An Analysis of California Zero Tolerance Policy

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November 25, 2003

Introduction to Policy Analysis

Ed 323
Introduction of the Problem and General Overview

In response to the tragic violent events in schools in the early 1990s and media pressure, legislators took action to ease the minds of parents, school officials, students, and teachers by establishing laws about safety in school. President Clinton signed into law a bill introduced by Senators Dianne Feinstein (CA) and Byron Dorgan (ND) that requires a mandatory expulsion of one year for students that carry guns at schools as part of the Elementary and Secondary Education Act (ESEA) in 1994. This law was the Gun-Free Schools Act, and it made ESEA funds contingent upon the state enacting a “zero tolerance” law. Following this mandate, each of the states adopted some version for themselves. Thus, Zero Tolerance was born in public schools.

Most states’ zero tolerance laws extend severe consequences to student misbehaviors besides possession of firearm, and the scopes of discipline infractions covered under these laws vary to a great extent among states. For instance, as reported by the Civil Rights Projects sponsored by Harvard University (2000), causes of expulsion in Utah law include willful disobedience or open and persistent defiance of proper authority, willful destruction or defacing of school property, carrying, bringing, using or possessing a dangerous weapon, sale of a drug or controlled substance, robbery, assault. Whereas in Arizona, reasons for expulsion are defiance of authority, continued disruptive or disorderly behavior, use or display of a dangerous instrument or deadly weapon, use or possession of a gun, and excessive absenteeism.

Before we introduce the zero tolerance legislation in California, it might be helpful to have a quick review of the demographics of its enrollment. California is the most populous state in the U.S. with an enrollment of 6.2 million in public K-12 schools (California Department of
Among the enrolled students, 45.2% are Hispanics, 33.7% White, 8.3% Black and 8.3% Asian (CSDE, 2003).

In compliance with the federal mandate, California state code requires the principal or the superintendent of schools shall immediately suspend and/or recommend the expulsion of a pupil for serious physical injury to another person (except in self-defense), possession of any knife or other dangerous object, possessing or selling controlled substance, robbery or extortion, sexual assault or battery, and possession of an explosives (Educ. Code § 48915 (a) (c)). Upon finding that the student committed the act, the governing board shall expel the student when (a) other means of correction are not feasible or have repeatedly failed to bring about proper conduct, and/or (b) due to the nature of the act, the presence of the pupil causes a continuing danger to the physical safety of the pupil or others (Educ. Code § 48915 (b)). School districts provide alternative educational services to suspended or expelled students on a voluntary basis (Civil Rights Projects, 2000).

Californians seems to “buy into” the notion of being “tough” on school violence. In March 2000, a juvenile crime law--Proposition 21--was passed in California by an approving rate of 62% (“Juvenile crime,” 2000). This law requires adult trial for juveniles 14 or older charged with murder or specified sex offenses, and juveniles tried in adult court face adult sentences. In addition, Proposition 21 eliminates informal probation for juveniles committing felonies.

**Rationales and Evidence of Objections to Zero Tolerance Policy**

Zero tolerance policy has been hailed as an effective measure contributing to reduced rates of crime and violence in the 1990s (Casella, 2003), however, strong criticism has been voiced against the policy. A summary of the rationales and evidences of its criticism is presented as follows.
Overzealous punishment and criminalization of students. Opponents of the zero tolerance policy have argued that it goes beyond the federal law, and uses the zero-tolerance as a “one-size-fit-all” net catching a breadth of disciplinary infractions to weed out violators and deter offenses (McAndrews, 2000). In addition to the expansion of misbehaviors leading to severe consequences as mandated in most state laws, local school districts often append more discipline infractions to the lists of intolerable behaviors in their policies. For instance, beyond the misbehaviors mandated as grounds for expulsion in the state code, the San Diego zero tolerance law further expands the expulsion causes to include possession of firearm replicas, stun guns, slingshots, fireworks, alcohol, tobacco and any object used in a dangerous manner, plus fighting.

There is evidence that the frequencies of suspension and expulsion have increased dramatically since the application of zero tolerance policy (Justice Policy Institute, 2000). However, “data on suspension consistently show that…referrals for drugs, weapons, and gang-related behaviors constitute but a small minority of office referrals leading to suspension” (Skiba & Peterson, 1999, 374). Broad interpretation of Zero Tolerance policy has results in severe consequences imposed on students due to trivial events. Many of such discipline cases have received national attention in recent years.

