

## **Executive Summary**

Baltimore City Public Schools (BCPS) lead the state in the number of suspensions issued, and those numbers are on the rise.<sup>1</sup> BCPS officials claim the increase is due to a “zero tolerance” discipline code implemented by the school system in 1999 in response to student violence and disruption.<sup>2</sup> Typically, zero tolerance policies mandate predetermined consequences or punishments for specified offenses.<sup>3</sup> Recently, zero tolerance disciplinary policies have been subject to intense debate by educators and policymakers as to whether they are effective and whether they have unintended consequences that negatively affect students. Zero tolerance policies in the U.S. date back to the 1980s when the U.S. government began implementing zero tolerance in its war on drugs.<sup>4</sup> U.S. schools began adopting the policies in the early 1990s as a proactive approach to a perceived rise in gangs, drugs, and violence.<sup>5</sup> In 1994, fueled by a string of school shootings, the government enacted a national disciplinary policy called the Gun Free Schools Act, which mandates expulsion for students who bring firearms to school.<sup>6</sup> Subsequent legislation and revisions to the Gun Free Schools Act have allowed schools to broaden the use of zero tolerance policies to punish infractions ranging from weapons and drugs to tardiness and disrespect.<sup>7</sup>

Zero tolerance discipline policies are primarily enforced through school exclusion, specifically, suspensions, expulsions, and in-school arrests. Suspensions are by far the most widely used method and may be short or long-term, and in-school or out-of-school.<sup>8</sup> In Baltimore, the opportunities for in-school suspension or alternative education for those suspended is limited.<sup>9</sup> The rates of suspension in Baltimore have risen in the last four out of five years since the adoption of zero tolerance discipline policies.<sup>10</sup> In contrast, expulsions are less

commonly used in the state accounting for only 2.4 percent of the Maryland student body (specific expulsion data for Baltimore was unavailable).<sup>11</sup> Finally, student arrests by school police are also common in Baltimore. After a temporary decline, the number of arrests in Baltimore schools is again on the rise, increasing 31 percent in the past year.<sup>12</sup>

Whether school exclusion is effective in deterring violent or criminal behavior is subject to debate. Studies available on zero tolerance programs have cited both increases<sup>13</sup> and decreases<sup>14</sup> in weapons confiscation as testimony to zero tolerance effectiveness. However, an evaluation of zero tolerance's effectiveness by the National Center for Education Statistics found that, after four years of implementation, zero tolerance policies had little effect at previously unsafe schools.<sup>15</sup> In Baltimore, zero tolerance discipline policies were initially credited with producing a substantial drop in school crime. However these gains were short-lived,<sup>16</sup> and few teachers or principals attribute improvements in student conduct to the new code.<sup>17</sup> Studies also show that as many as 40 percent of school suspensions are due to repeat offenders (41 percent in Baltimore),<sup>18</sup> leading researchers to argue that if out-of-school suspension were effective in changing behavior, there would not be as many repeat offenders.<sup>19</sup>

One obstacle to studying the effectiveness of zero tolerance policies is that the methods in which schools implement these practices vary enormously. However, zero tolerance is most often characterized by disciplinary action that punishes all students severely regardless of mitigating factors such as severity of infraction, age, or intent. As a result, the number of anecdotal accounts of stringent punishments meted out for relatively minor infractions has soared.<sup>20</sup> Proponents of zero tolerance argue that these policies are needed to remove disruptive

elements from the classroom and keep schools free of violence.<sup>21</sup> Yet, researchers have found that zero tolerance policies often target relatively minor misbehavior and do not punish the “troublemaking” students. Last year, in Baltimore, only 2.6 percent of suspensions were for weapons violations, while 14.3 percent of suspensions were for tardiness.<sup>22</sup> Additionally, researchers have found high suspension rates often reflect choices made by school staff and administrators, rather than the frequency of serious misconduct.<sup>23</sup> When surveyed, teachers in Baltimore have reported that the school discipline code, touted as a “zero tolerance stance” against troublemakers, is not enforced or that it is enforced selectively.<sup>24</sup>

Critics of zero tolerance contend such policies are not only unfair, but that they are also ineffective. They contend in some cases students may view suspension as a “reward,” and school exclusion may have the unintended effect of reinforcing negative behavior.<sup>25</sup> They also point out that exclusion policies interrupt students’ educational progress, and often have the ultimate effect of “pushing” students administrators deems “undesirable” out of school.<sup>26</sup> In fact, school suspension has been found to correlate significantly<sup>27</sup> with poor academic achievement, grade retention, delinquency, school drop out, student disaffection and alienation, drug abuse, and, ultimately, crime and incarceration.<sup>28</sup> Additionally, in many instances, school exclusion policies appear to accelerate the course of delinquency by providing a troubled child with little adult supervision and more opportunities to associate with deviant peers.<sup>29</sup> Furthermore critics argue that in-school arrests allow school districts to abdicate their disciplinary authority to law enforcement officials. Often students are charged and tried for “status offenses,” crimes for which they would not be charged as an adult.<sup>30</sup> The “zero tolerance backlash” incited by these findings has prompted a number of states, including Kentucky, Michigan, and Tennessee, to

reevaluate their zero tolerance discipline policies.<sup>31</sup> Child advocates in Maryland have lobbied for a moratorium on suspensions for elementary students without success.<sup>32</sup>

Currently, local and national experts are unaware of any ongoing research on the impact of Baltimore zero tolerance discipline code.<sup>33</sup> However, Baltimore appears to exhibit many of the negative characteristics that researchers associate with zero tolerance policies, including high rates of suspension, large numbers of elementary student suspensions, increasing rates of suspension, disproportionate numbers of suspensions issued for nonviolent misconduct,<sup>34</sup> growing numbers of anecdotal stories about severe punishments for minor misconduct, and inconsistent implementation.<sup>35</sup> The fact that, thus far, there has been no inquiry into the effectiveness or effects of Baltimore's zero tolerance discipline policies is cause for serious concern. Not only do the unintended consequences of zero tolerance have implications for students subject to these policies, but they have repercussions such as deviancy and crime that extend beyond academics to the larger community.

Rigorous scientific research to determine what, if any, impact zero tolerance policies are having on students, schools, and the community is needed. Avenues of inquiry should include: whether school exclusion is an effective deterrent to student misconduct; whether school discipline policies accurately target the intended students; whether school suspension and expulsions in Baltimore can be correlated to student academic achievement, student dropout rate, teen births, or adult incarceration; whether school suspensions and expulsions relocate crime and violence from the schools back into the community; and whether suspensions and expulsions provide youth with greater opportunities for deviant behavior. Collecting the data required to

answer these questions satisfactorily would require extensive collaboration among the public and nonprofit sectors in Baltimore, but would be well worth the effort. If, after careful review, it is determined that zero tolerance policies are causing negative outcomes in Baltimore, the city should consider a number of alternative disciplinary methods, including expanding programmatic prevention efforts,<sup>36</sup> increasing the number of school counselors,<sup>37</sup> engaging students in school discipline activities through teen courts or peer mediation,<sup>38</sup> adopting a graduated disciplinary response model,<sup>39</sup> and expanding the number of alternative learning centers in the city.<sup>40</sup> Although many of these suggestions would add to both the city and school's financial burden, the community cannot afford to ignore the issue of zero tolerance any longer.

## **Introduction**

In the 2002-2003 academic year, 1,176 students in pre-kindergarten, kindergarten, first, and second grades were suspended from Baltimore City Public Schools (BCPS). This included 16 pre-kindergarteners, 133 kindergarteners, 401 first-graders, and 626 second-graders.<sup>41</sup> Baltimore City led the state's school systems, handing out the greatest number of suspensions in Maryland (26,057) and ranking second<sup>42</sup> in the percentage of students suspended (15.8 percent of Baltimore's student body equaling 14,356 students).<sup>43</sup> In a recent statement, BCPS Spokeswoman, Vanessa Pratt attributed Baltimore's growing number of suspensions to the new zero tolerance discipline policies recently adopted by the school system. She maintained: "The fact that we are at the top of the list [in Maryland]...says we have taken very seriously the issue of student behavior. I don't see it as a bad thing."<sup>44</sup> However, a growing public policy debate about both the effectiveness and unintended consequences of zero tolerance school discipline policies calls this statement, and Baltimore's response to the rising number of suspensions, into question.

