



FACT SHEET #4: Zero Tolerance Policies in Schools

May, 2008

Reece L. Peterson Ph.D., Univ. of Nebraska-Lincoln & Brian Schoonover Ph.D., St. Johns County, FL

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 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).
- The use of “zero tolerance” rhetoric became widespread as school officials and community leaders expressed outrage at school violence including gang shootings and media reports about school shootings.
- The “Gun-Free Schools Act of 1994, which required that schools have policies to expel for a calendar year any student who brings a weapon to school, provided further impetus to zero tolerance policies.
- 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” (Gun Free Schools Act, 2005).
- Zero tolerance policies have generally involved harsh predetermined disciplinary consequences such as long-term suspension or expulsion for violations of the school’s code of conduct in areas involving drugs, alcohol, aggression (such as fighting) and having weapons.
- While usually focused on the most serious offenses, zero tolerance has also been applied to minor and even non-violent violations of rules in schools such as chewing gum, 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 respond to “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; they do not automatically lead to appropriate action.
- Unthinking, overly-zealous application of zero tolerance policies have led to situations where non-violent children are being suspended or expelled for behaviors unrelated to the purpose of the policies which is reducing school violence (e.g. taking a Midol for menstrual cramps or a kindergartner bringing a butter knife to school), resulting in the public perception that administrators are making irrational and uncaring decisions which are not in the interests of students (Skiba, Peterson & Williams, 1999).
- The actual implementation of zero tolerance policies may not reflect the rhetoric. School administrators who espouse zero tolerance rhetoric may in practice offer wide discretion regarding disciplinary consequences for violations of codes of conduct resulting in discrimination based on other factors such as gender, race or disability.

RESEARCH SUMMARY

- There has been little direct research on “zero tolerance” policies due to a lack of a clear and commonly accepted meaning for the term, widely varying school codes of conduct, and uneven implementation.
- There has yet to be a conclusive research study making 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, nor reductions in the number of repeat offenders.
- There is no evidence that a “zero tolerance” policy has any positive effect on reducing school violence or improving student behavior (American Psychological Association, 2006).
- Analysis of national school crime datasets show that where students have a clear understanding of the school rules and the degree to which they are implemented, there is less school violence and disruption.
- Implementation of positive behavior supports with other strategies is more likely than “zero tolerance” to improve student behavior and reduce disciplinary problems.

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.
- Specify graduated categories of inappropriate behaviors, and align categories of consequences for each category of behavior; this is more desirable than specifying punishments for each behavior.
- Employ a wide variety of disciplinary consequences in student codes of conduct. The use of these varying consequences should be tailored to the specific circumstances of the student and the particular violation of the code of conduct.
- Minimize the use of exclusionary disciplinary punishments, and use only when necessary for safety.
- 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 irrational or unjustifiable harsh consequences may have a negative effect on student perceptions of school climate, and may cause school administrators to be associated with absurd situations not in the interest of children or the community.
- Administrators should avoid use of the term “zero tolerance” to avoid creating a false impression that they are automatically taking an predetermined highly reactive position without flexibility regardless of data on 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), 65–108.
- Gun Free Schools Act. 20 USCS § 7151 (2005).
- Schoonover, B. (2007). *Zero tolerance policies in Florida school districts*. Doctoral Dissertation, University of FL.
- 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.

The Consortium to Prevent School Violence (CPSV) is non-profit group of researchers, practitioners, and other stakeholders who are focused on advocacy that promotes effective implementation of positive school violence prevention practices, and fostering technical assistance, information dissemination, and professional development based on high-quality scientific research. CPSV promotes open access where stakeholders in schools and surrounding communities are an integral part of the Consortium's work.