Moreover, schools have been charged for transferring the discretion of student discipline cases to law enforcement agencies (Civil Rights Project, 2000). It is argued that the transfer criminalizes students by changing the nature of discipline measures from being educative to being punitive and deterrent to students.

Inflexible, rigid and severe punishment. As stated above, the media has given much empathy to those students who had to bear severe consequences under zero tolerance policies even if it was obvious that they violated the rules carelessly and unintentionally. Although the
federal law “allows” local decision-making on a case-by-case basis, state and school administrators tend to interpret and implement the zero-tolerance policy in a punitive, stringent and standardizing discipline approach. This approach is appealing to many as it seems to be fair, consistent, clear, holding students to high behavioral expectations.

**Deprivation of educational opportunities.** Following the mandated consequence of “expulsion” in the federal law, suspension and expulsion are the major kinds of punishment imposed on discipline violators under zero tolerance policies. Keeping students out of the school inevitably takes instruction away from them. Suspension has been reported as a moderate to strong predicator of student drop out of school. According to the Harvard Civil Rights Project Report (2000), “more than 30% of sophomores who drop out have been suspended and that high school dropouts are more likely to be incarcerated” (p. 13).

In addition, students shut out from the school are more likely to do harm to their families and communities (Skiba, 2000). According to the Centers for Disease Control, “out of school” youth are significantly more likely to become involved in detrimental activities and crime than “in school” youth (Justice Policy Institute, 2000). Skiba and Peterson (1999) further argued that the Zero Tolerance Policy is taken advantage by some administrators to push out troublemakers and low-performing students.

**Disproportional high presence of minority and low-SES punished students.** The problem of overrepresentation of minority students in suspension and expulsion cases has been well documented. Gregory (1997) examined Office for Civil Rights school survey data, and found that African American males were more likely to be suspended than all other subgroups, 10.14 times more likely than Asian females. In San Diego School District in California, during 1999-2000 school year, the ethnic demographics district enrollment are 37% Latino students, 17%
African Americans, and 27% whites. There were 11,839 suspensions during that year, and account for almost 10% of the total student population. In comparison, for Grades 6 through 12, 45% of those suspended were Latino, overrepresenting their portion of the student population by 8%; 31% of suspended students were African American, nearly twice their rate of enrollment (Erase Initiative Applied Research Center, 2002). Furthermore, minority students are more likely to be caught because of “disruptive behavior or disrespectful to teachers” while drugs and weapons are the major causes of trouble for white students (Civil Rights Project, 2000).

Low socioeconomic status (SES) has also been identified as a factor that increases a student’s chance of being suspended or expelled (Skiba, Michael, Nardo & Reece, 2000). However, Skiba et al. found that significant gap between racial representation in punished students even after the factor of SES was controlled.

**Lack of evidence of the effectiveness of the zero tolerance policy.** Empirical research on the effectiveness of zero tolerance policy has presented mixed results. The National Center for Education Statistics reported that, after four years of implementation of zero tolerance policies, the current data do not demonstrate a dramatic decrease in school-based violence (Ashford, 2000). As CSDE (2002) released in a report titled “Safe Schools Assessment, 2000-2001,” student crime rate in California was on a rise from 1995 to 2001, and the overall crime rate for 2000-2001 was about 16 incidents per 1000 students. Among the four incident categories (Crimes Against Persons, Property Crimes, Drug and Alcohol Offenses, and Other Crimes), the Crimes Against Persons category (battery, assault with a deadly weapon, robbery/extortion, sex offence and homicide) had the highest frequency (5.44%) and increase rate (33%). As the zero tolerance policy was enacted around 1994, the study did not show decreased student crime rates since then.
Some studies have reported positive results. Schreiner (1996) observed that zero tolerance in New Jersey's Lower Camden County Regional High School District contributed to a 30 percent drop in superintendent disciplinary hearings; drug-related offenses dropped by nearly one-half.

**Defining the Problem**

In addressing the arguments and evidence against the effectiveness and fairness of the zero tolerance policy, we will do an analysis of the policy with a focus in the state of California and explore modifying the policy to minimize its unintended negative effects.

