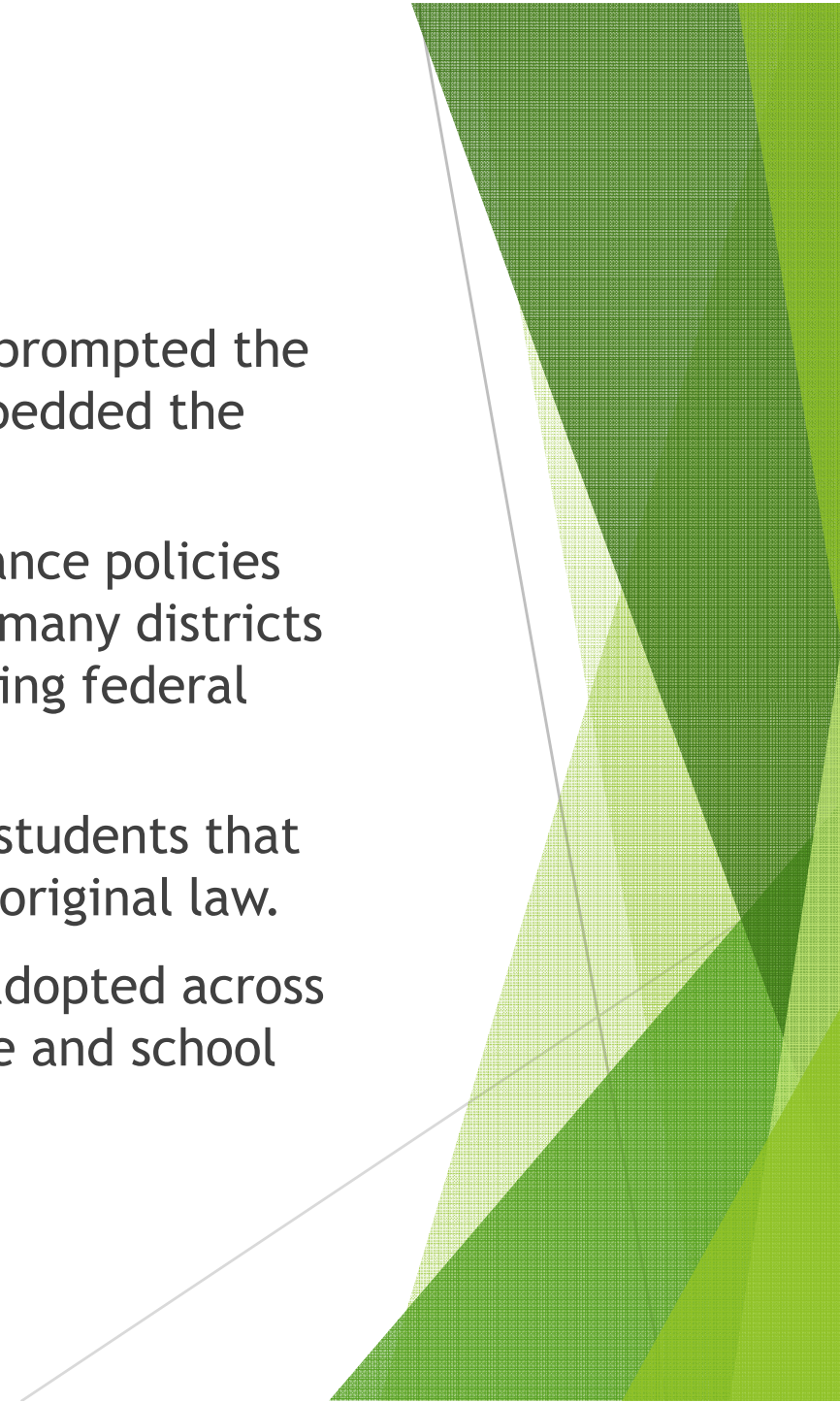


# The Evolution of Zero Tolerance in American Schools

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# The Evolution

- ▶ Societal concerns over growing violence in US schools prompted the passing of the Gun Free Schools Act of 1994 which embedded the concept of zero tolerance into the law.
- ▶ As the law was implemented in US schools, zero-tolerance policies have varied considerably from district to district, and many districts have frequently extended zero-tolerance beyond existing federal definitions.
- ▶ This has resulted in a wide range of consequences for students that many believe have overstepped the boundaries of the original law.
- ▶ By the end of 1993, zero tolerance policies had been adopted across the country, encompassing drugs weapons, tobacco use and school disruption.



# School to Prison Pipeline

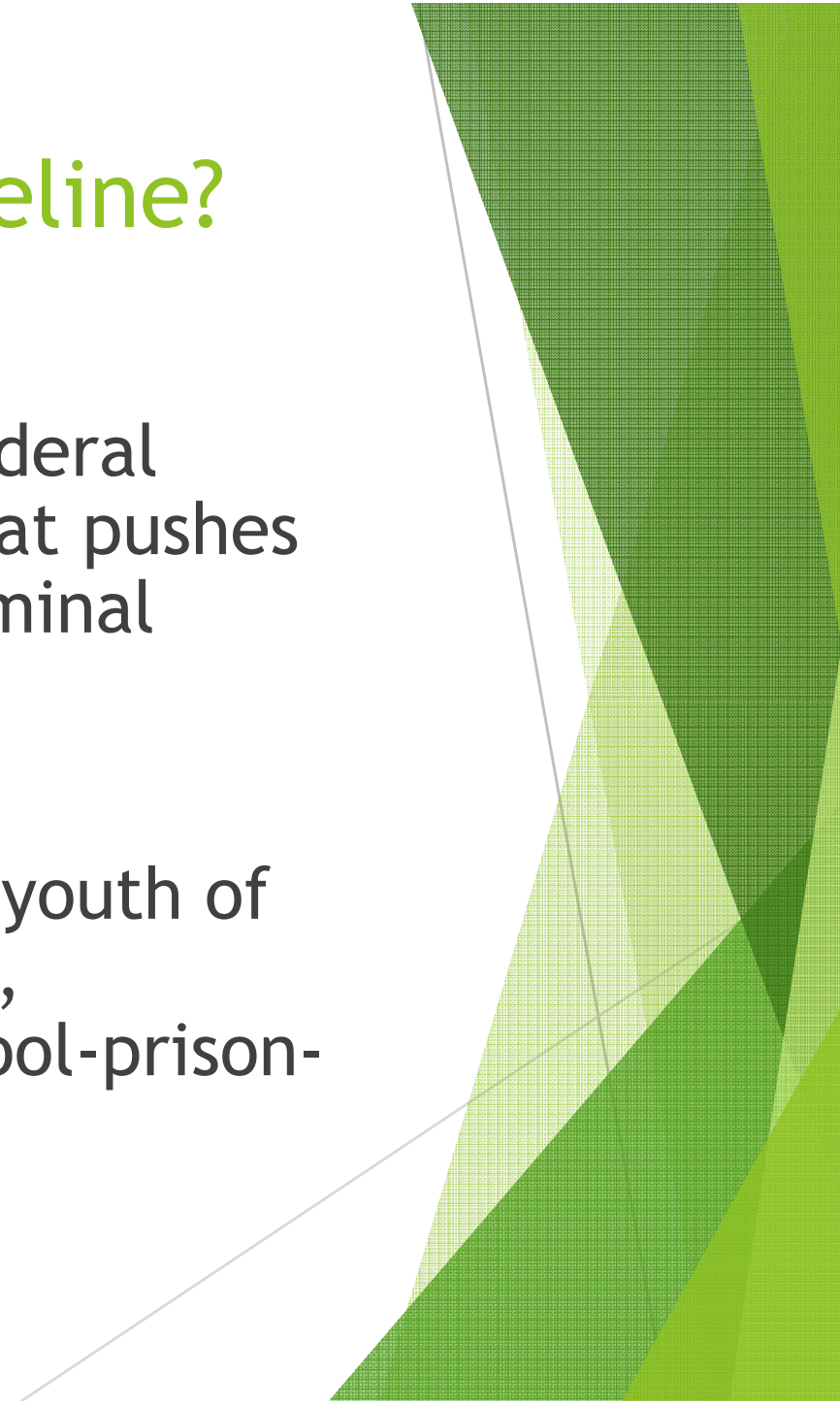
► [http://www.youtube.com/watch?v=9Qe5\\_1Wayil](http://www.youtube.com/watch?v=9Qe5_1Wayil)



