



Ensuring School Engagement and Success vs. Exclusion for Youth at Risk of Delinquency

Facts Associated with “Zero Tolerance” and Similar School Exclusion Policies/Practices:

- African American students are more likely than white students to be suspended, expelled and arrested for similar conduct at school.¹
- Children with emotional disabilities and suffering with emotional disturbance/mental health needs are more than three times as likely as other students to be arrested before finishing school.²
- In 2003 African American students made up 50% of student enrollment in Chicago Public Schools, but accounted for more than 77% of arrests in schools.³
- In Pennsylvania, students with disabilities account for 13% of the school-aged population and represent 24% of youth referred to law enforcement or the juvenile justice system.⁴
- In Florida the number of out-of-school suspensions increased 14% between the 1999-2000 and 2004-2005 school years. During the 2004-2005 school year, nearly 27,000 school referrals were made to the Department of Juvenile Justice; 76% of them were for misdemeanor offenses such as disorderly conduct or assault. Also during that year, Florida’s African American students made up 22.8% of the student population but received 46% of out-of-school suspensions and police referrals.⁵
- In 1999, Maryland schools (excluding the Baltimore City district) suspended 44,000 students for non-violent offenses of “disobeying rules,” “insubordination,” and “disruption.”⁶
- The Committee on School Health reported that suspension and expulsion can lead to or worsen academic problems, delinquency, crime, and substance abuse. They also noted that children most likely to be suspended are those who most need the assistance and supervision of professionals.⁷
- Research has consistently shown that school suspensions are disproportionately administered to African American students.⁸ Suspension or expulsion has been shown a primary reason for dropping out of school⁹ and high school drop-outs are three and a half times more likely than high school graduates to be incarcerated.¹⁰ In that way, schools may be indirectly pushing certain students into the juvenile justice system.

¹ NAACP Legal Defense and Educational Fund, Inc. “Dismantling the School-to-Prison Pipeline” NAACP Legal Defense and Educational Fund, Inc. 2005.

² Southern Poverty Law Center “School to Prison Pipeline” <http://www.splcenter.org/legal/schoolhouse.jsp>, 2007

³ Advancement Project. “Education on Lockdown: The Schoolhouse to Jailhouse Track.” March, 2005.

⁴ Lynagh, Sallie & Manusco, Ellen. “Arrested Development: Students with Disabilities and School Referrals to Law Enforcement in Pennsylvania.” Pennsylvania Protection & Advocacy, Inc. July, 2004.

⁵ NAACP Legal Defense and Educational Fund, Inc. “Report Reveals Harsh Impact of Zero Tolerance Policies on Florida Public School Students.” April 20, 2006

⁶ NAACP Legal Defense and Educational Fund, Inc. 2005

⁷ The Committee on School Health, 2003. “Out of School Suspension and Expulsion.” *Pediatrics*: 112(5), 1206-1209.

⁸ Skiba, 2000.

⁹ DeRidder, Lawrence M. “How Suspension and Expulsion Contribute to Dropping Out,” *The Education Digest*, February 1991.

¹⁰ Martin, N., & Halperin, S. *Whatever It Takes: How Twelve Communities are Reconnecting Out-of-School Youth*. Washington, DC: American Youth Policy Forum, 2006.

Brief History of Zero Tolerance Policies:

Zero Tolerance policies, originating out of drug policies of the 1980s came into use in the schools in the late 1980s in response to growing concerns about drugs, fighting and possible “gang-related” activity in and around schools. In 1994, the federal Gun-Free Schools Act required a one-year expulsion and referral to the justice system for students possessing firearms as a condition of schools eligibility to receive federal elementary and secondary schools funding.¹¹

Since then, the range of situations to which Zero Tolerance policies have been applied has broadened. Many school districts now include drugs, alcohol, disruptive behavior, and nonviolent offenses among Zero Tolerance infractions.¹² According to the most recent data of national implementation of Zero Tolerance policies, 94% of schools have Zero Tolerance policies for weapons or firearms, 87% for alcohol and 79% have mandatory suspensions or expulsions for violence or tobacco.¹³ Examples of the ever-broadening scope of Zero Tolerance policies include treatment of nail files, paper clips, scissors, and plastic knives as weapons and Aspirin, Midol and Certs as drugs.^{14/15}

In CJJ’s 2001 Annual Report to the President, the Congress, the Governors, the SAGs and the Office of Juvenile Justice and Delinquency Prevention at the U.S. Department of Justice (OJJDP), “Abandoned in the Back Row: Lessons in Delinquency Prevention,” we set forth several recommendations, including the following (listed verbatim—without the benefit of what CJJ may have added were they drafted today):

- School boards should steer away from rigid discipline policies that wind up denying education and emotional support to those youth who typically need it the most. Boards should be open to alternative and more meaningful ways of targeting youth with behavior issues, while also ensuring school safety.
- Zero Tolerance policies should not mean zero services for those students who often need the most support. Administrators should turn to well-tested alternatives, such as in-school suspensions and referrals to programs that treat a youth’s underlying ... problems.
- Teachers should be given training to identify learning disabilities and mental health issues. They should also receive training and remain open to innovative, child-centered, cost-effective classroom methods. They should eschew discipline policies that are merely punitive in favor of effective methods that offer incentives for positive behavior.

Please visit the CJJ Web site for further information: www.juvjustice.org

Prepared by the members of the CJJ Ethnic and Cultural Diversity Committee and CJJ staff, with Lauren Schick CJJ Spring 2009 Intern from the University California – Los Angeles Semester in Washington Program. May 2009

¹¹Skiba, Russell J. “Zero Tolerance, Zero Evidence: An Analysis of School Disciplinary Practice.” Indiana Education Policy Center. August, 2000.

¹² Civil Rights Project, Harvard University. Advancement Project. “Opportunities Suspended: The Devastating Consequences of Zero Tolerance and School Discipline Policies.” Civil Right Project, Harvard University. Advancement Project. June, 2000.

¹³ Skiba, 2000. (Note: the most recent data of this kind available is from 1996-1997 school year)

¹⁴ Civil Rights Project, Harvard University, 2000.

¹⁵ APA Zero Tolerance Task Force. “Are Zero Tolerance Policies Effective in the Schools? An Evidentiary Review and Recommendations.” February, 2006.