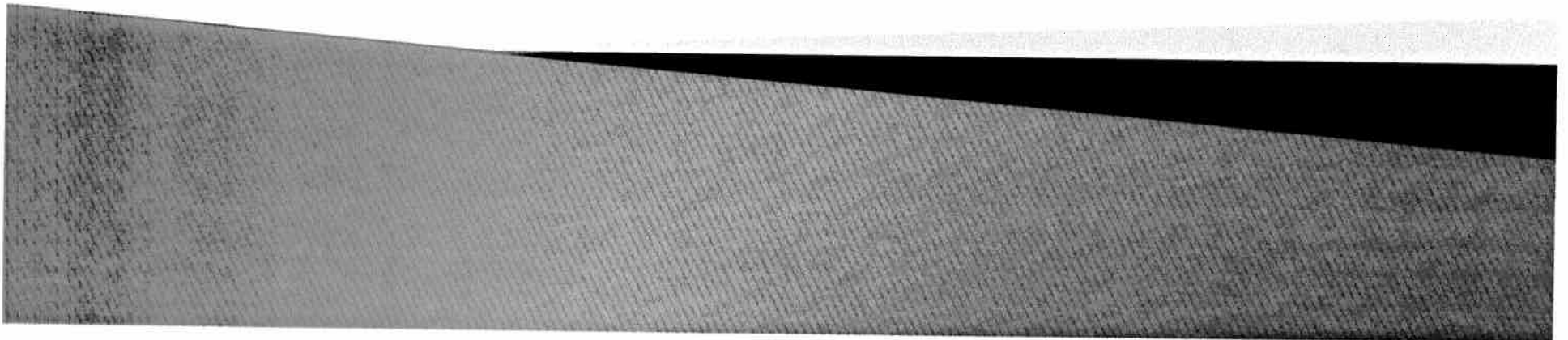


Zero Tolerance in Schools

Judge McDonald





WHERE IS EVERYONE?

THEY WERE EXPELLED

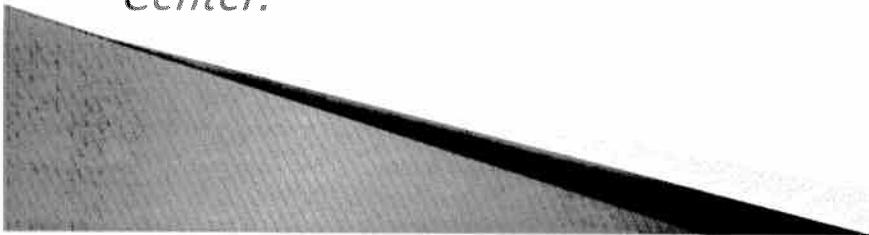
ZERO TOLERANCE POLICY

Jeffrey
11/11/11

History

- ▶ Zero tolerance grew out of Reagan–Bush war on drugs policy
- ▶ 1986 term zero tolerance receives national attention
- ▶ US Attorney Peter Nunez in San Diego uses it to reference legal reaction to sea vessels smuggling drugs
- ▶ In 1988 US Attorney General Edwin Meese introduces zero tolerance nationally in reference to drugs found at border crossings

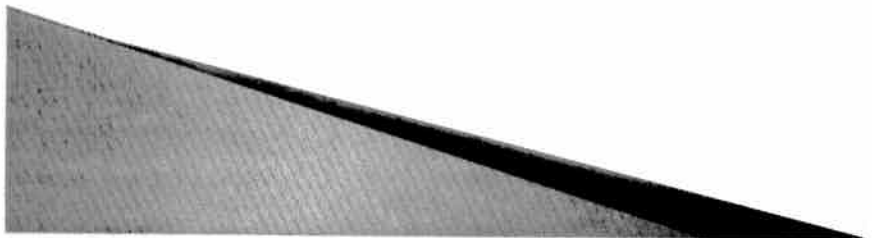
Skiba, J. Russel. (2000) Policy Research Report # SRS2. Indiana Education Policy Center.