# What is the School to Prison Pipeline?

## School to Prison Pipeline-

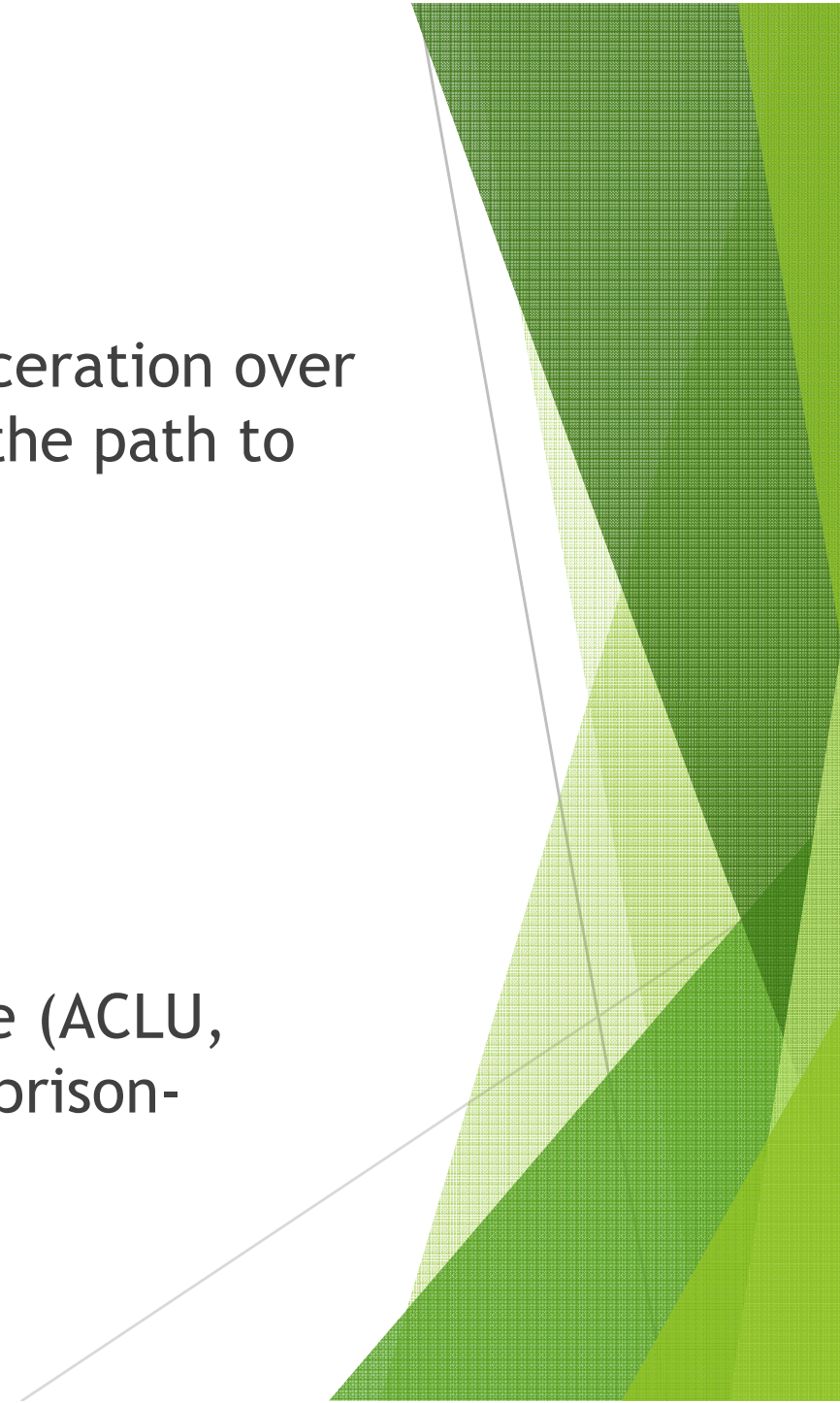
- ▶ A nationwide system of local, state, federal education and public safety policies that pushes students out of school and into the criminal justice system.
- ▶ This system disproportionately targets youth of color and youth with disabilities (ACLU, [www.aclu.org/racial-justice/what-school-prison-pipeline](http://www.aclu.org/racial-justice/what-school-prison-pipeline)).



# The Pipeline

This pipeline reflects the prioritization of incarceration over education. For a growing number of students, the path to incarceration includes:

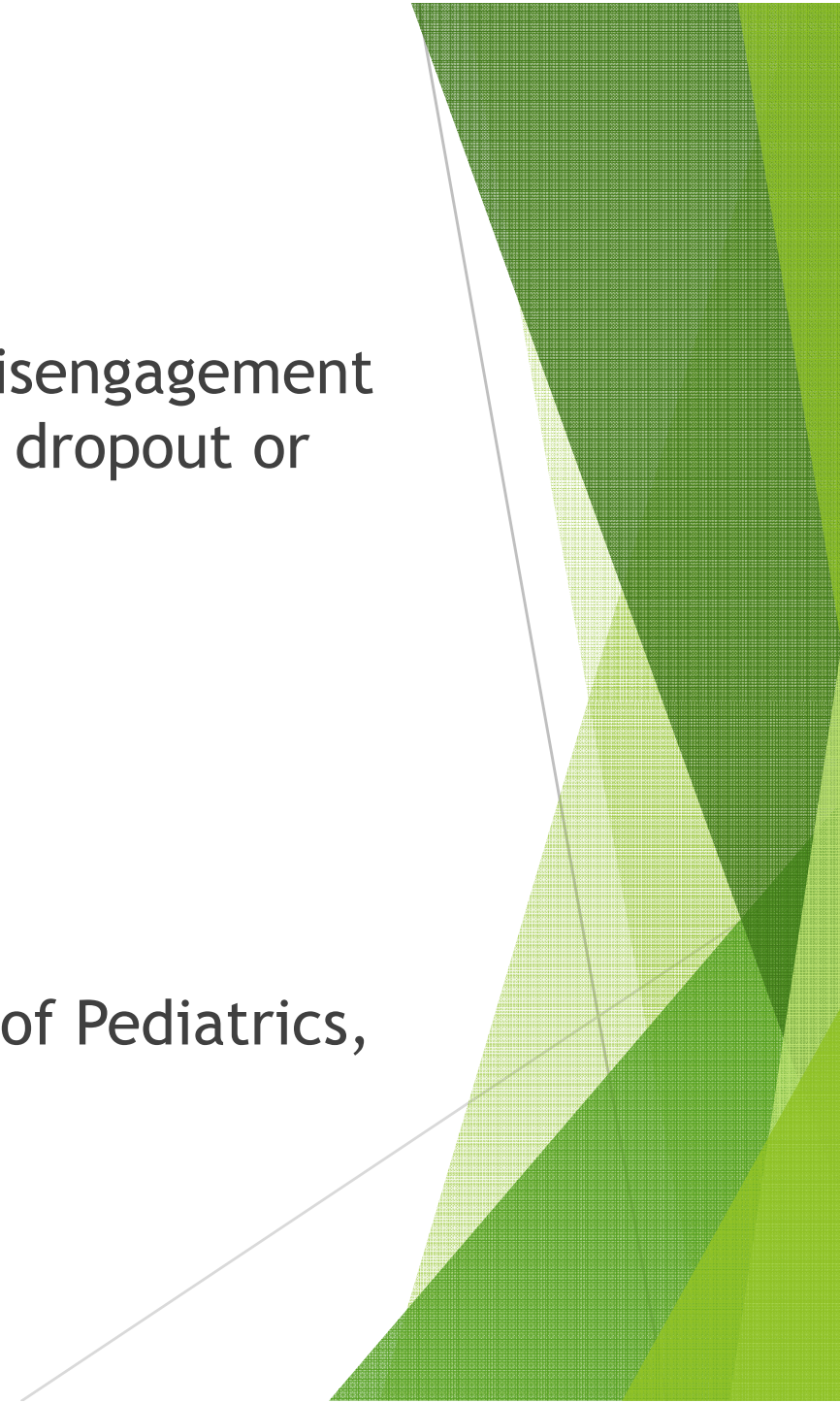
- ▶ Failing Public School
- ▶ Policing School Hallways
- ▶ Disciplinary Alternative Schools
- ▶ Court Involvement and Juvenile Detention
- ▶ Zero-Tolerance and Other School Discipline (ACLU, [www.aclu.org/racial-justice/what-school-prison-pipeline](http://www.aclu.org/racial-justice/what-school-prison-pipeline)).