The National Center on Educational Statistics defines "zero tolerance" as a policy that mandates predetermined consequences or punishments for specified offenses.<sup>45</sup> However, both the definition of zero tolerance and methods of implementation vary widely, not only from state to state but often from school to school. Intended to deter student misconduct by weeding out potential troublemakers and setting an example to others who might choose to misbehave, zero tolerance policies are most often characterized by a variety of high-tech detection methods (such as metal detectors and video surveillance) and strict discipline policies that punish all offenses equally severely without consideration of mitigating factors, such as the severity of the infraction

or the intent or age of the individual.<sup>46</sup> In most cases, these policies mandate that perpetrators be subject to school exclusion disciplinary actions ranging from suspensions and expulsions to arrest by in-school police. Although these policies are intended to be a swift and just response to student misconduct, it is their inflexibility and harsh disciplinary response which are most often criticized.<sup>47</sup>

Although zero tolerance school discipline policies have been implemented in some fashion by every state in the nation, the effectiveness of school exclusion in preventing student misconduct is largely unknown. Only a handful of researchers have attempted to assess its wider impact on students, schools, and communities. This paucity of research extends to Baltimore City. In March of 1999, a new citywide school discipline code was adopted. This new code was touted as a “clear articulation” of the school system’s zero tolerance stance against student misconduct.<sup>48</sup> It identified the various behavioral infractions warranting disciplinary action, defined the level of severity of offenses (see Table 1), and outlined the range of disciplinary actions that could be exercised for each type of offense.<sup>49</sup> At the time, critics of the policy, including the ACLU, Advocates for Children and Youth, and The Baltimore Education Network, protested the new policy, claiming it was inflexible and lacked a sense of proportion.<sup>50</sup> They argued that its adoption would result in harsh disciplinary measures meted out for relatively minor infractions.<sup>51</sup> However, despite the subsequent rise in suspensions, there has been no serious scientific inquiry into whether Baltimore’s new disciplinary code has been effective at preventing school violence, or whether it has had unintended consequences.

**Table 1: Infractions by Level of Violation: BCPSS Student Discipline Code<sup>52</sup>**

<u>Level I violations</u> <ul style="list-style-type: none"><li>• Possession, use or distribution of tobacco on school property</li><li>• Disruptive behavior</li><li>• Verbal harassment</li><li>• Damaging property</li><li>• Insubordination</li><li>• Dress code violations</li><li>• Cheating/copying the work of another</li><li>• Cutting class, truancy, tardiness</li></ul>
<u>Level II violations</u> <ul style="list-style-type: none"><li>• Fighting</li><li>• Possession of electronic devices (e.g., beepers, cell phones)</li><li>• Sexual harassment</li><li>• Sexual misconduct</li><li>• Verbal abuse, ethnic slurs, vulgar statements or gestures, including the distribution of obscene material</li><li>• Misbehavior on bus or school transportation</li><li>• Disorderly conduct</li><li>• Gambling</li></ul>
<u>Level III violations</u> <ul style="list-style-type: none"><li>• Assault on school staff</li><li>• Possession of drugs or alcohol</li><li>• Possession of weapons or firearms</li><li>• Arson</li><li>• Vandalizing, damaging, defacing, or destroying school property</li><li>• Violent behaviors/assaults, vicious fighting</li><li>• Extortion, coercion, blackmail, and robbery</li><li>• Trespassing</li></ul>

### **The History of Zero Tolerance in the United States**

Despite what many in the 21<sup>st</sup> century may believe, school violence is not a recent phenomenon. In the 18<sup>th</sup> and 19<sup>th</sup> centuries, school children in England and France often came to school armed, brawled, dueled, and occasionally beat their teachers. At one point in the early 1800s, student mutinies and strikes became so prevalent that English schoolmasters called in the military to help them keep the peace.<sup>53</sup> In America, students were not immune to this type of behavior either. In Colonial times American students were reported to have mutinied at more than 300 schools a year, and, in the year 1837 alone, nearly 400 Massachusetts' schools were vandalized by unruly students.<sup>54</sup> Traditionally, these infractions were met by equally severe

consequences, specifically, corporal punishment. However, by the early 1900s, discipline practices had evolved and considerations of judicial due process and students' rights and self-esteem were beginning to emerge. With the advent of this "progressive" education movement, strict authoritarian discipline was eventually replaced with a more individualized and tolerant approach.<sup>55</sup> These more lenient practices prevailed until the late 1980s when, in the face of a growing fear of weapons, gangs, and drugs, educators adopted a new disciplinary approach being used in the criminal justice community: *zero tolerance*.

Presidential candidate Richard M. Nixon first introduced "law and order" issues to the U.S. public in his 1960 presidential campaign, and lawmakers in the 1970s continued the practice, appeasing a public concerned about violence by claiming to be "tough on crime."<sup>56</sup> By the 1980s, the government had undertaken its "war on drugs," and zero tolerance policies hit the mainstream. In 1986, the practice received national attention as the title of program developed by the U.S. Customs Service to impound sea-going vessels carrying even trace amounts of drugs.<sup>57</sup> The no-nonsense, no-excuses attitude implicit in the zero tolerance approach appealed to the public, and soon zero tolerance was being applied to a wide array of issues, ranging from environmental protection to noise complaints about boom boxes.<sup>58</sup>

By 1990, the U.S. Customs Service had quietly disbanded its boat impoundment program after a Woods Hole Oceanographic Institute research vessel was impounded as the result of a single marijuana joint found in a crew cabin.<sup>59</sup> Ironically, at about the time the government began easing its policies, U.S. educators seized on zero tolerance discipline as a panacea to the perceived rise in school discipline problems.<sup>60</sup> By late 1989, school districts in California, New

York, and Kentucky had implemented zero tolerance expulsion policies for drug or gang-related activities.<sup>61</sup> In 1990, President George Bush signed the Gun-Free School Zones Act into law, prohibiting the possession of a firearm within 1,000 feet of a school. Although the Supreme Court overturned the law in 1995, stating that Congress had exceeded its constitutional powers, the ruling did little to slow the zero tolerance movement.<sup>62</sup> In fact by 1993, schools nationwide had begun using zero tolerance discipline policies to crack down not only on drugs and weapons, but also on tobacco, alcohol, and behavioral offenses.<sup>63</sup> The next year, the Gun-Free Schools Zone act was rendered obsolete by the federal government's enactment of a national school disciplinary policy called the Gun-Free Schools Act. Fueled by a spate of violent school shootings in the early 1990s, this legislation mandated that schools expel students for no less than one calendar year if a hearing officer determined that a student had brought a firearm to school and that the student be referred to the criminal or juvenile justice system.<sup>64</sup> While schools cannot be forced to comply with this legislation, the law requires that federal funding be withheld from schools that do not conform to its policies.<sup>65</sup>

Subsequent legislation and revisions to the Gun-Free Schools Act have encouraged schools to broaden their use of zero tolerance discipline further. In 1994, Congress passed the Safe and Drug-Free Schools and Communities Act, which, while it does not specify that zero tolerance policies must be used, does require that schools have policies prohibiting drug and alcohol use.<sup>66</sup> This has been a catalyst for many states to broaden zero tolerance policies to include illegal drug use. Moreover, the Gun-Free Schools Act, which originally pertained only to guns, was amended in 1995, and the word *firearms* was changed to *weapons*.<sup>67</sup> This has made it possible for individual states, school districts, and school administrators to broaden the

definition of a *weapon* to include more ambiguous items such as nail clippers, nail files, and pocket knives.<sup>68</sup> By 2000, the National Center on Education Statistics reported that almost all U.S. public schools have some form of zero tolerance policies for firearms (94 percent) and other weapons (91 percent),<sup>69</sup> as well as alcohol (87 percent) and drugs (88 percent).<sup>70</sup> In many cases, states and local school districts have broadened the mandate of zero tolerance beyond federal legislation pertaining to weapons to include not only drugs and alcohol, but also threats, swearing, fighting, truancy and other infractions.<sup>71</sup>