History cont

- ▶ 1989 school districts in CA, NY, & KY mandate expulsion for incidents of fighting, drugs & gang activity
- ▶ BY 1993 included weapons, smoking, and school disruption – across the country
- ▶ 1994 Clinton Admin signs Gun Free Schools Act

Skiba, J. Russel. (2000) Policy Research Report # SRS2. Indiana Education Policy Center

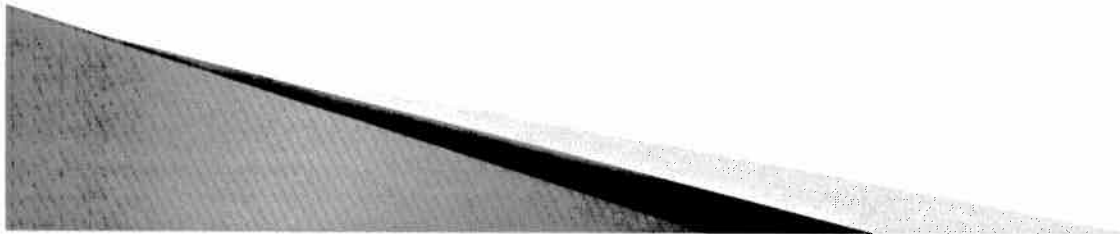


Gun Free Schools Act

- ▶ Requires no less than one year expulsion
- ▶ Referral of student to criminal or JJ System
- ▶ Chief Admin Officer allowed to modify expulsion on a case-by-case basis
- ▶ “...recent amendments have broadened the language of the bill to include any instrument that may be used as a weapon.” (Skiba, 2000)

on<http://www2.ed.gov/legislation/ESEA/sec14601.html> a case-by-case basis

Skiba, J. Russel. (2000) Policy Research Report # SRS2. Indiana Education Policy Center



Zero Tolerance

- ▶ One size fits all
- ▶ Blanket use of discipline for minor as well as violent offenses
- ▶ Focus is punishment not rehabilitation...this is contrary to NM Juvenile Code
- ▶ There is not sufficient evidence to indicate frequent suspensions/expulsions reduces or deters misbehavior

Kajs. (2006) Education Research Quarterly



Intention of zero tolerance

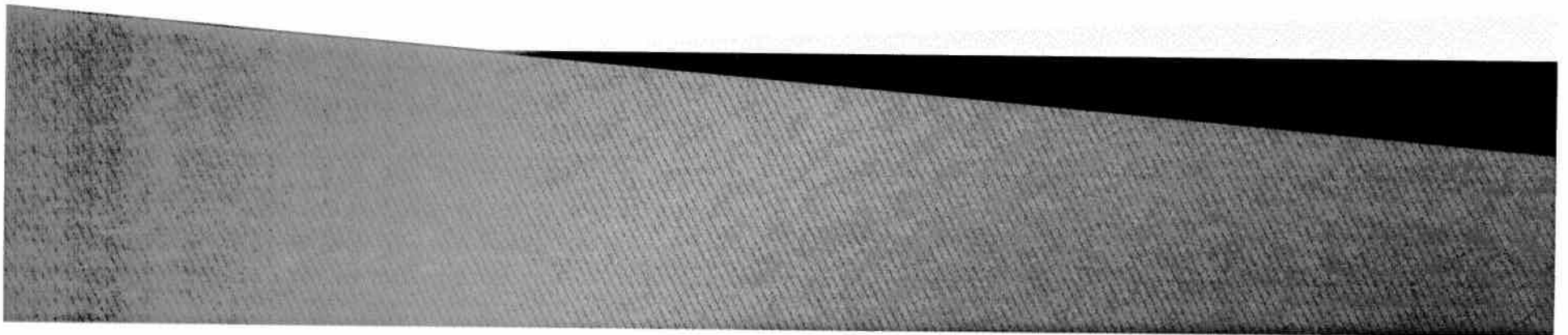
- ▶ The intent of zero tolerance was to come down heavily on all offenses regardless of severity
- ▶ The assumption was that harsh punishment for any infraction would serve as a deterrent against misbehavior and serve to protect the campus body

