



## Zero Tolerance Policies and the Implications for Juvenile Justice

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### **Background:**

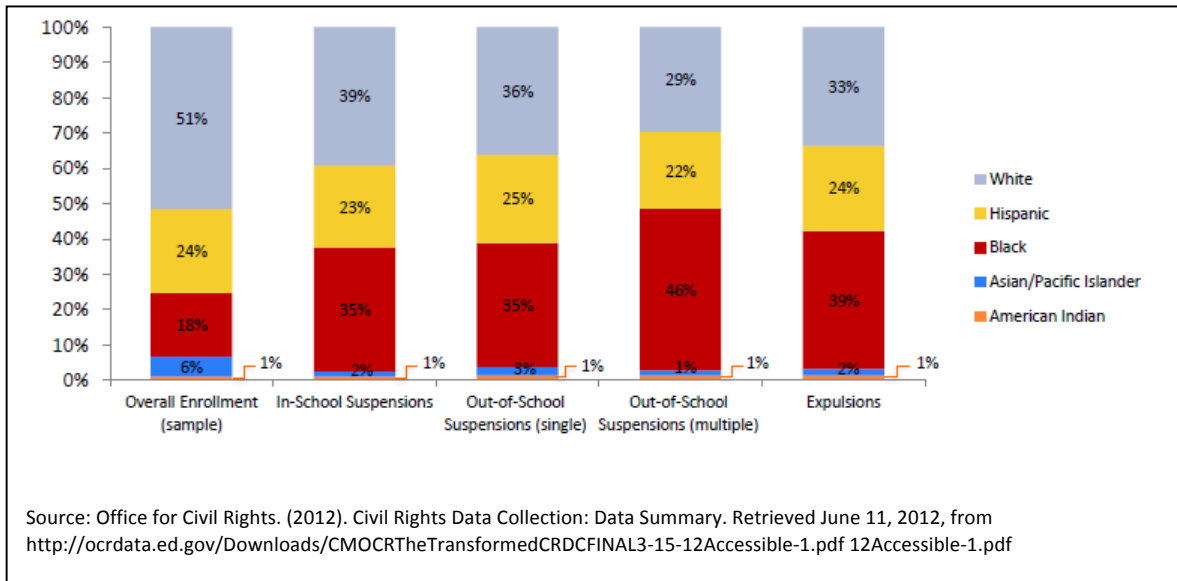
Zero tolerance policies allow school administrators to remove students who cause disruptions in the classroom or on school grounds from their schools, often regardless of the level of disobedience or disruption.<sup>1</sup> Zero tolerance policies rest on the assumption that removing disruptive students deters similar conduct and the students who remain in the classroom will have an improved learning environment.<sup>2</sup>

The origin of zero tolerance policies is unclear. Some argue that it originated from drug policies of the 1980s a time of growing concerns about drugs, fighting and possible “gang-related” activity in and around schools.<sup>3</sup> Others believe that zero tolerance policies became popular in response to Columbine and other school shootings.<sup>4</sup> Regardless of the origin, zero tolerance policies have become increasingly prevalent throughout the nation.<sup>5</sup> In 1994, the federal Gun-Free Schools Act mandated a one-year expulsion and referral to the justice system for students possessing firearms as a condition of schools eligibility to receive federal elementary and secondary schools funding.<sup>6</sup>

Since then, the range of situations to which zero tolerance policies have been applied has broadened. Many school districts now include drugs, alcohol, disruptive behavior, and nonviolent offenses among zero tolerance infractions.<sup>7/8</sup> According to the most recent data of national implementation of zero tolerance policies, 94% of schools have zero tolerance policies for weapons or firearms, 87% for alcohol and 79% have mandatory suspensions or expulsions for violence or tobacco.<sup>9</sup> Examples of the ever-broadening scope of zero tolerance policies include treatment of nail files, paper clips, scissors, and plastic knives as weapons and Aspirin, Midol, and Certs as drugs.<sup>10/11</sup>

