

Because there is little or no evidence of the efficacy of zero tolerance, schools and school districts need to explore preventive alternatives.

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Zero tolerance, zero evidence: An analysis of school disciplinary practice

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IN FORT MYERS, Florida, an eighteen-year-old senior and National Merit Scholar spent a day in jail, was suspended for five days, and missed graduation after a kitchen knife was found in the back seat of her car. In Deer Lakes, Pennsylvania, a five year old was suspended for wearing a five-inch plastic ax as part of his firefighter's costume to a Halloween party in his classroom. In Fairborn, Ohio, a fourteen year old was threatened with expulsion for sharing over-the-counter analgesic tablets with a classmate. In Glendale, Arizona, a seventh grader was suspended for four months for violation of weapons policy when, inspired by the movie *October Sky*, he brought a homemade rocket made from a potato chip canister to school. In Chicago, a high school junior who shot a paper clip with a rubber band and hit a cafeteria worker instead of the friend he was aiming at was expelled, taken to county jail for seven hours, and encouraged to drop out of school.

Cases such as these, reported in the national media, have created an intense national controversy about the practice of zero-tolerance school discipline. In the wake of Columbine and other

shootings, there can be no doubt that schools and school boards have the right, indeed the responsibility, to take strong action to preserve the safety of students, staff, and parents on school grounds. Yet critics of such harsh punishments claim that these incidents show a lack of common sense in punishment and raise questions of fairness and the extent to which extreme consequences truly contribute to either school safety or the improvement of student behavior.

These divided reactions reflect the profound ambivalence inherent in school disciplinary practice since the early 1990s. Enshrined as federal policy, at least one component of a zero-tolerance approach is currently in place in over 80 percent of the nation's schools. Each new outbreak of violence seems to yield a collateral increase in get-tough discipline. In turn, each new cycle of tougher policy—increased use of school security measures and a dramatic surge in school suspensions and expulsions—yields a new round of controversy and charges of civil rights violations.

This chapter explores the history and ever expanding use of zero tolerance in schools. In an analysis of a representative sampling of zero-tolerance suspensions and expulsions, we seek to provide insight into the practice and controversy of zero tolerance. We would argue that as striking as these nationally publicized incidents are, they are less important than the outcomes of zero-tolerance policy. Thus, the heart of this investigation is a consideration of research on the effects and side effects of current disciplinary practices in the schools. How well do strategies associated with zero tolerance appear to work in changing students' behavior or guaranteeing the safety of schools?

History, definition, and prevalence of zero tolerance

Zero tolerance first received national attention as the title of a program developed in 1986 by Peter Nunez, the U.S. attorney 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 he 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. The language of zero tolerance seemed to fire the public imagination; within months, the term and strategy began to be applied to a broad range of issues, from environmental pollution and trespassing to skateboarding, homelessness, and boom boxes.

Frightened by a seemingly overwhelming tide of violence, educators in the early 1990s were eager for a no-nonsense response to drugs, gangs, and weapons. 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 system, 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. Originally, the bill covered only firearms, but more recent amendments have broadened the language of the act to include any instrument that may be used as a weapon.

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, and swearing.¹ Many school boards continue to toughen their disciplinary policies; some have begun to experiment with permanent expulsion from the system for some offenses. Others have begun to apply school suspensions, expulsions, or transfers to behaviors that occur outside school.

Since the passage of the Gun-Free Schools Act, some form of zero-tolerance policy appears to have become prevalent in public schools. Defining zero tolerance as a policy that mandates

predetermined consequences or punishments for specified offenses, the National Center on Education Statistics (NCES) report, *Violence in America's Public Schools: 1996-1997*,² found that 94 percent of all schools have zero-tolerance policies for weapons or firearms, 87 percent for alcohol, and 79 percent for violence or tobacco.

It is important to note that the NCES definition of zero tolerance is quite broad. Undoubtedly, there are few school disciplinary policies that do not mandate some predetermined consequences for specific behaviors, and it is possible that an overly broad definition is responsible for the high prevalence rates reported for zero tolerance in the NCES study. A more typical, and more limited, definition of *zero tolerance* is as a disciplinary policy that is "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."³

Indeed, swift and certain consequences for all incidents, major or minor, seem to be at the heart of the zero-tolerance philosophy. In a 1982 article in *Atlantic Monthly*, George Kelling and William Wilson outline what they called broken-window theory, arguing that there is a relationship in high-crime neighborhoods between seemingly minor phenomena, such as broken windows, and more serious violent crime. The implication for crime prevention is that relatively minor incidents that signal disruption or violence cannot be ignored because "untended behavior leads to a breakdown of community control."⁴

Zero-tolerance punishments, targeting both serious and less serious behaviors, are thus meant to send a clear message to potential troublemakers that certain behaviors will not be tolerated. Charles Ewing, a professor of law and psychology, argues that zero tolerance "appropriately denounces violent student behavior in no uncertain terms and serves as a deterrent to such behavior in the future by sending a clear message that acts which physically harm or endanger others will not be permitted at school under any circumstances."⁵ Proponents of zero tolerance argue that in the context of what appears to be a near epidemic of school violence,

severe and certain consequences have a deterrent value that may make disruptive or violent students think hard before engaging in acts of aggression or disruption.

