Ensuring Civil Rights in Education: Planning for Alternatives to Zero Tolerance Policies

Presented by:
Tiffany S. Kyser
Camille Warren

August 26, 2015
AGENDA

Welcome and Overview

Historical Context of Zero Tolerance in Education

Impact of Zero Tolerance: Data and Findings

Alternative to Zero Tolerance: People, Policy, & Practice
Today’s Facilitators...

Presenters:

Tiffany Kyser, MA
Assistant Director of Technical Assistance
Great Lakes Equity Center

Camille Warren, BS
Assistant Director of Continuous Improvement
Great Lakes Equity Center

Technical Director:

Seena M. Skelton, PhD
Director
Great Lakes Equity Center

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One of ten regional Equity Assistance Centers

Federally funded - Title IV of 1964 Civil Rights Act

Provide On-Demand Technical Assistance

Serve local and state educational agencies

Desegregation, race, gender, national origin
Educational equity is...

...when educational practices, policies, curricula, resources, and school cultures are representative of ALL students, such that each student has access to, can participate in and make progress in high quality learning experiences, regardless of her or his race, socio-economic status, gender, ability, religion, national origin, linguistic diversity, or other characteristics.
EquiLearn Webinar: Alternatives to Zero Tolerance (08/26/2015)

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Transformative change towards educational equity is **systemic** change that **disrupts** and **dismantles** historical legacies of normative **assumptions**, **beliefs**, and **practices** about individual characteristics and cultural identities that **marginalize** and disenfranchise people and groups of people.
Ensuring Civil Rights in Education Series

Ensuring Civil Rights In Education: An Examination of Critical Issues
✓ November 20, 2014

Ensuring Civil Rights In Education: Creating Safe and Inclusive Schools
✓ February 25, 2015

Ensuring Civil Rights in Education: Critically Using Social Emotional Learning in Schools
✓ April 29, 2015

Ensuring Civil Rights in Education: Planning for Alternatives to Zero Tolerance Policies
August 26, 2015
Welcome to EquiLearn Webinars

EquiLearn webinars are interactive. Participants will be asked to join in real-time group discussions via chat.

To reduce noise distractions, participants’ microphones will NOT be enabled during this webinar. However, there will be a chat feature available for participants to communicate and contribute.

Please download the webinar materials from Great Lakes Equity Center’s website: www.greatlakesequity.org
Participants in today’s EquiLearn webinar will be able to…

- Recall the historical roots of zero tolerance policies and their impact on US public schools.
- Summarize key features of systems engaged in positive approaches to school discipline; and
- Locate resources and strategies that support planning for alternatives to Zero Tolerance approaches to school discipline.
Framing the Discussion

What do you **KNOW** about Zero Tolerance policies and practices already?

What **QUESTIONS** do you have about school safety and Zero Tolerance?

What do you hope to **LEARN** from today’s webinar?
What is Zero Tolerance?

The American Physiological Association Zero Tolerance Task Force defines it as...

“A philosophy or policy that mandates the application of predetermined consequences, most often severe and punitive in nature, that are intended to be applied regardless of the gravity of behavior, mitigating circumstances, or situational context.”

(Reynolds et al., 2008, p. 852)
What is the historical context in which zero tolerance appeared?

**HISTORICAL**
- Zero Tolerance emerged from the “War on Drugs” in the 1980’s
- Intended to address drug and weapon offenses
- Gained popularity as “no-nonsense” approach to school violence

(Skiba and Knesting, 2001)

**SOCIAL**
- Heightened awareness of drugs and drug prevention programs in public, K-12 schools.
- Re-segregation of cities and schools, subsequent disinvestment in communities (Teaching Tolerance, 2004).
- Spike in tensions between criminal justice system and economically disenfranchised and minority communities

**POLITICAL**
- Guns Free School Act
- Mandates one-year expulsion for possession of a firearm
- Referral to criminal or juvenile justice system
- State law must authorize district superintendents to modify expulsions on a case-by-case basis
- Compliance tied to receiving federal funds