Henault, (2001)



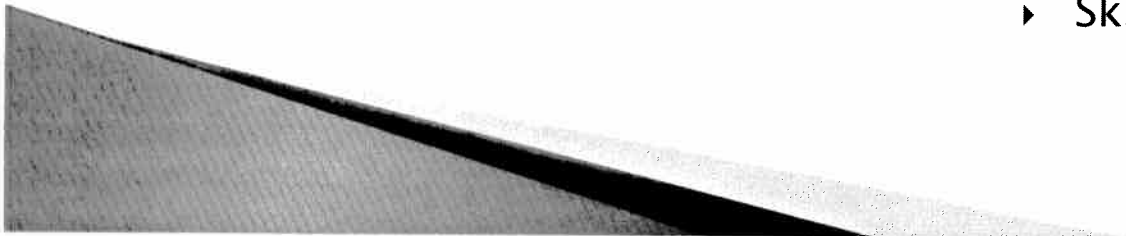
Case Examples of Zero Tolerance in Practice

Comparative examples of variable punishment



Weapons under Zero Tolerance

- ▶ October, 1999, Atlanta, Georgia: A 15 year old South Cobb High School sophomore found with an unloaded gun in his book bag was permanently expelled from the school district. “That is the standard we have set in the past for anyone that has brought a weapon to school,” said the district’s associate superintendent. “It’s extremely serious, dangerous for everybody involved.” The youth was also charged in juvenile court with possession of a weapon.
- ▶ May, 1999, Pensacola, Florida: When a sophomore loaned her nail clippers with an attached nail file to a friend, a teacher saw and confiscated the clippers. The girl, aspiring to be a doctor, was given a 10-day suspension and threatened with expulsion. Said the high school principal, “Life goes on. You learn from your mistakes. We are recommending expulsion.”
- ▶ Skiba (2000)



Drugs under Zero Tolerance

June, 1998, Brookline, Massachusetts: Nine seniors caught with alcohol on a bus going to their senior prom were barred by the principal from attending their graduation, and two were not allowed to compete in the state baseball playoffs. Citing tragic accidents caused by alcohol abuse, Brookline High School Headmaster Robert Weintraub stated, "Every time there's a serious incident, a violation of drugs, alcohol, or weapons, I have taken a very hard line, because it's important for kids to get to get the message if they do something that violates some of the fundamental rules we have here, they will be punished."

October, 1998, East Lake, Florida: High school senior Jennifer Coonce took a sip of sangria at a luncheon with co-workers as part of a school sponsored internship. When her parents called the high school to complain about minors being served alcohol, the district suspended her for the remainder of the semester. Jennifer, an honors student, was offered the opportunity to take her college placement classes at home, over the telephone.

Skiba (2000)



Other Offenses

- ▶ February, 1999, Louisville, Kentucky: Two girls at Bernheim Middle School were expelled when they confessed to making a bomb threat that resulted in the evacuation of the school's 430 students. The girls were eligible to re-enter the district's public schools in January, 2000, but only after spending a semester in the district's day treatment program.
- ▶ February, 1999, Waldorf, Maryland: A Westlake High School sophomore was suspended for 10 days when he announced in the school's morning announcements that his French teacher was not fluent in the language. The student and his parents claimed that the incident was intended as a joke and did not warrant such a punishment. School officials, however, deemed the comments a "verbal attack" against the teacher.
- ▶ Skiba (2000)



