymakers have increasingly coalesced around a three-tiered prevention model for improving school safety (see Table 1 on page 5).¹⁴ That is, at the first level, the school implements programs such as Life Skills or Conflict Resolution on a school-wide basis to promote a positive climate that teaches all students alternatives to disruption and

violence. At the second level, programs such as Anger Management are targeted for students who may be at risk for disruption or aggression. Finally, a variety of effective and planned responses are in place to address the issues raised by students who are already engaged in disruptive behavior.

Consistently, programs that effectively cut violence are proactive rather than reactive; involve families, students, and the community; and include multiple components that can effectively address the complexity of school disruption. While it would be overwhelming and probably counter-productive to implement all of the programs listed in Table 1, effective schools assess their own needs and choose those strategies and interventions that can best meet those local needs.

FACT

A wide range of alternatives to zero tolerance has emerged and are available to promote a productive learning climate and address issues of disruptive behaviors in the schools.



ASSUMPTION

Prevention sounds good, but we lack data on its effectiveness and it takes too long to work.

In the last ten years, there have been numerous studies, including some sponsored by Congress, the U.S. Surgeon General, the Centers for Disease Control, and the Departments of Education,¹⁵ on the most effective methods for preventing youth violence. None of those reports has identified zero tolerance as an effective method for reducing youth violence. Rather, programs that are identified as effective or promising include elements such as bullying prevention, conflict resolution, improved teacher training in classroom management, parent involvement, anger management, and multi-agency collaboration.

Using highly rigorous experimental criteria, these programs have in fact been shown to be far more effective than disciplinary removal in addressing violence and disruption. Further, these types of comprehensive and preventive programs appear to be able to work in a

surprisingly short period of time. One program in an inner-city school with high minority dropout rates was able to reduce suspension by 35% in one year by implementing more positive classroom management practices.¹⁶ Here in Indiana, the Safe and Responsive Schools Project worked with schools in urban, suburban, and rural school districts to develop comprehensive school safety programs. Within one year, the majority of schools showed substantial improvements in both the number and type of school suspensions. More detailed information about effective alternatives for promoting safe and productive learning climates will be presented in Briefing Paper 3.

FACT

Our best data on school violence support preventive strategies as being most likely to ensure school safety. Further, it appears that such programs can have an effect on student behavior and school climate in a surprisingly short period of time.

It is difficult to argue that disciplinary exclusion is an essential tool in promoting a productive learning climate when schools that use suspension more frequently appear to have poorer school climates, higher dropout rates, and lower achievement.

Table 1. A Primary Prevention Model to Address School Violence

I. Creating a Positive School Climate (All Children)

- Conflict Resolution
- Classroom Management
- Bullying Prevention
- Life Skills/Character Education

II. Early Identification and Early Intervention (At-Risk Students)

- Early Identification
- Student Assistance Teams
- Mentoring
- Anger Management

III. Effective Responses (Chronic Disruptive Students)

- Restorative Justice
- Wraparound Teams
- Individual Behavior Plans
- Alternative Placements

Summary

Preserving Both School Safety *and* Educational Opportunity

As noted at the outset, educators have the responsibility to use all effective tools at their disposal to maintain the safety and integrity of the school learning climate. There are clearly student behaviors and situations in which the safety of students and teachers demands that certain students be removed from school for a given period of time through suspension or expulsion. Both state law and common sense demand that administrators have the latitude to make those difficult decisions.

Yet at the same time, Indiana's educators are acutely concerned that we maximize educational opportunities for all children, especially in light of findings that among the strongest predictors of academic achievement is the amount of time spent in learning. It is reasonable then to evaluate any educational intervention or policy that might threaten student educational opportunity to ensure that the risks of that procedure are outweighed by its benefits.

Unfortunately, despite almost 15 years of implementation in some of America's schools, there are virtually no data supporting the effectiveness of zero tolerance. Federal zero tolerance policy on weapons seems to have improved consistency of definition in that area. Beyond that, however, there are no data showing that zero tolerance can ensure school safety and improve student behavior. Indeed, the weight of the evidence suggests that zero tolerance suspensions and expulsions are applied too inconsistently to have a positive effect, that they create racial disparities, and that they are associated with negative outcomes in student behavior, school dropout, and academic achievement. Simply put, school suspension and expulsion cannot be viewed as risk-free procedures.

Knowing that a procedure carries certain risks does not mean it should not be used. In the field of medicine, procedures like heart surgery or radiation therapy carry fairly high levels of risk, but are clearly indicated for certain patients. It is also true however, that such procedures are clearly the last medical resort, to be used only after all other alternatives have been exhausted. The problem with the zero tolerance philosophy may not be simply that it increases the use of school suspension and expulsion, but that it may encourage the use of those procedures as a first line of treatment, before other alternatives have been tried. In a recent survey of secondary teachers on school discipline issues, most supported zero tolerance policies for serious behaviors such as drugs and weapons, and thought their schools were adequately responding to these threats. But teachers also believed that if zero tolerance is used as a "blind application of the rules" and without "common sense," the learning climate and their students will suffer.¹⁷

Unlike some other states, Indiana does not have an explicit reference to zero tolerance in state statute, although it complies with Federal law in mandating a one-calendar-year expulsion for weapons possession on school campuses. So the extent to which national controversies about zero tolerance affect specific schools in Indiana is somewhat unclear. In the next briefing paper, we will examine data on the use of suspension and expulsion in the state of Indiana. How frequently are they used and in response to what infractions? What is the perspective of Indiana educators on the purpose and uses of school discipline?