It is difficult to argue with the philosophy of zero tolerance. Recent school safety surveys have continued to find that minor disruption and serious violence in schools are to some extent related.⁶ Thus, it makes eminent sense to attempt to address day-to-day disruption in an attempt to prevent more serious problems. Certainly, there are not many educators or parents who would wish to send any message other than one of nonacceptance for guns, weapons, or drugs in school settings.

Yet somewhere between the original philosophy of zero tolerance and its current widespread implementation in schools, the situation has become vastly more complicated. Applications of zero tolerance have led to lawsuits by parents, scathing editorials, and even hearings before the U.S. Commission on Civil Rights.⁷ Thus, it seems appropriate to examine the actual practice of zero tolerance. How has it been used? What are the controversies it has created? How effective has it been in creating safer schools and more civil behavior among students?

The controversy of zero tolerance

Controversy has attended a host of suspensions and expulsions associated with zero tolerance for relatively trivial incidents in school settings almost from the inception of those policies. In a previous analysis, Skiba and Peterson catalogued some of the incidents that received media attention from the passage of the Gun-Free Schools Act in 1994 until May 1998, including school suspensions and expulsions for reasons ranging from possession of a fingernail file to offering a friend an organic cough drop. This chapter updates that analysis by examining cases of suspension or expulsion due to zero tolerance reported in national newspapers from May 1998 to May 2001.⁸

Weapons

Many accounts of zero tolerance tend to presume that the Gun-Free Schools Act of 1994 is the driving force of local zero-tolerance efforts. Yet just as state and local zero-tolerance policies predated federal law in this area, the following examples suggest that local practice often extends zero tolerance considerably beyond federal mandates:⁹

- October 1999, Atlanta, Georgia: A fifteen-year-old South Cobb High School sophomore found with an unloaded gun in his book bag was permanently expelled from the school district. The youth was also charged in juvenile court with possession of a weapon.

- September 1998, Seattle, Washington: A sixth grader at Whiteman Middle School was expelled when a squirt gun, painted black and brown, fell out of his backpack in the lunchroom. Although the expulsion was upheld by a hearing officer, the Seattle School District reduced the expulsion to a suspension after the family's attorney cited state law requiring districts to provide a lesser punishment where toy weapons were not used with malice or in a threatening manner.

- September 2000, Atlanta, Georgia: Eleven-year-old Ashley Smith was suspended for two weeks from Garrett Middle School for possession of a ten-inch novelty chain attaching her Tweety Bird wallet to her key ring. School officials stated that district policy was clear, classifying a chain as a weapon, in the same category as pellet guns, ice picks, and swords.

- March 2001, Irvington, New Jersey: Two second graders were suspended and charged by local juvenile authorities with making terroristic threats after pointing a piece of paper folded to look like a gun at classmates and saying, "I'm going to kill you all." The superintendent of the district noted, "I thought this was very unfortunate. But, being that kids are being shot in schools across the country, children have to be taught they can't say certain words in public." The father of one of the boys disagreed, stating, "This is just stupid, stupid, stupid. How can you take two boys to the police precinct over a paper gun? This is very bad judgment."

These incidents underscore two sources of controversy inherent in zero-tolerance incidents. In the first incident, involving a shotgun in a backpack, there can be little doubt of the seriousness of the offense; in this case, however, it is not the necessity of the expulsion but rather its length that makes the incident newsworthy. Other incidents appear to cause controversy by defining as a weapon an object, such as a chain attached to a Tweety Bird wallet, that poses little real danger. Yet this apparent overextension is consistent with the philosophical intent of zero tolerance, treating both major and minor incidents with severity in order to set an example. Indeed, the apparent lengthening of expulsions over time may be related to the use of harsh punishment for less severe offenses. If a student is suspended or expelled for an object (such as a squirt gun or folded paper) that is a weapon only through interpretation, districts may feel a need to distinguish truly dangerous incidents by extending punishment even further for actual weapons.

Drugs

Although there is no federal mandate of suspension or expulsion for drug-related offenses, the application of zero tolerance to drugs or alcohol has become quite common, with the gravity of the events varying considerably:¹⁰

- June 1998, Brookline, Massachusetts: Nine seniors caught with alcohol on a bus going to their senior prom were barred from attending their graduation, and two were not allowed to compete in the state baseball playoffs. Citing tragic accidents caused by alcohol abuse, the school headmaster stated, "It's important for kids to get the message that 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 coworkers 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.