Our alternatives strive to minimize out-of-school time for punished students, and increase flexibility of the policy implementation in local contexts through changing the consequences and decision-making process.

**Policy Alternatives**

The first three alternatives address changes of the consequences imposed on discipline offenders; the next three address forms of distributed decision-making; and the final alternative keeps the current California zero tolerance policy unchanged.

**Alternative 1: Reduction of Expulsion Term**

This alternative reduces the sentence timeframe of expulsions to increments less than one year. This can be done by shortening sentences to weeks, months, grading periods, or semesters. Penalties can still be mandatory, but the duration of them can be truncated.

There are positive outcomes to this alternative. School districts will not lose money based on enrollment. School districts with statutes requiring alternative education options for expelled students will be responsible for providing funds and resources for temporary time spans rather than providing possible duplicate services, facilities, and staff for complete school terms.
The largest advantage of this alternative is that out-of-school time for students is reduced and the academic impact of suspension is reduced. The amount of time spent out of school negatively affects testing benchmarks throughout elementary, middle, and high school. Missing a year of school certainly will affect academic progress if students have no other options for instruction over the course of their suspension or expulsion.

Since federal and state statutes do not require schools to provide educational alternatives for students who have been suspended or expelled for egregious behavioral acts, often there are limited options for parents. Parents must identify private schools, home school, find tutors, or transport their children to nearby school districts willing to admit the students. Often public school districts will not enroll expelled or suspended students within the same region or state. Michigan prohibits enrollment of youth expelled for egregious from enrolling in any public school across the state. (Dunbar & Villarruel, 2002) If expulsions are short-term, then parents only have to find alternatives for their children for a short period of time rather than a remaining school year.

The negative outcomes of this alternative include public criticism of school safety policies, and if school districts choose not to expel students for one year, they risk losing federal funding through the ESEA. School districts that provide alternative education options will have to provide those options on flexible schedules for these students. This will increase the cost of the alternative education allotment in the budgets of local districts, but they may then be eligible to apply for categorical programs to receive federal funding to support this special population.

**Alternative 2: In-School Suspension/Expulsion**

In this alternative, the state would mandate that all suspension/expulsion be served in the schoolhouse under the supervision of school staff. According to Section 48911.1 of the current
California code-- Supervised suspension classroom, the conditions of in-school suspension are as follows:

- a. Suspended students that pose no imminent danger or threat serve their suspension in a separate classroom, building;
- b. Students are allowed access to appropriate counseling services;
- c. The purpose of the suspension is to promote completion of schoolwork and tests missed during the suspension (each pupil is responsible for contacting teacher(s) to obtain assignments);
- d. Students’ parents are notified in person, by telephone or in writing that the pupil was assigned to the supervised suspension classroom.

There are positive outcomes associated with this alternative. First, schools will still receive federal funding and can sentence students to in-school suspension for the same one year sentence as the mandated expulsion. Second, the school districts will be instrumental in decreasing the academic impact of suspensions and expulsions on students and their long-term educational success. As stated, the more schools include and involve disciplined students, the more likely that discipline measures will bring about positive changes on students. Third, given the federal and state focus on student testing scores as required in the No Child Left Behind, when the loss of students’ academic instruction is minimized, student test performance is less likely to be affected.

There are negative outcomes associated with this alternative. With the increase of students suspended at school, in-school suspension will need to become a more formalized division of the schools and must have its on infrastructure and facilities. That involves capacity building as to allocating in-school suspension classrooms and supervising personnel, and proper staff training. Dealing with the discipline problems of suspended students adds considerable burden to public schools, and divert the school’s attention from teaching the general student population.

Alternative 3: Mandatory Alternative Educational Opportunities for Student Offenders.
In this alternative, expelled or long-term suspension students will be assigned to local alternative schools, facilities, or supplemental certified private tutoring agencies. Expelled students will still have to serve their one-year sentences, but the school district provides alternative facilities that removes them from the main student body or contracts private tutors to provide home-schooling. Although there are related provisions in the state code, such as Section 48911.2 Alternatives to Off-Campus Suspension, and Section 48915.01 – Expulsion Rehabilitation Plan Referral, it is currently not mandatory for school districts to provide alternative educational services to suspended or expelled students.

