



FACT SHEET #3: Zero Tolerance Policies in Schools

June, 2008

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BACKGROUND

- While there is no official definition of the term zero tolerance, generally the term means that a harsh predefined mandatory consequence is applied to a violation of school rules without regard to the “seriousness of the behavior, mitigating circumstances, or the situational context” (APA, 2006). Zero tolerance is incompatible with the principle that the punishment must fit the crime, and that the severity of the crime and the context in which it occurred should be considered in determining the punishment.
- Zero tolerance policies grew out of the illicit drug interdiction programs of the federal and state governments in the late 1970s and 1980s where vehicles, vessels and airplanes were confiscated when even small amounts of illicit drugs were found (Skiba & Knesting, 2001).
- Zero tolerance rhetoric became widespread as school officials and community leaders expressed outrage at gang shootings and national media reports about school shootings, even though school crime rates were stable or declining by the time these policies were implemented.
- The Gun-Free Schools Act of 1994 (GFSA), which required that schools have policies to expel for a calendar year any student who brings a firearm to school, provided further impetus to zero tolerance policies. Subsequent changes in many state laws and local school district regulations broadened the GFSA focus on firearms to apply to many other kinds of weapons.
- However, the same act does provide for the chief administering officer of the local educational agency “to modify the one year expulsion requirement for students on a case-by-case basis” (GFSA, 2005).
- Zero tolerance policies have generally involved harsh disciplinary consequences such as long-term suspension or expulsion for violations involving drugs, alcohol, aggression (such as fighting) and having weapons, but have also been applied to minor or non-violent violations of rules such as tardiness and disorderly conduct.

KEY ISSUES

- The American Bar Association (2001) and a number of professional associations have adopted statements opposing the use of zero tolerance policies in schools because they might limit the ability of administrators to consider “the circumstances or nature of the offense or the student’s history” (e.g. American Psychological Association, 2006).
- Statements about zero tolerance policies allow administrators to have the appearance of being tough on students who violate school policies; however, they do not necessarily lead to appropriate action.
- Application of zero tolerance policies in situations that appear unrelated to the purpose of reducing school violence (e.g. taking a Midol for menstrual cramps or a kindergartner bringing a butter knife to school) generate the public perception that administrators are making inappropriate decisions that are not in the interests of students (Skiba, Peterson & Williams, 1999).
- Multiple suspensions, long term suspension, or expulsion may have other deleterious effects on community crime and violence, as well as removing the opportunity to provide education and treatment to children and youth who may be at risk for future violence.
- Contrary to public perception, school violence is actually declining and the risk of school shootings is very low. Strategies other than zero tolerance are likely to be more effective in maintaining and enhancing school safety (Cornell, 2006).

RESEARCH SUMMARY

- There has been little direct research on zero tolerance policies. A lack of a clear commonly accepted definition of the term, widely varying school codes of conduct, uneven implementation, and lack of funding have contributed to problems researching this topic.
- There has yet to be a research study identifying a direct correlation between zero tolerance policies and safe schools; a few studies have indicated that the zero tolerance policies do not result in fewer disciplinary infractions or reductions in the number of repeat offenders.
- The American Psychological Association (2006) reported finding no evidence that zero tolerance reduced school violence or improved student behavior.
- Expulsion and long-term suspension from school—common outcomes of zero tolerance policies—are associated with negative outcomes for youth, academically, socially, emotionally, and behaviorally.
- As an alternative to zero tolerance, there are school based interventions such as Positive Behavior Supports that have been shown to reduce disciplinary problems and violence and to improve student behavior.

SPECIFIC RECOMMENDATIONS

- Avoid incorporating harsh automatic consequences that do not consider mitigating circumstances into school codes of conduct for specific violations, or remove these restrictions if already in place.
- Employ a wide variety of disciplinary consequences in student codes of conduct, and indicate that the use of these should be tailored to the specific circumstances of the student and the violation.
- Specify graduated categories of inappropriate or undesirable behaviors, and align them with categories of consequences - this is a more desirable than specifying punishments for each behavior.
- Minimize the use of exclusionary disciplinary punishments.
- Include an amnesty clause where non-violent students who inadvertently bring banned objects to school or find them can give them to a school official without fear of punishment.

CAUTIONS

- Understand that unjustifiable harsh consequences may have a negative effect on student perceptions of school climate, and may cause school administrators to be associated with actions not in the interest of children or the community.
- Administrators who employ a balanced approach to discipline should avoid using the term zero tolerance so as not to create a false impression that they are automatically taking an inflexible position without regard for the facts and circumstances in a particular case.

RESOURCES FOR MORE INFORMATION

- American Bar Association Juvenile Justice Committee. (February, 2001). *Zero Tolerance Policy*. Retrieved from: <http://www.abanet.org/crimjust/juvjus/zerotolreport.html>
- American Psychological Association Zero Tolerance Task Force (February, 2006). *Are Zero Tolerance Policies Effective in the Schools? An Evidentiary Review and Recommendations*. Washington, DC: American Psychological Association. Retrieved from: <http://www.apa.org/releases/ZTTFReportBODRevisions5-15.pdf>
- Blumenson, E., & Nilsen, E. (2003). One strike and you're out? Constitutional constraints on zero tolerance policies in public education. *Washington University Law Quarterly*, 81, 65–108.
- Cornell, D. (2006). *School violence: Fears versus facts*. Mahwah, NJ: Lawrence Erlbaum.
- Skiba, R. J., & Knesting, K. (2001). Zero tolerance, zero evidence: An analysis of school disciplinary practice. In R. J. Skiba & G. G. Noam (Eds.), *New directions for youth development (no. 92: Zero tolerance: Can suspension and expulsion keep schools safe?)* (pp. 17-43). San Francisco: Jossey-Bass.
- Skiba R. J., Peterson, R. L. & Williams, T. (January, 1999). The dark side of zero tolerance: Can punishment lead to safe schools? *Phi Delta Kappan*, 80(5), 372-381.

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