Zero Tolerance in Tennessee Schools:

an update

John G. Morgan
Comptroller of the Treasury
Office of Education Accountability
State of Tennessee
August 2003

STATE OF TENNESSEE

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August 15, 2003

The Honorable John S. Wilder
Speaker of the Senate
The Honorable Jimmy Naifeh
Speaker of the House of Representatives
Members of the Select Oversight Committee on Education
and
Members of the House and Senate Education Committees
State Capitol
Nashville, Tennessee 37243

Ladies and Gentlemen:

Transmitted herewith is a report on zero tolerance in Tennessee schools, as required by Public Chapter 871, 1998. The report contains several conclusions concerning the implementation of zero tolerance policies for school years 1999-2000, 2000-01, and 2001-02. It also provides recommendations that may be useful to policymakers in considering ways to improve and assist Tennessee's schools.

Sincerely,

John G. Morgan
Comptroller of the Treasury

Zero Tolerance in Tennessee: an update

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John G. Morgan
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August 2003

Executive Summary

In 1997, Public Chapter 151 requested the Comptroller of the Treasury to conduct a study of the implementation of the policies required by TCA §49-6-4216. The study, entitled *Getting Tough on Kids: A Look at Zero Tolerance*,[1] was released in February 1998 and reviewed:

- disciplinary policies in effect in all school districts;
- methods of record keeping by all local education authorities to record zero tolerance violations; and
- disciplinary data for the school years of 1994 through 1997.

Following the 1998 report, the General Assembly twice amended the state's zero tolerance law in part to:

- require the State Board of Education to develop a standard reporting form for zero tolerance violations to be completed annually by each school system and filed with the Department of Education. (P.C. 871, 1998)
- require the Comptroller's Office of Education Accountability to analyze the resulting data and report results to the Education Oversight Committee, the General Assembly, the Governor, and the State Board of Education. (P.C. 871, 1998)
- clarify legislative intent that the superintendent/director of schools retains the authority to modify student expulsions on a case-by-case basis and that local school boards retain responsibility for development of disciplinary policies. (P.C. 634, 2000)
- clarify that students suspended or expelled under a zero tolerance policy may be assigned to alternative schools. (P.C. 634, 2000)

As required by T.C.A. 49-6-4216(d)(4), this report examines zero tolerance disciplinary data collected by the state Department of Education for school years 1999-2000, 2000-01, and 2001-02. The report is divided into two major sections. The first section displays statewide zero tolerance statistics and the second focuses on the zero tolerance statistics of Tennessee's five major urban systems. Both sections include data on the age, grade level, education status, gender, and race of zero tolerance offenders, nature of violations, and disposition of offenses.

The information contained in this report should not be compared to the previous zero tolerance report and update. The 1998 report and 1999 update were based on statistics derived from an Office of Education Accountability's survey on zero tolerance. The figures used in this report were supplied by the Department of Education's zero tolerance statistics. Until the 1999-2000 school year, the Department of Education did not collect or disseminate zero tolerance data.

[1] Office of Education Accountability, Comptroller of the Treasury, *Getting Tough on Kids: A Look at Zero Tolerance*, Feb. 1998.

For the statewide zero tolerance data, the report concludes:

Although zero tolerance policies were implemented to deter students from committing specific offenses, zero tolerance offenses have increased at a significantly faster rate than student enrollment. Statewide zero tolerance offenses increased from 3,651 in 1999-2000 to 4,047 in 2001-02, an increase of 10.85 percent over the three-year period. In comparison, the number of students in Tennessee public schools during that same time rose only 0.68 percent from 894,397 in the 1999-2000 school year to 900,510 in the 2001-02 school year. (See page 8.)

Less than one percent of all students attending Tennessee schools committed zero tolerance offenses during each of the three years examined. Approximately 0.4 percent (or about four in 1,000) of Tennessee students account for the zero tolerance offenses committed over each of the three years examined. (See page 8.)

More than half of all zero tolerance offenders were returned to school or placed in alternative schools from school years 1999-2000 through 2001-02. (See page 8.)

A significant number of students continue to be expelled without placement—the number remained relatively constant at approximately 20 percent for each of the three years examined. This figure is important because students whose education is disrupted for a period of time may have difficulty catching up and may eventually drop out of school rather than fall further behind. (See page 10.)

Superintendents modified the penalties for about 15 percent of zero tolerance offenses. Both state law and the federal Gun-Free Schools Act allow superintendents to alter the penalties for zero tolerance offenders on a case-by-case basis. According to data supplied by the Department of Education, this occurred for 558 cases in 2001-02 (14 percent), 672 in 2000-01 (17 percent), and 533 in 1999-2000 (15 percent). (See pages 10-11.)

Drug offenses continue to be the largest category of zero tolerance offenses. In 1999-2000, drug offenses accounted for 53 percent of all zero tolerance offenses. All other violation categories varied little during the period examined. (See page 12.)

Most zero tolerance offenders are male. Although males represent just slightly more than 50 percent of all students in Tennessee, they consistently account for approximately 75 percent of all zero tolerance offenses.(See pages 12-13.)

African American students and special education students continue to be disproportionately represented among zero tolerance offenders. The percent of zero tolerance offenders within both of these student populations exceeds the percentage they comprise in the total school populations. (See pages 13 and 14-15.)

Although the special education population is overrepresented within the zero tolerance population, special education zero tolerance offenses as a percent of the total special education population is low. (See pages 14-15.)

Students in the 9th grade were three times more likely to commit a zero tolerance offense than students in other grades for years 1999 through 2002. Zero tolerance violations begin to climb between 5th and 6th grade and then spike sharply as students

enter the 9th grade. Zero tolerance offenses were highest at the 9th grade level for the three school years reviewed. (See page 14.)

Twelve school systems reported no zero tolerance offenses during school years 1999-2002. The 12 are listed on page 16.

An analysis of the state's five major urban systems resulted in these conclusions:

Analysis indicates that Tennessee's urban school districts account for a disproportionate share of zero tolerance violations. Urban zero tolerance offenses per 1,000 students far exceed the nonurban districts. (See pages 17-19.)

As in the statewide analysis:

- **Most of the urban systems have expelled a significant percentage of their zero tolerance offenders without placement.** (See pages 19-21.)
- **Drug offenses comprise the largest category among four of the five urban systems.** (See pages 24-25.)
- **The zero tolerance gender gap is also clearly evident in urban areas.** (See page 25.)
- **African American students represent a higher percentage of zero tolerance violations in most urban systems than they represent in the general school population.** (See pages 26-27.)
- **Almost half of all zero tolerance offenses occur in grades 8, 9, and 10.** (See pages 28-29.)
- **The special education population is disproportionately represented among the zero tolerance population.** (See pages 30-31.)

The report recommendations begin on page 31. See Appendix A on page 33 for the Commissioner of Education's response to the report.

The General Assembly may wish to consider encouraging local education agencies to implement more alternatives to expulsion and to increase preventative measures. Although schools must deal with serious infractions swiftly and decisively, research indicates that students' education should be disrupted as little as possible, not only for their own benefit, but for that of society as a whole.

The Department of Education's School Safety Center already provides a number of training opportunities for several programs aimed at preventing violence in schools, such as Life Skills Training, No Bullying Implementation Training, and Peaceable Schools.[2] The General Assembly may wish to encourage school and district officials' active participation.

The Department of Education should collect information from district and school officials regarding how they are using their zero tolerance data to make policy changes affecting school safety. The Department of Education began collecting detailed

[2] Information about these and other intervention programs is available at the Department of Education's web site at http://www.state.tn.us/education/sp/sptssc.htm.

zero tolerance data from schools after the General Assembly revised the law in 1998. At the same time, the legislature required the Comptroller's Office of Education Accountability to analyze the data and report the results—this report is the result of that mandate. Although this state level analysis is revealing—for example, pointing to possible inequities in the application of the law among certain student populations—district and school officials need to use the data in a meaningful way to make certain that school officials are not applying zero tolerance policies in a discriminatory manner.

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The Office of Education Accountability was created in the Office of the Comptroller of the Treasury by *Tennessee Code Annotated* 4-3-308 to monitor the performance of school boards, superintendents, school districts, schools, and school personnel in accordance with the performance standards set out in the Education Improvement Act or by regulations of the State Board of Education. The office is to conduct such studies, analyses, or audits as it may determine necessary to evaluate education performance and progress, or as may be assigned to it by the Governor or General Assembly.

Comptroller of the Treasury, Office of Education Accountability. Authorization Number 307307, 500 copies, August 2003. This public document was promulgated at a cost of $2.16 per copy.

Introduction

In 1997, Public Chapter 151 requested the Comptroller of the Treasury to conduct a study of the implementation of the policies required by TCA §49-6-4216. The study, entitled *Getting Tough on Kids: A Look at Zero Tolerance*,[3] was released in February 1998 and reviewed:

- disciplinary policies in effect in all school districts;
- methods of record keeping by all local education authorities to record zero tolerance violations; and
- disciplinary data for the school years of 1994 through 1997.

Following the 1998 report, the General Assembly twice amended the state's zero tolerance law in part to:

- require the State Board of Education to develop a standard reporting form for zero tolerance violations to be completed annually by each school system and filed with the Department of Education. (P.C. 871, 1998)
- require the Comptroller's Office of Education Accountability to analyze the resulting data and report results to the Education Oversight Committee, the General Assembly, the Governor, and the State Board of Education. (P.C. 871, 1998)
- clarify legislative intent that the superintendent/director of schools retains the authority to modify student expulsions on a case-by-case basis and that local school boards retain responsibility for development of disciplinary policies. (P.C. 634, 2000)
- clarify that students suspended or expelled under a zero tolerance policy may be assigned to alternative schools. (P.C. 634, 2000)

As required by T.C.A. 49-6-4216(d)(4), this report examines zero tolerance disciplinary data collected by the state Department of Education for school years 1999-2000, 2000-01, and 2001-02. The report is divided into two major sections. The first section displays statewide zero tolerance statistics and the second focuses on the zero tolerance statistics of Tennessee's major urban systems. Both sections include data on the age, grade level, education status, gender, and race, nature of violations, and disposition of each case.

The information contained in this report should not be compared to the previous zero tolerance report and update. The 1998 report and 1999 update were based on statistics derived from an Office of Education Accountability's survey on zero tolerance. The figures used in this report were supplied by the Department of Education's zero tolerance statistics. Until the 1999-2000 school year, the Department of Education did not collect or disseminate zero tolerance data.

Methodology

In developing the analysis and conclusions for this report, OEA staff:

- analyzed data collected and supplied by the Department of Education
- reviewed generally the Department of Education's role with regard to safety and violence prevention in schools
- conducted a general literature review regarding zero tolerance
- reviewed zero tolerance laws and policies at the federal and state levels

[3] Office of Education Accountability, Comptroller of the Treasury, *Getting Tough on Kids: A Look at Zero Tolerance*, Feb. 1998.

Background

What is zero tolerance?

The American Heritage Dictionary recently defined zero tolerance as "the policy or practice of not tolerating undesirable behavior, such as violence or illegal drug use, especially in the automatic imposition of severe penalties for first offenses."

Where did the zero tolerance concept come from?

Zero tolerance has scarcely been in the American vocabulary for more than 20 years. However, the phrase "zero tolerance" does not trace its origins to schools. The origins of the phrase are inexact, but some say it is rooted in a 1982 *Atlantic Monthly* article by James Wilson and George Kelling entitled "Broken Windows: Police and Neighborhood Safety." The article, which was based on police foot patrol programs in Newark, New Jersey, suggested that if a broken window in a building is not repaired, it sends the signal that no one cares about its maintenance and that soon all windows in the building will be broken. Advocates of broken windows policing in the years that followed encouraged zero tolerance for even mild displays of disorderly behavior, because they felt these were a precursor to more serious crime.

Edwin Meese, then U.S. Attorney General, made headlines in 1983 when he authorized U.S. Customs officials to take a zero tolerance stance on drugs and seize boats, vehicles, passports, etc. . . . from anyone crossing the U.S. border with even trace amounts of drugs.[4] The concept of zero tolerance gained momentum through the 1980s as politicians and policy makers decided to get tough on any number of issues including, "environmental pollution, trespassing, skateboarding, racial intolerance, homelessness, sexual harassment, and boom boxes." [5]

This first wave of zero tolerance policies had begun to quietly disappear in other public arenas when schools discovered the concept and decided to send a message that specific actions and behaviors would not be tolerated. This feeling was underscored at the federal level in 1994 when Congress passed the Gun-Free Schools Act.[6] The act required all states receiving federal funding to enact zero tolerance policies for students caught in possession of a weapon.[7]

4 Russ Skiba and Reece Patterson, "The Dark Side of Zero Tolerance: Can Punishment Lead to Safe Schools?" *Phi Delta Kappan Online* (January 1999), http://www.pdkintl.org/kappan/kappankski9901.htm.
5 Ibid.
6 GFSA P.L. 103-382, October 20, 1994.
7 Michael Martin, "Does Zero Mean Zero?" *American School Board Journal* 187, 3 (March 2000): 39-41.
8 *Tennessee Code Annotated* 49-6-3401(g): "Not withstanding the foregoing or any other law to the contrary, a pupil determined to have brought to school or to be in unauthorized possession on school property of a firearm, as defined in 18 U.S.C. § 921, shall be expelled for a period of not less than one (1) year, except that the director or superintendent may modify this expulsion on a case by case basis. For purposes of this subsection, "expelled" means removal from the pupil's regular school program at the location where the violation occurred or removal from school attendance altogether, as determined by the school official."