### **Zero Tolerance Exclusion: Suspension, Expulsion, and In-School Arrests**

Zero tolerance discipline policies are primarily enforced through school exclusion, which takes the form of three punitive measures: suspensions, expulsions, and in-school arrests. Suspensions can be short-term or extended (long-term). Maryland law stipulates that short-term suspensions are under 10 school days and extended suspensions are over 10 school days. In Baltimore, 88 percent of suspensions are short-term.<sup>72</sup> Suspensions can also be in-school or out-of-school.<sup>73</sup> When given an in-school suspension, students are removed from their regular classes and placed in an alternative educational setting within the school. In Baltimore, only a third of city schools offer in-school suspension.<sup>74</sup> Alternately, an out-of-school suspension is typically defined as the removal of a student from the school environment with no provision for instructional services.<sup>75</sup> In Baltimore, educational packets are made available through special arrangements with a school administrator to students who receive out-of-school suspensions. However it is the parent's or student's responsibility to obtain the work, and suspended students who return to school property during the period of their suspension to pick up the packet are considered trespassers and may be subject to arrest.<sup>76</sup>

Expulsions in Maryland permanently remove students from the school system for a designated length of time ranging from 10 school days to one year.<sup>77</sup> While the difference between long-term suspensions and expulsions is vague, in many Maryland counties and in Baltimore City, expulsion results in the student being barred from school for a longer period of time. Often the student is removed from school rolls, and thus rendered ineligible for alternative education.<sup>78</sup> While more controversial, evidence suggests that school expulsions are used relatively infrequently as compared to other disciplinary measures.<sup>79</sup> For example, in Maryland in the 2002-2003 academic year only 2.4 percent of the student population was expelled.<sup>80</sup> (However expulsion data for Baltimore are not published by either BCPS or the Maryland State Department of Education.)

In contrast, suspension is one of the most widely used disciplinary practices, particularly out-of-school suspension.<sup>81</sup> Although record-keeping and data availability on suspensions and expulsions is often inconsistent or incomplete, most research suggests that since the inception of zero tolerance discipline policies in the early 1990s the rate of suspensions and expulsions has been rising nationwide.<sup>82</sup> In Maryland, suspensions have risen from 6.8 percent of the student body in the 1992-1993 academic year to 8.9 percent in 2002-2003.<sup>83</sup> The increase is even more dramatic in certain jurisdictions, for example, in that same time period, Baltimore City rates rose from 9.4 percent to 15.8 percent.<sup>84</sup>

In-school arrests are the last, and most serious, type of exclusionary policy implemented through zero tolerance discipline policies. The way in which school districts employ law

enforcement officers differs from district to district. In some districts, local police departments perform specific duties through a memorandum of understanding with the school district. Other districts, such as Baltimore, have their own school police departments.<sup>85</sup> In many cases, officers have wide discretion and do not even have to inform the school principal or the student's parents before placing a student under arrest.<sup>86</sup> Many researchers contend that schools have become major feeders of youth into the juvenile justice system.<sup>87</sup> In Baltimore, arrests by school police declined over 50 percent after the Board of School Commissioners implemented a plan in 2000 to reduce the number of student arrests.<sup>88</sup> However, data for the most recent academic year (2002-2003) show that arrests are again on the rise, increasing 31 percent in the past year, from 844 to 1,107.<sup>89</sup> Additionally, in 2001, 61 percent of in-school arrests in Baltimore schools were for offenses that in the past would not have warranted arrest, including disorderly conduct, fights (without weapons), and miscellaneous offenses such as trespassing and failure to obey orders.<sup>90</sup>

### **Zero Tolerance Discipline Effectiveness Unknown**

Whether suspensions, expulsions, and in-school arrests are effective in deterring violent or criminal behavior is subject to debate. In 1999, the U.S. Department of Education released a national study on the effectiveness of the Gun-Free Schools Act. They reported that from 1996-1997 to 1997-1998 the number of reported expulsions due to weapons dropped from 5,724 to 3,930.<sup>91</sup> The report suggests that students "were getting the message...not to bring firearms to school," but it also admitted that the decrease could be due to differences in reporting across the two years.<sup>92</sup> Other research studies available on zero tolerance programs have cited both increases<sup>93</sup> and decreases<sup>94</sup> in weapons confiscation and expulsion as testimony to zero tolerance effectiveness. However, one of the most comprehensive evaluations of zero tolerance's

effectiveness by the National Center for Education Statistics found that, after four years of implementation, zero tolerance policies had little effect at previously unsafe schools.<sup>95</sup>

In Baltimore, zero tolerance discipline policies implemented in March of 1999 were initially credited with producing a substantial drop in school crime. In the first two months of the 1999-2000 school year, Baltimore school police reported that crime was down 31 percent.<sup>96</sup> However these gains appear to have been short-lived, and by January 2002 school police reported that assaults on students in the first four months of the school year had risen 33 percent over the same period in the last year.<sup>97</sup> Additionally, an evaluation of BCPS operations found that “few teachers or principals attributed improved discipline to the code. Most saw improved discipline as the result of other measures taken by the school.”<sup>98</sup> These included allocating funds for crisis counselors, maintaining locked facilities, requiring school uniforms, and other measures.<sup>99</sup>

A number of national studies suggest that suspension does not decrease inappropriate behavior or increase school safety.<sup>100</sup> However, there appear to be almost no studies that investigate the direct effects of school exclusion on student behavior and on school safety in Baltimore.<sup>101</sup> The indirect data available suggest that suspension and expulsion may not be an effective deterrent to students at whom the policy is targeted. In Baltimore, 41 percent of suspended students in the 2002-2003 academic year had been suspended more than once.<sup>102</sup> This number is consistent with national studies that have found that up to 40 percent of school suspensions are typically due to repeat offenders.<sup>103</sup> These findings have prompted researchers to argue that if out-of-school suspension were effective in changing students’ behavior, there

would not be the high number of repeat offenders that are currently documented in so many schools.<sup>104</sup>

### **Zero Tolerance Implementation Varies**

One obstacle to studying the effectiveness of zero tolerance policies is that the methods in which schools implement these practices vary enormously.<sup>105</sup> Critics contend that in some states and school districts the definition of what constitutes a *weapon*—or threatening behavior—is so vague, and discretion of school administrators so broad, that children have been suspended or expelled for such behavior as creating paper handguns or using their fingers as guns.<sup>106</sup> In other jurisdictions, children can be suspended under guidelines that monitor what they say as well as how they act.<sup>107</sup> As school boards across the country continue to toughen their disciplinary policies, some have begun to experiment with permanent expulsions from the school system for certain types of offenses. Others, including Baltimore, have extended their reach and have begun to impose suspensions and expulsions for student conduct that occurs off of school grounds.<sup>108</sup>

However, the hallmark of zero tolerance policies is that the course of disciplinary action is predetermined regardless of mitigating factors. Indeed, in implementing these policies, some administrators admit to casting a broad net and purposefully treating both minor and major incidents with equal severity to “send a message” to potential violators.<sup>109</sup> The result has been a soaring number of anecdotal accounts of severe punishments resulting from relatively minor infractions. In Baltimore, the local news media has reported that suspensions have been issued for such infractions as a 15-year-old who allegedly cast a spell on another student; a seven-year-old who picked up a syringe in a park and brought it to school; and a five-year-old who kicked a

teacher's aid.<sup>110</sup> Similarly, a 12-year-old girl suspended for disruption and afraid to walk home through her crime-ridden neighborhood was arrested by school police for trespassing when she was found hiding in the school bathroom.<sup>111</sup> Many news articles and reports on zero tolerance policies make use of such stories to emphasize the rigidity of these policies.