The positive outcomes associated with this alternative are reduced academic impact of suspensions, maintained classroom-based instruction, and opportunities for pro-social education administered through alternative education agencies. Expelled students are guaranteed opportunities to education even after expulsion, and alternative education can provide counseling for students and parents, and behavioral support in a constructive school setting. Special programs with counseling and behavior modification supports for students and parents can be implemented. Small school districts and neighboring school districts can combine efforts to support regional alternative education programs and divide costs and personnel.

There are negative outcomes associated with this alternative. This alternative inevitably involves additional funding for building and staffing alternative educational facilities to accommodate long-term suspended or expelled students. Currently, school districts receive state per-pupil expenditures for each student. If a student is expelled, the state no longer uses these funds for that student’s education through the general education allocation, yet school districts keep the expenditure. The school district would have to redirect funding for alternative education of said student, but that may not be feasible. Unless the district has a surplus of funds
to support alternative education populations that could be transient throughout the year, this
serves as a budgeting projection issue for annual budgets. School districts with high suspension
and expulsion rates will have to plan appropriately for movement of students across populations
if alternative education is mandated. It might also be difficult for smaller districts to create
alternative education programs for single offenders or multiple students of different development
stages. There is legislation in the state of Massachusetts that if passed, would require districts to
return per-pupil state funding for each student they expel without providing alternative
education. The money would be proportional to the amount of time the students are out of
school (Vaishnav, 2003). If legislation such as this begins to pass in states, policymakers and
school districts will be held accountable fiscally and academically for expelled students.

The upcoming alternatives relate to the decision-making process that administrators take
to determine which students, under what circumstances, and duration that students get
suspended. Presently, the chief executive officers or leaders have discretion to evaluate and
reverse expulsions on a case-by-case basis, while principals and administrators in charge of
discipline are the sole decision makers of the mandatory punishments. The purposes of these
alternatives are to distribute the decision-making of conduct policies and punishments amongst
school staff, parents, students, and the community. This allows districts to interpret the law from
a lens that reflects their particular community and cultural perspective, or to comply strictly with
the law and reflect the culture of their community (Dunbar & Villarruel, 2002).

**Alternative 4: Minimal Tolerance**

This policy keeps the federal requirement of expelling students for possession of firearm
remains intact. For other discipline infractions, this policy allows the administrators discretion of
the “Second Chance” rule, where students are referred for one-time acts of misbehavior or
carelessness that makes them vulnerable to punishment through the policy. Administrators then have the discretion of allowing the student to avoid suspension, but complete a number of other tasks that involve, but are not limited to counseling, parent conferences, and a probationary period. In the event that the student commits a violation again, there will be no room for administrator discretion.

There are positive outcomes to this policy alternative. First, compliance with the federal law ensures the availability of federal funding. Second, this allows principals to circumvent cases that will probably be appealed successfully by implementing the Second Chance Rule and providing support for communication, behavior evaluation, modification, and monitoring. Students will be given the opportunity to be educated, counseled, and trusted by parents, teachers, and administration. This alternative also allows first time offenders or students not at risk for violent behavior the opportunity to remain in school under supervision rather than removing them from school for youthful bad judgment without intent to harm.

There are also possible negative outcomes to this alternative. Sometimes, first time offenders are the students that commit the most violent acts without warning. These students might not have ever displayed violent or risky behavior until they are endangering lives of others. The public may view the change of the law from “zero” to “minimal” as lowering the “stringency” of expectation of student behavior from the state. Administrators may be under pressure from parents and the community to allow offenses normally mandating suspensions to be underpunished due to status or position of the student in the school or their family in the community. This might cause concerns about fairness or discrimination of students based on class or race. If the school leader makes a discretionary decision to give a student a second chance, and the student commits violent acts against others, there may be repercussions on the
leader from community members for bad decision-making. This alternative may also negate the guidance with which some school leaders feel the original law has empowered them.

**Alternative 5: Youth or Peer Courts**

In this alternative, for all cases not involving firearms, local districts and individual schools could institute a youth court. Youth court is a youth-driven, voluntary alternative to court and school disciplinary proceedings handled though the traditional juvenile court and school systems. Youth or peer courts can follow a variety of models, but they often hear cases within a range of violations and decide punishments based on understanding and intent of the violation, and appropriateness of punishment based on school and district conduct policies.