A brief history of zero tolerance in Tennessee

1994	Congress passed the Gun-Free Schools Act of 1994 requiring each state receiving federal education funds to pass legislation that required school districts to expel for at least one year any student who brought a firearm to school.
1995	The Tennessee General Assembly passed Public Chapter 268, codified as TCA 49-6-3401. In keeping with the federal Gun-Free Schools Act, the state law required that a student in possession of a weapon be expelled for at least one calendar year, authorizing the superintendent to modify expulsions on a case-by-case basis. (See actions taken in 2000 with adoption of Public Chapter 634 to add two state-mandated categories of offenses that could result in year-long expulsion of students.)
1996	The General Assembly passed Public Chapter 888, codified as TCA 49-6-4216, requiring local boards of education to file with the Department of Education written policies and procedures for the purpose of ensuring safer schools and imposing "swift, certain and severe disciplinary sanctions on any student" who (1) is under the influence of a drug or possesses a drug or drug paraphernalia, (2) assaults or threatens to assault a teacher, student, or other person, or (3) possesses a dangerous weapon. (Note that Public Chapter 634 in 2000, added similar, but not identical, offense categories, to TCA 49-6-3401(g), which lists state-mandated "zero tolerance" offenses. For example, 49-6-4216 includes assault of both teachers and students as an offense, and 49-6-3401 includes assault of a teacher but does not include assault of a student.) Public Chapter 988, the Student and Employee Safe Environment Act, required each school district to formulate a code of acceptable behavior and discipline for students, seeking recommendations from communities. The law made school districts responsible for formulating and implementing such a code.
1997	Public Chapter 151 requested the Comptroller of the Treasury, Office of Education Accountability, to conduct a study of the implementation of the policies required by TCA 49-6-4216 including: disciplinary policies in effect in all school districts; methods of record keeping by all local education authorities to record zero tolerance violations; and analysis of disciplinary data for school years 1994 through 1997. This resulted in the study released in February 1998.
1998	Public Chapter 871, codified as TCA 49-6-4216(d) and (e), required the State Board of Education to develop a standard form, which includes grade level, age, gender, race, offense, disposition of each offender, and any modification in penalty, for the collection of statistical data relative to zero tolerance violations in local school systems. The chapter also requires the superintendent or the superintendent's designee to complete the form annually and submit the form to the Department of Education and State Board of Education. The department submits data collected to the Office of Education Accountability, which analyzes the data and reports the results to the Education Oversight committee, the General Assembly, the Governor, and the State Board of Education.
2000	Public Chapter 634 reinforced the authority of the superintendent or director to modify zero tolerance expulsions on a case by case basis, and permitted students who had committed zero tolerance offenses to be assigned to alternative schools. This public chapter amended TCA 49-6-3401(g), which since 1995 had required that students

	in possession of weapons be expelled for one calendar year, subject to superintendent modification. PC 634 added two additional state-mandated offenses that required expulsion for one calendar year, subject to superintendent modification: student battery of a teacher or any other school or district employee and unlawful possession of drugs. (Note that the lists of offenses subject to one-year expulsion are similar, but not identical, in TCA 49-6-3401(g), which lists state-mandated "zero tolerance" offenses, and 49-6-4216, which lists offenses that local boards of education are to include in their disciplinary policies.)
2001	Congress passed the No Child Left Behind Act, which incorporated the Gun-Free Schools Act and made some clarifications to states' requirements under the GFSA. Under NCLB, clarifications to the GFSA included: (1) That the existing one-year expulsion requirement in each state's law include students who are determined to have possessed a firearm at school; (2) A requirement that the chief administering officer of the local education agency develop a written record of any case-by-case modifications of the one-year expulsion requirement; (3) That the GFSA does not apply to a firearm that is lawfully stored inside a locked vehicle on school property, or if it is for activities approved and authorized by the local educational agency, so long as the agency adopts appropriate safeguards to ensure student safety.

The state's role in promoting safety and discipline in Tennessee schools Student behavior that leads to zero tolerance violations may be affected by a number of Tennessee Department of Education and State Board of Education initiatives, some of which are federally driven. In 1994, the same year Congress passed the Gun-Free Schools Act, the Tennessee State Board of Education adopted a School Safety Policy for Tennessee Schools. The policy lists three general objectives:

1. schools must initiate violence prevention programs and be prepared to respond properly, prior to incidents of violence or threats to the safety of teachers and students;
2. schools must accept responsibility for instructing children and school personnel in the importance of mutual respect and the avoidance of violent actions and reactions; and
3. schools must establish a working relationship with other community agencies, especially the juvenile justice system, in order to properly respond to individual students exhibiting violent or threatening behaviors.

The policy also established the Department of Education's Tennessee School Safety Center, which assists school systems in developing required school safety plans by providing models, training materials, and guidelines on various school safety issues. The Center is responsible for disseminating to schools the latest research information on school safety as well as resources for prevention and intervention programs.

The Tennessee School Safety Center also coordinates training for school personnel in several areas that emphasize violence prevention and conflict resolution, such as Life Skills Training, No Bullying Implementation Training, Peaceable Schools (identified as a model for statewide implementation by the National Center for Conflict Resolution Education), Facing History and Ourselves, Student Disciplinary Hearing Authority Training, and Emergency Management Planning. Another center-sponsored program, Aspire – Youth Outreach for a Safe and Drug-Free Tennessee, recruits and trains teams of high school students to take a leadership role in reducing youth drug use and violence.

Additionally, the Department oversees state and federal grants that relate to violence prevention, conflict resolution, and character education for which systems and schools (and in some cases community-based organizations) may competitively apply, including:

- Safe Schools Act of 1998—The funds under this act are awarded to LEAs for one or more of these purposes: innovative violence prevention programs, conflict resolution, disruptive or assaultive behavior management, improved school security, peer mediation, and training for employees on the identification of possible perpetrators of school-related violence. (State grant awarded to LEAs based upon their relative share of BEP funding and subject to a 25 percent local match requirement. See T.C.A. 49-6-4302.)[9]
- Comprehensive Intervention Services: Helping Disruptive Students Attain Pro-Social Skills and Academic Success—The purpose of this program is to 1) reduce out-of-school suspensions and expulsions and 2) improve academic and behavioral outcomes for disruptive students. The Department notes in the grant application that: "Merely suspending students for a few days or expelling them for longer periods with no intervention does little to provide them with the skills and educational opportunities they need to become productive citizens." (Federal grant awarded in amounts up to $75,000 per year depending on the number of students to be served.)
- 21st Century Community Learning Centers—The grants help establish or expand out-of-school activities, such as after-school programs, to enrich students' academic opportunities and help them meet state and local standards in the core content areas. LEAs as well as other community-based organizations may apply. (Federal grant awarded from a minimum of $50,000 up to a maximum of $125,000 per site. No matching funds required. Three- to five-year grant cycle.)
- Drug Abuse Resistance Education (D.A.R.E.)— The program is an educational effort to prevent or reduce drug abuse, violence, and gang involvement among all youth K-12. The D.A.R.E. program is usually introduced to children in the 5th or 6th grade. A specially trained officer comes into participating schools one day a week for 17 weeks and teaches the children. The program follows a special curriculum, focusing on topics such as personal safety, drug use and misuse, consequences of behavior, resisting peer pressure, building self-esteem, assertiveness training, managing stress without taking drugs, media images of

[9] As of June 24, 2003, 133 of Tennessee's 138 LEAs received funds through the Safe Schools Act of 1998 for the 2002-03 year. E-mail to author from Mike Herrmann, Director, Tennessee Safe and Drug-Free Schools, Department of Education, dated June 23, 2003.

drug use, role models, and how to avoid gangs. Tennessee currently has more than 400 certified D.A.R.E. officers. D.A.R.E. is taught in over 85 percent of the school districts in the state with more than 60,000 fifth and sixth graders taught each year. (Federal grant based on LEA enrollment and the minimum classes served.)

The Department maintains a list of schools that have sent personnel to training regarding safe schools at www.state.tn.us/education/sp/spparticipantlist.xls. The Department has also sponsored an annual discipline conference since 1997, primarily for student disciplinary hearing officers, attendance supervisors, alternative school personnel, and school administrators.

Recent thinking about zero tolerance

Most public schools in the United States reported having zero tolerance policies toward "serious student offenses" in 1996-97. According to the National Center on Education Statistics (NCES), 94 percent of schools reported zero tolerance policies for firearms and 91 percent for weapons other than firearms. In addition, 97 percent had zero tolerance policies for alcohol and 88 percent for drugs.[10]

Despite the policies' widespread prevalence, zero tolerance may be falling out of favor among some educators and education researchers. Though zero tolerance policies began with the good intention of creating safer schools, it is not always clear that the results have been successful. It could be argued that success with the policy should result in yearly decreases in zero tolerance violations—instead, in Tennessee the numbers have climbed at a faster rate than student enrollment. (See page 9.) In addition, critics contend that zero tolerance resulted in serious unintended consequences, such as a disproportionate number of minority and special education students receiving zero tolerance penalties. Some also claim zero tolerance has become a "catch-all" that administrators use to rid themselves of difficult students.[11]

Multiple media stories describe zero tolerance punishments meted out for seemingly minor infractions. One popular web site is exclusively devoted to publicizing "the evils" of zero tolerance school discipline policies.[12] Recently published reports from more credible sources, including the American Bar Association and Harvard University's Civil Rights Project, make similar charges:

- In February 2003, Building Blocks for Youth, a consortium of juvenile justice organizations,[13] released a report titled *Unintended Consequences: The Impact of "Zero Tolerance" and Other Exclusionary Policies on Kentucky Students*. The report, profiled in *Education Week*, found that although violent crime in Kentucky's public schools is not a critical problem, educators use out-of-school suspension "excessively."[14] In addition,

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[10] J.F. DeVoe, K. Peter, P. Kaufman, S.A. Ruddy, A.K. Miller, M. Planty, T.D. Snyder, D.T. Duhart, and M.R. Rand, *Indicators of School Crime and Safety: 2002*, U.S. Departments of Education and Justice. NCES 2003-009/NCJ 196753, p. 135.
[11] Darcia Harris Bowman, "Interpretations of 'Zero Tolerance' Vary," *Education Week*, April 10, 2002.
[12] See www.ztnightmares.com.
[13] Building Blocks for Youth is comprised of Youth Law Center, ABA Juvenile Justice Center, Justice Policy Institute, Juvenile Law Center, Minorities in Law Enforcement, National Council on Crime and Delinquency, and Pretrial Services Resource Center. See www.buildingblocksforyouth.org.
[14] David Richart, Kim Brooks, and Mark Soler, *Unintended Consequences: The Impact of "Zero Tolerance" and Other Exclusionary Policies on Kentucky Students*, Building Blocks for Youth, February 2003, pp. 24-25.

the report's authors found that "school discipline policies fall most heavily on African-American students."[15]

> The combination of broad authority by school officials and vaguely defined "violations" allows non-objective and non-individual factors—preconceived notions and racial stereotyping—to have an impact on school discipline practices.[16]

- In February 2001, the American Bar Association, while acknowledging that schools should have strong policies against gun possession, adopted a resolution opposing zero tolerance policies that

> …have a discriminatory effect, or 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.[17]

- A report from the Hamilton Fish Institute on School and Community Violence[18] titled *Zero Tolerance: The Alternative is Education* states that:

> Because suspension and expulsion remove students from constructive learning environments, they are not ideal disciplinary actions. The necessity for using these disciplinary measures should be decreased by reducing behaviors that invoke them. Evidence of programs that are effective in preventing suspension and expulsion is growing.[19]

- A June 2000 report of The Civil Rights Project at Harvard University found that African American students and other students of color are disproportionately affected by zero tolerance policies. The report also noted that suspended students often "fall irretrievably behind, and there is a moderate to strong indication that they will eventually drop out of school."[20]

Federal reports, however, indicate that in one respect zero tolerance may be working. The number of students expelled nationwide for bringing a firearm to school, as shown in the annual reports on the implementation of the Gun-Free Schools Act, dropped from 5,724 in 1996-97 to 2,837 in 1999-2000 (or by 50.43 percent), suggesting that the policy may be serving as a deterrent.[21]

Zero tolerance, school safety, and No Child Left Behind

The No Child Left Behind (NCLB) Act, which Congress passed in 2001 to amend the Elementary and Secondary Schools Act (ESEA), makes some changes in states' requirements under the Gun-Free Schools Act. The law clarifies that students must be expelled for possessing a gun in school, not just for bringing a gun to school. It also requires that modified expulsions must be recorded in writing. NCLB also makes two specific exceptions to the expulsion

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[15] Ibid., p. 27.
[16] Ibid.
[17] Juvenile Law Center, ABA Resolution, posted Feb. 2001. Available at www.jlc.org/home/updates/updates_links/aba_zerotol.Htm (accessed June 2, 2003).
[18] The Hamilton Fish Institute is housed in the George Washington University Graduate School of Education and Human Development. See www.hamfish.org.
[19] Paul M. Kingery, PhD, *Zero Tolerance: The Alternative is Education*, Washington, D.C.: The Hamilton Fish Institute. Available at hamfish.org/pv/pub/susexp.html (accessed June 2, 2003).
[20] The Civil Rights Project, *Opportunities Suspended: The Devastating Consequences of Zero Tolerance and School Discipline Policies, Executive Summary*, Harvard University. Available at http://www.civilrightsproject.harvard.edu/research/discipline/call_opport.php (accessed June 3, 2003).
[21] U.S. Department of Education, Office of Elementary and Secondary Education, Safe and Drug-Free Schools and Communities Program, *Reports on State/Territory Implementation of the Gun-Free Schools Act 1999-2000, 1998-99, 1997-98, and 1996-97*.

requirement for firearms: 1) firearms may be lawfully stored inside a locked vehicle on school property; and 2) firearms may be brought to school or possessed for school-approved activities that are authorized by the district, so long as the district adopts appropriate safeguards to ensure students' safety.[22]

By the beginning of the 2003-04 year, NCLB requires that every local education agency must implement the Unsafe School Choice Policy, which must first be approved by the State Board of Education. According to the draft policy, currently pending before Tennessee's State Board of Education: [23]

> Any public elementary or secondary school, with the exception of a school established specifically for serving suspended or expelled students or students with behavioral disabilities, shall be considered persistently dangerous if it meets the following criteria for three consecutive years:
>
> 1. Has violence-related disciplinary actions as reported on the Annual Report of Zero Tolerance Offenses. Violence-related disciplinary actions shall be defined as any of the following: possession/use of a firearm, battery of a teacher or school employee (including a school resource officer assigned to the school), and possession/use of a weapon other than a firearm [each of which is further defined in another section of the draft policy]; or
> 2. Has students who have been the victim of a violent crime at school [also defined in another section of the draft policy]; and
> 3. The sum of violence-related disciplinary actions and/or incidents of student victimization identified in criteria #1 and criteria #2 above are equal to or greater than 3% of the school's average daily membership.

The draft further provides that any school meeting these criteria for three consecutive years will be designated as a "persistently dangerous school" and students attending such a school must be allowed to transfer to a safe school. Similar choice is to be given to students who meet the criteria for "victim of a violent crime."

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[22] U.S. Department of Education, Office of Elementary and Secondary Education, *No Child Left Behind: A Desktop Reference, Gun-Free Requirements*. Available at www.ed.gov/offices/OESE/reference/4a3.html (accessed June 4, 2003).

[23] Tennessee State Board of Education, "Unsafe School Choice Policy (pending second reading before State Board of Education)," no date.