Proponents of zero tolerance argue that these policies are needed to remove disruptive elements from the classroom and keep schools free of violence.<sup>112</sup> Yet, researchers have found that zero tolerance policies often target the wrong behaviors and punish the wrong students. Their research shows that only about 20 percent of the students disciplined as a result of a zero tolerance policy were actually students who school leaders believed posed a threat to school safety (the intended targets of the policy).<sup>113</sup> Contrary to popular belief, most suspensions are the result of minor infractions rather than dangerous or violent acts.<sup>114</sup> A study of over 100 secondary school administrators nationwide found that the most common reasons for suspension were defiance of school authority, not reporting to detention, and class disruption.<sup>115</sup> Serious infractions, such as weapons possession, comprised only a small percentage of all offenses resulting in suspension.<sup>116</sup> In Baltimore, only 2.6 percent of suspensions were for weapons violations.<sup>117</sup> The majority (37.7 percent) were for threats and fighting (without weapons), followed by disrespect and insubordination (29.9 percent) and attendance (14.3 percent).<sup>118</sup> In addition, growing evidence suggests that zero tolerance policies may unwittingly target racial minorities and students with special needs.<sup>119</sup>

A study conducted by Russell Skiba from the University of Indiana, suggests that high suspension rates reflect choices made by school staff and administrators, more than the

frequency of serious misconduct.<sup>120</sup> Skiba and his colleagues found that schools with higher rates of suspension tended to have principals that believed that suspension and zero tolerance are effective and much needed disciplinary tools.<sup>121</sup> In contrast, schools with lower suspension rates were associated with principals who believe that suspensions are a last resort that harm student learning and that prevention programs, as opposed to zero tolerance, can reduce the need for suspensions.<sup>122</sup> Skiba and his colleagues argue that these findings suggest that the high use of zero tolerance measures, such as suspension and expulsion, are to some extent a choice made by individual educators, based on their own attitudes concerning the purpose of school discipline, rather than a consistent response dictated by statewide zero tolerance legislation or school system policy.<sup>123</sup>

Inconsistent implementation of zero tolerance discipline policies is also evident in Baltimore. A recent report on Baltimore City Schools found that a number of teachers reported that the zero tolerance code is not enforced or that it is enforced selectively.<sup>124</sup> Some claimed that principals and school administrators did not deal with discipline problems effectively, and a number of principals claimed it was necessary to discipline selectively to deal with the individual problems of students.<sup>125</sup> Additionally, a new Code of Conduct for students was put into effect in the spring of 2000-2001 as a complement to the new Discipline Code. However, surveys indicate that only 37 percent of teachers received training relevant to the use and enforcement of the Code of Conduct.<sup>126</sup> In addition, while 70 percent of principals believed students to be familiar with the new policy, only 33 percent of teachers agreed.<sup>127</sup>

## **Unintended Consequences of Zero Tolerance Policies**

Increasingly over the past decade, vocal critics of zero tolerance policies have emerged to challenge the conventional wisdom that cracking down on troublemakers will ultimately lead to safer schools. Many critics contend that zero tolerance policies are unduly harsh, applying stiff penalties to seemingly innocuous conduct. Opponents argue that the “one-size-fits-all” approach (regardless of a student’s age or intent) often severely punishes students who are violating the letter—but not the spirit—of such policies.<sup>128</sup> In many schools, including those in Baltimore, these discipline methods have begun to be used on very young students. Critics argue that using these policies on elementary students is not effective in deterring misconduct, because these students often do not understand they are being punished and view mandated days off from school as a reward.<sup>129</sup> Additionally, a number of researchers suggest that even with older students, there is a possibility that suspensions or expulsions may serve as a perverse incentive, because students prefer being sent out of the classroom to avoid work or to gain the attention of adults and peers.<sup>130</sup> Critics argue that exclusion policies not only interrupt students’ educational progress, but may ultimately have the unintended effect of reinforcing negative behavior.<sup>131</sup>

Studies also find that since few suspended or expelled students receive educational services or alternative placements, large educational gaps are created from which a student often cannot recover.<sup>132</sup> Critics argue that even if the child were not already on the path to delinquency, school exclusion policies send students the vivid message that the school does not want them and may instill negative feelings about school.<sup>133</sup> In fact, students who are repeatedly excluded from school are more likely to be unsuccessful in the school environment. School suspension has been found to correlate significantly with poor academic achievement, grade

retention, delinquency, school drop out, student disaffection and alienation, and drug abuse.<sup>134</sup> Research has shown that students who have a history of suspension are three times more likely to drop out of high school than peers who have not been suspended,<sup>135</sup> and those who drop out are 3.5 times more likely to be arrested than their peers who graduate.<sup>136</sup> Critics contend that zero tolerance policies push “undesirable” youth out of school and onto a path of deviancy that often leads to long term incarceration.<sup>137</sup>

Additionally, in many cases, school exclusion policies may accelerate the course of delinquency by providing a troubled child with little adult supervision and more opportunities to associate with deviant peers.<sup>138</sup> Removing youth from the school’s supervision and placing them in what is often a high risk environment<sup>139</sup> has community-wide implications that extend beyond a student’s individual academic success. Out-of-school students have been found to be much more likely to become involved in physical fights, engage in criminal activity, carry a weapon, use alcohol and drugs, and engage in sexual intercourse.<sup>140</sup>

Critics also argue that in the case of in-school arrests, school districts are simply abdicating their disciplinary authority to law enforcement officials. Often students are charged and tried for “status offenses,” crimes for which they would not be charged as an adult. A number of studies argue that these “trivial” referrals are beginning to overwhelm juvenile and family court systems across the country.<sup>141</sup> Some opponents argue this type of “policing” is eroding the relationship between students and educators by replacing the role of teachers with police and prosecutors.<sup>142</sup> *Derailed: The Schoolhouse to Jailhouse Track*, a report by Judith Browne of The Advancement Project, found that the presence of school police may have the

effect of lowering morale and making learning difficult for students.<sup>143</sup> In many cases, after serving time in a juvenile facility, students are either excluded from school or opt not to return on their own accord, effectively ending their educational future.<sup>144</sup> One study found that once placed into the juvenile justice system as few as 15 percent of the students ultimately graduate from high school, despite the fact that most had plans to graduate prior to their arrest.<sup>145</sup>

Although the topic of zero tolerance school discipline policies has received little study overall, there is one area that has received significant scrutiny. Over the past 25 years, racial, disability, and economic biases in school suspension have been studied extensively with consistent results.<sup>146</sup> While the scientific rigor of these studies varies, the overwhelming conclusion appears to be that racial minorities, students with special needs, and poor students are disproportionately suspended or expelled.<sup>147</sup> Theories as to the reason for this disparity abound and are too extensive to be fully explored in this paper, but studies have found that in general these students do not misbehave at a significantly higher rate than their peers.<sup>148</sup>

All of these findings, coupled with the growing number of anecdotes recounting excessive and inappropriate use of zero tolerance discipline policies, have prompted a “zero tolerance backlash.” In February 2001, the American Bar Association voted to oppose zero tolerance policies that have a discriminatory effect or that mandate either expulsion or referral of students to juvenile or criminal court without regard to the circumstances or nature of the offense or the student’s history. Additionally, in just the past year, a number of states, including Kentucky, Michigan, and Tennessee, have opted to critically reevaluate their use of zero tolerance policies.<sup>149</sup> In all three of the aforementioned states, reports recommend that the states

encourage local education agencies to adopt alternatives to zero tolerance disciplinary methods.<sup>150</sup> In Maryland, child care experts and juvenile justice advocates have lobbied unsuccessfully the past few years for a moratorium ending suspensions for elementary school students. The 2003 moratorium bills in the Maryland Senate and House of Delegates never emerged from committees.<sup>151</sup>