There are positive outcomes to this alternative. First, students become involved in the decision-making process about behavior and consequences. They begin to hold each other accountable and distribute the responsibility of discipline amongst themselves with the support of adults. Youth involved in the decision-making process become more active stakeholders in their classrooms and schools and understand rationale behind some administrative decisions. Restorative justice plays a large role in youth courts, and student records can be salvaged from negatively influencing their future.

With any policy, there are possible negative outcomes. The first negative outcome of this policy is that students may be harsher toward other students than adults might be. Selection of students to participate in youth court may become a complicated issue. If clear boundaries about what violations can be heard and what punishments can be handed out, then student courts might hear cases more suited for school or juvenile courts. Trust in student decisions may not be possible because of age and maturity. Funding must be provided and resources for guidance or training of youth might be an initial burden, and youth courts have a maintenance cost.
Alternative 6: Discipline Council

This alternative distributes the decision-making to the stakeholders in the local district by creation of a discipline council. Cases that are above minor infractions and beneath the mandate of the federal law can be heard by a panel consisting of teachers, parents, community members, administrators, and student representatives. Principals and teachers can make recommendations to the council, and the student may present an argument in an informational process. The council is abreast of the local school conduct codes as an eligibility requirement of membership. The council then decides upon an appropriate punishment, and the punishment stands.

The positive and negative outcomes of this alternative are very similar to the outcomes of the youth or peer courts. Adult decisions will garner more credibility and respect than youth decisions. The timing of meetings and decisions may create a bottleneck for school leaders. Members may or may not be paid, and this is based on the local buy-in to the program. With the exception of startup costs and maintenance costs and training, this alternative could serve as an efficient support mechanism to schools and school leaders, and bring together the community is educative practices about behavior and conflict. This council may be more feasible to smaller school districts than larger school districts.

Alternative 7: Let the law remain

This policy calls for no action. School districts will continue to implement and exercise zero tolerance policies based on state statues and to the extent that they desire.

Most positive outcomes of this alternative are associated with school districts not requiring policy shifts and their associated costs. Administrators can use the prescribed mandates to remove the pressure of punitive decisions about complex situations by falling back
on law enforcement. If school districts are not required to provide alternative education, they incur no additional budgetary costs.

There are many negative outcomes associated with the policy as discussed above in the definition of the problem. They include, but are not limited to, disproportionate number of minority students affected, and divided attention of principals between administrative duties and disciplinary judgments.

*Narrowing the List of Alternatives*

Out of the seven alternatives, we will focus on Alternative 3: Mandatory Alternative Education and Alternative 6: Discipline Council. We choose these two alternatives to apply criteria because they are most inclusive of stakeholders and supportive of education of all students. There are new legislative movements supporting mandatory alternative education in some states, and community involved decision-making in school administration is on the rise.

**Criteria for evaluating outcomes of alternative**

1. Efficiency (Cost-benefit analysis)
   a. Costs:
      i. (Short-term) We want to minimize the costs associated with implementing the alternative.
      ii. (Long-term) We want to minimize the cost of suspension and expulsion on student academic progress.
   b. Benefits: We want to maximize the school safety and violence prevention pathways and support healthy student learning.

2. Fairness
a. Fairness of consequences: We want to make sure that all students are given appropriate punishments for their misbehavior.

b. Within-school fairness: We want to make sure that all students have equal access to safe schools.

c. Within-class fairness: We want to make sure that all students have equal access to classes conducive to learning without fear of violence.

d. Fairness in decision-making: We want to make sure that punishment decisions are reached in a fair and comprehensive manner.

3. Political Feasibility

a. General Public: The public should feel confident that the violence prevention policies are sufficient in maintaining order and safety of students.

b. Local school boards and school leaders: School leaders should “buy-in” to the premise that the policies are firm enough to curb undesirable behavior while facilitating student education so they will expend local resources.

c. Teachers: Teachers should feel that the policy assists, supports, and protects them in their classrooms.

d. Parents/Students: Parents and students should see the policy as protective and supportive of their school environments enough so that they will adhere to its regulations.

e. Community: The community should feel the policy is reflective of their values and support safe growth of their community.