### **Facts Associated with “Zero Tolerance” and Similar School Exclusion Policies/Practices:**

- African American and Latino students are more likely than white students to be suspended, expelled, and arrested for similar conduct at school.<sup>12</sup>
- During the 2009-2010 school year African American students in Chicago Public Schools were nearly four times more likely to receive an out-of-school suspension than their Caucasian peers.<sup>13</sup>
- Civil Rights Data Collection found there are significant discipline disparity rates.<sup>14</sup> African American students represented only 18% of the students in the sample but 35% of students suspended once, 46% of those students suspended more than once, and 39% of students expelled.<sup>15</sup>



- Approximately 15% of youth in juvenile corrections facilities are considered to be severely emotionally disturbed.<sup>16</sup>
- Students with disabilities, as defined by the IDEA<sup>17</sup>, are more than twice as likely to receive at least one out-of-school suspension compared to students without disabilities.<sup>18</sup>
- In Indiana during the 2002-2003 school year 95% of students out-of-school suspensions related to incidence of disruptive behavior or other non-violent actions. Only 5% of the out-of-school suspensions were for incidences relating to dangerous substances or weapons.<sup>19</sup>
- The Committee on School Health reported that suspension and expulsion can lead to or worsen academic problems, delinquency, crime, and substance abuse. They also noted that children most likely to be suspended are those who most need the assistance and supervision of professionals.<sup>20</sup>
- A 2011 study in Texas found that 10 % of students who received at least one disciplinary action dropped out of school whereas only 2% of students who had not been subject to a disciplinary action dropped out of school. <sup>21</sup> The same study found that 23% of students involved in the school disciplinary system also were involved with the juvenile justice system, compared to only 2% of students who did not have contact with the school disciplinary system.<sup>22</sup> Schools may be indirectly pushing certain students into the juvenile justice system.
- In 2003 only one quarter of State prison inmates had a high school diploma.<sup>23</sup>
- In 2007 the U.S. spent over twice as much on each prisoner than on each public school student.<sup>24</sup>

### ***Implications:***

Zero tolerance policies are thought to be a significant contributor to the school-to-prison pipeline, where youth are pushed out of school and into the juvenile justice system.<sup>25</sup> Suspension and expulsion of students does nothing to teach the student positive behavior and has been linked to a higher likelihood of court involvement.<sup>26</sup>

Furthermore, there is evidence that students who are suspended or expelled are more likely to be held back a grade, drop out, and end up incarcerated as an adult.<sup>27</sup> This problem is exacerbated by in-school arrests or referrals to law enforcement or the justice system.<sup>28</sup> After a student is removed from school they are often moved into an inferior educational setting such as an alternative school or juvenile prison.<sup>29</sup> Here, educational opportunities extremely limited and students with behavioral problems congregated in one place can also negatively influence one another.<sup>30</sup>

Zero tolerance policies not only have adverse affects for those students expelled but also for the educational environment.<sup>31</sup> Zero tolerance policies drastically limit educational opportunities for the students removed from school. Also due to the disproportional affect of zero tolerance policies on youth of color, classrooms are becoming increasingly segregated and the educational environment is suffering from a lack of diverse views.

### ***Recommendations:***

In the Coalition for Juvenile Justice's (CJJ) 2001 Annual Report to the President, the Congress, the Governors, the SAGs and the Office of Juvenile Justice and Delinquency Prevention at the U.S. Department of Justice (OJJDP), "Abandoned in the Back Row: Lessons in Delinquency Prevention," we set forth several recommendations, including the following (listed verbatim—without the benefit of what CJJ may have added were they drafted today):

- School boards should steer away from rigid discipline policies that wind up denying education and emotional support to those youth who typically need it the most. Boards should be open to alternative and more meaningful ways of targeting youth with behavior issues, while also ensuring school safety.
- Zero tolerance policies should not mean zero services for those students who often need the most support. Administrators should turn to well-tested alternatives, such as in-school suspensions and referrals to programs that treat a youth's underlying ...problems.
- Teachers should be given training to identify learning disabilities and mental health issues. They should also receive training and remain open to innovative, child-centered, cost-effective classroom methods. They should eschew discipline policies that are merely punitive in favor of effective methods that offer incentives for positive behavior.