# Failing Public School

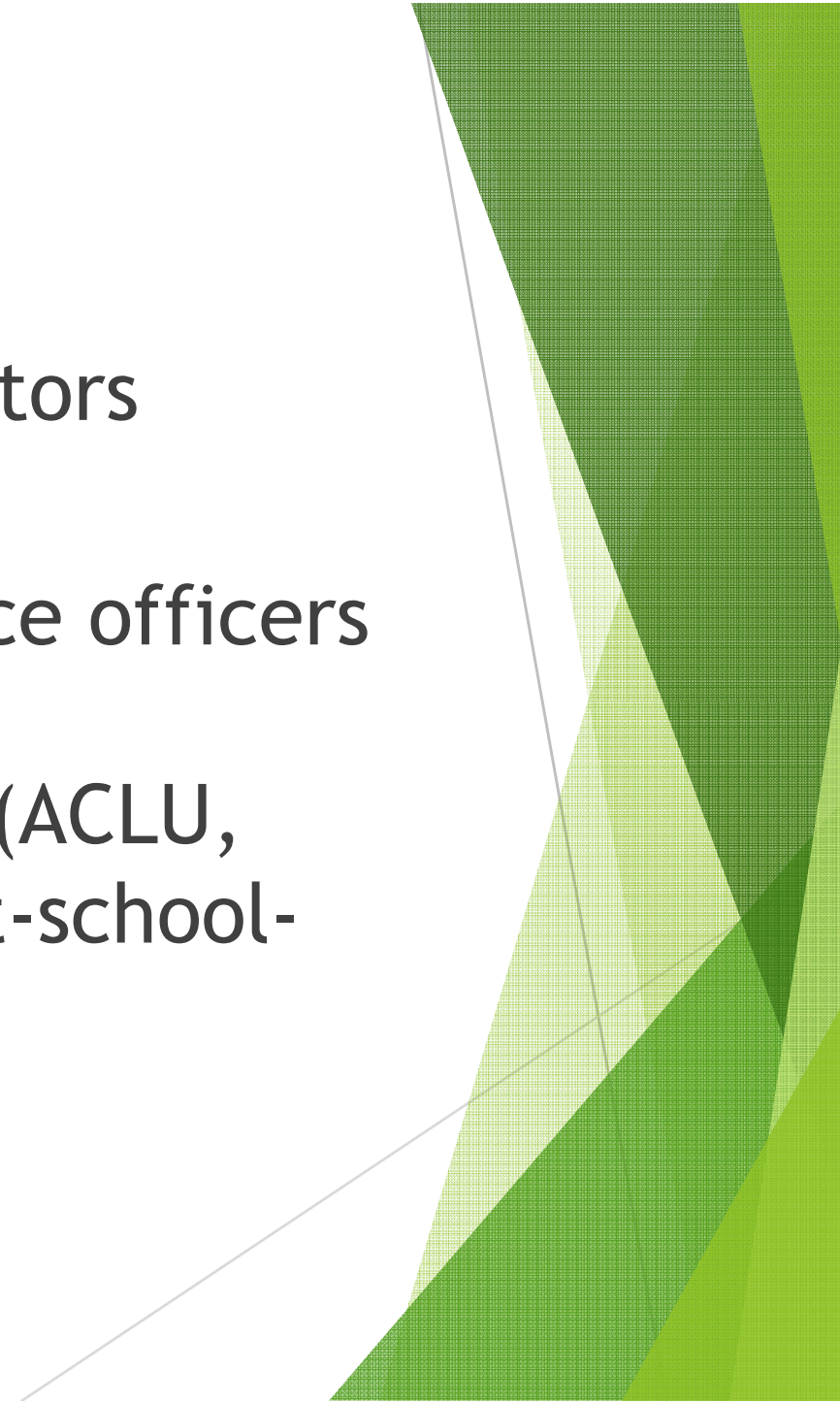
Any combination of the following may lead to disengagement from the academic environment thus leading to dropout or push out of a student from public school:

- ▶ Overcrowded classrooms
- ▶ Lack of qualified teachers
- ▶ Insufficient counseling services
- ▶ Insufficient special education services
- ▶ Inadequate resources (American Academy of Pediatrics, 2003).