Application of Criteria to Projected Outcomes and Acknowledging Tradeoffs

Mandatory Alternative Education

Efficiency
Mandatory alternative education programs create additional financial responsibilities of school districts by building new facilities, hiring staff, and providing duplicate and possibly more resources to suspended and expelled students. Per-pupil expenditures will have to be redirected or allotted for alternative education students. School districts will either build new facilities or use pre-existing facilities on rotating schedules. They will have to hire new staff or pay current staff for additional hours in the evenings, at night, or on weekends. In the long run, if student expulsions or suspensions do not decrease over time, alternative education will become a permanent line item in the school budgets. The long-term costs of students not in attendance at school on the community and society will be reduced by way of crime prevention while students are not in school and unsupervised while parents and guardians are at work. This long-term cost of poorly educated students entering the workforce or institutions of higher education or not being prepared for entrance into the workforce or higher education will be reduced because educational opportunities for all students will be provided.

The benefit of mandatory alternative programs is that schools can provide parents with options for suspended or expelled students. Students still have the opportunity for effective instruction based on local and state standards. Suspensions and expulsions will have a less devastating academic impact on their overall academic and later professional careers. Students will still be in environment where they can be protected, nurtured, and taught compared to the risks associated with being free on the streets. Counseling and pro-social education might serve as the necessary catalyst for rehabilitation. Welfare and overall competencies of students will not be at risk for deterioration and creating further burdens on state and local resources.

*Fairness*
Within a classroom, mandatory alternative programs might split resources if the school district is not getting funding to support it from other sources. This would not be fair to well-behaving students whose classroom resources may suffer at the expense of creating classroom resources for suspended or expelled students. On the other hand, the sense of safety within the classroom will increase because students deemed violent will be removed and separated. For students within the alternative education programs, their sense of safety might not be as strong because the environment is a population of offenders.

Within a school, if the alternative education programs are housed within the same facilities as the other mainstream student population, there would be a sense of unfairness on the part of well-behaved students in that the offenders were not adequately punished. In fairness to punishment, the community and parents of well-behaved students will probably feel that punishment is fair. Punished students and their parents will probably not feel the punishment was fair. Teachers and principles might feel fairness within the classrooms and schools, but not in the punishment of suspended and expelled students.

Political Feasibility

Depending on the philosophy of the local school boards and leaders toward discipline procedures, there would be very large or very little “buy-in”. School leaders that believe students should be in the classroom receiving instruction instead of unsupervised will support alternative education even if it is an added expense to the budget. School leaders who support removal of behavioral problems will object to the mandate. Parents and community members that understand the far-reaching consequences of expulsion will support the policy and have confidence that students are safe. They will feel secure that violent students are still learning while not being an additional threat to the community. Teachers will support alternative
education unless they are the teachers transferred to alternative education environments. On the other hand, teachers with expertise in alternative education will be in demand.

*Trade-offs: Efficiency vs. Fairness and Feasibility*

The two main trade-offs of mandatory alternative education are between the costs of implementing alternative education programs and the feasibility of having people buy-in to this policy based on their thoughts of fairness. The more unfair the perception of spending excessive dollars on alternative programs at the expense or instead of general population programs, the harder it will be to achieve this buy-in. The buy-in that the costs involved in the short-term for implementation of alternative education will outweigh the long-term costs to society and the economy as a whole will be a challenge, especially since it will look like good behavior has no reward and bad behavior is accommodated. On a larger, lifetime outlook of students, this policy is beneficial, but an emotionally charged public combined with stressed administrators might be a dual challenge for winning support.

Discipline Council

*Efficiency*

The costs associated with implementing a discipline council include training, infrastructure development, and incentives for participation if the council is not voluntary. Incentives for participation could be compensation or payment-in-kind from the local school district or school. After the discipline council is running, maintenance costs include ongoing training of new members, compensation, and sustainability expenses. The long-term costs of the discipline council could be facilities if it becomes a formal entity or adjunct committee of the school or community. The discipline council can minimize the time spent on discipline issues by school leaders, freeing them up for other equally important administrative responsibilities. This
will reduce the number of administrators required on staff at individual schools within the
district. School districts can then spend the saved money on supplies and additional staff, which
will improve the educational experience of all students.