- December 2000, Casco, Maine: A fifteen-year-old high school student who took pills given to her by classmates for a headache was expelled for violation of the district's zero-tolerance antidrug policy. The student who gave the girl the pills was also expelled by the school board.

The range of seriousness of these incidents, as compared with the relative consistency of punishment, may offer some insight into why zero tolerance creates controversy. A fairly stiff punishment for serious drinking or drug abuse at school-sponsored events seems fitting and may well serve to prevent more serious harm. In contrast, the long-term suspension of an honors student for a sip of sangria seems more likely to turn the offender into the perceived victim.

Strictures against cruel and unusual punishment are fundamental to the U.S. legal system. It may well be that school punishments greatly out of proportion to the offense arouse controversy by violating basic perceptions of fairness inherent in our system of law, even when upheld by the courts.

Threats

Incidents of lethal school violence, and the copy-cat threats those incidents appear to have spawned, have made school personnel especially sensitive to threats of violence in school. It is not surprising that zero tolerance has been the strategy that some schools and districts have chosen to address threats. Incidents reported in national newspapers since May 1998 include the following:¹¹

- March 2001, Topeka, Kansas: At Wabaunsee High School, a fifteen-year-old student wrote a message that he was going to "get you all" on the boys' bathroom wall. After school personnel erased the message, he wrote a second message stating that he should be taken seriously and was "going to shoot everyone." The boy, arrested and charged with one count of criminal threat, returned to school after a five-day suspension. Some parents protested the leniency of the school punishment. "I know kids who have been

suspended for three days just for orneriness and this kid threatened to kill the whole student body,” complained one parent.

- November 1999, Ponder, Texas: When a thirteen year old wrote a Halloween story for class that involved getting high on Freon, opening fire on a suspected intruder, and finally shooting his teacher and several classmates, the boy was ordered held in a juvenile detention facility for ten days. The Denton County district attorney noted that the decision to hold him was based on a review of records indicating that the boy had been “a persistent discipline problem for this school, and the administrators there were legitimately concerned.”

- March 2001, Burbank, Illinois: After a band concert, a junior at Reavis High School in this Chicago suburb and three friends put together a list of twenty members of fellow band members they did not like. When rumors spread that the list was really a “hit list,” the student, acknowledged as an active and bright student, was suspended for four days and kicked out of band. “It’s crazy,” stated the boy’s mother, herself an assistant principal at a Chicago high school. “There’s a difference between saying ‘I’m going to come to school with a gun and blow everybody up,’ and saying, ‘Here are kids who annoy me.’”

Recent school shooting incidents provide an unequivocal lesson that schools may place themselves at risk by ignoring serious threats of violence. It is not surprising, then, to see an increase in zero-tolerance incidents regarding threat in the aftermath of an incident such as the Santana High School shooting in early March 2001. Indeed, some reactions to threat may be perceived by the community as too lenient, as in the threat at Waubensee High School.

Yet the local and in some cases national furor created by some of these incidents suggests that there may be limits on what a school can or should do to protect staff and students. Indeed, automatic school exclusion for threats of violence is unlikely to solve the complex problems of threatened violence in schools. In its report *The School Shooter: A Threat Assessment Perspective*, the FBI issued a strong caution:

It is especially important that a school not deal with threats by simply kicking the problem out the door. Expelling or suspending a student for making a threat must not be a substitute for careful threat assessment and a considered, consistent policy of intervention. Disciplinary action alone, unaccompanied by any effort to evaluate the threat or the student's intent, may actually exacerbate the danger—for example if a student feels unfairly or arbitrarily treated and becomes even angrier and more bent on carrying out a violent act.¹²

The report recommends instead that schools conduct a careful four-pronged assessment to determine the seriousness of any threat, and develop a team approach to threat evaluation and intervention.

What the zero-tolerance incidents tell us

There is some tendency to assume that these suspensions or expulsions for trivial incidents are simply idiosyncratic or silly aberrations that occur in districts characterized by an overzealous administration. Yet the ubiquity of these apparently trivial incidents across time and location suggests that the overextension of school sanctions to minor misbehavior is not anomalous but rather inherent in the philosophy and application of zero tolerance. National and local data suggest that truly dangerous behavior occurs relatively infrequently in schools and that the most frequent disciplinary events with which schools wrestle are minor disruptive behaviors such as tardiness, class absence, disrespect, and non-compliance.¹³ Targeting both minor and major disciplinary events equally will, almost by definition, result in the punishment of a small percentage of serious infractions and a much larger percentage of relatively minor misbehavior. We might expect that the minor incidents connected with zero tolerance will not abate, and may even accelerate, as those policies continue to be extended by local districts.