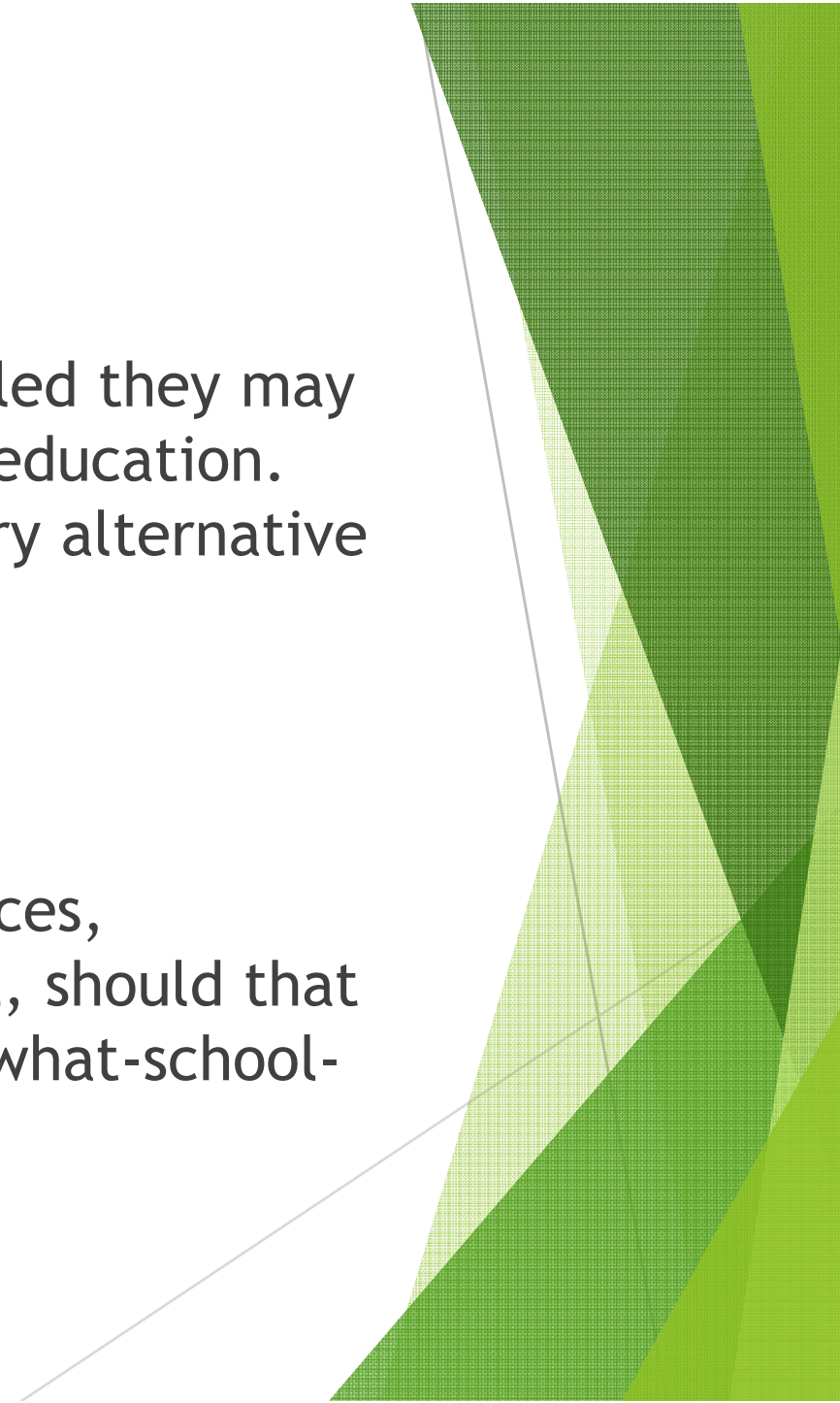
# Policing School Hallways

- ▶ Fewer school staff and administrators policing the hallways
- ▶ The employment of school resource officers has soared thus leading to more unnecessary school based arrests (ACLU, [www.aclu.org/racial-justice/what-school-prison-pipeline](http://www.aclu.org/racial-justice/what-school-prison-pipeline)).



# Disciplinary Alternative Schools

- ▶ When a student has been suspended or expelled they may or may not qualify to continue to receive an education. For those that do qualify there are disciplinary alternative schools.
- ▶ Own set of criteria
- ▶ Different standards
- ▶ Set up for continued failure based upon services, standards, and the return to the home school, should that happen (ACLU, [www.aclu.org/racial-justice/what-school-prison-pipeline](http://www.aclu.org/racial-justice/what-school-prison-pipeline)).





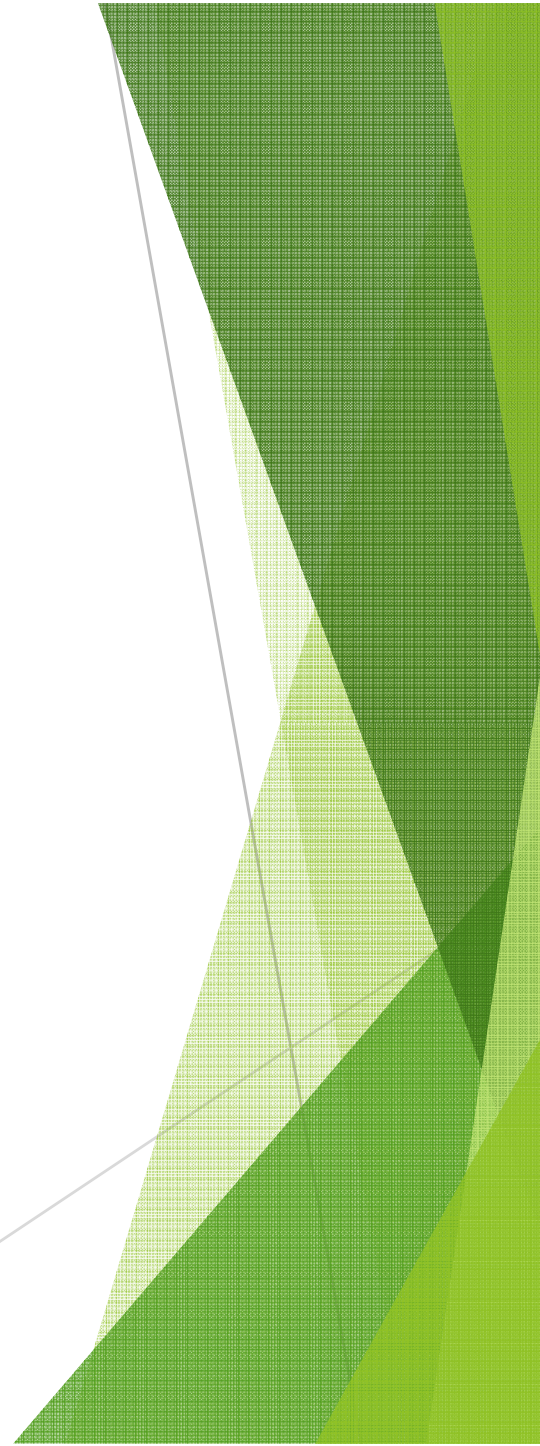
# Court Involvement and Juvenile Detention

- ▶ Lack of procedural protection (ACLU, 2006).
- ▶ Few, if any educational services in juvenile hall
- ▶ Minority overrepresentation (Skiba, 2000).
- ▶ Kids with disabilities
- ▶ Majority never graduate (Osher, 2002).