Analysis and Conclusions

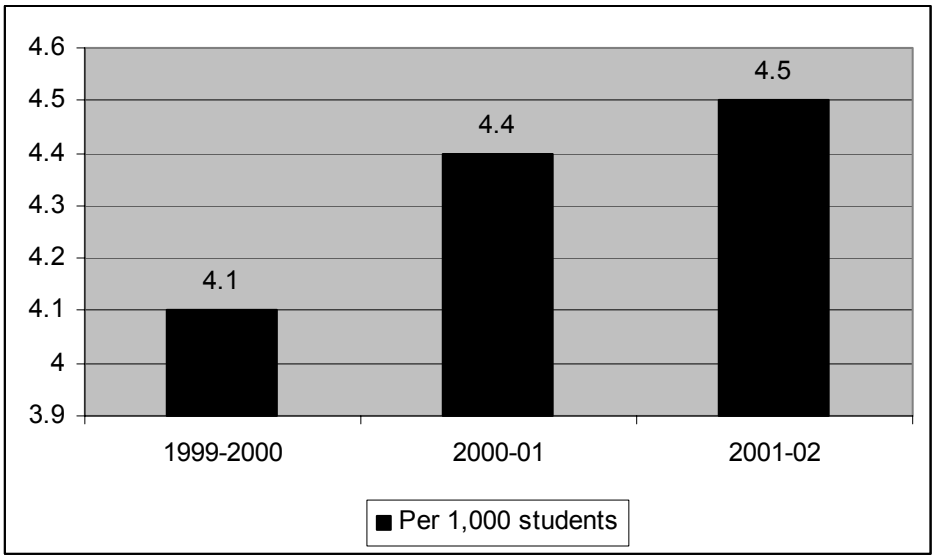
Statewide Trends

Total zero tolerance offenses

Although zero tolerance polices were implemented to deter students from committing specific offenses, zero tolerance offenses have increased at a significantly faster rate than student enrollment. Statewide zero tolerance offenses increased from 3,651 in 1999-2000 to 4,047 in 2001-02, an increase of 10.85 percent over the three-year period. In comparison, the number of students in Tennessee public schools during that same time rose only 0.68 percent from 894,397 in the 1999-2000 school year to 900,510 in the 2001-02 school year.

Exhibit 1 shows the increasing number of zero tolerance offenses per 1,000 students for each of the three school years examined.

Exhibit 1
Number of Zero Tolerance Offenses Per 1,000 Students, 1999-2002



Source: Department of Education. ADM used for calculation derived from the Department of Education's Report Cards.

Less than one percent of all students attending Tennessee schools committed zero tolerance offenses during each of the three years examined. Approximately 0.4 percent (or about four in 1,000) of Tennessee students account for the zero tolerance offenses committed over each of the three years examined.

Zero tolerance dispositions

More than half of all zero tolerance offenders were returned to school or placed in alternative schools from school years 1999-2000 through 2001-02. In 1999-2000, 1,089 zero tolerance offenders (30 percent) were placed in alternative schools; in 2000-01 the number rose to 1,274 (32 percent). However, that number dropped by 111 (29 percent) in 2001-02. Zero tolerance offenders returning to school increased from 28 percent (1,016) in 1999-2000 to 34 percent (1,377) in 2001-02.

Knox County: A Move Toward Keeping Kids in School

Tennessee's zero tolerance statutes are both broad and flexible. They require school systems to expel for one calendar year students who bring dangerous weapons to school, who assault or threaten to assault a teacher, other school official, or student, or who are under the influence of drugs or possess drugs or drug paraphernalia. State law also explicitly gives superintendents leeway to modify these punishments on a case-by-case basis.

School boards, however, have often chosen to make their zero tolerance and disciplinary policies tougher than the state law requires in an effort to make schools as safe as possible. Like many school systems in Tennessee, the Knox County School Board crafted a zero tolerance policy that took a tougher stance than the state law required by including additional offenses. That tough policy has come under public scrutiny in recent years partly through the continued efforts of a parent whose son, apparently despondent after being expelled from a Knox County high school at the beginning of his senior year, eventually committed suicide. Five years before his death, the student had been expelled after a friend left a knife in his car—later, the 6th U.S. Circuit Court of Appeals ruled the expulsion "irrational" absent any evidence that the student was aware of the knife's presence in his car.

In July 2003, after much debate, the Knox County school board voted to make major changes in its zero tolerance policy, a move expected to change the outcome of a pending class action lawsuit. The lawsuit, which is not directly connected to other zero tolerance lawsuits brought in Knox County, concerns the lack of available alternative education opportunities provided for expelled students. The changes to the district's zero tolerance policy include lessening the number of offenses deemed "zero tolerance" and significantly increasing the number of alternative school classrooms throughout the system.

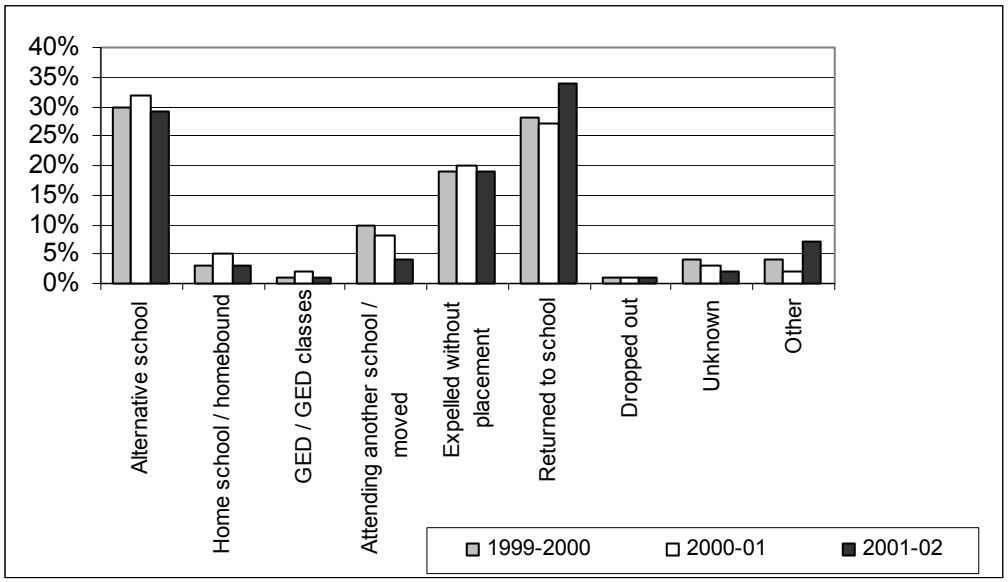
The board approved a plan to establish evening alternative school classrooms at 26 Knox County schools (12 high schools and 14 middle schools). Under the new policy, all students suspended for 11 days or more would be admitted either to the alternative evening school classroom at their home school or to one of two existing daytime alternative schools. Exceptions would include only students that principals and the superintendent consider dangerous.

In addition, the new policy lessens the number of offenses that come under the "zero tolerance" disciplinary category. Under the previous policy, possession of a knife, alcohol, or drug paraphernalia automatically resulted in a one-year expulsion. Under the new policy, the superintendent and principals are to determine appropriate punishments on a case-by-case basis.

The class action lawsuit would allow all Knox County students who had been suspended for 10 days or more and were not supplied alternative education services to become party to the action. However, Chancellor Daryl R. Fansler has stated that had the board already passed the changes to the policy, he might not have granted the class action motion on June 23, 2003.

A significant number of students continue to be expelled without placement—the number remained relatively constant at approximately 20 percent for each of the three years examined. Tennessee law does not require that LEAs place expelled students in alternative schools. Local school boards, however, may choose to adopt such a policy. More than 2,250 students have been expelled without placement within the last three years. In at least one school system (Knox County) nearly 80 percent of the zero tolerance violators were expelled without placement. (See page 20.) Students whose education is disrupted for a period of time may have difficulty catching up and may eventually drop out of school rather than fall further behind.

Exhibit 2
Disposition of Zero Tolerance Violators for 1999-2000 to 2001-02



Source: State Department of Education. Note that "Disposition of Zero Tolerance Violators" refers to the status of each student as of the last day of school.

Superintendents modified the penalties for about 15 percent of zero tolerance offenses. Both state law and the federal Gun-Free Schools Act allow superintendents to alter the penalties for zero tolerance offenders on a case-by-base basis. According to data supplied by the Department of Education, this occurred for 558 cases in 2001-02 (14 percent), 672 in 2000-01 (17 percent), and 533 in 1999-2000 (15 percent).

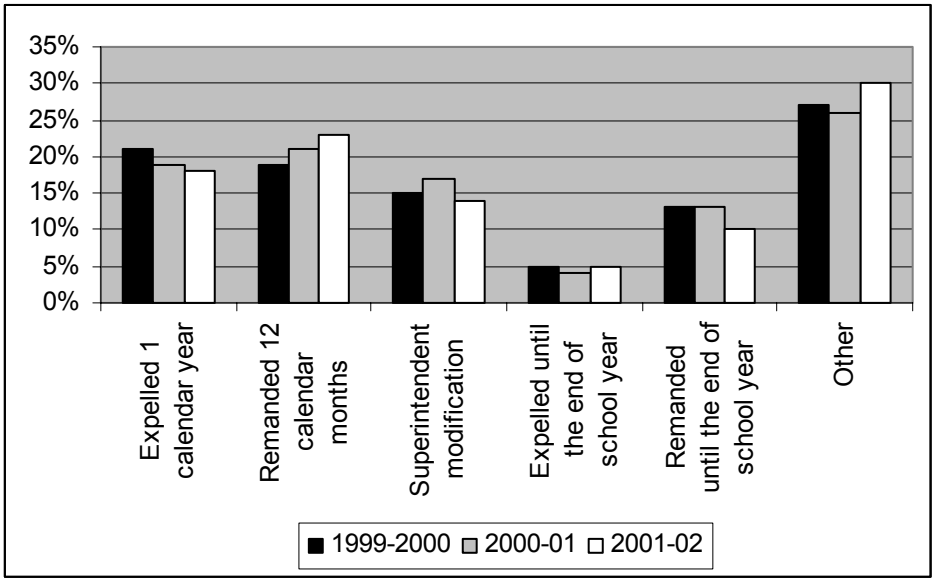
The percent of offenses for which students were expelled for one calendar year declined slightly from 21 to 18 percent over the three-year period. Conversely, the percent of offenses for which students were remanded to alternative school for 12 calendar months increased slightly during the same period from 19 to 23 percent.

Systems listed that *other* actions were taken for about 30 percent of the zero tolerance offenses. This category includes such items as:

- 10 days suspension followed by three weeks in school isolation (or other specific periods of time)
- student moved
- remanded to alternative school (for various periods of time)
- one day of suspension (or other amount)

- home school
- expelled with homebound services provided
- in-school suspension
- permanent expulsion
- GED/evening school
- attend rehab program (for various periods)
- quit school
- overturned
- paddling
- detention
- adult high school
- juvenile court
- returned on probation
- transferred to another school on probation
- due to age or other circumstances, student was allowed to return to school
- special education IEP team determined incident to be related to handicapping condition/ return to appropriate special education program

Exhibit 3
Actions Taken for Zero Tolerance Offenses, 1999-2002



Source: State Department of Education. Note that students who are 'remanded' are those sent to an alternative school. Also, "Actions Taken" identifies the sanction initially applied to a student as a result of a zero tolerance offense. Some of these sanctions are later modified.

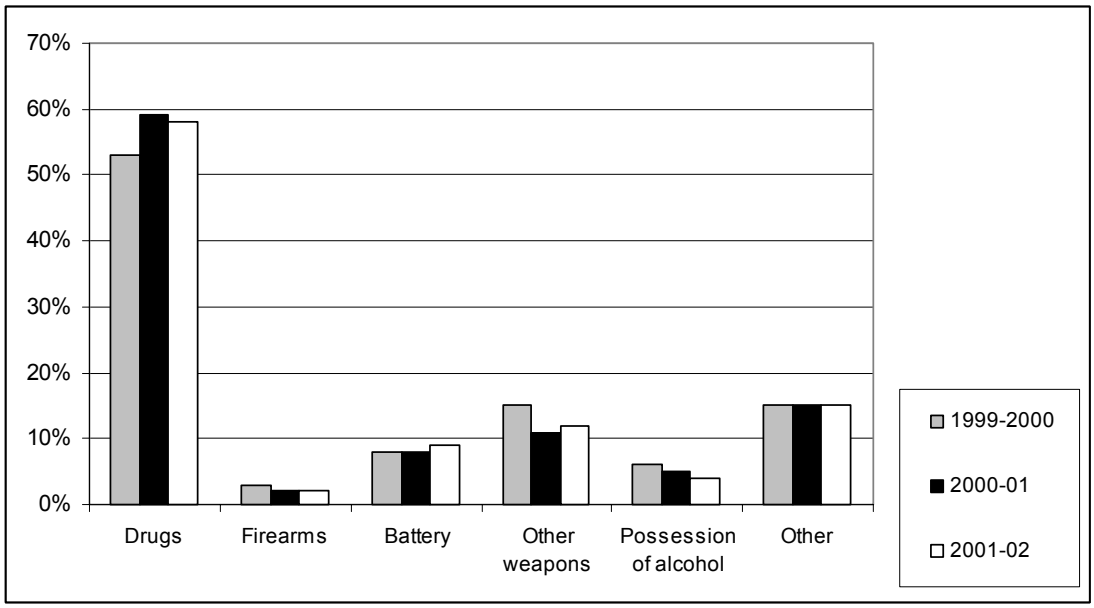
Nature of violations

Drug offenses continue to be the largest category of zero tolerance offenses. In 1999-2000, drug offenses accounted for 53 percent of all zero tolerance offenses. This category increased to 59 percent the following year and then fell to 58 percent in 2001-02. All other violation categories varied little during the period examined.

Because *TCA* §49-6-4216 allows local education agencies to add zero tolerance offenses, students who commit less serious offenses may be considered zero tolerance violators. Although the *other* zero tolerance category is not mandated by *TCA* §49-6-4216, local school systems have statutory authority to modify the law to encompass other serious offenses, such as fire/bomb threats, sexual harassment, threats of violence, and theft. However, some districts have used their statutory latitude to include less serious offenses as zero tolerance violations, such as *accumulation of misbehavior* and *attendance-related offenses*.

In 2001-02, students committed 89 offenses labeled *accumulation of misbehavior*, a category appearing for the first time in state department statistical summaries. Over the three-year period examined, students committed eight offenses labeled *attendance-related offenses*. The *other* category remained at a constant 15 percent of all zero tolerance offenses for the three-year period.

