

# Zero Tolerance Policies for Nonviolent Offenses

ISSUE BRIEF | JULY 2019



## SEF Position

SEF supports the implementation of non-punitive, restorative discipline practices and the elimination of zero tolerance policies for nonviolent offenses.

## Background

In schools across the South, punitive disciplinary practices subject students to higher rates of suspension or expulsion for certain offenses. Zero tolerance in schools originated in 1994 as a repercussion of The Gun Free Schools Act, which required states to expel for one year any student who brought a firearm to school, at the risk of losing federal funding.<sup>1</sup> Over the last two decades, these policies have been used in schools as a red line to prompt immediate suspension or expulsion for students who commit a wide range of violent and nonviolent offenses; however, zero tolerance policies have been scrutinized by academics, practitioners, and family advocates for their unchecked and biased use.

**Zero-tolerance policies have been scrutinized by academics, practitioners, and family advocates for their unchecked and biased use.**

Since their introduction, zero tolerance policies have disproportionately affected students of color, primarily African American students. Data from the U.S. Department of Education's Civil Rights Data Collection (CRDC) and the Council on State Government show that African American boys in secondary schools are three times more likely to be suspended or expelled than White males, and African American females in secondary schools are suspended at rates 45 times higher than White females.<sup>2</sup> Additionally, data from the Equity Project at Indiana University show that White students are more likely to be disciplined for more objectively negative behaviors, such as smoking and vandalism, while students of color are disciplined more at the subjective discretion of teachers and administrators, usually for factors such as disrespect or excessive noise.<sup>3</sup> Opponents of zero tolerance policies claim that while their stated intention is to foster safer school environments by holding students accountable for their actions, the policies' application has turned them into an excuse for delivering harsh punishments for minor offenses.

# Benefits of Eliminating Zero Tolerance Policies for Nonviolent Offenses

- Zero tolerance policies contribute to higher dropout rates and potential future criminal behavior. Students who are suspended or expelled from school are more likely to drop out and to interact with the criminal justice system later in life. Additionally, these students are also less likely to go to college and, as a result, are less likely to access robust professional opportunities.
- Reduce the disproportionately high rate of discipline administered to students of color.
- Studies have shown that there is no proven deterrence to misbehavior through the use of zero tolerance policies. Instead, zero-tolerance policies result in a higher police presence in schools that does little to nothing to increase student safety or boost academic performance.<sup>4</sup> Therefore, eliminating zero-tolerance policies for nonviolent offenses will help schools and districts focus on best practices to improve student behavior, safety, and performance.
- It will help foster stronger relationships between students and teachers, and enable students to feel safer and more comfortable in a school environment.

## SEF Recommendations

- Replace zero tolerance policies with discipline policies focused on explicit teaching of social-emotional strategies and restorative justice practices that support young people in learning key skills and developing responsibility for themselves and their community.
- Eliminate referrals to law enforcement for all nonviolent, noncriminal offenses by developing model school discipline policies and memoranda of understanding (MOUs) that clarify the roles and responsibilities of school resource officers (SROs).
- Provide professional development to all adults in the school building in restorative justice, positive behavioral supports, and implicit bias.

### End Notes

1. Morin, A. Verywell Family. June 12, 2019. Pros and Cons of Zero Tolerance Policies in Schools. Retrieved from <https://www.verywellfamily.com/the-pros-and-cons-of-zero-tolerance-policies-1094916>.
2. Savage, J & Ross, R. Education Commission of the States. April 17, 2015. Exclusionary discipline denies 'equity for all'. Retrieved from <https://ednote.ecs.org/exclusionary-discipline-denies-equity-for-all-2>.
3. Skiba, R & Williams, N. The Equity Project at Indiana University. March 2014. Are Black Kids Worse? Myths and Facts about Racial Differences in Behavior. Retrieved from [http://www.indiana.edu/~atlantic/wp-content/uploads/2014/03/African-American-Differential-Behavior\\_031214.pdf](http://www.indiana.edu/~atlantic/wp-content/uploads/2014/03/African-American-Differential-Behavior_031214.pdf).
4. Children's Defense Fund. November 2012. Zero Tolerance and Exclusionary School Discipline Policies Harm Students and Contribute to the Cradle to Prison Pipeline. Retrieved from <https://www.childrensdefense.org/cdfoh/wp-content/uploads/sites/6/2018/07/zero-tolerance-and-exclusionary-school-discipline-policies.pdf>.