The benefits of implementing a discipline council include widespread representation and
participation of more stakeholders from the community and collective perspectives involved in
decision-making of punishments. Parents, students, and community members will be more
involved in disciplinary procedures and their results because they have a larger stake in the
success and rehabilitation of students. Confidence and sensitivity demonstrated by a discipline
council on behalf of a student breed respect and inspiration toward improving behavior.
Successful rulings and follow-up on the part of a discipline council demonstrate a large
community and authority commitment to the youth. This behavior by adults helps facilitate
trust-building among all stakeholders.

Fairness

The discipline council will probably reflect the community ideals toward appropriate
punishments, so fairness might be accomplished through this composite adjudication board.
This could be fair to the school leaders in that it relieves them of the pressure of such difficult
decisions. It might not be fair to the students if the community perspectives toward them are
negative, as this would influence the rulings. It may not be fair to the teachers and the school
leaders if their recommendations are not ever taken. It might not be fair to the schools if the
students remain in the classrooms after not being rehabilitated. It would not be fair to teachers
and well-behaved students if disruptive students remain in the classroom until council hearings,
and continue to divide attention of the teachers away from instruction.

Political feasibility
The general public might throw lots of support behind these outcomes because they would feel as if they had a positive impact and role in creating safer schools and communities. Local districts and school leaders may be reluctant to relinquish their authoritative power for discipline policies over to the constituency, and also feel burdened by the responsibility of training council members on conduct codes and stressed by more time spent outside of the school day on work-related issues. However, they might appreciate the relief of this administrative burden and its likelihood to make them heroes or public enemies in exchange for the initial sacrifice of time. Teachers may support this because they feel the support of administrators, parents, and community leaders. However, teachers might be wary of opening themselves up to evaluation of classroom management techniques from parties outside of the school. Students would like to participate in the punishment decision-making process so that they can be educated and active in maintaining fairness in punishments.

Trade-offs

The main trade-off of this alternative is feasibility of administrator and teacher buy-in when asking them to relinquish administrative control to the public. Teachers and administrators might be supportive of the idea in theory, but reluctant in practice because it could be viewed as a less standardizing approach to policy left in the hands of a wider, less knowledgeable group for the sake of community participation. If teachers and administrators do not trust their surrounding community, they will not leave their safety and the students’ safety to the community’s judgment. There is also a risk of unequal treatment by the discipline council if it is a representative group of a larger volatile or ineffective discipline decisions apathetic community. The fact that the policy relieves the school parties of some duties while replacing them with others may be a drawback that we have to minimize.
**Recommendations**

In applying our criteria to the policy options, our main priorities were maximizing school safety and fairness in disciplining students, while minimizing negative effects of discipline measures on punished students. We felt that the best approach to successful accomplishment of these goals would be through proposing alternatives to discipline consequences and the decision-making process of punishments. We have two main recommendations based on our analysis, and some recommendations that have lots of potential but are beyond the scope of this paper.

As a first recommendation in response to amending this policy, we recommend mandatory alternative education programs for suspended or expelled students. We understand that extreme violations should have large consequences, but we do not feel that the consequences should be of such magnitude that youthful decisions impact academic opportunities and future career possibilities to the extreme that expulsion exposes youth. We feel that this alternative has the most positive outcomes of all the alternatives introduced in our analysis. It provides educational instruction in a secure environment for offenders while maintaining the safety in the regular schools. It does have some associated intense short-term costs that will force districts to prioritize, but the long-term costs of poorly educated students place them and the community at risk for larger negative outcomes than budgetary concerns.

The second recommendation is to implement discipline councils that can reflect the local community context of education, punishment, and rehabilitation. Since the law is open to wide interpretation, districts can use this to their advantage and draw upon their resources among the population to formulate and enforce community and school values. More stakeholders involved and participating through action after buy-in will have a larger impact and express commitment
to the entire process involved in education. This will show support to students, teachers, and administrators if it is received in such a manner as shared responsibility and accountability.

We investigated many other possible solutions to the catch-all problem zero tolerance policies unintentionally create. They are beyond the scope of this analysis, but warrant attention. Other recommendations involve tracking of referrals and monitoring for quality classroom management, staff development training of improved classroom management and behavior modification techniques, discipline methodology reports from districts to the state so that best and worst practices can be identified, shared, and corrected within and across states, increased parental and school accountability for expelled students, development of smaller community schools, and graduated discipline policies.

References