The number of lawsuits filed by parents in response to such incidents also appears to be increasing. In general, courts have tended to side with school districts in reviewing such cases, giving relatively broad leeway to district administrators in their interpretation of school disciplinary policy. Yet the courts have also begun to limit

school district power in certain cases if the policy appears to violate district or state law or fails to provide due process protections.¹⁴

Administrators in these high-profile incidents often claim that they have little or no room for flexibility in the administration of district policy. Yet this intractability represents a local interpretation of zero tolerance that may go beyond the spirit of federal zero-tolerance policy. Indeed, by requiring local districts to have in place a procedure allowing for case-by-case review, the Gun-Free Schools Act seems to mandate some degree of flexibility in the implementation of zero tolerance.

Reaction to these events leaves communities highly divided. Proponents argue that increased flexibility in the administration of consequences will send a message to potential violators that schools are not serious about enforcement. Parents and student advocates have countered that when the punishment fails to fit the crime, students are learning nothing about justice and much about what they must do to subvert rules and policies. This sometimes emotional debate seems almost irreconcilable, pitting school safety against student civil rights.

Yet a more fundamental and important question concerns the outcomes and effectiveness of zero tolerance. If zero tolerance can be shown to be a key component in maintaining safe schools and civil student behavior, then schools might well consider limits on student civil rights to be justified in some instances. But if zero tolerance has not been shown to be effective, then the use of a procedure with such harsh side effects for individual students hardly seems justified.

It has been more than ten years since school districts began adopting zero-tolerance policies and over five years since the strategy was made national policy by the Gun-Free Schools Act. Given the current climate of educational accountability, one would expect some data to have emerged concerning the effects and effectiveness of zero-tolerance approaches. To what extent have the disciplinary practices associated with zero tolerance led to increased school safety or improved student behavior?

Effects and effectiveness of zero tolerance:***Suspension and expulsion***

The use of school exclusion, that is, suspension and expulsion, might be regarded as the central feature of zero-tolerance policy: one-year expulsions are written into federal and state regulations regarding zero tolerance. Six years after the implementation of the Gun-Free Schools Act, there is surprisingly little national-level data available on trends concerning the use of suspension and expulsion over time. Yet some state and local data suggest that applications of zero tolerance have dramatically increased the use of school suspension and expulsion in at least some school districts (see also Chapters Two and Three in this issue).

How suspension and expulsion are used

One would expect that suspension and expulsion, as more severe consequences, would tend to be reserved for more serious infractions. Yet zero-tolerance policies seeking to punish all behaviors severely may to some extent erase the notion of a graduated set of consequences geared to the severity of behavior. How frequently are suspension and expulsion used, and in response to what behaviors? Available data suggest a different pattern of use for school suspension and school expulsion.

Expulsion appears to be reserved for incidents of moderate to high severity, although not always for those students who are most troublesome or dangerous (see Chapter Two). Suspension, in contrast, is among the most widely used disciplinary techniques. In one midwestern city, one-third of all office referrals resulted in a one- to five-day suspension, and 21 percent of all enrolled students were suspended at least once during the school year. Suspension appears to be used with greater frequency in urban areas than in suburban or rural areas.¹⁵

As might be expected with such high rates, school suspension is not always reserved for serious or dangerous behaviors. Fights or other physical aggression among students are consistently found to be among the most common reasons for suspension. Yet school

suspension is also commonly used for a number of relatively minor offenses, such as disobedience and disrespect, attendance problems, and general classroom disruption. In fact, students are suspended for the most serious offenses (drugs, weapons, vandalism, assaults on teachers) relatively infrequently.¹⁶

Consistency and fairness of school discipline

Commonsense notions of justice demand that punishments in school or society be administered fairly and consistently. Although it is not unreasonable that discipline policies vary from school to school, it is reasonable to expect that student behavior, rather than idiosyncratic characteristics of schools or classrooms, will be the primary determinant of school punishment.

There can be little doubt that certain students are at a much greater risk for office referral and school suspension. One national study found that students who were suspended were more likely to endorse statements indicating an antisocial attitude. Students who engage in harassment, bullying, or violent behavior appear to be at greater risk of future disciplinary action. Some students clearly account for a disproportionate share of disciplinary effort; in one study in nineteen middle schools in a large midwestern urban district, 6 percent of students were responsible for 44 percent of all referrals to the office.¹⁷

Individual difference and family characteristics appear to be likely correlates with involvement in school discipline processes. Students with substantiated reports of abuse or neglect are significantly more likely to be referred for school discipline and somewhat more likely to be suspended, especially at the middle and high school levels. One study reported that of students who were suspended, 43 percent at the high school level and 38 percent at the middle school level showed evidence of an emotional or behavioral disorder on one or more student *and* teacher subscales of the Child Behavior Checklist.¹⁸