Exhibit 3
Percent of Zero Tolerance Offenses from 1999-00 through 2001-02

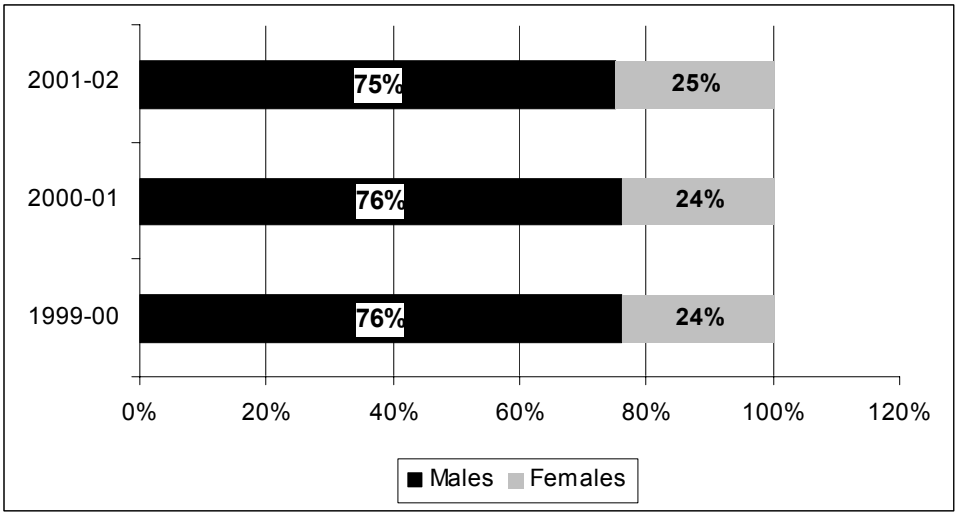


Source: State Department of Education.

Zero tolerance violations by gender

Most zero tolerance offenders are male. The gender breakdown of zero tolerance offenders has remained nearly the same over the three-year period. Although males represent just slightly more than 50 percent of all students in Tennessee, they consistently account for approximately 75 percent of all zero tolerance offenses. From 1999 to 2002, males committed 8,803 zero tolerance offenses out of 11,650. The percentage of females has increased only one percent during the last three years.

Exhibit 4
Trends in Zero Tolerance Offenses by Gender

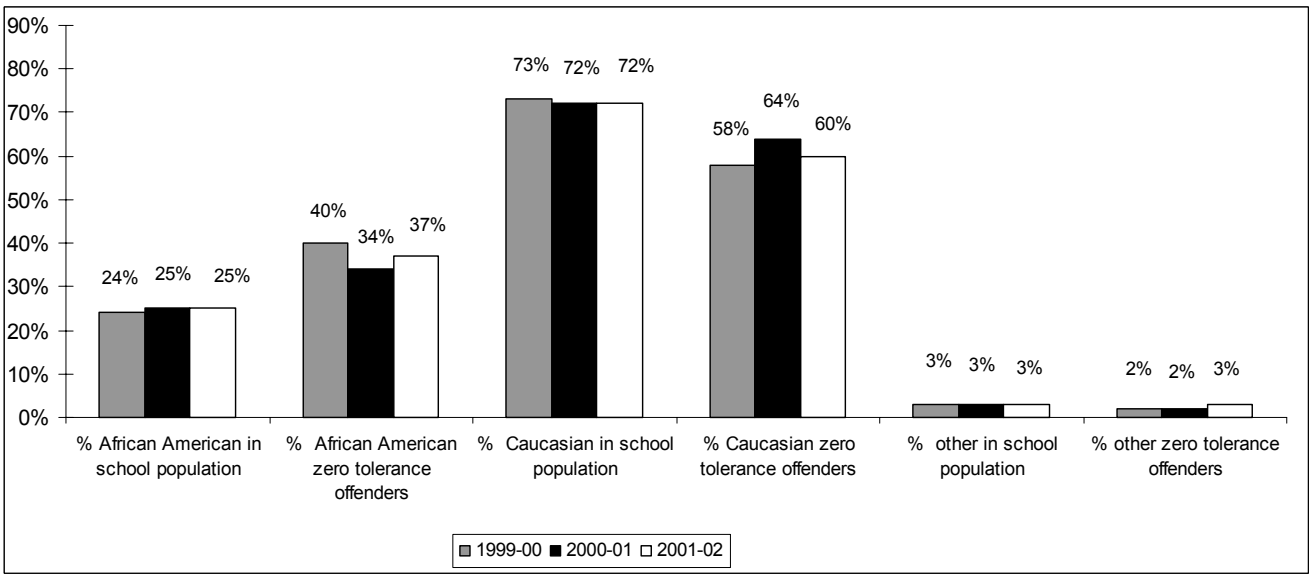


Source: State Department of Education.

Zero tolerance violations by race

African American students continue to be disproportionately represented among zero tolerance offenders. African American zero tolerance violators as a percent of total zero tolerance offenders exceeds the percentage of African Americans in the total school populations. For example, although African Americans comprise 24 percent of student enrollment statewide, 37 percent of all zero tolerance violators in 2001-02 were African American. Although Caucasian students comprised 72 percent of student enrollment statewide that same year, they accounted for only 60 percent of all zero tolerance offenses.

Exhibit 5
Percent Zero Tolerance Offenses and School Population by Race

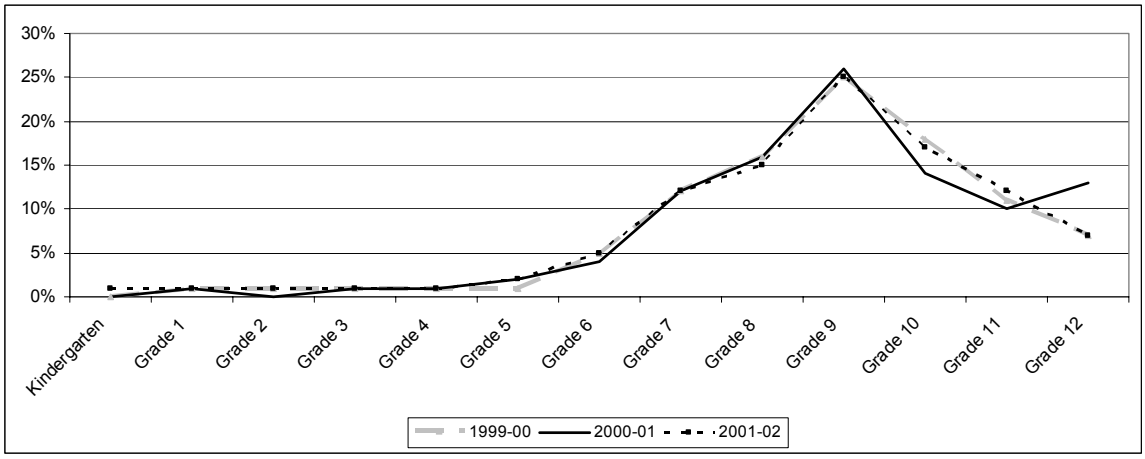


Source: State Department of Education.

Zero tolerance violations by grade level

Students in the 9th grade were three times more likely to commit a zero tolerance offense than students in other grades for years 1999 through 2002. An examination of zero tolerance offenses by grade level over the three-year period shows a consistent pattern. Zero tolerance violations began to climb between 5th and 6th grade and then spiked sharply as students entered the 9th grade. Zero tolerance offenses were highest at the 9th grade level for the three school years reviewed. In 1999-2000, 9th graders committed 906 offenses out of 3,651 (24.8 percent); in 2000-01, 1,020 out of 3,942 (25.8 percent); and in 2001-02, 1,023 out of 4,047 (25.2 percent). Zero tolerance violations appear to decline steadily from 9th grade until graduation.

Exhibit 6
Trend in Zero Tolerance Offenses by Grade Level



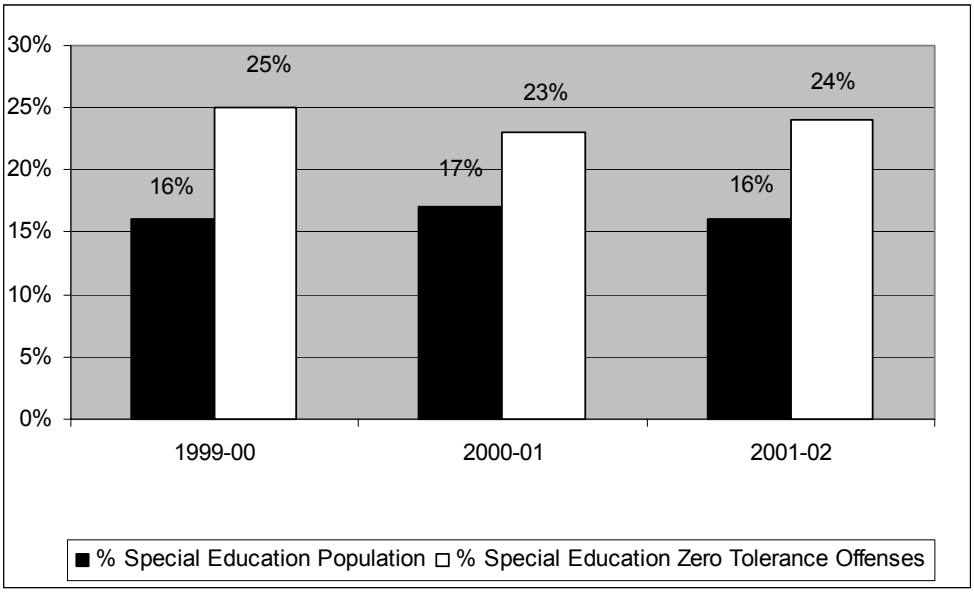
Source: State Department of Education

Education status of zero tolerance offenders

Special education students are disproportionately represented among the zero tolerance population. Special education students committed nearly one quarter of all zero tolerance offenses from 1999 to 2002, but consistently comprised a smaller portion of the student population (between 16 and 17 percent). In 2001-02, 987 of the 4,047 zero tolerance offenders (24 percent) in the state were special education students.

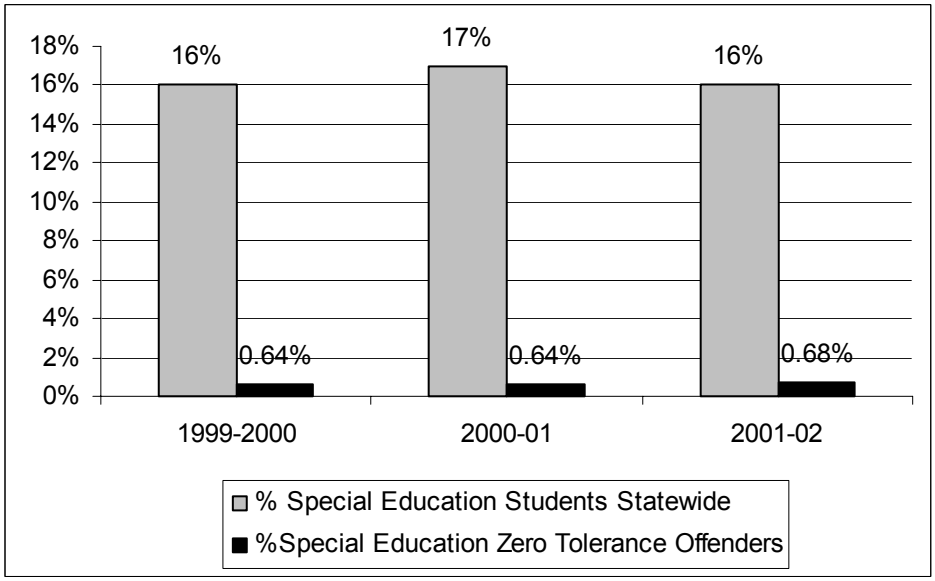
Although the special education population is overrepresented within the zero tolerance population, special education zero tolerance offenses as a percent of the total special education population is low. The Gun-Free School Act of 1994 references the Individuals with Disabilities Education Act (IDEA), which requires certain protocols for children with disabilities. The IDEA provides that any special education student who commits an offense is entitled to a proper hearing to determine if the act was a manifestation of the child's disability. Results determine whether and how long a student may be suspended or expelled and whether he or she must receive educational services during suspension. Special education students make up approximately 16-17 percent of the student population in Tennessee; about 0.6 percent of the special education population committed zero tolerance offenses in each of the three years examined.

Exhibit 7
Education Status of Zero Tolerance Offenders, 1999-2002



Source: Department of Education.

Exhibit 8
Percent of Special Education Student Population Compared to Percent of Special Education Zero Tolerance Offenders, 1999-2002



Source: Department of Education. Note that percent of special education students statewide was determined by dividing special education totals from the Report Cards by the number of zero tolerance offenders who are special education students.

School systems with no zero tolerance offenses

Twelve school systems reported no zero tolerance offenses during school years 1999-2002:

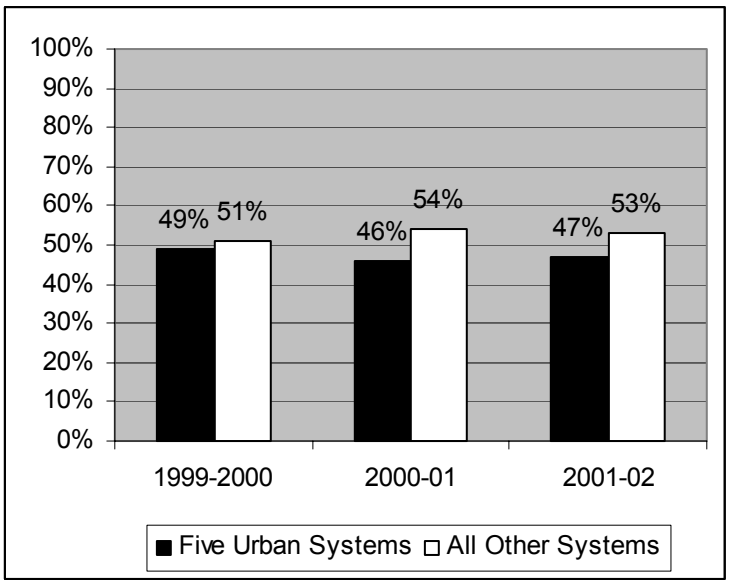
- Alamo City Schools
- Alcoa City Schools
- Bells City Schools
- Cannon County Schools
- Fayetteville City Schools
- Lexington City Schools
- Manchester City Schools
- Newport City Schools
- Oneida Special School District
- Rogersville City Schools
- Sweetwater City Schools
- West Carroll Special School District

Urban Trends

Zero tolerance in urban school systems

Analysis indicates that Tennessee's urban school districts account for a disproportionate share of zero tolerance violations. In 2001-02, Tennessee's five urban school systems (Davidson, Memphis, Shelby, Knox, and Hamilton) comprised approximately 39 percent of the state's student population. The 39 percent of Tennessee students who attend schools in an urban setting account for slightly less than half of all zero tolerance offenses in the state.

Exhibit 9
Percent of Total Zero Tolerance Offenses Committed by Students in the Five Urban Districts from 1999-00 to 2001-02



Source: State Department of Education.