### **Zero Tolerance in Baltimore**

What impact, if any, zero tolerance school discipline policies are having in Baltimore cannot be determined without further study. A number of experts in the field, as well as researchers from local academic institutions and advocacy organizations, have confirmed that they are unaware of any research being conducted on the effects and effectiveness of the discipline methods used by Baltimore schools.<sup>152</sup> Although, BCPS has publicly stated its intent to revise the School Discipline Code this year, no serious effort has been made to determine the impact of the school district's current zero tolerance policies on the city's youth.<sup>153</sup> As a result, it is premature to claim the policies are having a detrimental effect. However, a cursory evaluation of the statistical evidence suggests that Baltimore exhibits many of the characteristics noted by education researchers that often indicate zero tolerance discipline is negatively affecting youth in a community, specifically:

- Baltimore has a disproportionately high rate of suspensions. In 2002-2003, Baltimore suspended 15.8 percent of its students (14,356 unduplicated students out of a student body population of 90,751) compared to an average rate of 8.9

percent in Maryland. Baltimore also led the state in number of suspension issued (26,057).<sup>154</sup>

- Baltimore also has a disproportionately high rate of young students suspended. In the 2002-2003 academic year, 25 percent of suspended students in Baltimore were enrolled in pre-kindergarten through the fourth grade, compared to an average of 11 percent in Maryland.<sup>155</sup>
- The city has also experienced an increase in the rate of suspensions and in-school arrests. Since 1998-1999, when the new zero tolerance discipline code was implemented, Baltimore's suspension rate has risen four out of the last five years. In the most recent academic year (2002-2003), Baltimore's student suspension rate rose 4.2 percentage points from the previous year (representing an increase of 3,674 students).<sup>156</sup> Similarly, Baltimore's in-school arrest rate data show that in the past year in-school arrests have risen 31 percent, from 844 to 1,107.<sup>157</sup>
- Additionally, in 2002-2003, only 2.6 percent of suspensions issued by Baltimore schools were for serious weapons violations. The majority of suspensions (37.7 percent) were for threats and fighting, followed by disrespect and insubordination (29.9 percent), and attendance (14.3 percent).<sup>158</sup>
- Over the past five years, Baltimore's local newspapers have reported on a number of stories in which harsh consequences were meted out for what appear to be relatively minor violations. Some of the stories not mentioned earlier include a second-grader who was placed on long-term suspension, when, given a bag of marijuana by a friend, he panicked and tossed it in the cafeteria trash<sup>159</sup> and a 12-year-old who was arrested for trying to attend school, despite being suspended.<sup>160</sup>

- Finally, Baltimore appears to apply the zero tolerance school discipline code inconsistently. Not only do surveys of local teachers report that the code is administered selectively,<sup>161</sup> but in looking at suspension data from a sample of Baltimore high schools with over 1,000 students (see Table 2), suspension rates appear inconsistent. While this data has not been subject to rigorous scientific analysis, a preliminary overview of the data shows that Walbrook High School, which is relatively similar in size and population to Lake Clifton High School, had almost two and a half times the rate of suspensions.<sup>162</sup> Similarly, Patterson High School, which appears somewhat similar to Southwestern High School in size and population, had almost double the number of suspensions.<sup>163</sup> While this apparent discrepancy cannot be directly attributed to a difference in disciplinary methods, it does suggest that there are mitigating factors at city high schools that may be affecting students' rate of suspension.

**Table 2: Sample of Baltimore City High Schools 2001-2002 Suspension Rates<sup>164</sup>**

High School	Total Number of Students	Percent of Students Receiving Free/Reduced Lunch	Percent African American	Number of Suspensions
Frederick Douglas	1,084	53	99	71
Lake Clifton	2,116	40	99	199
Northwestern	1,132	50	96	128
Patterson	1,699	59	68	705
Southwestern	1,392	50	88	386
Walbrook	2,020	41	99	487

The fact that thus far there has been no inquiry into the effectiveness or effects of Baltimore's zero tolerance discipline policies is cause for concern. Not only do the unintended consequences of zero tolerance have educational and social implications for students subject to

these policies, but they have repercussions that extend beyond academics to the larger community. As mentioned earlier, school exclusionary policies have been linked to poor academic achievement, delinquency, school drop out rates, teen sexual activity, criminal activity, and substance abuse.<sup>165</sup> These issues are all areas of concerns in Baltimore. Currently, more than 50 percent of Baltimore ninth graders and more than 11 percent of Baltimore seniors drop out of school.<sup>166</sup> In 2001, approximately, 35,900 Baltimore youth between the ages of 16 and 24 were out of school and unemployed.<sup>167</sup> During that same time period, 22.4 percent of Baltimore females under the age of 20 gave birth;<sup>168</sup> 14 percent of juveniles between the ages of 10 and 17 in Baltimore City were arrested for a crime; 32 percent of Baltimore eight graders reported drinking alcohol in the last 30 days; and 14 percent had smoked marijuana.<sup>169</sup> The connections that researchers have begun to draw between zero tolerance discipline policies and many of these broader community issues underscores the importance of taking a closer look at the impact zero tolerance school discipline may be having in Baltimore. Although the school system must take the leading role in this inquiry, it is crucial they have the support of a broad community campaign and access to community resources. This effort should be based on the recognition that school exclusion disciplinary methods, which suspend, expel, or arrest offending students, may serve merely to transfer the problem out of the school and back into the community.

Rigorous scientific research into the measurable impact that zero tolerance discipline policies are having in Baltimore is needed to determine whether reform is necessary. Avenues of inquiry should include:

- whether school exclusion is an effective deterrent to student misconduct in Baltimore;

- whether school discipline policies accurately target the intended students;
- whether a causal relationship can be established between school suspension and expulsions in Baltimore and student academic achievement;
- whether a causal relationship can be established between school suspension and expulsions in Baltimore and student dropout rate;
- whether a causal relationship can be established between school suspension and expulsions in Baltimore and teen birth rates;
- whether a causal relationship can be established between school suspensions, expulsions, and in-school arrests in Baltimore and adult incarceration;
- whether school suspensions and expulsions have the immediate effect of relocating crime and violence from the schools back into the community; and
- whether suspensions and expulsions provide youth with greater opportunities for deviant behavior in the community, such as crime, substance abuse, and teen sexual activity.

Collecting the data required to answer these questions satisfactorily will require extensive collaboration among the public and nonprofit sectors in Baltimore. Ideally, potential partners in this effort would include: the Baltimore City School System, the Baltimore City Police Department, the Baltimore Department of Health, the Mayor's Office of Children, Youth, and Families, as well as nonprofit organizations such as Advocates for Children and Youth and Safe and Sound, and finally potential sources of community data, such as the Baltimore City Data Collaborative and the Baltimore Neighborhood Indicators Alliance. It would be a challenging undertaking, but it is worthy of a large community effort. The answers to these questions could

determine not only the ways in which the school discipline code should be revised, but ways in which the schools and the community could work together to solve a shared problem.

### **Alternatives to Zero Tolerance**

The growing concerns about the collateral damage caused by zero tolerance discipline policies, as well as questions about its effectiveness, have prompted many school systems to begin experimenting with alternatives to zero tolerance. Many of the alternatives to zero tolerance shift the focus of disciplinary efforts from a reaction to misconduct to its prevention.<sup>170</sup> Educational experts agree that a successful school violence prevention model must consist of three simultaneous efforts: (1) creating a positive school environment, (2) attending to early warning signs of trouble, and (3) effectively responding to disruption and violence with a wide range of strategies.<sup>171</sup> If upon careful review, it is found that zero tolerance practices in Baltimore are ineffective and/or negatively affect the community, Baltimore should consider a number of different disciplinary practices that have been adopted across the country.