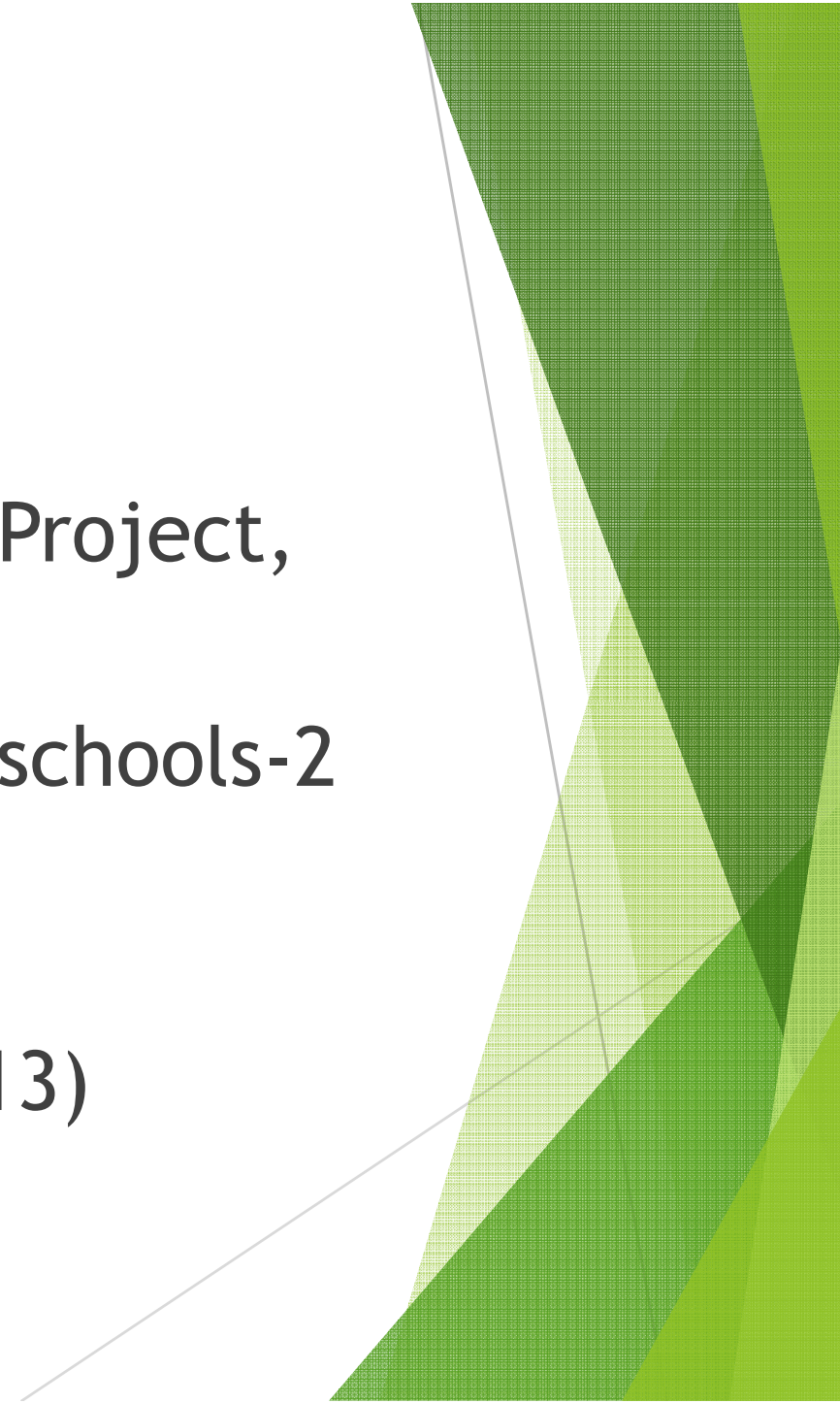
## Zero-Tolerance and Other-School Discipline

- ▶ Severe punishment, regardless of circumstances if one of the rules on the schools' zero-tolerance policy has been violated.
- ▶ Results in suspension, expulsion, and/or arrest (ACLU, [www.aclu.org/racial-justice/what-school-prison-pipeline](http://www.aclu.org/racial-justice/what-school-prison-pipeline)).



# Evolution of Suspension

- ▶ 1.7 Million in 1974
- ▶ 3.1 Million in 2000 (Advancement Project, 2005)
- ▶ 26,000 American middle and high schools-2 million suspension in 2010
- ▶ 19.3% of students suspended have disabilities (Losen & Martinez, 2013)



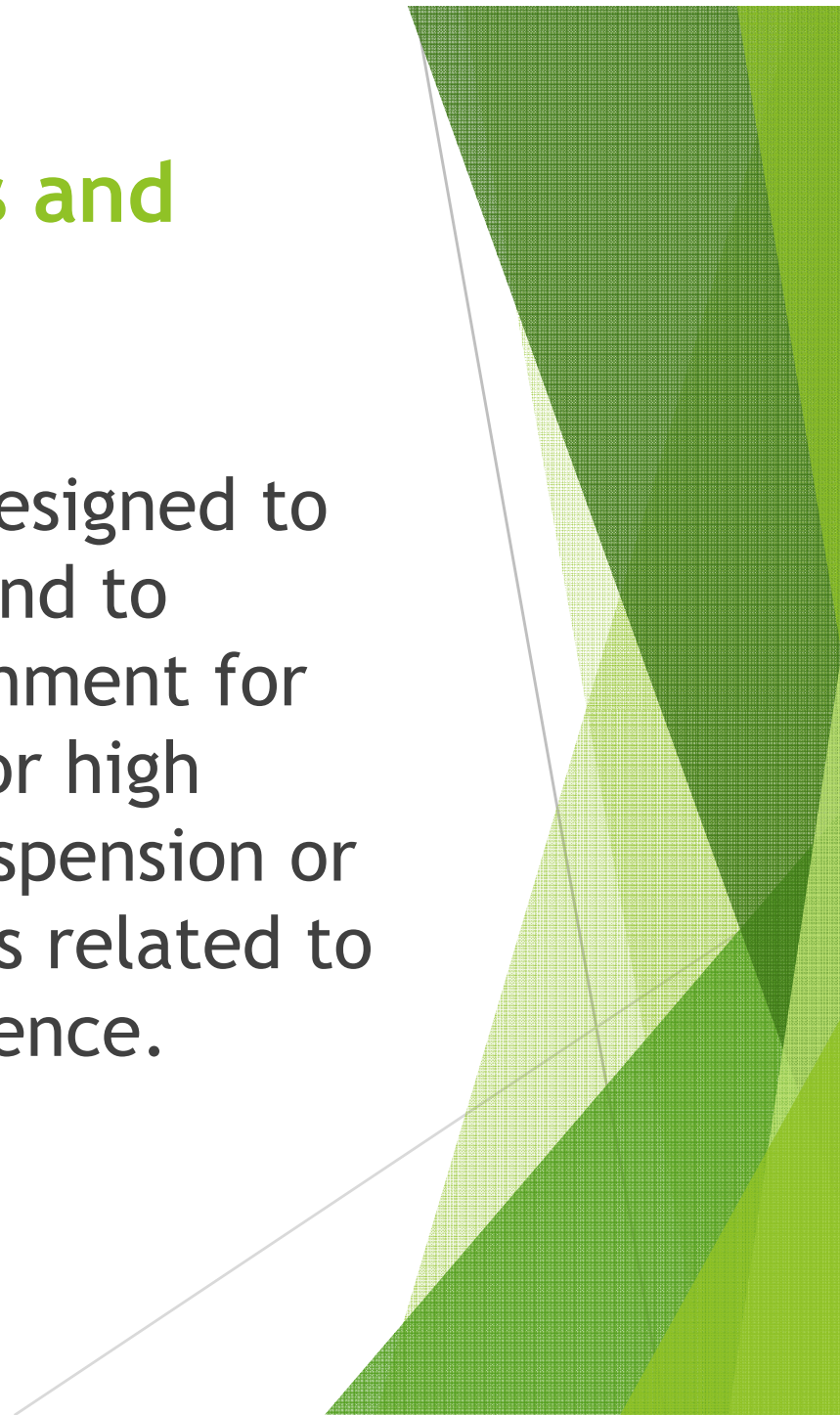
# Suspension Policy (SDUSD)