(GFSA, 1994)

**ECONOMIC**
- Disinvestment in school resources (e.g. facilities, transportation, technology, curriculum, staffing).
- Loss of community assets in schools
- Mismatch of student and teacher lived experience
1) School violence is at a crisis level, necessitating no-nonsense strategies for violence prevention

2) Mandating punishment for certain offenses increases the consistency of school discipline

3) Removal of students who violate school rules creates a school climate more conducive to learning for those who remain

4) The swift and certain punishments of zero tolerance have a deterrent effect on students

5) Parents overwhelmingly support the implementation of zero tolerance policies to ensure the safety of schools, and students feel safer knowing that transgressions will be dealt with in no uncertain terms

(Reynolds et al., 2008)
Why Are These Assumptions Problematic?

Reflect upon these assumptions and discuss your thoughts about this question.
Impact of Zero Tolerance

Are Zero Tolerance policies effective?

Do Zero Tolerance policies uphold fair and equal treatment of all students?

What does the literature say?

“An extensive review of the literature found that, despite a 20-year history of implementation, there are surprisingly few data that could directly test the assumptions of a zero tolerance approach to school discipline, and the data that are available tend to contradict those assumptions. Moreover, zero tolerance policies may negatively affect the relationship of education with juvenile justice and appear to conflict to some degree with current best knowledge concerning adolescent development.”

(Reynolds et al., 2008, p. 852)
Effectiveness of Zero Tolerance

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<tr>
<th>INTENT</th>
<th>REALITY</th>
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<tbody>
<tr>
<td>• Strong stance is necessary</td>
<td>• Scope broadened to include minor issues</td>
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<tr>
<td>• Send decisive messages</td>
<td>• Reactive vs. proactive</td>
</tr>
<tr>
<td>• Effective behavior management via removal of students</td>
<td>• Unduly harsh, autocratic, alienates “offenders”, ineffective</td>
</tr>
<tr>
<td>• Deterrent effect for “non-disruptive” students</td>
<td>• Does NOT address broader climate issues</td>
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(Reynolds et al., 2008)
## Fairness of Zero Tolerance

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<th>INTENT</th>
<th>REALITY</th>
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<tr>
<td>• Uniform application of punishment – “neutrality”</td>
<td>• Removal of judgment limits common-sense decisions</td>
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<td>• Mitigate the subjective influence of individual characteristics of students such as race, gender, socio-economic standing on discipline</td>
<td>• Compromises appropriate interventions that are in the best-interests of students</td>
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<td></td>
<td>• Over-representation of certain student groups (Reynolds et al., 2008)</td>
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“School violence has stayed relatively stable for 30 years” (Skiba, 2014, p. 28)

Percentage of students in grades 9–12 who reported being threatened or injured with a weapon on school property at least once during the previous 12 months, by sex: Selected years, 1993 – 2013 (Morgan et al., 2015)

NOTE: Survey respondents were asked about being threatened or injured "with a weapon such as a gun, knife, or club on school property." "On school property" was not defined for respondents. SOURCE: Centers for Disease Control and Prevention, Division of Adolescent and School Health, Youth Risk Behavior Surveillance System (YRBSS), 1993 through 2013.
Zero Tolerance policies implemented in ecologies of institutionalized bias results in discriminatory application

- White students referred for more “objective” offences (e.g., cursing or smoking)
- Black and Latino/a students referred for more “subjective” offenses (e.g., insubordination or disrespect)

(Skiba, Michael, Nardo, & Peterson, 2002)
Systemic Change Towards Positive Approaches

POLICIES...PROGRAMS...PRACTICES...PEOPLE

- More **Supportive**, Rather than Punitive
  - Restoring students to & harmony in the learning community
  - Stimulate intrinsic motivation for prosocial behaviors
  - Empowering rather than “controlling” students
  - Focus on increasing desired behavior

- More **Responsive**, Rather than Standardized Mandates
  - Culturally responsive/sustaining practices
  - Honor varied styles of communication
  - Differentiated, student-centered prevention, interventions, & supports

