



The Disadvantages of "Zero Tolerance" Laws That Mandate Exclusionary School Discipline

F. Chris Curran, University of Florida

Parents, students, and school personnel have an expectation that the school setting should be a safe place, free from violence and crime. Usually this expectation is met. Schools are one of the safest places for youth – and school crime overall has declined significantly during the last several decades. Nevertheless, schools are not immune from extreme violence – as the nation learned from horrific events such as the mass school shootings at Columbine and Sandy Hook.

In efforts to ensure safe learning environments, almost every state has a law mandating expulsion for certain severe offenses. Many of these state laws were enacted in response to the federal government's 1994 Gun-Free Schools Act, which required states to adopt laws requiring school districts to expel any student found to have brought a firearm to school. Going beyond federal requirements, a number of states have extended mandatory expulsion rules to include student offenses such as physical assaults, drug possession, and possession of weapons other than guns. States intend such "zero tolerance" laws to improve school safety. But as this brief discusses, recent research suggests there may be unintended consequences – because studies connect zero tolerance laws to rising use of school suspensions and racial and ethnic disparities in school discipline.

Exclusionary Discipline and Racial Disparities

A large body of research has demonstrated negative consequences of suspensions and expulsions. Students who experience such "exclusionary discipline" (as such punishment is called) tend to have lower academic achievement and are more likely to end up dealing with the criminal justice system.

What is more, Black and Hispanic students are much more likely than white students to experience exclusionary discipline. Rates of suspension for Black students are nearly three times larger than that for white students. As a result, students of color are also more likely to experience the negative side-effects of exclusion: lower achievement, higher drop outs, and involvement with the criminal justice system.

Are zero tolerance laws, specifically, leading to increases in exclusionary forms of school discipline? So far, research linking rates of discipline to specific laws and policies has been fairly limited. In the late 2000s, a task force on zero tolerance laws established by the American Psychological Association reviewed the broad literature on school discipline but noted the lack of studies that explicitly explored the effects of zero tolerance policies. Recent research has, however, begun to fill this gap.

- Stephen Hoffman, a researcher at Harvard University, found that one urban school district's decision to expand the use of zero tolerance resulted in an increase in the use of exclusionary discipline – and this increased usage was greatest for Black students.
- My own recent work extends the examination of zero tolerance policies to the state level to assess the impact of state mandatory expulsion laws. I show that the adoption of these laws predicts higher rates of suspension for all students, but increases of suspensions are nearly three times greater for Black students than for white students.

In an important extra step, my analysis specifically assesses the impact of zero-tolerance laws pertaining to firearms, weapons, drug offenses, and assaults. Consistent with research by others, I find that increases in exclusionary discipline by schools are greatest when state laws leave room for interpretation and discretion on the part of school authorities. Specifically, rates of exclusionary discipline, especially for minority students, go up most when state laws mandate expulsion for broad offenses like assaults or bringing any kind of

weapon to school.

Do Zero Tolerance Laws Make Schools Safer?

Despite negative consequences, some might argue that increased use of exclusionary discipline by schools is acceptable if it leads to significant gains in safety and order in learning environments. Unfortunately, my analysis suggests that this is not the case. My study assessed the impact of state zero tolerance laws on principals' perceptions of problem behaviors in their schools – behaviors like fighting, drug use, student disrespect for teachers, and so forth. I find that state zero tolerance laws are **not associated** with principals' reports of decreases in such problem behaviors. In short, schools are suspending more students without, in the view of the principals, improving safety and order overall.

What Schools and Policymakers Can Do

Educators can devise alternatives to unsuccessful zero tolerance laws:

- **Explore positive and restorative approaches to student misbehavior.** Growing evidence points to the effectiveness of methods of discipline that use positive supports and build on a sense of community, allowing victims of student misbehavior to be heard and giving the offenders opportunities to make amends.
- **Reserve exclusionary discipline for only the most severe cases.** There are times when removing a student may be in the best interest of all – such as when a student represents an ongoing threat to the safety of others. But exclusion should be used only in exceptional circumstances, with follow-up efforts to make sure the offender receives suitable help.
- **Revisit state laws that mandate exclusionary discipline.** Such laws may unnecessarily tie the hands of school authorities – or leave too much discretion about weapons or assaults. Providing clearer guidance on narrowly defined severe infractions that require mandated exclusion may help schools avoid the documented negative side-effects of many existing laws.

In sum, research shows that legislators and educators need to find alternatives to zero tolerance that actually improve school safety while limiting the downsides of exclusionary discipline.

Read more in F. Chris Curran, "**Estimating the Effect of State Zero Tolerance Laws on Exclusionary Discipline, Racial Discipline Gaps, and Student Behavior.**" *Educational Evaluation and Policy Analysis* (2016).