Suspension & Expulsion

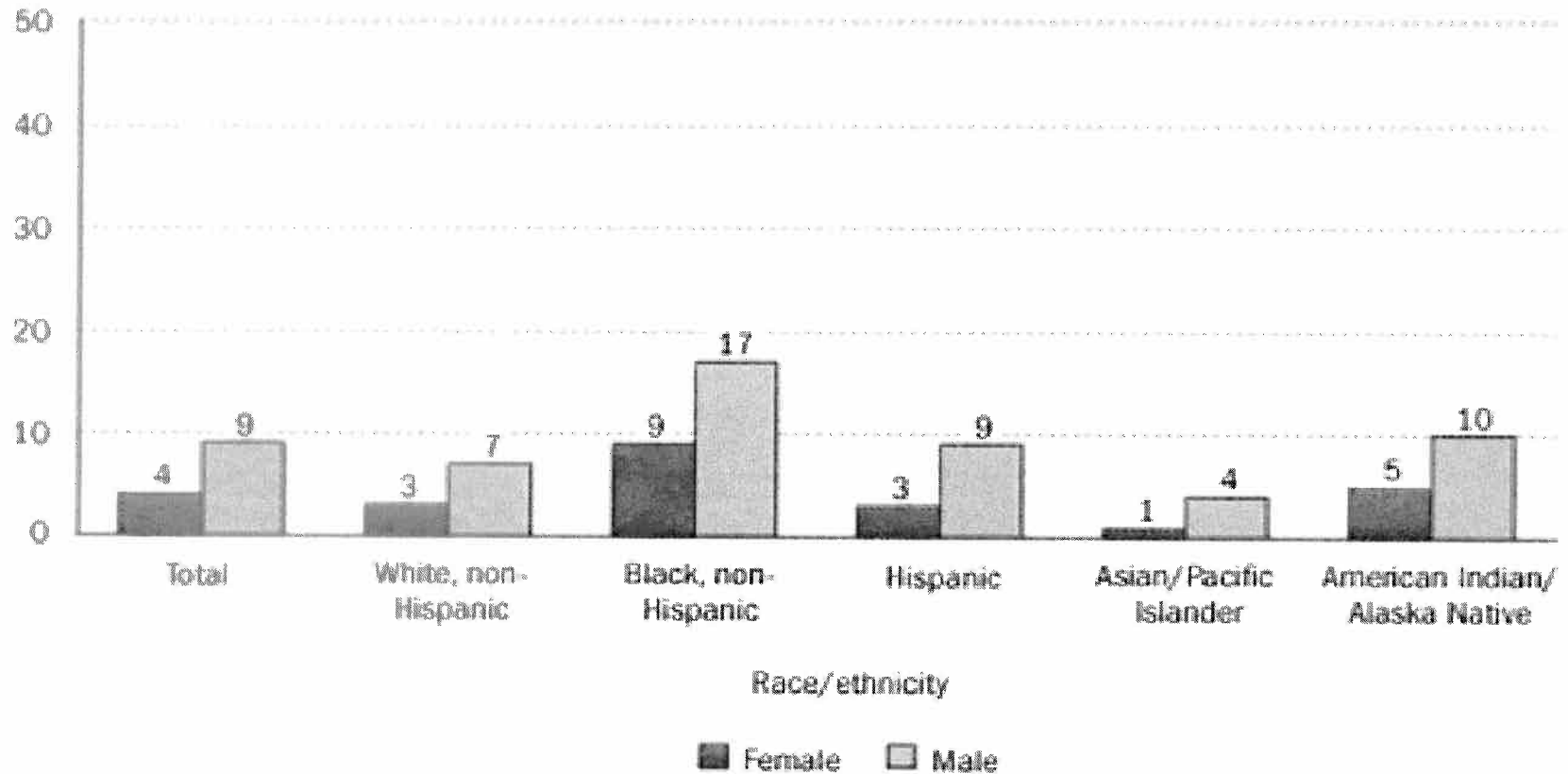
- ▶ The most frequent types of disciplinary actions deal with tardiness, truancy, classroom non-compliance
 - ▶ . (Skibe et al, 1997) & (Heaviside et al 1998)
- ▶ If a hard line is taken on all infractions who are we suspending?