Schools' use of programmatic prevention efforts, such as conflict resolution and behavior management, have been shown to help prevent student violence and aggression and to eliminate the need for harsh disciplinary action.<sup>172</sup> Conflict resolution has been demonstrated to have a moderate effect on the level of student aggression in schools,<sup>173</sup> and can help students remember and employ alternatives to violence when solving conflict.<sup>174</sup> In fact, in surveys of Baltimore educators, many teachers suggested that more support and training in classroom management of behavioral problems would help teachers deescalate potentially violent situations.<sup>175</sup> Baltimore should expand training for its principals and teachers in the development and implementation of

behavioral management programs to help them learn strategies useful in deescalating potentially violent interactions. Baltimore should also consider expanding violence prevention programs in Baltimore schools, including programs currently in operation such as PATHS (Promoting Alternative Thinking Strategies), LifeSkills Training, and Skillstreaming.<sup>176</sup>

Baltimore must also ensure that there are adequate numbers of counselors on staff at each school, and that they are given the time and resources needed to effectively counsel students. This effort is already underway in Baltimore, and teachers in Baltimore have attributed improved discipline to the school system's efforts to allocate funds for crisis counselors, addiction specialists, and social workers.<sup>177</sup> However, these efforts need to be increased. In a recent survey of Baltimore educators, one of the central themes articulated was the need for more clinical support to deal with the issues that underlie students' behavioral problems.<sup>178</sup>

Education experts also suggest providing opportunities for students to become more engaged in school activities.<sup>179</sup> Adopting strategies that include students in the discipline process, including peer mediation and mentoring, may assist violence prevention efforts. In peer mediation, students are encouraged to sit down with a trained student mediator (often accompanied by an adult) and resolve their differences through dialogue.<sup>180</sup> In many cases problems that would otherwise escalate can be resolved through mediation.<sup>181</sup> However, if the problem is not solved, students may be required to meet with an adult or older student mentor once a week for further mediation and mentoring until all parties agree that the issue is resolved.<sup>182</sup>

In addition, building a sense of community within a school can be extremely effective at preventing violence, because students are held accountable by their peers for harm they cause.<sup>183</sup> Baltimore should consider adopting a *restorative justice* model in which students are expected to rectify their mistakes whenever possible.<sup>184</sup> In Michigan, schools are beginning to institute peer juries or teen courts in which students accused of misbehavior must appear before a jury composed of fellow students. The accused student must explain his or her misbehavior to the jury, and then the jury is responsible for communicating to the student how the behavior violated the rules of the school community and develop an appropriate consequence.<sup>185</sup> The student's sentence is not punitive, but rather an attempt to reintegrate the student into the school community. Most often, the student is required to make restitution for his or her action and engage in some type of community service.<sup>186</sup>

However, even when violence prevention strategies are utilized, they cannot guarantee a problem-free school. Any efforts at reform must also include some method of discipline. Thus, when revising the Student Discipline Code this spring, Baltimore should consider implementing a graduated disciplinary response to student misconduct. This disciplinary method, termed an *early response model*, shares with zero tolerance the philosophy that minor disruptions, if ignored, can lead to more serious disruption and violence.<sup>187</sup> However, in contrast, this model relies on a graduated system of consequences that encourages moderate responses for less serious behavior and allows for the consideration of a student's age and intent. The goals of these two disciplinary methods also differ, while zero tolerance is intended to set an example for potential culprits, the *early response* model aims to ensure that minor incidents are defused and cannot escalate into more serious infractions.<sup>188</sup> Rigorous training of all school administrators,

principals and teachers would need to accompany this new code, and the importance of moderating the school's response to misconduct would need to be emphasized. Currently, Baltimore does differentiate between the levels of misconduct (see Table 1); however out-of-school suspensions are routinely used as a response to even the lowest level of offense.<sup>189</sup>

Finally, Baltimore should consider expanding its alternative learning centers (ALC). Currently, Baltimore has three ALCs, which serve a total of 230 students, in grades 6 through 9, who have committed a Level III offense—for which an adult may have been arrested or jailed (see Table 1).<sup>190</sup> Prior to the existence of the ALCs, students who had committed a Level III offense would have been home schooled or, more likely, have been living in a facility for juvenile delinquents.<sup>191</sup> However, the ALCs offer students a second chance in an academic setting. However, currently the ALCs are unable to accommodate demand due to the large numbers of students in need of these services and a limited amount of space.<sup>192</sup> In the 2002-2003 school year, 49 Baltimore students were referred to an alternative education setting—representing only about 6 percent of the 765 students who were subject to long-term suspension or expulsion due to weapons or drugs.<sup>193</sup> Furthermore, the services of these centers are not available to high school students. Baltimore should expand the number of ALCs to provide both smaller learning environments and additional intervention services for students, including high school students, who display significant behavioral problems. In addition, to better serve students suspended for less serious offenses, Baltimore should expand in-school suspension services, so that it is available in all Baltimore public schools.

## **Conclusion**

Baltimore City Public School System is going through a very challenging period. In the face of a \$58 million dollar deficit, 700 lay-offs, and the threat of 1,200 more,<sup>194</sup> recommending any changes that will cost the school system money is problematic. However, with the rising number of suspensions and in-school arrests, Baltimore cannot afford to leave the issue of zero tolerance policies unaddressed. The research that suggests zero tolerance has unintended consequences is compelling, and the far reaching implications of those consequences are alarming. In a city struggling to address myriad public health, public safety, and economic issues, it is not surprising that many of the community's problems end up playing themselves out in the city's schools. However zero tolerance discipline policies which are characterized by school exclusionary discipline methods, may ultimately serve only to return those problems to the community. Thus it is imperative that a citywide effort be made to determine and, if necessary, address the impact of zero tolerance school discipline policies on the Baltimore community.