Yet school disciplinary actions cannot be accounted for solely in terms of student behaviors; they are also a function of classroom and school characteristics. In one middle school, two-thirds of all

disciplinary referrals came from 25 percent of the school's teachers. School factors also strongly influence rates of suspension. Comparisons of schools with high and low use of school suspension indicate that low-suspension schools spend less time on discipline-related matters, have a lower student-teacher ratio and a higher level of academic quality, and pay significantly better attention to issues of school climate. Indeed, in multivariate analyses of factors predicting suspension, school characteristics, such as overall suspension rate, teacher attitudes, administrative centralization, quality of school governance, teacher perception of student achievement, and racial makeup of the school, appear to be more strongly predictive of school suspension than student attitudes and behavior.¹⁹

Racial fairness in school punishments

The expulsion of seven African American students for two years by the Decatur Public Schools for a football game brawl, and the subsequent suit brought by the Reverend Jesse Jackson and Operation PUSH on behalf of those students, represents the most publicized incident to date involving racial disproportionality in school discipline. Yet minority overrepresentation in school punishments is not a new issue. Both racial and economic biases in school suspension and expulsion have been studied extensively for over twenty-five years, with highly consistent results.

Disproportionality due to socioeconomic status. Studies of school suspension have consistently documented overrepresentation of low-income students in the use of that consequence. Field studies have found that both high- and low-income adolescents feel that disciplinary practices are unfairly weighted against poor students. Whereas high-income students were more likely to receive mild and moderate consequences (such as a lecture by the teacher or moving their desk in the classroom), low-income students reported receiving more severe consequences, sometimes delivered in a less-than-professional manner (for example, they were yelled at in front of the rest of the class, made to stand in the hall all day, or had their personal belongings searched).²⁰

Racial disproportionality in discipline. Racial disproportionality in the use of school suspension has been a highly consistent finding (see also Chapter Three).²¹ Black students are also exposed more frequently to more punitive disciplinary strategies, such as corporal punishment, and receive fewer mild disciplinary sanctions when referred for an infraction.²² In the most recent study of racial disproportionality in discipline, the Applied Research Center of Oakland, California, reported higher-than-expected rates of suspension and expulsion for black students in all fifteen major U.S. cities studied.

One possible explanation is that overuse of suspension for black students is not necessarily racial bias but rather a corollary of the documented disproportionality in discipline for students from lower socioeconomic backgrounds. Yet race appears to make a contribution to disciplinary outcome independent of socioeconomic status. Multivariate analyses have found that even when socioeconomic status is statistically controlled, race still makes a significant contribution to who gets suspended.²³

It is also possible that the higher rates of school exclusion and punishment are due to correspondingly high rates of disruptive behavior. In such a case, disproportionality would represent not racial bias but a relatively appropriate response to disproportionate misbehavior. Yet investigations of student behavior, race, and discipline have found no evidence that African Americans misbehave at a significantly higher rate.²⁴ If anything, available research suggests that black students tend to receive harsher punishments than white students and that those harsher consequences may be administered for less severe offenses. In a report entitled *The Color of Discipline*, researchers at the Indiana Education Policy Center found no evidence that African American students engaged in more serious misbehavior; rather, black students were referred to the office more than white students for more judgmental reasons, including loitering, disrespect, and excessive noise.²⁵ Thus, far from engaging in higher levels of disruptive behavior, African American students may be at risk for receiving a range of more severe consequences for less serious behavior.

Effectiveness of suspension and expulsion

In 1999, the U.S. Department of Education released its *Report on State Implementation of the Gun-Free Schools Act: School Year 1997–98*.²⁶ The report focused on expulsions of students in fifty states and territories for bringing a weapon to school (the report did not include data on expulsions of students for offenses other than weapons). Of the 3,390 weapons-related expulsions reported for the school year, 61 percent were for handguns, 7 percent for rifles, and 32 percent for “other firearms.” The majority of reported expulsions (57 percent) occurred at the high school level. The number of reported expulsions for weapons showed an apparent decrease, from 5,724 in 1996–97 to 3,930 in 1997–98. The report cautions that the decrease may be due to differences in reporting across the two years but also suggests that several states felt that “students were getting the message that they were not to bring firearms to school and that, as a result, fewer students were expelled for this offense.”

Even accepting the veracity of the data, however, it remains unclear what increases or decreases in recovered weapons or expulsions mean in terms of evaluating overall school safety. Reports on zero-tolerance programs have cited both increases and decreases in weapons confiscation and expulsion as evidence of effectiveness.²⁷ Trends in school expulsion represent an especially ambiguous measure. Although sometimes cited as evidence that a school or a district is cracking down on disruptive students, increased expulsion within a school or school district may well be indicative of a negative trend in school safety. Ultimately, increases or decreases in weapons confiscation or expulsion are meaningful measures of safety only if paired with more direct measures of violence, disruption, or student misbehavior.