Suspension & Expulsion K-12

- Percentage of public school students in kindergarten through 12th grade who were suspended, by race/ethnicity and sex

SOURCE: U.S. Department of Education, Office for Civil Rights (OCR), Elementary and Secondary School Survey (E&S), 2 Percent



Percentage Rates

Table 3.2. Percentage of public school students in kindergarten through 12th grade who were suspended or expelled, by sex and race/ethnicity: 2000

Race/ethnicity	Suspended			Expelled		
	Total	Female	Male	Total	Female	Male
Total	6.6	3.9	9.2	0.2	0.1	0.3
White, non-Hispanic	5.1	2.7	7.4	0.2	0.1	0.3
Black, non-Hispanic	13.3	9.1	17.4	0.4	0.2	0.5
Hispanic	6.1	3.5	8.7	0.2	0.1	0.4
Asian/Pacific Islander	2.9	1.4	4.3	0.1	#	0.2
American Indian/Alaska Native	7.7	4.8	10.5	0.3	0.2	0.4

Rounds to zero.

SOURCE: U.S. Department of Education, Office for Civil Rights (OCR), Elementary and Secondary School Survey (E&S), 2000.



Zero Tolerance in NM Schools

- ▶ “School disciplinary data at both the district (Skiba et al., 1997) and national (Heaviside et al., 1998) levels have shown that the serious infractions that are the primary target of zero tolerance (e.g., drugs, weapons, gangs) occur relatively infrequently.”
- ▶ In a sample of NM schools – 42% of expulsions were a response to a drug violation
- ▶ 36.6% of NM suspensions resulted from a simple assault/battery and 19% from a drug violation

Skiba, (2000)

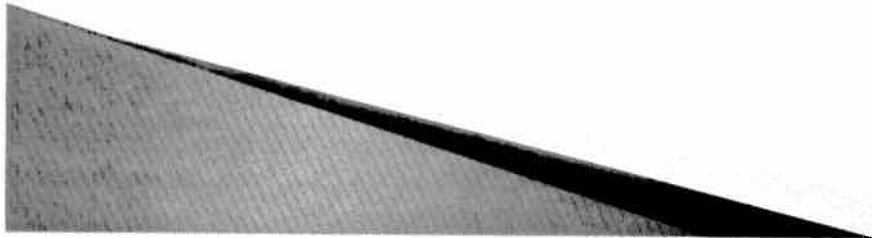


Zero Tolerance in NM

- ▶ Key Data Findings from the NM Center on Law & Poverty

Over the past 10 years suspensions & expulsions have increased nationally

NM has not seen this increase, although both suspension & expulsions are disproportionately high among Native American and African American students in NM



NM & Zero Tolerance

- ▶ Evidence suggests that out of school punishment occurs at higher rates among districts with higher poverty rates or districts that have implemented zero tolerance policies



NM Zero Tolerance Example by School District

Cuba

- ▶ 62% Native American
- ▶ 100% Free and reduced lunches
- ▶ Adheres to a zero tolerance policy
- ▶ 153 suspensions per 1000 students

Los Alamos

- ▶ 77% White
- ▶ Lowest proportion of families w/ school-aged children living in poverty
- ▶ No inclusion of zero tolerance elements in policy
- ▶ 8 suspensions per 1000 students

NM Policy Issues

- ▶ PED Administrative Rules – withhold education services to students suspended or expelled
- ▶ Local school districts are given broad authority in developing student codes of conduct
- ▶ School district policies not subject to review by the PED

NM Center for Law and Poverty (2010)



Outcomes of Zero Tolerance

- ▶ Students in need of support for behavioral issues are not having the underlying issues addressed
- ▶ Other students are being denied educational services for minor infractions and are coming into contact with law enforcement
- ▶ Research suggests that zero tolerance is ineffective in creating a safer or more productive school environment

