Does the Punishment Fit the Crime? The Impact of Zero Tolerance Discipline on At-Risk Youths

David R. Dupper

In response to disastrous, yet relatively rare, instances of deadly school violence, Congress, in 1994, passed the Gun-Free Schools Act (GFSA). The GFSA mandated that each state pass legislation that requires a one-year expulsion for any student who brings a firearm to school for schools to be eligible to receive certain federal education funding. This legislation resulted in the implementation of zero tolerance policies and practices in the vast majority of U.S. public schools over the past decade (Fenning & Bohanon, 2006; Skiba & Rausch, 2006). By the 1996-97 school year, 94 percent of U.S. public schools had zero tolerance policies for firearms, 91 percent for other weapons, 88 percent for drugs, and 87 percent for alcohol (Kaufman et al., 2000). What impact has this increasing use of zero tolerance discipline policies had on our most vulnerable, at-risk groups of students?

The pervasive impact of zero tolerance discipline policies and practices in today’s U.S. public schools cannot be overstated. This tough and swift “one-size-fits-all” punishment has resulted in a near epidemic of out-of-school suspensions. Zero tolerance discipline policies disproportionately affect African American and Hispanic students, who are suspended at approximately three times the rate of white students (Fenning & Bohanon, 2006; Rausch & Skiba, 2004). These discipline policies have also resulted in alarming numbers of students being referred to law enforcement and being arrested for minor skirmishes. A striking example recently occurred in Chicago, when 25 students, ages 11 to 15, were “rounded up, arrested, taken from school and put in jail” for engaging in a food fight (Saulny, 2009, p. A18). In the not-too-distant past, situations such as these would have been handled by school officials, often leading to a detention or parent conference. The American Civil Liberties Union of Michigan (2009) recently issued a report titled Reclaiming Michigan’s Throwaway Kids: Students Trapped in the School-to-Prison Pipeline, which documents and analyzes data that show how the frequent use of suspensions and expulsions disproportionately affects African American students and contributes to their dropping out of school and how these increasingly severe disciplinary policies criminalize student behavior and place students on a high-risk path to incarceration. For example, on any given day, nearly one in 10 young male high school dropouts and one in four African American dropouts is either in jail or in juvenile detention (Giroux, 2009).

Zero tolerance discipline policies are antithetical to social work values and a democratic society and harm a significant number of young people (Dupper, 2010). There used to be a time when discipline in schools involved listening, exploring underlying issues, and deciding on a disciplinary response that was connected to the nature of the offense. Today, reason and judgment have been replaced with discipline practices that criminalize student behavior and create a school culture of fear and social control (Giroux, 2009).

The cumulative impact of zero tolerance discipline policies is often insidious. For example, most would agree that students should be excluded from school for dangerous behaviors that pose a risk to others. However, there is evidence that out-of-school suspensions are not limited to only the most serious and dangerous student.
offenses. During the 2005–06 school year, two categories of offenses—“insubordination” and “use or possession of a weapon other than a firearm or explosive device”—accounted for 40 percent of school student removals (Dinkes, Kemp, & Baum, 2009).

The most serious concerns and questions are in relation to insubordination. The vast majority of school districts in the United States have one or more of these vaguely defined catchall categories of behaviors that are used to remove a student from school. The major problem with vague catchall categories is that they include both major and minor offenses yet deal with all offenses in the same harsh manner. Characterizing certain student interactions with adults as “insubordination” fails to take into account the tolerance level of the adult and the context of a given adult–student interaction. For example, a student may openly challenge statements made by his teachers and be praised by one teacher for his or her critical thinking but “written up” by another teacher for “insubordination.” As long as school officials are provided with the option of reporting student behaviors under broadly defined catchall categories such as insubordination, there will always be a question about whether a given student’s behavior was serious enough to warrant a suspension or whether a teacher or administrator is misusing his or her authority to arbitrarily punish certain students, especially those students who continually challenge his or her authority. This is an important issue that may account for large and growing numbers of suspensions, especially among poor and minority students. To remedy this problem, catchall categories such as insubordination should not be used in reporting disciplinary offenses. Rather, states and local school districts should gather and report data that clearly define what students did as well as specific information on any disciplinary action taken by the school and the duration of the disciplinary action. As a general rule, disciplinary consequences should be geared to the seriousness of the student’s infraction, with exclusionary practices such as suspensions and expulsions being reserved for the most serious and disruptive student behaviors.

Another example of the insidious impact of zero tolerance policies has to do with the definition of terms. At first glance, it would appear that an offense that falls under “use or possession of a weapon other than a firearm or explosive device” should always result in an automatic removal from school. Students who bring a gun, knife, or club to school should be removed from school. However, there is evidence that the definition of “weapons” may not be as clear-cut as these examples suggest. For example, Sughrue (2003) found that weapons in one Virginia school district was broadly defined to include “any instrument that could injure, harm or endanger the physical well being of another person”; this definition lists a wide number of objects that would be considered weapons but also includes the statement that weapons are “not limited to” these objects (pp. 246–247). How many and what types of additional objects could be considered weapons under this definition? Could a state define any sharp pointed or edged instrument a weapon? Apparently so. Strict adherence to zero tolerance policies has resulted in students being excluded from school for bringing items such as eyebrow trimmers and a Cub Scout’s camping tool to school (Dorell, 2009). Without specification of which specific objects are and which specific objects are not included in a state’s definition of weapon, there will always be a question about whether a suspension was warranted in a given situation.

The impact of these draconian policies on the school dropout problem has been downplayed or ignored for too long. It is time for school social workers to become more aware of the detrimental impact of zero tolerance discipline policies and practices in schools, especially for African American students, and to use this knowledge to advocate for effective alternatives to zero tolerance discipline. One strategy that has been shown to improve student behavior is the Student and Teacher Realignment Strategy (STARS) described by Thompson and Webber in this issue.

REFERENCES


David R. Dupper, PhD, is associate professor, College of Social Work, University of Tennessee, Knoxville, TN 37996; e-mail: ddupper@utk.edu.

NASW PRESS POLICY ON ETHICAL BEHAVIOR

The NASW Press expects authors to adhere to ethical standards for scholarship as articulated in the NASW Code of Ethics and Writing for the NASW Press: Information for Authors. These standards include actions such as

- taking responsibility and credit only for work they have actually performed
- honestly acknowledging the work of others
- submitting only original work to journals
- fully documenting their own and others' related work.

If possible breaches of ethical standards have been identified at the review or publication process, the NASW Press may notify the author and bring the ethics issue to the attention of the appropriate professional body or other authority. Peer review confidentiality will not apply where there is evidence of plagiarism.

As reviewed and revised by NASW National Committee on Inquiry (NCOI), May 30, 1997

Approved by NASW Board of Directors, September 1997