Unfortunately, the impact of suspension or expulsion on student behavior or overall school safety has not been directly studied. Yet troubling indirect data suggest that suspension may be ineffective for those students who are most at risk, and most often targeted, for disciplinary consequences. Rates of repeat offending for school suspension are typically quite high, ranging from 35 to 45 percent,

suggesting that this segment of the school population is decidedly not getting the message about zero tolerance. Indeed, for some students, suspension is a strong predictor of further suspension, prompting some researchers to conclude that for these students, "suspension functions as a reinforcer . . . rather than as a punisher."²⁸

Long-term outcomes associated with suspension are no more reassuring. National studies of school dropout reported that students who had been suspended were three times more likely to drop out of school by their sophomore year than other students; indeed, school disciplinary contact appears to be among the strongest predictors of school dropout.²⁹

There may well be unanticipated social costs to this spiral of school exclusion. Research in the field of juvenile delinquency suggests that the strength of the school social bond is an important predictor in explaining delinquency.³⁰ From a public policy standpoint, one might well question the wisdom of school disciplinary strategies that are expressly intended to break that bond with troublesome students.

Unintended consequences of punishment: Student behavioral and emotional reactions

Student perceptions of the effectiveness of various school disciplinary actions are often significantly at odds with the perceptions of teachers and administrators. While school personnel see school disruption as primarily a student choice and disciplinary consequences as an appropriate reaction to that choice, students, especially at-risk students, tend to view confrontational classroom management or school disciplinary strategies as playing a significant role in escalating student misbehavior, especially if they believe rules or policies are being unfairly applied. In particular, students who are already at risk for disruption may see confrontational discipline as a challenge to escalate their behavior.³¹

Many of these unintended effects may simply reflect the consistent findings of behavioral psychology that the application of punishment is unpredictable and unlikely to lead to the learning of new

behavior. A host of serious side effects have been documented in the professional literature on punishment, including escape and counteraggression, habituation to progressively stiffer consequences, and reinforcement of the punishing agent.³² Unless the application of harsh consequences is carefully monitored and accompanied by positive consequences or alternative goals, it appears to be as likely to lead to escape or counteraggression as to meaningful alternative behavior. The appropriate application of consequences at opportune moments is certainly one tool for teaching students that actions have consequences in a lawful society. Yet it is unclear whether the school punishments central to zero-tolerance policies can be used in a consistent enough manner to yield benefits sufficient to outweigh the well-documented and troubling side effects of punishment procedures.

Does zero tolerance contribute to school safety?

These analyses are in no way intended as a criticism of school administrators faced with complex and serious choices in responding to school violence. The brutal events that overtook suburban and rural schools in the late 1990s have shattered the common belief that school violence is solely an urban problem, confined to bad neighborhoods and dysfunctional families in the inner city.³³ In the space of days and weeks, teachers, administrators, and parents throughout the country were forced to the anxiety-charged realization that violence can happen anywhere. Unprepared for serious violence yet under intense pressure to do something, it is unsurprising that administrators choose remedies, such as zero tolerance and security technology, that they perceive as fast acting. There are few who would disagree with the proposition that schools must take all possible actions to demonstrate their seriousness in deterring violence. Indeed, it is hard to argue with the stated goal of zero tolerance: to send a message that certain behaviors are unacceptable in school.

It is not the goals of zero tolerance, however, but more often the methods of its implementation that create controversy. There are few newspaper editorials condemning schools and school boards for expelling a student who carried a knife or gun to school for the sole purpose of attacking another student. But the classic zero-tolerance strategy of punishing minor or even trivial events severely, or dramatically extending the length of school suspension or expulsion, has led to cries of injustice in communities throughout the nation.

Inevitably, harsher punishments pit proponents of a strong zero-tolerance stance against civil rights advocates. It is not surprising that organizations from both ends of the political spectrum—the American Civil Liberties Union and the conservative Rutherford Institute—have focused on civil rights concerns in defending students caught in the web of zero tolerance. Inevitably, plaintiffs against school districts claim their rights were violated by standard policies that allow for little or no flexibility in implementation. Defenders of the policies point to the larger threat posed by serious violence in the nation's schools, suggesting that civil rights violations may be an unfortunate but necessary compromise to ensure the safety of school environments.