There are effective programs and interventions to maintain a safe and productive school climate, many of which are currently used in Indiana's schools. In recent years, rigorous analyses of experimental evidence have identified a number of strategies that have proven to be effective in reducing the likelihood of violence and disruption, without removing students from the opportunity to learn. The third and final briefing paper will focus on programs that work in school discipline. Which programs appear to have been most successful in promoting safe and productive learning climates? Most importantly, what are Indiana's schools doing to promote effective school climates?

The safety of our children, as well as the ability of teachers to teach them in a climate free of disruption, is of utmost importance. Thus, school discipline, school safety, and school violence are all topics that have generated controversy and will doubtless continue to do so. Yet the increasing reliance in federal law upon the principle of evidence-based educational practice suggests that our best hope in addressing even the most difficult of our quandaries is in the examination of what has been shown to work best in promoting safe schools and improved achievement. Indiana's schools and Indiana's children deserve nothing less.

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End Notes

- ¹ Public Agenda. (2004). Teaching interrupted: Do discipline policies in today's public schools foster the common good? [online]. http://www.publicagenda.org/research/research_reports_details.cfm?list=3
- ² Although the term is widely used, there is no single widely accepted definition of "zero tolerance." The National Center on Education Statistics [Heaviside, S., Rowand, C., Williams, C., & Farris, E. (1998). *Violence and discipline problems in U.S. Public Schools: 1996-97*. (NCES 98-030). Washington, DC: U.S. Department of Education, National Center for Education Statistics.] defined zero tolerance as a policy that mandates predetermined consequences or punishments for specified offenses. That definition of zero tolerance may be overly broad, however; one would expect that there are few schools in America that do not mandate some predetermined consequences for specific behaviors. A more limited definition of zero tolerance is a disciplinary policy "intended primarily as a method of sending a message that certain behaviors will not be tolerated, by punishing all offenses severely, no matter how minor." [Skiba, R.J., & Peterson, R.L. (1999). The dark side of zero tolerance: Can punishment lead to safe schools? *Phi Delta Kappan*, 80, 372-376, 381-382.]
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- ¹¹ Costenbader, V.K., & Markson, S. (1994). School suspension: A survey of current policies and practices. *NASSP Bulletin*, 78, 103-107; Tobin, T., Sugai, G. & Colvin, G. (1996). Patterns in middle school discipline records. *Journal of Emotional and Behavioral Disorders*, 4(2), 82-94 (quote, p. 91).
- ¹² Brantlinger, E. (1991). Social class distinctions in adolescents' reports of problems and punishment in school. *Behavioral Disorders*, 17, 36-46; Sheets, R. H. (1996). Urban classroom conflict: Student-teacher perception: Ethnic integrity, solidarity, and resistance. *The Urban Review*, 28, 165-183.
- ¹³ Costenbader & Markson (1994); Shaw, S.R., & Braden, J.P. (1990). Race and gender bias in the administration of corporal punishment. *School Psychology Review*, 19, 378-383; Skiba, R.J., Michael, R.S., Nardo, A.C., & Peterson, R. (2002). The color of discipline: Sources of racial and gender disproportionality in school punishment. *Urban Review*, 34, 317-342.
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About the Children Left Behind Project

The Children Left Behind Project is a joint initiative of the Indiana Youth Services Association and the Center for Evaluation & Education Policy, funded by the Lilly Endowment, sharing data on the use and effect of school suspension and expulsion in the state of Indiana. The goals of the Project are two-fold:

1. *To open a statewide dialogue concerning the best methods for promoting and maintaining a safe and productive learning climate in Indiana schools.*
2. *To initiate and maintain a forum for discussion between those in the juvenile justice system and Indiana's educational system to ensure that methods chosen for maintaining order in our schools do not jeopardize the human potential of young people or the overall safety of communities.*

A series of three briefing papers and an overall summary will be published in July 2004 for policymakers, educators, and community members and made available on the world-wide web:

- *Zero Tolerance: The Assumptions and The Facts*
- *Unplanned Outcomes: Suspensions and Expulsions in Indiana*
- *"Discipline is Always Teaching": Effective Alternatives to Zero Tolerance in Indiana's Schools*

All three papers, the summary and recommendations, and supplemental analyses and information can be found on the project web site: ceep.indiana.edu/ChildrenLeftBehind/

These efforts are based upon what we believe are two incontrovertible principles, principles that we hope will also guide the ensuing discussion:

1. *Indiana's schools have a right and a responsibility to apply methods that are effective in maintaining a climate that is as free as possible of disruptions to student learning.*
2. *Best practice suggests, and the No Child Left Behind Act mandates, that all educational practices employed in schools must maximize the opportunity to learn for all children, regardless of their background.*

Education Policy Briefs are published by the Center for Evaluation & Education Policy.

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