Number of zero tolerance offenses

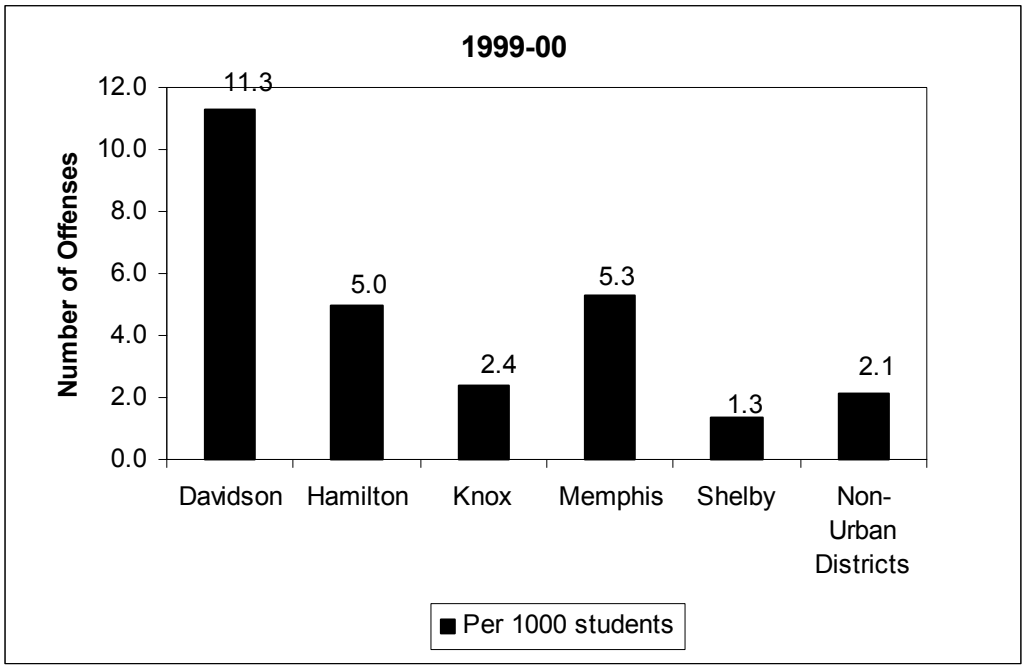
Urban zero tolerance offenses per 1,000 students far exceed the nonurban districts. In Davidson County, for example, 11.3 out of 1,000 students committed a zero tolerance offense compared to 2.4 out of 1,000 students in nonurban schools.

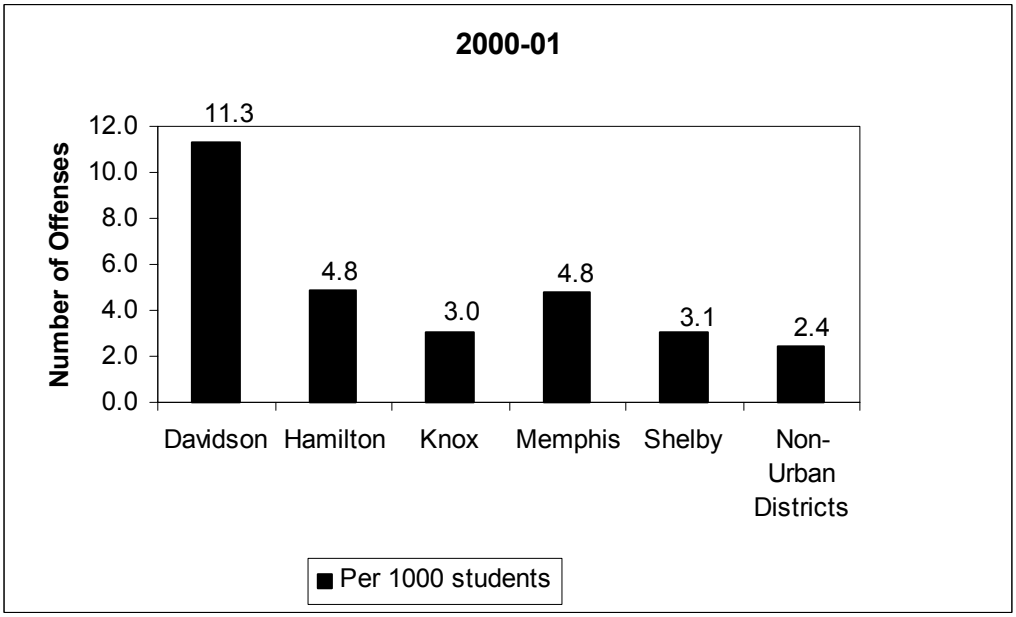
Davidson County led urban areas with 20 percent of all zero tolerance offenses from 1999 through 2002. However, Davidson County made up only eight percent of the total student population from 1999 through 2002. Memphis City, which has the largest population, comes in second with 15 percent of all statewide zero tolerance offenses, followed by Hamilton, Knox, and Shelby.

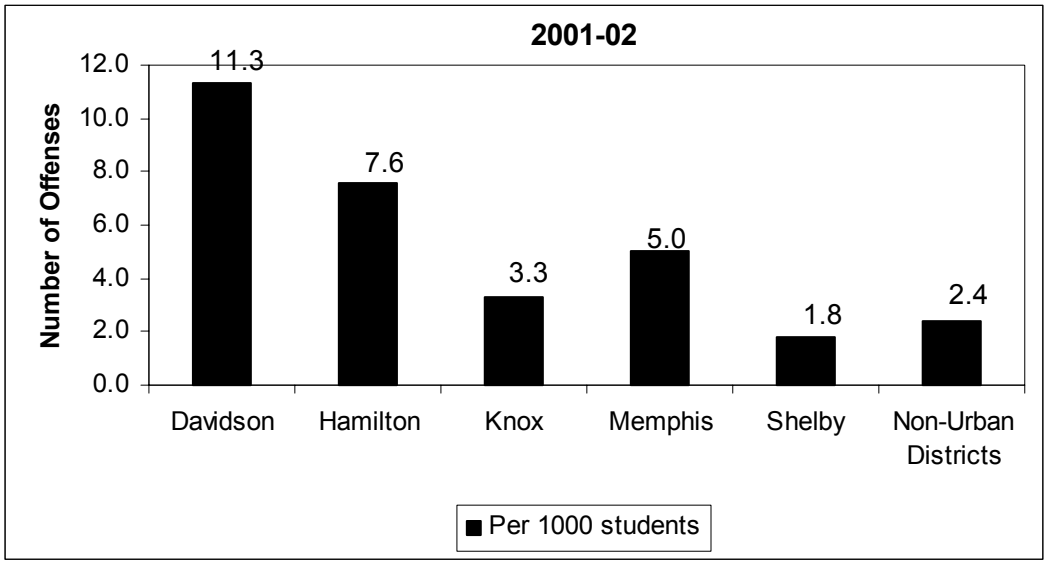
Department of Education staff indicate that the disproportionate representation in Davidson County is "primarily due to the fact that Metro's disciplinary policy includes a much broader range of proscribed sanctions for student misbehavior, many of which are greater than ten days but less than a calendar year."[24] Zero tolerance data submitted to the department by LEAs includes offenses that as a matter of board policy automatically result in a student's removal from the regular educational program for a period greater than 10 days.

[24] Memo from Mike Herrmann, Director, Safe and Drug-Free Schools and Communities Program to Ethel Detch, Director, Office of Education Accountability, Re: Draft Zero Tolerance Report, dated July 14, 2003.

Exhibit 10
Number of Zero Tolerance Offenses Per 1,000 students for 1999-2002







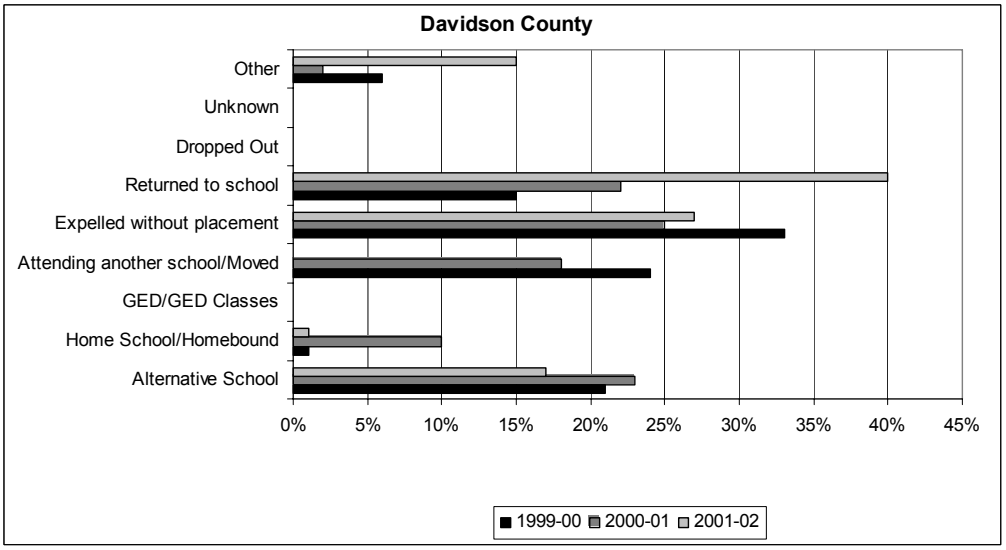
Source: State Department of Education.

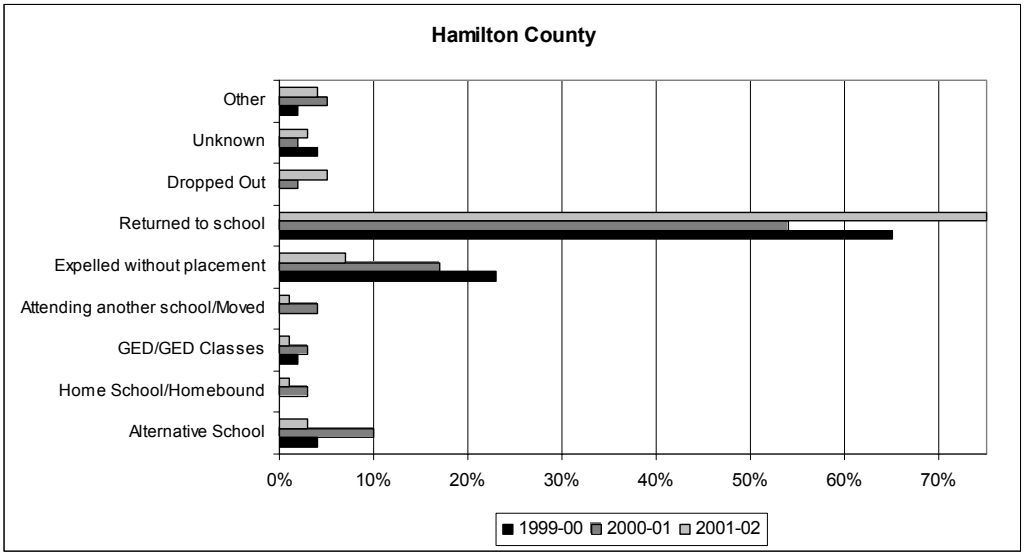
Zero tolerance dispositions

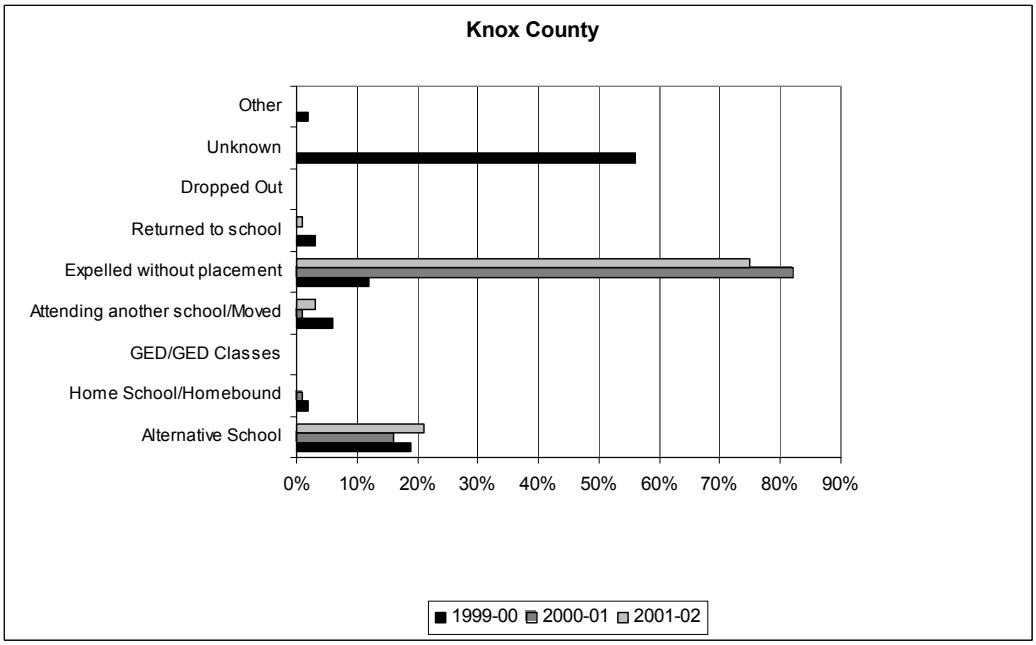
Most of the urban systems have expelled a significant percentage of their zero tolerance offenders without placement. In 2000-01 and 2001-02, Knox County expelled 83 percent and 75 percent, respectively, (130 of 157 in 2000-01 and 128 of 171 in 2001-02) of its zero tolerance offenders without placements.

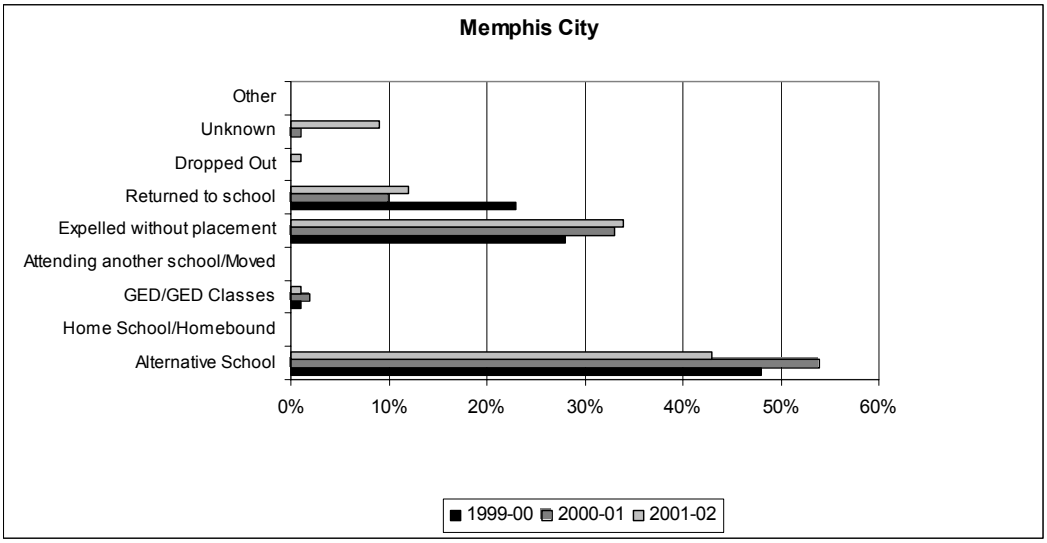
Two urban systems, Davidson and Hamilton, returned a high percentage of zero tolerance offenders to school in 2001-02. Davidson County, Shelby County, and Memphis City placed significant numbers of zero tolerance offenders in alternative schools, as well.