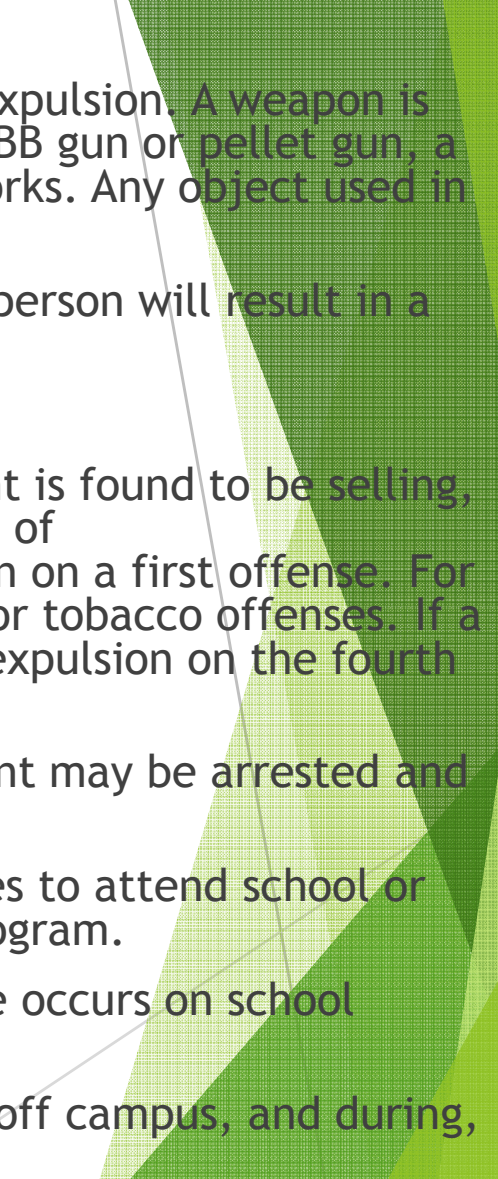
- ▶ School principal, the principal's designee, or the superintendent may suspend a student from school for a maximum of five consecutive school days. The Board of Education may suspend a student from school for any number of school days within the limits prescribed in the Education Code. A teacher may suspend a student from his/her class for the day of the suspension and the day following. During the period of suspension, the student shall not be returned to that class without concurrence of the teacher of the class and the principal.
- ▶ Under conditions described in district procedures, the teacher of a pupil suspended from class for committing an obscene act, engaging in habitual profanity or vulgarity, disrupting school activities, or willfully defying authority is authorized to provide that the parent/guardian of the student attend a portion of the school day in the classroom from which the student was suspended.



# Zero Tolerance for Weapons, Drugs and Violence (SDUSD)

- ▶ The district's Zero Tolerance Policy is designed to make your school a safe environment and to provide an appropriate learning environment for students. It applies to middle and senior high school students. The policy requires suspension or expulsion for students who violate rules related to weapons, controlled substances or violence.



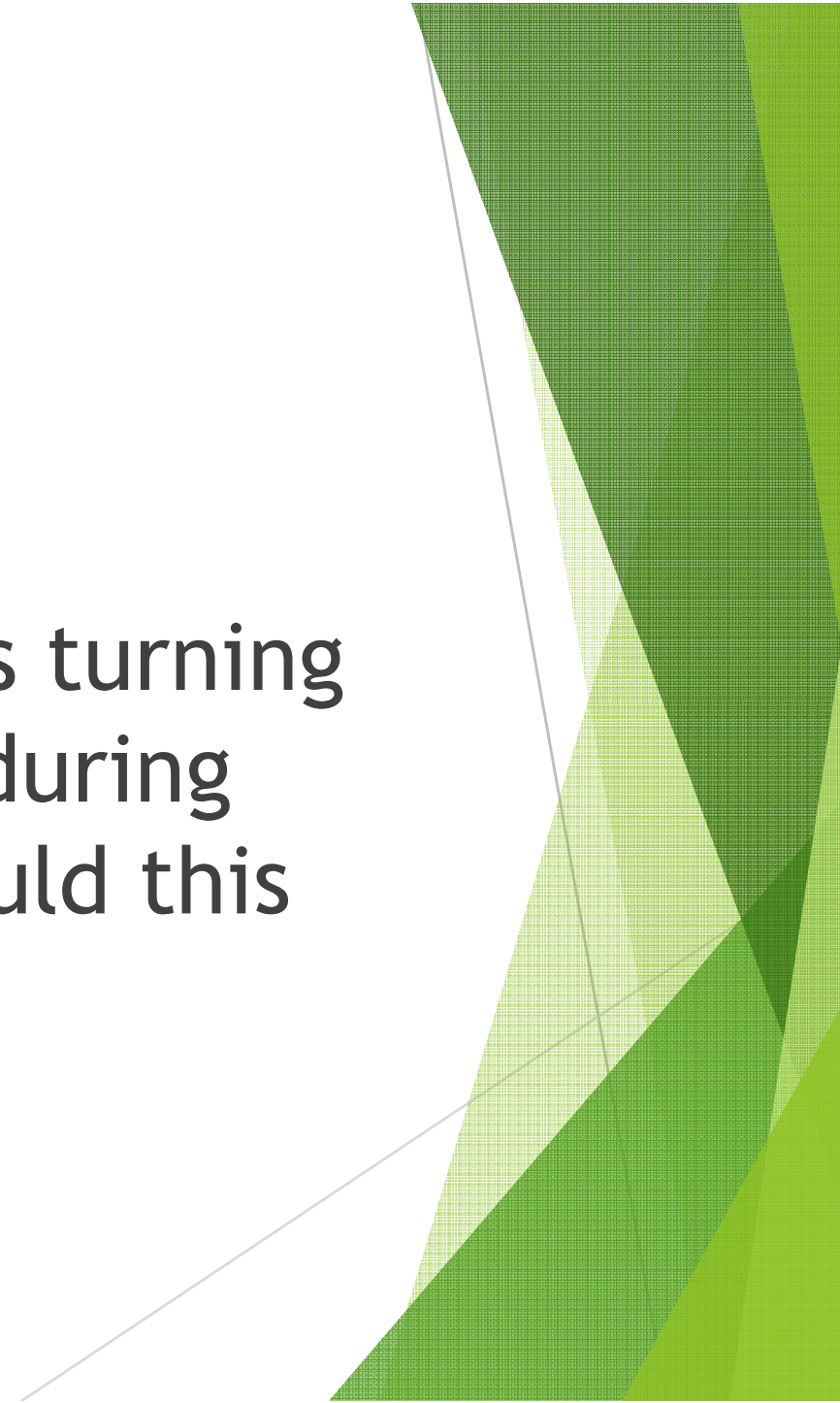
- 
- ▶ The Board of Education has approved the following Zero Tolerance Policy:
  - ▶ Use, possession or brandishing of a weapon will result in a recommendation for expulsion. A weapon is defined as, but not limited to, a firearm, pistol replica, starter pistol, stun gun, BB gun or pellet gun, a knife of any size or type, a dirk, dagger, razor, slingshot, any explosives or fireworks. Any object used in a dangerous manner will also be considered a weapon.
  - ▶ Repeated incidents of fighting, violent acts, or causing serious injury to another person will result in a recommendation for expulsion.
  - ▶ Attempting to commit or committing a sexual assault and/or sexual battery.
  - ▶ Our district has a NO ALCOHOL, TOBACCO, or other DRUG USE POLICY. If a student is found to be selling, furnishing, or possessing an amount determined to be for more than personal use of controlled/prohibited substances, the student will be recommended for expulsion on a first offense. For possession or use, expulsion will be recommended on the third offense, except for tobacco offenses. If a student is found in possession of tobacco, the student will be recommended for expulsion on the fourth offense.
  - ▶ In addition to discipline, if a student is found to have violated the law, the student may be arrested and taken to a juvenile detention facility.
  - ▶ Expulsion from San Diego Unified School District will result in the loss of privileges to attend school or extracurricular activities. A student may be placed in an alternative school or program.
  - ▶ The Zero Tolerance Policy requires a recommendation for expulsion if the offense occurs on school campus or at a school activity, whether on or off campus.
  - ▶ Expulsion may be recommended for an offense that occurs during lunch period - off campus, and during, or while going to or from a school-sponsored activity.