- More **Inclusive**, Rather than Autocratic
  - Decision-making rooted in data & research
  - Transparency about discipline & climate policies, procedures, and data
  - Inclusion of multiple diverse stakeholders in decision making & centering student voice
  - Expectations for behaviors co-constructed by adults & students
  - Appropriate professional learning & coaching for all school staff
Alternatives to Zero Tolerance

Policy Language

Programs & Initiatives
Local policy appropriation may produce inequitable outcomes because many policies stimulate intensely rooted issues of power, privilege, status, and difference on the basis of race, language, [gender dis/ability] and class (Artiles, 2011).
More Supportive (Rather Than Punitive)
• Misbehavior is viewed as a learning opportunity
• Focus moves toward restorative practices and culture development and away from punitive/reactionary responses

More Responsive (Rather than Standardized Mandates)
• Focus moves toward school cultures and away from school discipline
• Toward culturally responsive and sustaining approaches (e.g. clearly defining subjective terms such as disrespect, inappropriate behavior, offensive talking, etc).

More Inclusive (Rather than Autocratic)
• Language acknowledges the varied make-ups of families and communities
• Language is accessible and in varied forms
• Multiple perspectives and stakeholders are involved in the development of rules and norms of conduct and decision making.
Alternatives to Zero Tolerance

Cincinnati Public Schools

Positive School Culture Policy & Plans

Positive School Culture

Cincinnati Public Schools

2014-2015

Code of Conduct K-12

Be Safe • Be Respectful • Be Responsible

Cincinnati Public Schools’ discipline procedure is based on Ohio law. For information, contact CPS’ Customer Help Center, 363-0123.
Policy Language Activity

Review the following policy and highlight language which reflects the features we’ve just discussed.
Initiatives & Programs

More Supportive (Rather Than Less Punitive)

- Increased use of social, behavioral, emotional supports and opportunities for engagement in enrichment activities (King et al., 2006; Skager, 2013)
- Provide supports for parents/caregivers to understand and use strategies for teaching, reinforcing, and providing consequences for both positive and negative behavior
- Building relationships with students and seeing them as dynamic human beings help to engender dynamic forms of support.

More Responsive (Rather than Standardized Mandates)

- Continue access to teaching and learning in core content areas
- More intentionally integrating parents/caregivers into strategies and supports
- More intentionally engaging students in meaningful, highly engaged learning environments

More Inclusive (Rather than Autocratic)

- Increased focus on safety and inclusivity for all students (King et al., 2006)
- Involve students in creating classroom and school norms and cultural practices

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Programs & Initiatives Activity

Review the video and answer the following prompts: How did this example highlight the key features we just discussed?

What other programs or initiatives are you familiar with that reflect the key features?
Example Programs and Resources

- Peer Jury ([http://www.youthcourt.net/?page_id=24](http://www.youthcourt.net/?page_id=24))
- Alternative to Suspension Programs ([http://www.kyrene.org/Page/19198](http://www.kyrene.org/Page/19198))
- School-Based Violence Prevention Programs ([http://www.thecommunityguide.org/violence/schoolbasedprograms.html](http://www.thecommunityguide.org/violence/schoolbasedprograms.html))
- Student Mentoring Programs ([http://educationnorthwest.org/sites/default/files/abcs.pdf](http://educationnorthwest.org/sites/default/files/abcs.pdf))
- Social Skills Programs ([http://www.skillstreaming.com/](http://www.skillstreaming.com/))
Resources from the United States Department of Education

Guides

- School District Leader Summit on Improving School Climate and Discipline: Resource Guide for Superintendent Action

Tools & Resources

- Policy Statement on Expulsion and Suspension Policies in Early Childhood Settings
- Directory of Federal School Climate and Discipline Resources

Technical Assistance

- Technical Assistance Center for Positive Behavioral Interventions and Supports
- National Center for Safe Supportive Learning Environments (NCSSLE)
- Supportive School Discipline Community of Practice

Grants

- School Climate Transformation Grants (State & District)
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