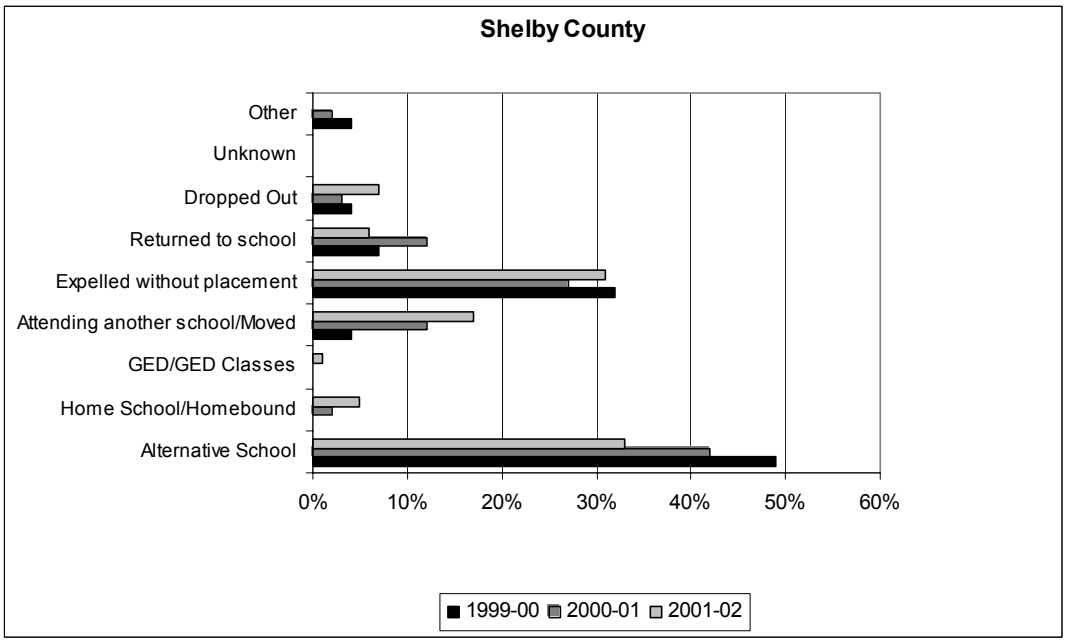
Exhibit 11
Disposition of Zero Tolerance Violators, 1999-2002




Hamilton County
Other
Unknown
Dropped Out
Returned to school
Expelled without placement
Attending another school/Moved
GED/GED Classes
Home School/Homebound
Alternative School
0%
10%
20%
30%
40%
50%
60%
70%
1999-00
2000-01
2001-02


Knox County
Other
Unknown
Dropped Out
Returned to school
Expelled without placement
Attending another school/Moved
GED/GED Classes
Home School/Homebound
Alternative School
0%
10%
20%
30%
40%
50%
60%
70%
80%
90%
1999-00
2000-01
2001-02





Source: State Department of Education. Note that "Disposition of Zero Tolerance Violators" refers to the status of each student as of the last day of school.

The largest category for action taken in Davidson County and Hamilton County is *other*. In 2001-02, both Davidson County and Hamilton County placed 54 percent of their offenses in that category; Memphis City had 29 percent. (See pages 10 and 11 for a list of items that comprise the *other* category.)

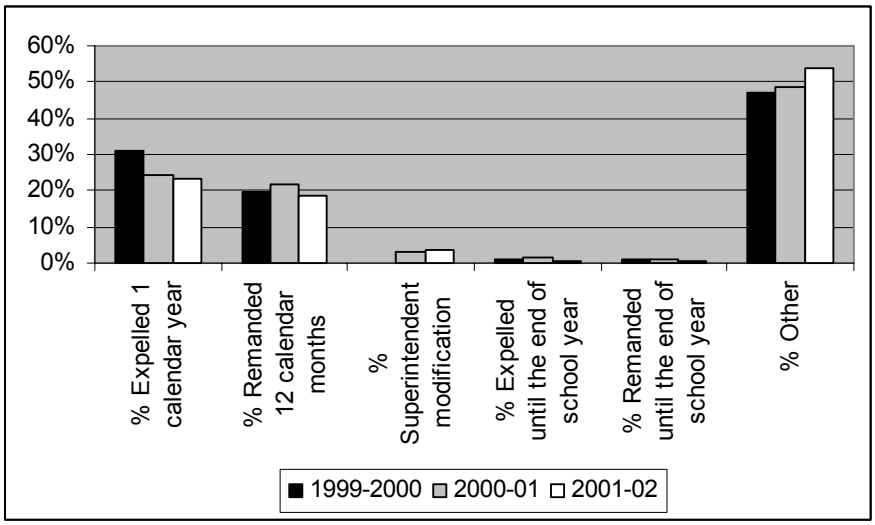
In 1999-2000 and 2001-02, Knox County had the highest percent of offenses modified by the superintendent (57 percent and 69 percent, respectively); however, in 2001-02 it had none. Other urban systems had low percentages of modification.

In 2001-02, Knox County expelled for one calendar year a higher percentage of zero tolerance offenders than any other urban system (79 percent). The next highest for that year was Shelby County at 36 percent. The lowest was Hamilton County at eight percent, a significant decrease

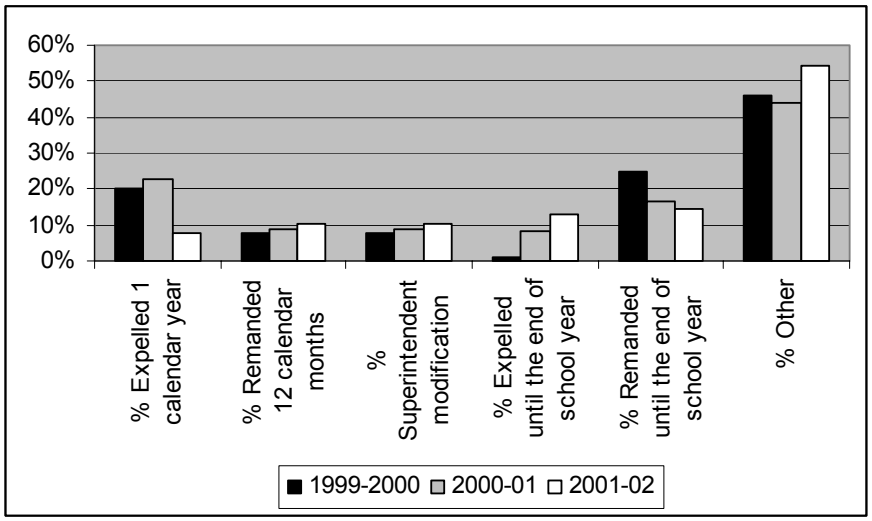
from the previous year when that system expelled 23 percent of its offenders for one calendar year.

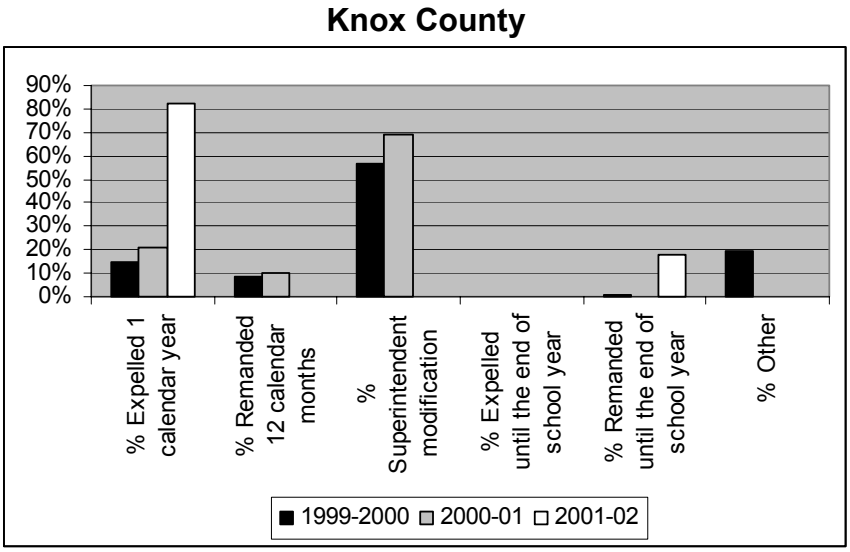
Memphis City and Shelby County both placed significant percentages of violators in alternative schools (remanded for 12 calendar months and remanded until end of school year). Memphis City did so for 43 percent of zero tolerance offenders in 2001-02 and Shelby County, 57 percent. Hamilton County placed 25 percent of its violators in alternative school that year.

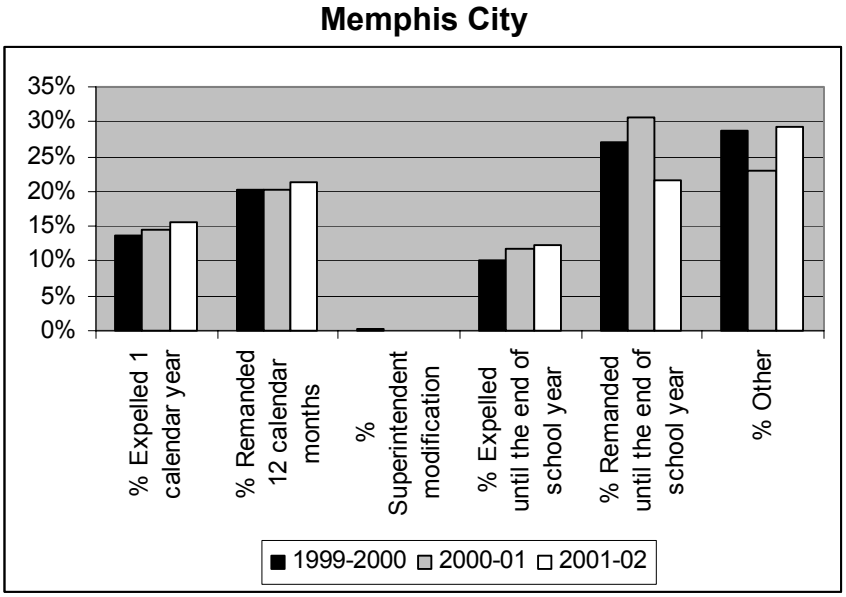
Exhibit 12
Actions taken for zero tolerance offenses, 1999-2002
Davidson County

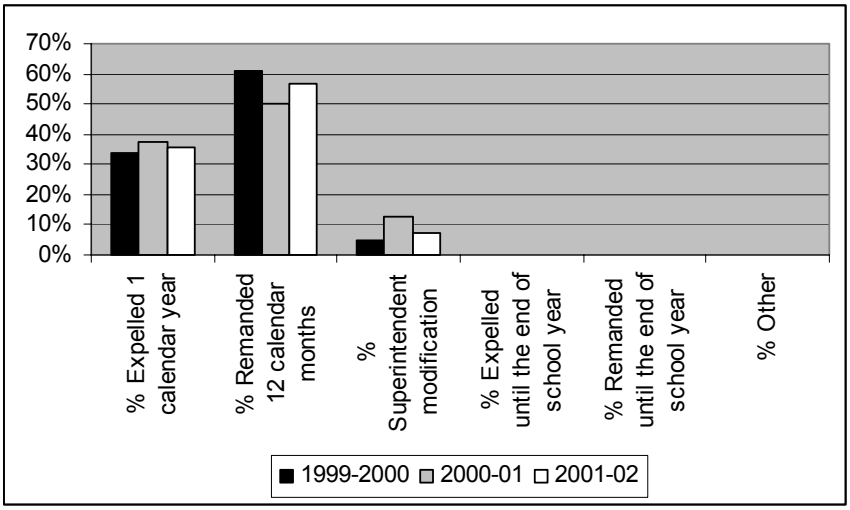


Hamilton County









Source: Department of Education. Note that students who are 'remanded' are those sent to an alternative school. Also, "Actions Taken" identifies the sanction initially applied to a student as a result of a zero tolerance offense. Some of these sanctions are later modified.

Nature of violations

As in the statewide zero tolerance statistics, drug offenses comprise the largest category among four of the five urban systems. For the three years covered in this study, Shelby County reported that 98 percent of its zero tolerance offenses were drug-related. The percentage of drug-related zero tolerance offenses reported in the remaining urban areas are: Knox – 69 percent, Hamilton – 59 percent, Memphis – 57 percent, and Davidson – 25 percent.

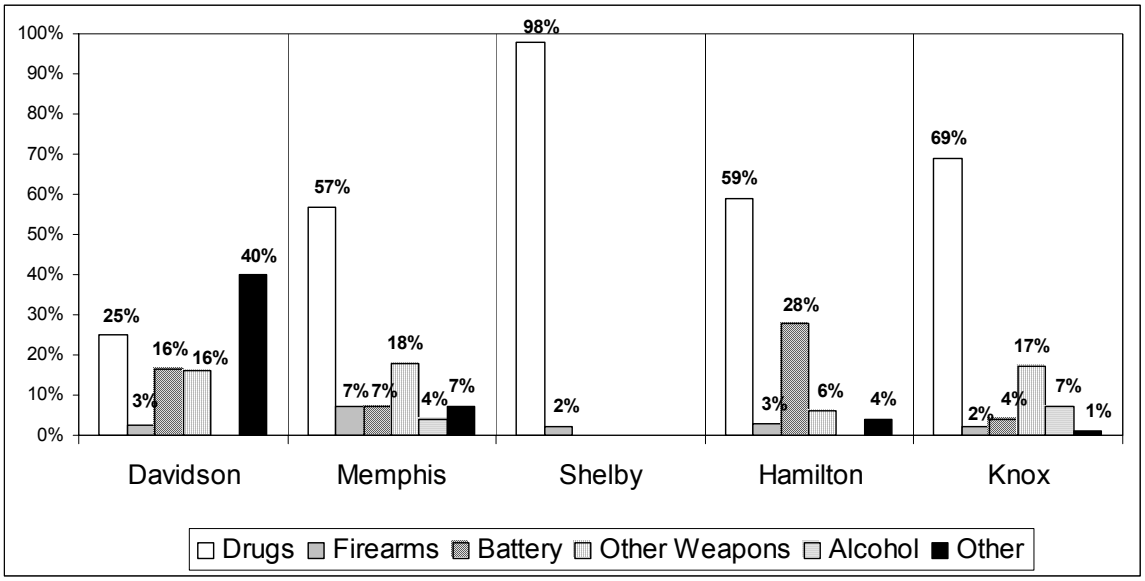
Davidson County is the only urban system in which drug-related offenses were exceeded by another category. Davidson County's leading zero tolerance category is *other*. This category was a combined 40 percent of the system's reported zero tolerance violations over the three-year period. Davidson County's use of the *other* category far exceeds its use in the other urban areas. The percentage of *other* zero tolerance offenses reported in the remaining urban areas are: Memphis – seven percent, Hamilton – four percent, Knox – one percent, and Shelby – zero percent. Davidson County accounted for 60 percent of all statewide *other* offenses.