Please visit the CJJ Web site for further information: [www.juvjustice.org](http://www.juvjustice.org)

*Last Updated: July 2012*

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- <sup>1</sup> NAACP Legal Defense and Educational Fund, INC. (2005). Dismantling the School-to-Prison Pipeline.
- <sup>2</sup> American Psychological Association Zero tolerance Task Force. (2006). Are Zero tolerance Policies Effective in the Schools? An Evidentiary Review and Recommendations [Summary]. *American Psychologist*. 63, 852-862.
- <sup>3</sup> Skiba, R. J. (2000). Zero tolerance, Zero Evidence: An Analysis of School Disciplinary Practice. Bloomington: *Indiana Education Policy Center*.
- <sup>4</sup> Skiba, R. J. (2000).
- <sup>5</sup> Skiba, R. J. (2000).
- <sup>6</sup> Gun-Free Schools Act of 1994. 20 U.S.C. § 6301 Part F § 14601(b)(1) & §14602(a).
- <sup>7</sup> Civil Rights Project. (2000). Opportunities Suspended: The Devastating Consequences of Zero tolerance and School Discipline Policies. Cambridge: Harvard University.
- <sup>8</sup> Skiba, R. J. (2000).
- <sup>9</sup> Skiba, R. J. (2000). (Note: the most recent data of this kind available is from 1996-1997 school year)
- <sup>10</sup> Civil Rights Project. (2000).
- <sup>11</sup> American Psychological Association Zero tolerance Task Force. (2006).
- <sup>12</sup> Skiba, R. J. (2000). And Office for Civil Rights. (2012).
- <sup>13</sup> Voices of Youth in Chicago Education. (2011). Failed Policies, Broken Futures: the True Cost of Zero tolerance in Chicago.
- <sup>14</sup> Office for Civil Rights. (2012).
- <sup>15</sup> Office for Civil Rights. (2012).
- <sup>16</sup> Quinn, M., Rutherford, R., Leone, P., Osher, D., & Poirier, J. (2000). Youth with Disabilities in Juvenile Corrections: A National Survey. *Council for Exceptional Children*. 71(3). 339-345.
- <sup>17</sup> Individuals with Disabilities Education Act (IDEA). 20 U.S.C. § 1401(a)(1).
- <sup>18</sup> Office for Civil Rights. (2012). Civil Rights Data Collection: Data Summary. Retrieved June 11, 2012, from <http://ocrdata.ed.gov/Downloads/CMOCRTheTransformedCRDCFINAL3-15-12Accessible-1.pdf>
- <sup>19</sup> Rausch, M.K., & Skiba, R. J. (2004). Unplanned Outcomes: Suspensions and Expulsions in Indiana. *Education Policy Briefs*. *Indiana Youth Services Association. Center for Evaluation & Education Policy*. 2(2). 1-8.
- <sup>20</sup> The Committee on School Health, 2003. "Out of School Suspension and Expulsion." *Pediatrics: Official Journal of the American Academy of Pediatrics*: 112(5), 1206-1209.
- <sup>21</sup> Fabelo, T., Thompson, M.D., Poltkin, M., Carmichael, D., Marchbanks, M.P., & Booth, E.A.. (2011). Breaking Schools' Rules: A Statewide Study of How School Discipline Related to Students' Success and Juvenile Justice Involvement. *Justice Center. Public Policy Research Institute*.
- <sup>22</sup> Martin, N., & Halperin, S. (2006). Whatever It Takes: How Twelve Communities are Reconnecting Out-of-School Youth. Washington, DC: *American Youth Policy Forum*.
- <sup>23</sup> Harlow, C. W. (2003) Education and Correctional Populations. Bureau of Justice Statistics Special Report.
- <sup>24</sup> Children's Defense Fund. (2011). The State of America's Children.
- <sup>25</sup> NAACP Legal Defense and Educational Fund, INC. (2005).
- <sup>26</sup> NAACP Legal Defense and Educational Fund, INC. (2005).
- <sup>27</sup> NAACP Legal Defense and Educational Fund, INC. (2005).
- <sup>28</sup> NAACP Legal Defense and Educational Fund, INC. (2005).
- <sup>29</sup> NAACP Legal Defense and Educational Fund, INC. (2005).
- <sup>30</sup> NAACP Legal Defense and Educational Fund, INC. (2005).
- <sup>31</sup> NAACP Legal Defense and Educational Fund, INC. (2005).