# Scenarios



## Scenario 1

- ▶ A 13 year old Florida student repeatedly passed gas and was turning off his classmates computers during class. What consequences should this student receive?





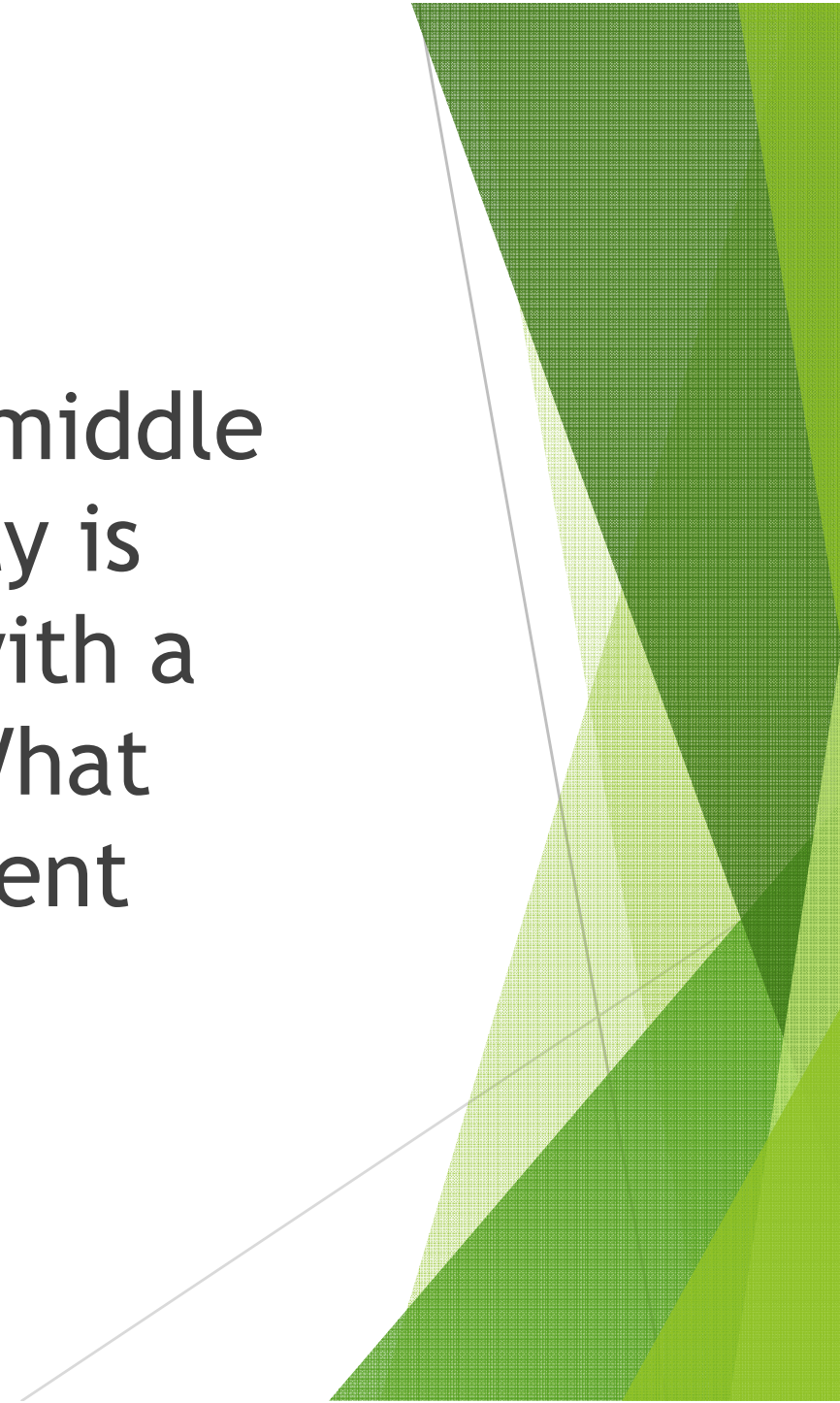
## Districts response

- ▶ The student was arrested resulting in automatic zero tolerance and expulsion from school.



## Scenario 2

Alexa Gonzalez a 12 year old middle school student in New York City is caught doodling on her desk with a lime green erasable marker. What consequences should this student receive?



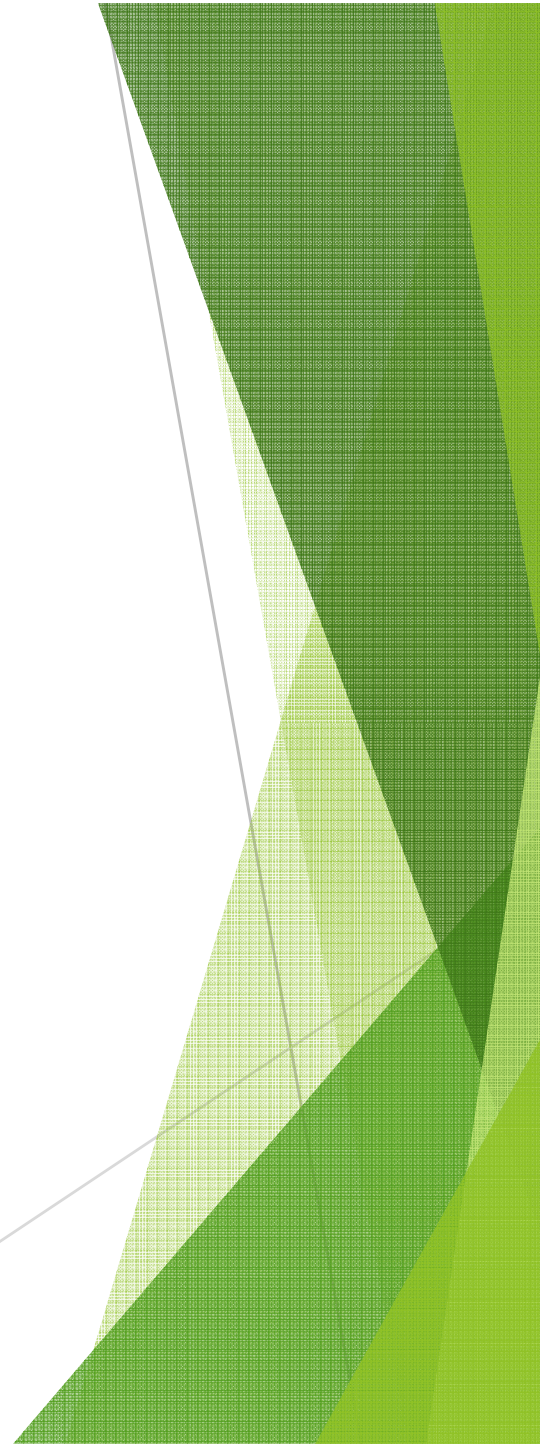
# Girl's arrest for doodling raises concerns about zero tolerance

<http://www.cnn.com/2010/CRIME/02/18/new.york.doodle.arrest/>



## Scenario 3

- ▶ Michigan Middle school student was carrying his school duffle bag and another student asked him “What’s in your bag?” The student gave a flippant response and said “What do you think I have a bomb?”  
Does this warrant a disciplinary response?



## How the district responded

The district automatically applied zero tolerance and expelled him for 1 year with no option of alternative school, parents were required to pay for 1 year of private school. No due process was afforded this student. No investigation was conducted (i.e. no search of his duffle bag, no questioning of student or witnesses).