Unfortunately, however, the idea that zero-tolerance policies contribute to improved student behavior or school safety remains unsupported by evidence. Despite more than ten years of implementation in school districts around the country, there is no convincing documentation that zero tolerance has in any way contributed to school safety or improved student behavior. In fact, the implications of available data on disciplinary removal are at best troubling. The contribution of student behavior to suspension or expulsion decisions is swamped by inconsistencies in administration at both the classroom and school levels. For at-risk students, the most consistently documented outcome of suspension and expulsion appears to be further suspension and expulsion, and perhaps school dropout. These relationships are especially troubling in the light of the highly consistent overuse of punishment

for African American students, an overrepresentation that cannot be explained away by behavior or the effects of poverty. Together, these data strongly suggest that disciplinary removals do little to ensure school safety and may even make a substantially negative contribution to student behavior or school climate.

Recommendations for equitable and effective discipline

In the wake of deadly violence with firearms in schools, it would be difficult to find advocates for tolerating guns in schools. Yet the overextension of the zero-tolerance paradigm has led to controversy without yielding definitive improvements in school safety. The following recommendations offer alternatives based on best-practice knowledge of what works in school safety and school discipline.

- *Reserve zero-tolerance disciplinary removals for only the most serious and severe of disruptive behaviors, such as weapons offenses, and define those behaviors explicitly.* To avoid community controversy about what constitutes a weapon, any infractions included in a zero-tolerance policy should be well defined, perhaps using a definition drawn from state or federal criminal codes.

- *Replace one-size-fits-all disciplinary strategies with graduated systems of discipline, with consequences geared to the seriousness of the infraction.* In response to community reaction against zero tolerance, many school districts are beginning to move toward reserving severe punishments for serious, safety-threatening offenses. Less serious offenses, such as classroom disruption, attendance-related behaviors, or even minor fights among students, are met with less severe consequences, which might range from in-school suspension to parent contact, reprimands, community service, or counseling.

- *Expand the array of options available to schools for dealing with disruptive or violent behavior.* We must assume that school boards or administrators implementing zero-tolerance policies do not take pleasure in removing children from school. Rather, they simply do

not know what else to do. Research on effective preventive alternatives such as bullying prevention, conflict resolution and peer mediation, improved classroom behavior management, and early identification and intervention is critical in order to assist schools in developing sound alternatives to exclusionary discipline. Increased funding that allows school districts to develop a host of violence-prevention strategies is important, as is increased training at the university level in an expanded array of options.

- *Implement preventive measures that can improve school climate and reconnect alienated students.* Solutions to the zero-tolerance dilemma might also seek to shift the focus from swift and certain punishment to improving the sense of school community and belongingness (see Chapter Five, this issue). Indeed, data on a host of preventive measures, ranging from conflict resolution to anger management to bullying prevention, appear to be far more promising than the largely negative findings concerning zero tolerance (see Chapter Four, this issue). Professional opinion has begun to coalesce around a primary prevention model of school violence prevention emphasizing simultaneous intervention at each of three levels.³⁴ (See Chapters Four through Six of this issue.)

- *Evaluate all school discipline or school violence-prevention strategies to ensure that those strategies are truly having an impact on student behavior and school safety.* Accountability of instruction has become a national priority and must be applied to behavioral and disciplinary procedures as well. The implementation of any procedure addressing student behavior or school violence must be accompanied by an evaluation adequate to determine whether that procedure has made a positive contribution to improving school safety or student behavior. Without such data, there is danger that time and resources will be wasted on strategies that sound appealing but in fact do little to decrease the chances of disruption or violence.

Conclusion: Escaping the cycle of fear

Throughout its brief history, the implementation of and reactions to zero tolerance seem to follow a predictable pattern, one that

might be characterized as a cycle of fear. Schools and school districts, responding to fear of increased school violence and disruption, implement harsh measures to reassure the community that action is being taken. Although communities are initially supportive of the apparently decisive new stance, that support soon sours as the civil rights implications of consistently harsh punishments become apparent. Breaking this cycle will require more than a simple reaction to current news events; it will mean assessment of current safety needs, careful planning, implementation of proven effective strategies, and the evaluation of any strategy designed to address violence and disruption.

The dilemma of zero tolerance is profound and serious. We can in no way question the motives or sincerity of those who have drawn a battle line against violence in the schools. Yet however well meaning those policies have been, the pages of national newspapers have been littered with the wreckage of young lives changed, perhaps irrevocably, by policies whose primary aim is to send a message to more serious offenders. Moreover, it has not been substantiated that the antisocial and violent youth who are the intended targets of zero tolerance have in any way received its message. There is yet to be a credible demonstration that zero tolerance has made a significant contribution to school safety or improved student behavior. The tragic violence that has befallen both urban and rural schools makes it incumbent on educators to explore all available means to protect the safety of students and teachers. Yet faced with an almost complete lack of evidence that zero tolerance is among the strategies capable of accomplishing that objective, one can only hope for the development and application of more effective, less intrusive alternatives for preserving the safety of our nation's schools.