Closer examination of the data indicates that Davidson County most often places these offenses in the *other* offenses category:

- participation in gang-related or gang-like fights
- verbal threat against teacher or staff
- inappropriate use/possession of Rx drug
- aggravated assault on student or others
- sexual battery student against student
- handling firearm brought by another student
- possession of look-alike/counterfeit drugs
- inhaling/ingesting substances as drugs
- being under influence of drugs
- selling drugs
- threatened violence

Hamilton County's battery offenses represent 20 percent of all offenses in the state between 1999 and 2002. In 2001-02, Hamilton County accounted for 32 percent of all battery offenses in the state (120 of 375).

Exhibit 13
Percent of Urban Zero Tolerance Offenses from 1999-2000 through 2001-02

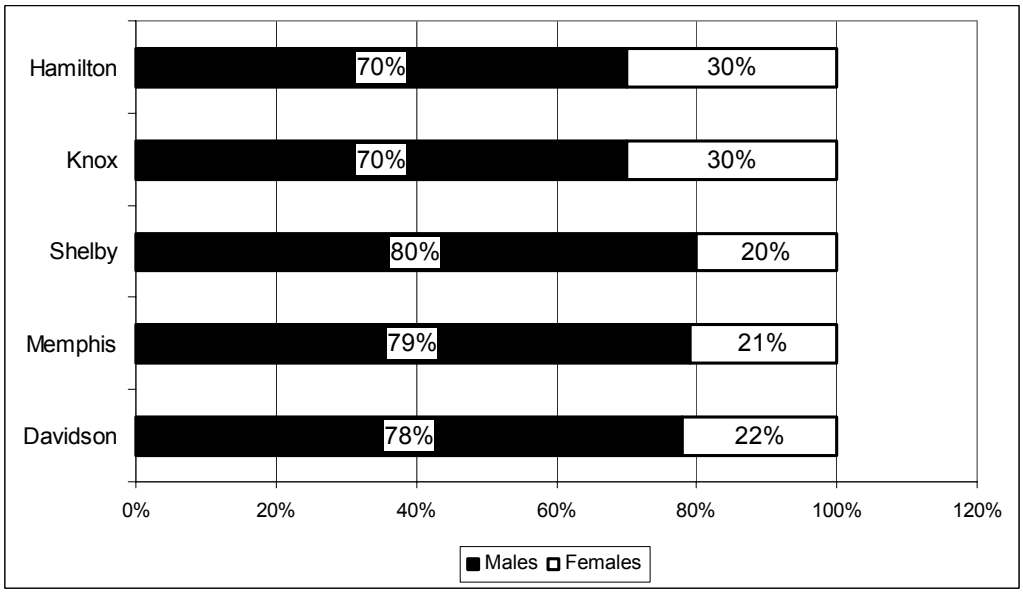


Source: State Department of Education. Alcohol is not considered a state zero tolerance offense; however, many school districts include it as a zero tolerance offense.

Zero tolerance violations by gender

The zero tolerance gender gap evident in statewide statistics is also clearly evident in urban areas. Knox and Hamilton Counties have slightly more female offenders than both the state and the other urban areas.

Exhibit 14
Trend in Zero Tolerance Violations by Gender for 1999-00 through 2001-02

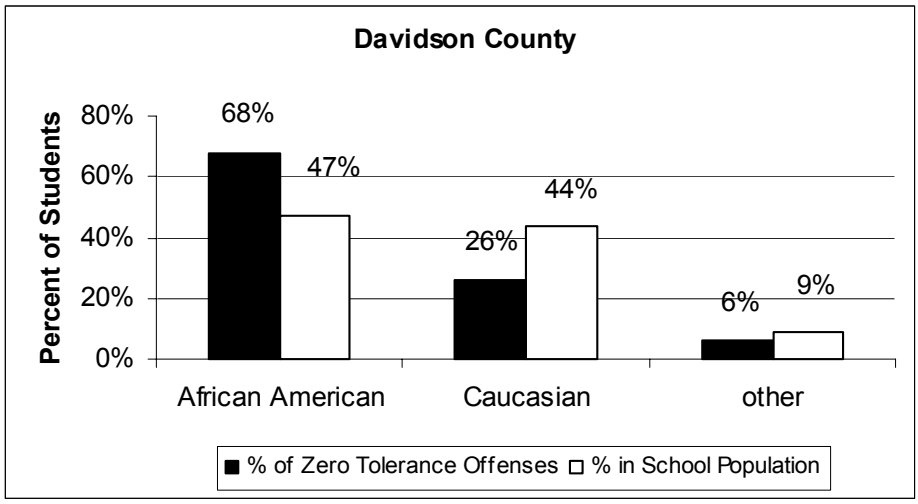


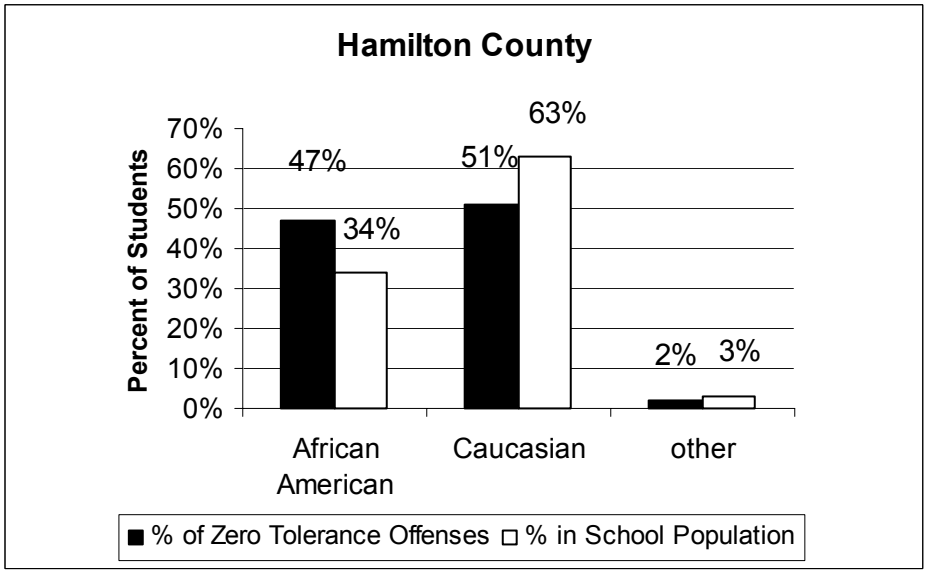
Source: State Department of Education.

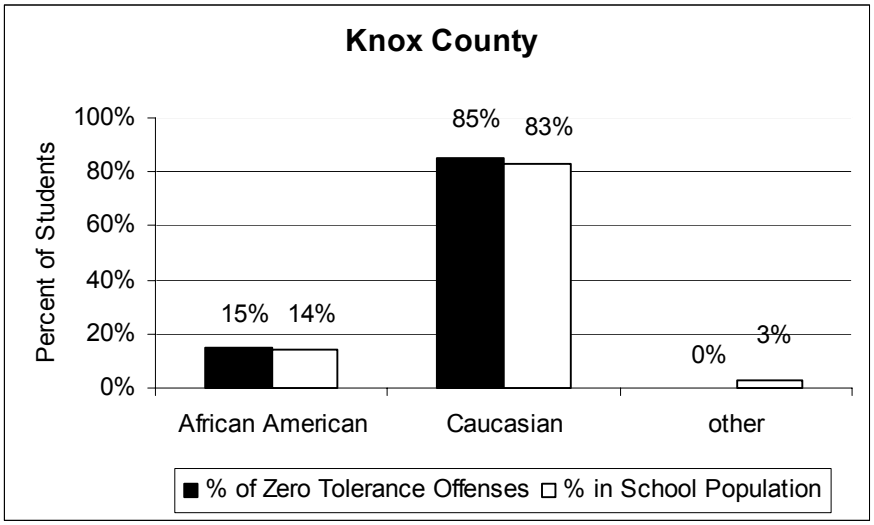
Zero tolerance violations by race

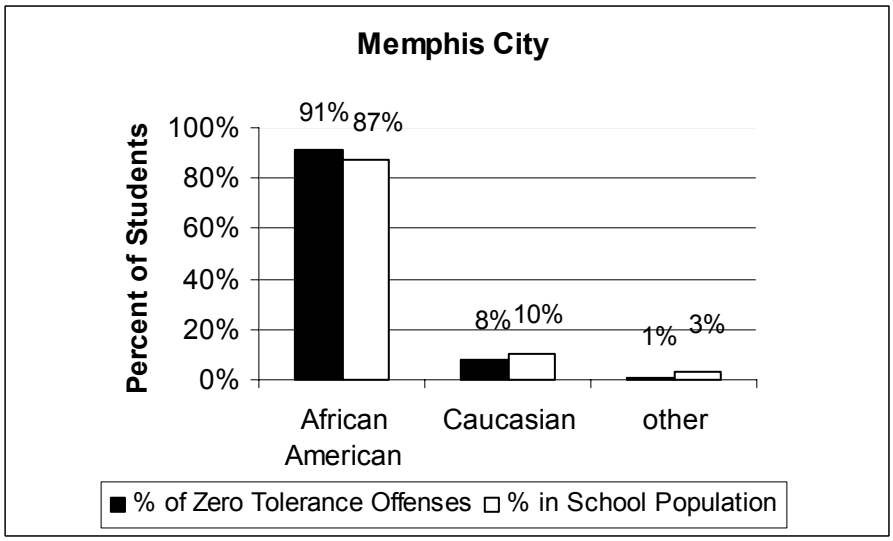
African American students represent a higher percentage of zero tolerance violations in most urban systems than they represent in the general school population, which mirrors the statewide trend.

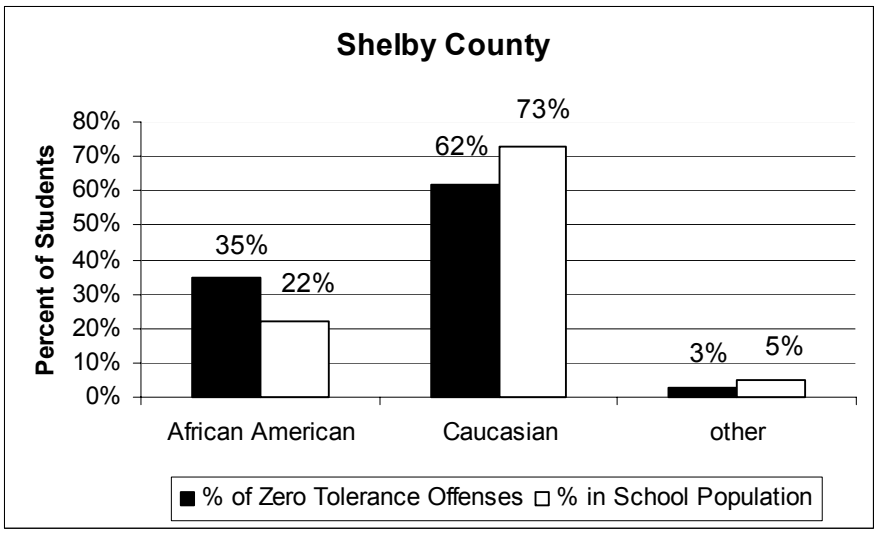
Exhibit 15
Percent of Zero Tolerance Offenses by Race in the Urban School Systems, 2001-02









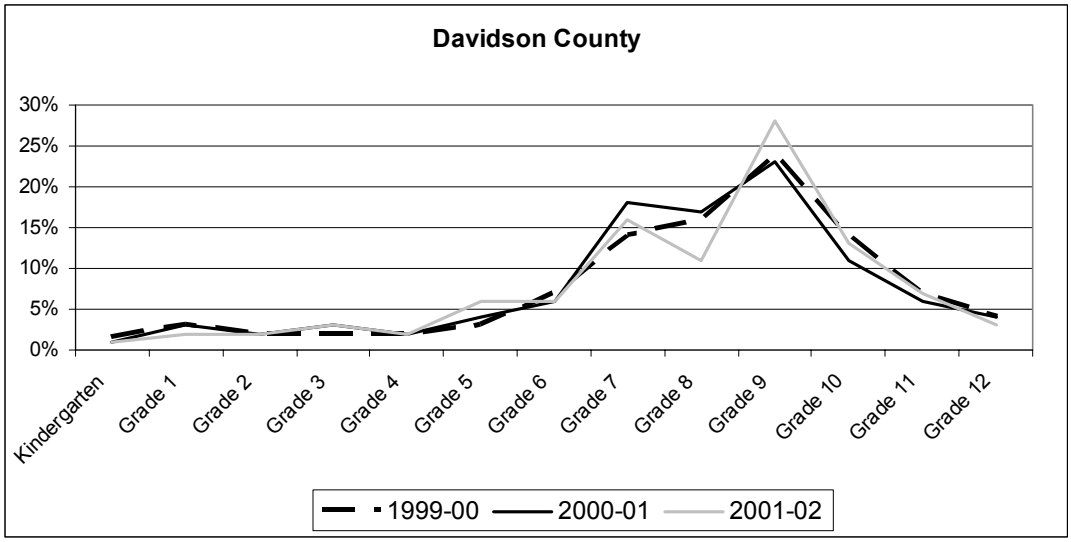


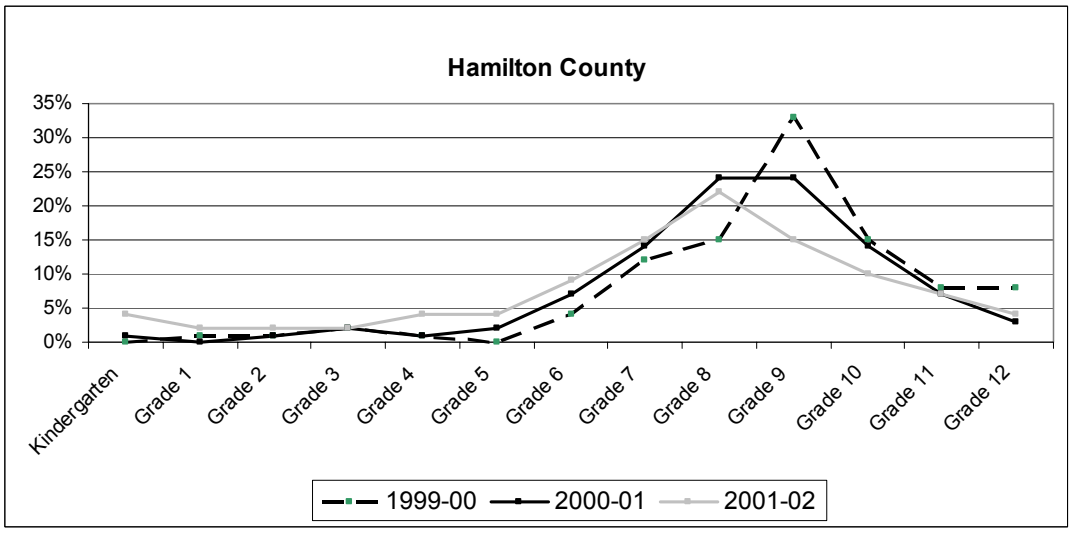
Source: Department of Education.