# Ramifications

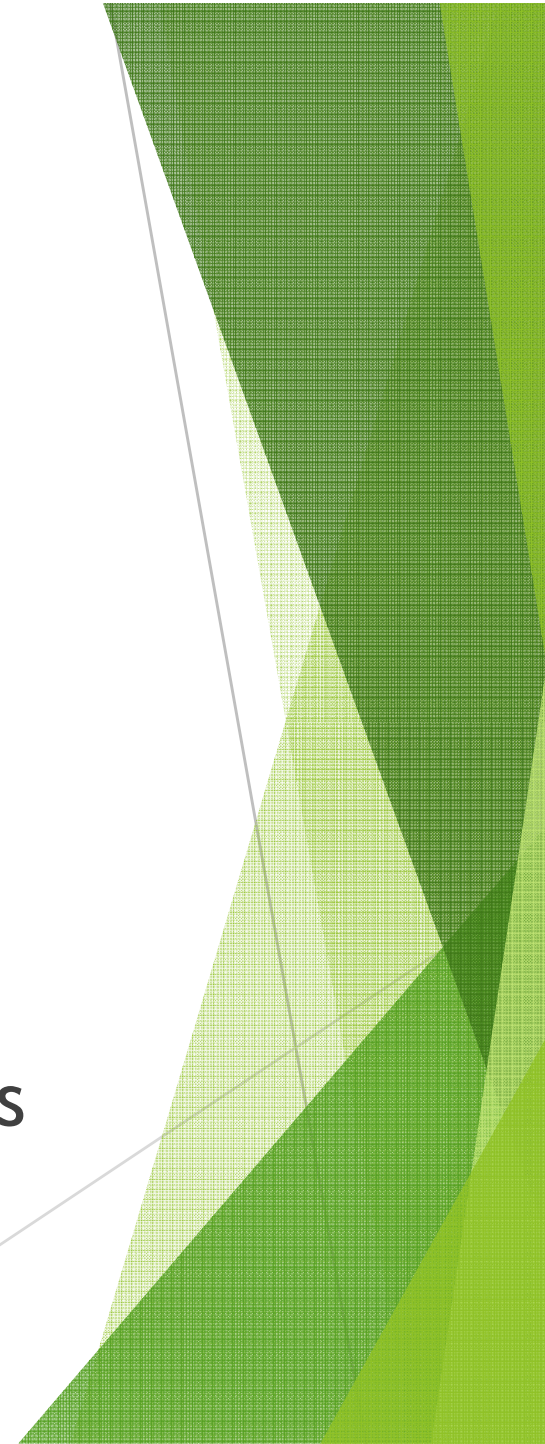
- ▶ Attorney General Eric Holder (2014) believes these well intentioned “zero-tolerance” policies too often introduce the criminal justice system into the resolution of problems. This can result in psychological damage and behavioral ramifications which can be far more damaging and have a longer lasting impact on students. Instilling harsh punishments may result in a lifetime of internal scarring.



# Results

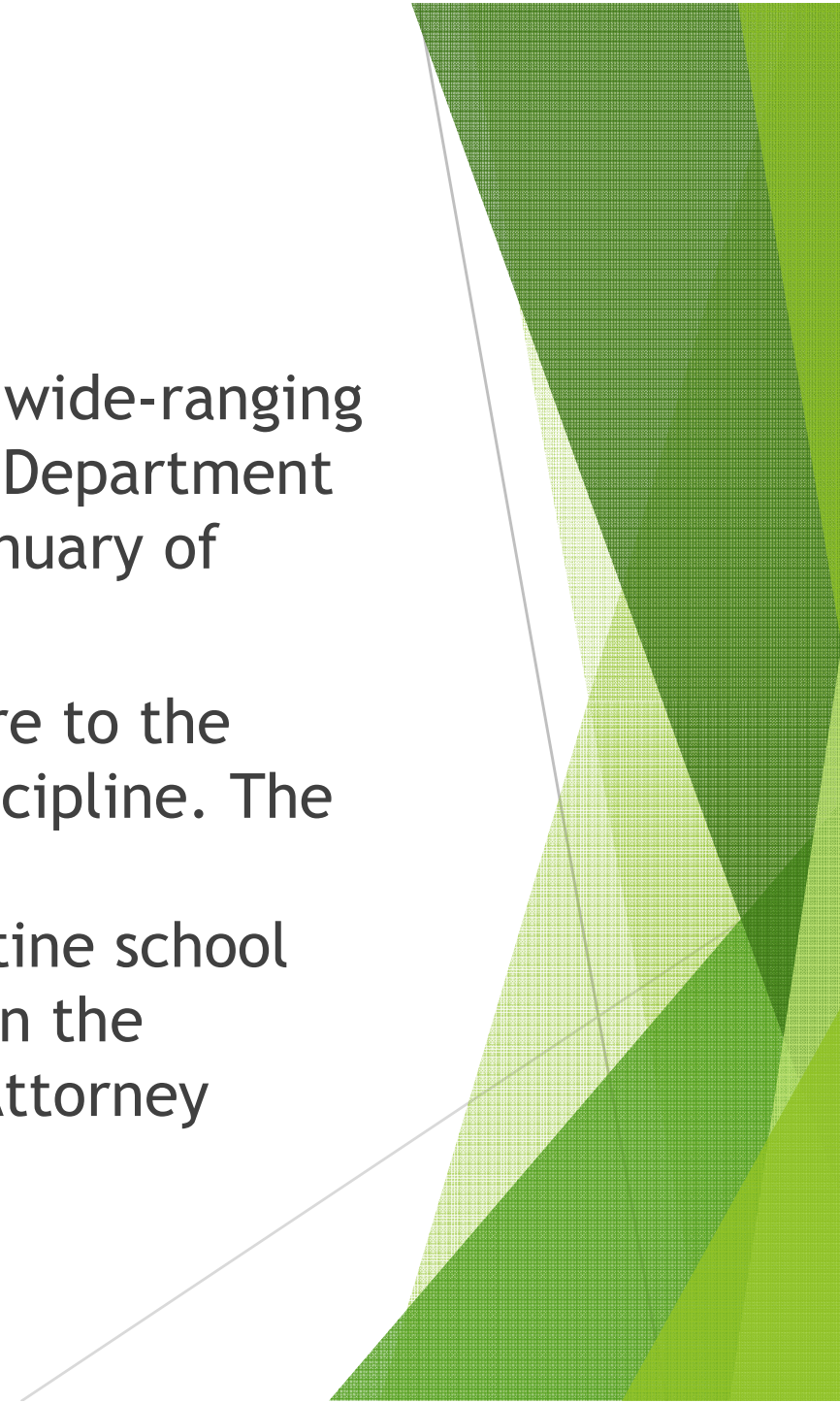
Concerns over the School to Prison Pipeline prompted The US Justice and Education departments (2014) to conduct research which suggests that racial disparities exist in how students are disciplined.

A letter to school districts was sent to school districts which state that “In short, racial discrimination in school discipline is a real problem.” US Justice and Education departments (2014).



# Results

- ▶ In an effort to address this critical concern a wide-ranging series of guidelines was developed by the US Department of Education and released to the public in January of 2014.
- ▶ It calls for schools across the nation to adhere to the principle of fairness and equity in student discipline. The American Civil Liberties Union called the recommendations “ground-breaking.” “A routine school disciplinary infraction should land a student in the principal’s office, not in a police precinct,” Attorney General Eric Holder said.





## Next steps

We will be examining current zero tolerance policies as well as analyzing the new US guidelines recommended for improving school climate and discipline in an effort to inform implementation practices across the nation.