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- <sup>1</sup> Maryland State Department of Education (MSDE), *Suspensions, Expulsions, and Health Related Exclusions Maryland Public Schools 2002-2000*, MSDE-PRIM, 12/03.
- <sup>2</sup> Kristen Sette, "School Suspensions Rise Among Maryland's Youngest," *Capital News Service*, April 25, 2003.
- <sup>3</sup> S. Heaviside, C. Rowand, C. Williams, and E. Farris, *Violence and Discipline Problems in U.S. Public Schools: 1996-1997*, NCES 98-030, Washington, DC: U.S. Department of Education, National Center for Educational Statistics, 1998.
- <sup>4</sup> Russell Skiba, *Zero Tolerance, Zero Evidence*, Policy Research Report #SRS2, Indiana Research Center, August 2000.
- <sup>5</sup> Kathy Koch, "Zero Tolerance: Is Mandatory Punishment in Schools Unfair?" *Congressional Quarterly*, Vol. 10, No. 9, March 2000.
- <sup>6</sup> *Ibid.*
- <sup>7</sup> Ronnie Casella, "Zero Tolerance Policy in Schools: Rationale, Consequences, and Alternatives," *Teachers College Record*, Vol. 105, No. 5, June 2003.
- <sup>8</sup> Russell Skiba, *Zero Tolerance, Zero Evidence: An Analysis of School Disciplinary Practice*, Indiana Education Policy Center, August 2000a.
- <sup>9</sup> MD Disability Law Center, "The Discipline Process," April 2001
- <sup>10</sup> Maryland State Department of Education (MSDE), *Suspensions, Expulsions, and Health Related Exclusions Maryland Public Schools 2002-2000*, MSDE-PRIM, 12/03.
- <sup>11</sup> *Ibid.*
- <sup>12</sup> Lawrence Hurley, "School for Scandal? Disciplinary Policies Put Too Many Students into the Justice System, Advocates Say," *The Daily Record*, October 17, 2003.
- <sup>13</sup> J. Crosby, "'Zero Tolerance' Makes its Mark: Expulsions in Orange County Schools Have Tripled Since 1990," *The Orange County Register*, December 18, 1994.
- <sup>14</sup> C. G. Ginsberg and L. Loffredo, "Violence-related attitudes and behaviors of high-school students—New York City," *Morbidity and Mortality Weekly Report*, No. 42, 1992.
- <sup>15</sup> Roger Ashford, "Can Zero Tolerance Keep Our Schools Safe," *Principal*, November 2000.
- <sup>16</sup> Erika Niedowski, "Schools Report Rise in Assaults," *The Baltimore Sun*, January 22, 2002.
- <sup>17</sup> Westat, *Report on the Final Evaluation of the City-State Partnership*, Presented to the Baltimore City School Board and MSDE, December 3, 2001.
- <sup>18</sup> C. Bowditch, "Getting Rid of Troublemakers: High School Disciplinary Procedures and the Production of Dropouts," *Social Problems*, Vol. 40, 1993; and V. K. Costenbacher and S. Markson, "School Suspension: A Survey of Current Policies and Practices," *NAASP Bulletin*, No. 78, 1994.
- <sup>19</sup> Linda Raffaele Mendez, *Predictors of Suspension and Suspension as a Predictor of Negative School Outcomes: A Longitudinal Investigation of an Entire Cohort of Students from Second Through Twelfth Grade*, Paper presented at the Civil Rights Project, School to Prison Pipeline Conference, May 2003, (in press).
- <sup>20</sup> Judith Browne, *Derailed: The School House to Jailhouse Track*, The Advancement Project, 2003.
- <sup>21</sup> Ronnie Casella, "Zero Tolerance Policy in Schools: Rationale, Consequences, and Alternatives," *Teachers College Record*, Vol. 105, No. 5, June 2003.
- <sup>22</sup> Maryland State Department of Education (MSDE), *Suspensions, Expulsions, and Health Related Exclusions Maryland Public Schools 2002-2000*, MSDE-PRIM, 12/03.
- <sup>23</sup> Russell Skiba, Robert S. Michael, Abra C. Nardo, and Reece Peterson, *The Color of Discipline: Sources of Racial and Gender Disproportionality in School Punishment*, Indiana Education Policy Center, June 2000.
- <sup>24</sup> Westat, *Report on the Final Evaluation of the City-State Partnership*, Presented to the Baltimore City School Board and MSDE, December 3, 2001.
- <sup>25</sup> Marc S. Atkins, Mary M. McKay, Stacy L. Frazier, Lara J. Jakobsons, Patrice Arvanitis, Tim Cunningham, Catherine Brown, and Linda Lambrecht. "Suspensions and Detentions in an Urban, Low-Income School: Punishment or Reward?" *Journal of Abnormal Child Psychology*, August 2002.
- <sup>26</sup> R. Balfanz, K. Spiridakis, R. Neild, and N. Letgers, *Neighborhood High Schools and the Juvenile Justice System: How Neither Helps the Other and How that Could Change*, Paper presented at School to Prison Pipeline Conference, May 2003, (in press); Bernardine Dohrn, "Look Out Kid It's Something You Did." in *Zero Tolerance: Resisting the Drive for Punishment in Our Schools*, eds. William Ayers, Bernardine Dohrn, Rick Ayers. New York: The New Press, 2001; *Opportunities Suspended: The Devastating Consequences of Zero Tolerance and School Discipline*, Advancement Project and The Civil Rights Project: Report from a National Summit of Zero Tolerance,

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Washington, DC, June 2000; R.J. Skiba and K. Knesting, *Zero Tolerance, Zero Evidence: An Analysis of School Disciplinary Practice*, in *Zero Tolerance: Can Suspensions and Expulsions Keep Schools Safe* eds. R.J. Skiba and G.G. Noams, San Francisco: Jossey-Bass, 2001; Linda Raffaele Mendez, *Predictors of Suspension and Suspension as a Predictor of Negative School Outcomes: A Longitudinal Investigation of an Entire Cohort of Students from Second Through Twelfth Grades*, Paper presented at the Civil Rights Project, School to Prison Pipeline Conference, May 2003, (in press); Vincent Schiraldi and Jason Ziedenberg, *Schools and Suspensions: Self-Reported Crime and the Growing Use of Suspensions*, The Justice Policy Institute, 2001; and Judith Browne, *Derailed: The School House to Jailhouse Track*, The Advancement Project, 2003.

<sup>27</sup> Many studies have found strong correlations between school suspension and poor academic achievement, grade retention, delinquency, school drop out, student alienation, drug abuse, crime, and incarceration, however far fewer have been able to establish a causal relationship. Anecdotal evidence certainly suggests that school suspension can dramatically alter a student's perception of school and can ultimately have the effect of "pushing" a student out of school, but more research is needed into the extent to which school exclusionary methods directly effect student outcomes.

<sup>28</sup> K. Brooks, V. Schiraldi and J. Ziedenberg, *School HouseHype: Two Years Later*, San Francisco, CA: Center on Juvenile and Criminal Justice. Available at [www.cjcj.org](http://www.cjcj.org), 1999; Russell Skiba and Reece Peterson, "The Dark Side of Zero Tolerance: Can Punishment Lead to Safe Schools?" *Phi Delta Kappan*, Vol. 80, 1999; *Opportunities Suspended: The Devastating Consequences of Zero Tolerance and School Discipline*, Advancement Project and The Civil Rights Project: Report from a National Summit of Zero Tolerance, Washington, DC, June 2000; and Linda Raffaele Mendez, *Predictors of Suspension and Suspension as a Predictor of Negative School Outcomes: A Longitudinal Investigation of an Entire Cohort of Students from Second Through Twelfth Grades*, Paper presented at the Civil Rights Project, School to Prison Pipeline Conference, May 2003, (in press).

<sup>29</sup> Russell Skiba and Reece Peterson, "The Dark Side of Zero Tolerance: Can Punishment Lead to Safe Schools?" *Phi Delta Kappan*, Vol. 80, 1999; *Opportunities Suspended: The Devastating Consequences of Zero Tolerance and School Discipline*, Advancement Project and The Civil Rights Project: Report from a National Summit of Zero Tolerance, Washington, DC, June 2000; and R. Balfanz, K. Spiridakis, R. Neild, and N. Letgers. *Neighborhood High Schools and the Juvenile Justice System: How Neither Helps the Other and How that Could Change*, Paper presented at School to Prison Pipeline Conference, May 2003, (in press).

<sup>30</sup> D. Richart, K. Brooks, and M. Soler, *Unintended Consequences: The Impact of Zero Tolerance and Other Exclusionary Policies on Kentucky Students*, Building Blocks for Youth Initiative. 2003; and Judith Browne, *Derailed: The School House to Jailhouse Track*, The Advancement Project, 2003.

<sup>31</sup> D. Richart, K. Brooks, and M. Soler, *Unintended Consequences: The Impact of Zero Tolerance and Other Exclusionary Policies on Kentucky Students*, Building Blocks for Youth Initiative, 2003; Michigan Public Policy Initiative (MPPI), *Zero Tolerance Policies and Their Impact on Michigan Students*, Prepared by the Institute for Children, Youth and Families at Michigan State University, The Spotlight Series on Applied Research, January 2003; and Kim Potts and Bintou Njie, *Zero Tolerance in Tennessee Schools: An Update*. Office of Education Accountability, Comptroller of Treasury, Nashville, Tennessee, August 2003.

<sup>32</sup> Kristin Sette, "School Suspension Rise Among Maryland's Youngest," *Capital News Service*, April 25, 2003.

<sup>33</sup> Confirmed through January 2004 interviews with Dr. Russell Skiba, University of Indiana, Ms. Judith Browne, The Advancement Project, Dr. Peter Leone, University of Maryland, Dr. David Altschuler, Johns Hopkins University, Ms. Marion Pines, Johns Hopkins University, and Ms. Jane Sundius, Open Society Institute-Baltimore, as well as extensive web searches.

<sup>34</sup> Maryland State Department of Education (MSDE), *Suspensions, Expulsions, and Health Related Exclusions Maryland Public Schools 2002-2003*, MSDE-PRIM, 12/03.