NM Center for Law and Poverty (2010)

American Psychological Association (2010)



Outcomes cont

Schools with zero tolerance policies are more prone to experience

- ▶ Elevated drop out rates
- ▶ Poor school climate
- ▶ Low academic achievement
- ▶ Discriminatory discipline practices
- ▶ Often fail to enhance school safety
- ▶ Restrict students from receiving education

Communique (2009)



Outcomes cont

Ancillary Concerns

Mental health and physical well-being are negatively impacted among suspended children American Academy of Pediatrics (2003).

Children with existing behavioral problems who are suspended have higher rates of depression, drug addiction, & home life stressors

Communique (2009)



Outcomes cont

- ▶ According to the Dept. of Justice & Education school age children are more than twice as likely to be victims of a serious violent crime outside of school grounds –

Sundius & Farneth (2008) assess from this DOJE study that out of school discipline compromises the well being of children who are punished for minor offenses that are neither illegal or violent.

Communique (2009)



School to Prison Pipeline

- ▶ Since the 1990's schools have replaced graduated sanctions with zero tolerance
- ▶ This has resulted in a near doubling of students suspended since 1974 (1.7 million to 3.1 million)
- ▶ Overrepresentation of minorities as Black students are 2.6 times more likely to be suspended
- ▶ As suspensions rates raise so do the racial disparities

Wald & Losen (2003)



School to Prison Pipeline

- ▶ Black and Latino youth are over represented in 26 of the 29 offense categories according to the FBI
- ▶ Roughly 68% of state prison inmates in 1997 had not completed high school and 70% for woman
- ▶ 75% of the Juv Justice population sentenced to adult prisons have not passed the 10th grade
- ▶ 70% of the Juv Justice population suffer learning disabilities and cannot read above a 4th grade reading level
- ▶ The single largest predictor of subsequent arrest for adolescent females is having been suspended, expelled or held back during Middle School years

Wald & Losen (2003)



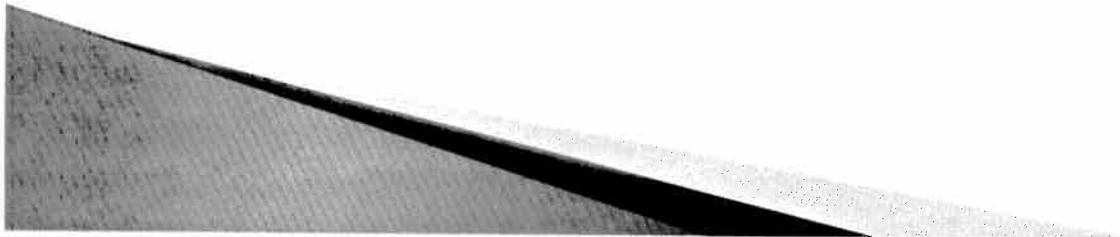
Recommendations from Research

- ▶ Fair and consistent application of discipline, and reformed disciplinary process. (Kajs, 2006)
- ▶ Tolerating differences within student body (Rice, 2009)
- ▶ Safety reform foster structured and supportive learning environments, with safety and respect at the heart (Gregory & Cornell, 2009)



Recommendations cont

- ▶ Restorative Justice Practices
- ▶ Graduated Sanctions
- ▶ Teen Courts w/ Restorative Justice Principles



Summary

- ▶ Zero Tolerance Policies foster disparity in discipline among specific populations (Minorities and poor)
- ▶ Zero Tolerance creates a direct pipeline from the schools to the prisons



- ▶ Our schools need policies that will protect all students & teachers
- ▶ Zero tolerance for deadly weapons and drugs is appropriate, however the application of mandatory suspensions across the board are a problem



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**"To err is human. To really mess up,
we've got to do some planning."**