Notes

1. Kumar, A. (1999, December 28). Suit fights school alcohol policy. *St. Petersburg Times*, p. 3B; Petrillo, L. (1997, October 29). Eight-year-old may be expelled under zero-tolerance code. *San Diego Union-Tribune*, p. B-1; Bor-suk, A. J., & Murphy, M. B. (1999, April 30). Idle or otherwise, threats bring severe discipline: Where area students once faced a principal, now they face the police. *Milwaukee Journal Sentinel*, p. 8; Nancrede, S. F. (1998, August 20).

School to take foul mouths to task: Southport High will institute zero-tolerance policy on profanity. *Indianapolis Star*, p. A1; "Groups critical of no second chances school proposal." (1999, January 27). *Baltimore Sun*, p. 4B; Seymour, L. (1999a, February 24). Getting too tough? Schools are expanding their zero-tolerance policies, disciplining and even kicking out students who misbehave off-campus. *Los Angeles Times*, p. B2.

2. 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.

3. 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.

4. Kelling, G., & Wilson, J. (1982, March). Broken windows: The police and neighborhood safety. *Atlantic Monthly*, 249(3), 31.

5. Ewing, C. P. (2000, January-February). Sensible zero tolerance protects students. *Harvard Education Letter: Research Online*. Available: www.edletter.org/past/issues/2000-jf/zero-sh.html#EWING.

6. In *Violence in America's Public Schools, 1996-97* (Heaviside et al., 1998), schools that reported more day-to-day disciplinary disruptions also reported higher levels of serious crime.

7. Koch, K. (2000). Zero tolerance: Is mandatory punishment in schools unfair? *Congressional Quarterly Researcher*, 10(9), 185-208.

8. The search was conducted using the Lexis-Nexus database entering the term *zero tolerance* under the category "Major Newspapers," for dates ranging from May 1, 1998, to June 1, 2001. See Skiba & Peterson (1999) for an analysis of cases prior to May 1998.

9. In the interest of readability, citations of newspaper articles in this section will be presented in footnotes. For each category, sources are cited in the order of the incidents presented. For weapons incidents, the sources for each incident are: Stepp, D. R. (1999, October 12). Cobb expels student for packing gun. *Atlanta Constitution*, p. 3C; Fitzpatrick, T., Lilly, R., & Houtz, J. (1998, October 6). Schools reverse toy-gun decision: Boy, 11, who was expelled is back at Whitman today. *Seattle Times*, p. B1; Rodriguez, Y. (2000, September 28). Cobb school calls wallet chain a weapon, suspends girl, 11. *Atlanta Constitution*, p. 1A; Second-graders facing charges. (2001, March 22). *Newsday*, p. A33.

10. Drugs and alcohol citations: Abrahms, S. (1998, June 21). Discipline of 9 seniors is evaluated: Headmaster defends "zero tolerance" stance. *Boston Globe*, p. 1; Smith, A. C. (1998, November 14). Court casts doubt on "zero tolerance" policy. *St. Petersburg Times*, p. 1B; Nacelewicz, T. (2001, February 2). Activists file suit after teen expelled: SAD 61 has denied an education to a girl who took pills for a headache, the Maine Civil Liberties Union says. *Portland Press Herald*, p. 1B.

11. Threats: Grenz, C. (2001, March 31). Accused student to return to class. *Topeka Capital-Journal*; Henderson, J. (1999, November 4). Halloween essay lands 13-year-old behind bars: Boy released after news media called. *Houston Chronicle*, p. 1A; Sternberg, N. (2001, April 6). Paranoid times chill fair play. *Chicago Sun-Times*, p. 3.

12. O'Toole, M. E., & the Critical Incident Response Group. (2000). *The school shooter: A threat assessment perspective*. Quantico, VA: Federal Bureau of Investigation. Available: www.fbi.gov/library/school/school2.pdf.

13. At the national level, Heaviside et al. (1998) reported that serious and dangerous behaviors such as weapons possession, physical assault of teacher, and gang-related behavior typically accounted for less than 5 percent of school disciplinary incidents; similar results at the school level were reported in an analysis of middle school disciplinary records by Skiba, R. J., Peterson, R. L., & Williams, T. (1997). Office referrals and suspension: Disciplinary intervention in middle schools. *Education and Treatment of Children*, 20(3), 295-315.

14. In general, courts give broad leeway to school districts regarding discipline. See Zirkel, P. A. (1998). The right stuff. *Phi Delta Kappan*, 79(6), 475-476. But exceptions have been made for due process violation (Lee, C. J. [1999, January 12]. Penn Hills schools lose weapons plea: State court affirms common pleas ruling on expulsion. *Pittsburgh Post Gazette*, p. B-1) or if the policy allows no exceptions (Carney, S. [1998, September 23]. Focus: School district loses on suspension. *Los Angeles Time*, p. B2).

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