<sup>35</sup> Westat, *Report on the Final Evaluation of the City-State Partnership*, Presented to the Baltimore City School Board and MSDE, December 3, 2001.

<sup>36</sup> Russell Skiba and Reece Peterson, "The Dark Side of Zero Tolerance: Can Punishment Lead to Safe Schools?" *Phi Delta Kappan*, Vol. 80, 1999.

<sup>37</sup> Westat, *Report on the Final Evaluation of the City-State Partnership*, Presented to the Baltimore City School Board and MSDE, December 3, 2001.

<sup>38</sup> Pedro Noguera, "Finding Safety Where We Least Expect It." in *Zero Tolerance: Resisting the Drive for Punishment in Our Schools*, eds. William Ayers, Bernardine Dohrn, Rick Ayers, New York: The New Press, 2001.

<sup>39</sup> Russell Skiba, *Zero Tolerance, Zero Evidence: An Analysis of School Disciplinary Practice*, Indiana Education Policy Center, August 2000a.

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<sup>40</sup> Westat, *Report on the Final Evaluation of the City-State Partnership*, Presented to the Baltimore City School Board and MSDE, December 3, 2001.

<sup>41</sup> Maryland State Department of Education (MSDE), *Suspensions, Expulsions, and Health Related Exclusions Maryland Public Schools 2002-2000*, MSDE-PRIM, 12/03.

<sup>42</sup> The only school system with a higher percentage of suspended students was Somerset County, Maryland, which suspended 16.5 percent of its student population in the 2002-2003 academic year. However its entire public school enrollment equaled only 2,840 students and the number of suspended students was 468.

<sup>43</sup> Maryland State Department of Education (MSDE), *Suspensions, Expulsions, and Health Related Exclusions Maryland Public Schools 2002-2000*, MSDE-PRIM, 12/03.

<sup>44</sup> Kristen Sette, "School Suspensions Rise Among Maryland's Youngest," *Capital News Service*, April 25, 2003.

<sup>45</sup> S. Heaviside, C. Rowand, C. Williams, and E. Farris, *Violence and Discipline Problems in U.S. Public Schools: 1996-1997*, NCES 98-030, Washington, DC: U.S. Department of Education, National Center for Educational Statistics, 1998.

<sup>46</sup> Ronnie Casella, "Zero Tolerance Policy in Schools: Rationale, Consequences, and Alternatives," *Teachers College Record*, Vol. 105, No. 5, June 2003.

<sup>47</sup> Ibid.

<sup>48</sup> Westat, *Report on the Final Evaluation of the City-State Partnership*, Presented to the Baltimore City School Board and MSDE, December 3, 2001.

<sup>49</sup> Ibid.

<sup>50</sup> Stephen Henderson, "Groups Critical of 'No Second Chances' School Proposal," *The Baltimore Sun*, January 27, 1999.

<sup>51</sup> Ibid.

<sup>52</sup> Westat, *Report on the Final Evaluation of the City-State Partnership*, Presented to the Baltimore City School Board and MSDE, December 3, 2001. Baltimore's complete School Discipline Code is not available on the BCPSS website. Repeated attempts made to gain a copy of the complete BCPSS Student Discipline Code from BCPSS headquarters went unanswered, and when a school administrator was finally reached by telephone, the author was informed that the official who could approve the release of a copy of the Code was out of the office and would not return in time for the completion of this paper.

<sup>53</sup> Kathy Koch, "School Violence: Are American Schools Safe?" *Congressional Quarterly*, Vol. 8, No. 38, October 1998.

<sup>54</sup> Ibid.

<sup>55</sup> Ibid.

<sup>56</sup> Kathy Koch, "Zero Tolerance: Is Mandatory Punishment in Schools Unfair?" *Congressional Quarterly*, Vol. 10, No. 9, March 2000.

<sup>57</sup> Russell Skiba, *Zero Tolerance, Zero Evidence*, Policy Research Report #SRS2, Indiana Research Center, August 2000.

<sup>58</sup> Ronnie Casella, "Zero Tolerance Policy in Schools: Rationale, Consequences, and Alternatives," *Teachers College Record*, Vol. 105, No. 5, June 2003.

<sup>59</sup> Russell Skiba, *Zero Tolerance, Zero Evidence*, Policy Research Report #SRS2, Indiana Research Center, August 2000.

<sup>60</sup> Ibid.

<sup>61</sup> Kathy Koch, "Zero Tolerance: Is Mandatory Punishment in Schools Unfair?" *Congressional Quarterly*, Vol. 10, No. 9, March 2000.

<sup>62</sup> Kathy Koch, "School Violence: Are American School Safe?" *Congressional Quarterly*, Vol. 8, No. 38, October 1998.

<sup>63</sup> Kathy Koch, "Zero Tolerance: Is Mandatory Punishment in Schools Unfair?" *Congressional Quarterly*, Vol. 10, No. 9, March 2000.

<sup>64</sup> Ibid.

<sup>65</sup> Ronnie Casella, "Zero Tolerance Policy in Schools: Rationale, Consequences, and Alternatives," *Teachers College Record*, Vol. 105, No. 5, June 2003.

<sup>66</sup> David Masci, "Preventing Teen Drug Use: Is the Get-Tough Approach Effective?" *Congressional Quarterly*, Vol. 12, No. 10, March 2002.

<sup>67</sup> Ronnie Casella, "Zero Tolerance Policy in Schools: Rationale, Consequences, and Alternatives," *Teachers College Record*, Vol. 105, No. 5, June 2003.

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- <sup>68</sup> Ruth Zweifler and Julia de Beers, "The Children Left Behind: How Zero Tolerance Impacts Our Most Vulnerable Youth." *Michigan Journal of Law*, Vol. 8, No. 1, Fall 2002.
- <sup>69</sup> Tobin McAndrews, "Zero Tolerance Policies," *Eric Digest*, EDO-EA-01-03, No. 146, March 2001.
- <sup>70</sup> Ruth Zweifler and Julia de Beers, "The Children Left Behind: How Zero Tolerance Impacts Our Most Vulnerable Youth." *Michigan Journal of Law*, Vol. 8, No. 1, Fall 2002.
- <sup>71</sup> Ibid.
- <sup>72</sup> Maryland State Department of Education (MSDE), *Suspensions, Expulsions, and Health Related Exclusions Maryland Public Schools 2002-2003*, MSDE-PRIM, 12/03.
- <sup>73</sup> MD Disability Law Center, *The Discipline Process*, April 2001.
- <sup>74</sup> Tanika White, "Student Conduct Policy Studied," *The Baltimore Sun*, August 18, 2003. Only a third of Baltimore schools offer in-school suspension. This is most likely due to budget constraints. In the aforementioned article, School Board member Dorothy Siegel, is quoted as saying that the "board has taken the position that when resources are available, there should be an alternative to suspension."
- <sup>75</sup> Linda Raffaele Mendez, *Predictors of Suspension and Suspension as a Predictor of Negative School Outcomes: A Longitudinal Investigation of an Entire Cohort of Students from Second Through Twelfth Grade*, Paper presented at the Civil Rights Project, School to Prison Pipeline Conference, May 2003, (in press).
- <sup>76</sup> Baltimore City Public School System, "Suspension and Expulsion Policies and Procedures," Available at [http://www.baltimorecityschools.org/School\\_Board/Policies/Suspension\\_Expulsion.asp](http://www.baltimorecityschools.org/School_Board/Policies/Suspension_Expulsion.asp) on January 13, 2004.
- <sup>77</sup> MD Disability Law Center, "The Discipline Process," April 2001
- <sup>78</sup> Ibid.
- <sup>79</sup> G. Morrison and B. D'Incau, "The Web of Zero Tolerance: Characteristics of Students Who are Recommended for Expulsion From School," *Education and Treatment of Children*, Vol. 20, No. 3, 1997.
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