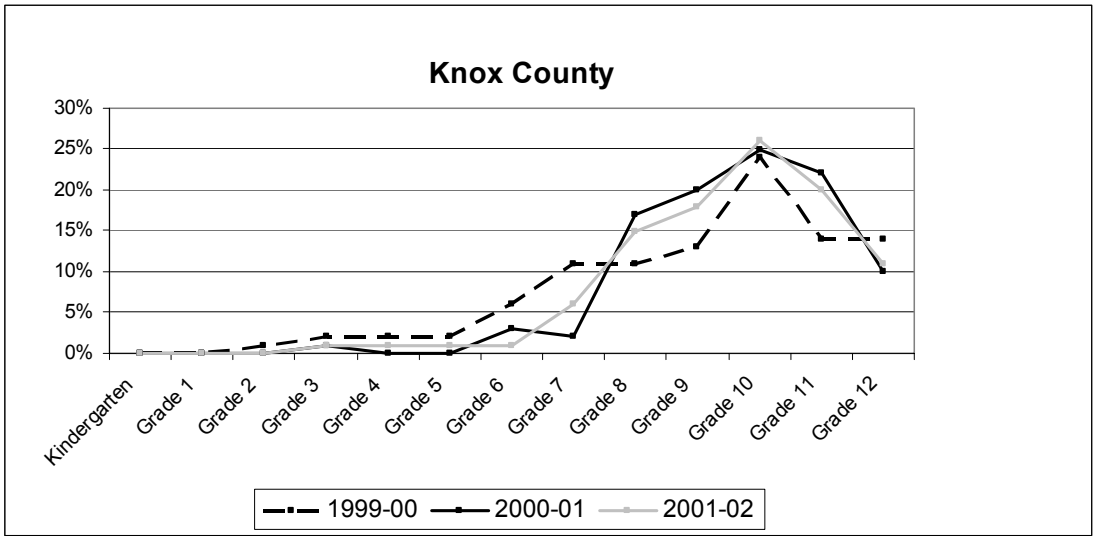
Zero tolerance violations by grade level

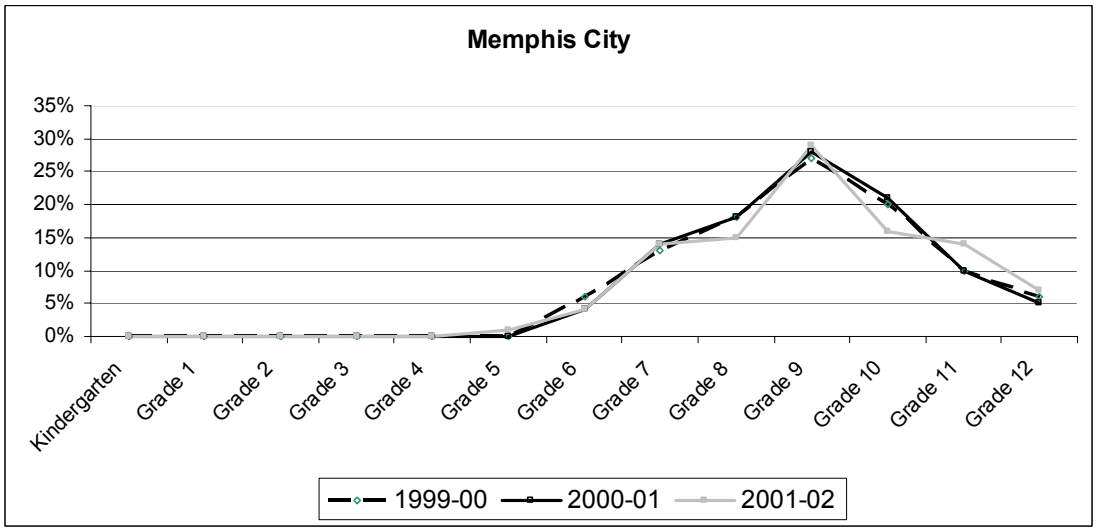
As in the statewide analysis, almost half of all zero tolerance offenses occur in grades 8, 9, and 10. These statistics suggest that 13 through 16 year olds are more likely to commit zero tolerance offenses than their younger or older counterparts.

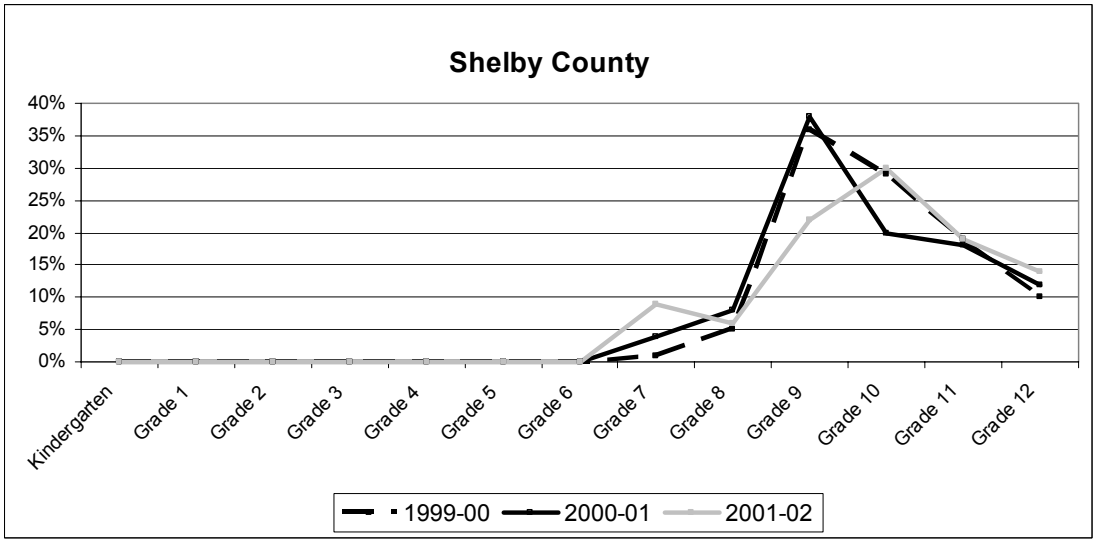
Exhibit 16
Trend in Urban Zero Tolerance Offenses by Grade Level









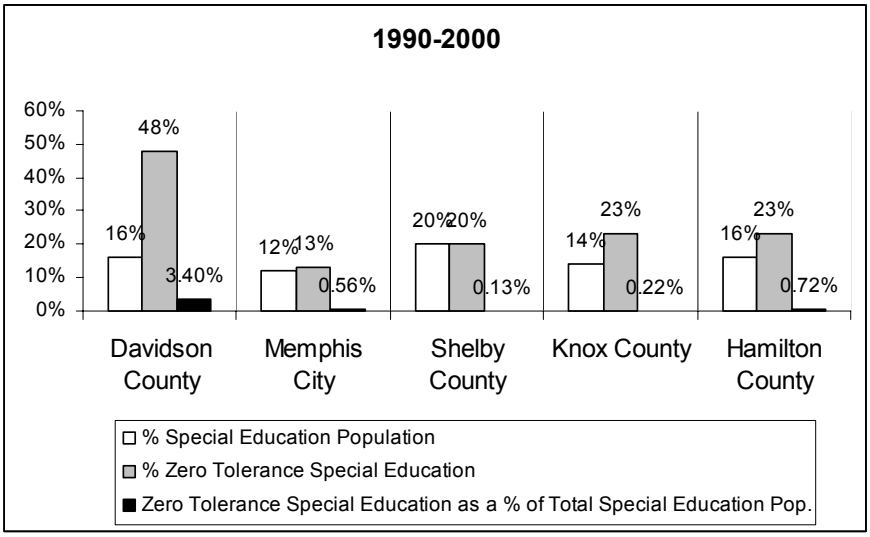


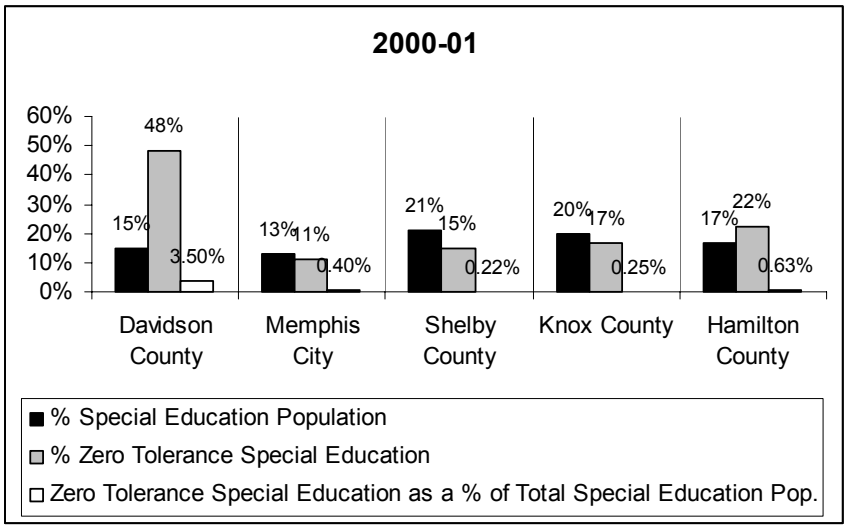
Source: State Department of Education.

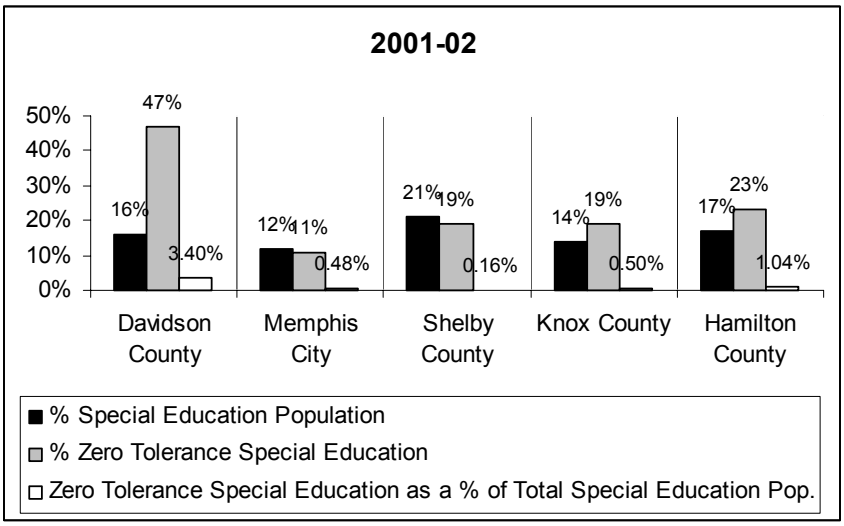
Education status of urban zero tolerance offenders

In three of the five urban systems, the special education population is disproportionately represented among the zero tolerance population. In Davidson County, the percentage of zero tolerance violations among special education students is three times the special education population percentage. Knox and Hamilton Counties also have disproportionate representations of special education students among their zero tolerance populations. As in the statewide analysis, although special education students are disproportionately represented among zero tolerance offenders in some systems, such students comprise a small percentage of the total special education population.

Exhibit 17
Education Status of Urban Zero Tolerance Offenders







Source: State Department of Education's zero tolerance statistics

Recommendations

The General Assembly may wish to consider encouraging local education agencies to implement more alternatives to expulsion and to increase preventative measures. The zero tolerance data suggest that a significant number of Tennessee students are being expelled without placement—meaning they are banished from school and provided with no educational services for a period of time. Research shows that one of the strongest predictors of dropout is prior association with school discipline: "…school suspension and expulsion appear to be effective primarily in removing unwanted students from school. For troublesome or at-risk students, the most well-documented outcome of suspension appears to be further suspension, and eventually school dropout."[25] Although schools must deal with serious infractions swiftly and decisively, research indicates that students' education should be disrupted as little as possible, not only for their own benefit, but for that of society as a whole.

The Department of Education's School Safety Center already provides a number of training opportunities for several programs aimed at preventing violence in schools, such as Life Skills Training, No Bullying Implementation Training, and Peaceable Schools.[26] The General Assembly may wish to encourage school and district officials' active participation.

The Department of Education should collect information from district and school officials regarding how they are using their zero tolerance data to make policy changes affecting school safety. Once the Department collects the data, it should analyze it to determine whether district and school officials require additional training on using zero tolerance data to improve schools. According to the National Center for Education Statistics (NCES), collecting incident data regarding school discipline is vital, but in itself is insufficient—"[i]t is important for schools, school districts, and states to use that data to develop plans for action in order to make a

[25] Russell J. Skiba, *Zero Tolerance, Zero Evidence: An Analysis of School Disciplinary Practice*, Indiana Education Policy Center, Policy Research Report #SRS2, August 2000, p. 13.
[26] Information about these and other intervention programs is available at the Department of Education's web site at http://www.state.tn.us/education/sp/sptssc.htm.

difference and improve the teaching and learning environment."[27] NCES, in a July 2002 report titled *Safety in Numbers*, emphasizes the importance of communicating with parents and community members about prevention needs so that they can make informed decisions about schools.[28]

The Department of Education began collecting detailed zero tolerance data from schools after the General Assembly revised the law in 1998. At the same time, the legislature required the Comptroller's Office of Education Accountability to analyze the data and report results—this report is the result of that mandate. Although this state level analysis is revealing—for example, pointing to possible inequities in the application of the law among certain student populations—district and school officials need to use the data in a meaningful way to monitor themselves and improve the school environment. They also need to make certain that school officials are not applying zero tolerance policies in a discriminatory manner.

[27] U.S. Department of Education, National Center for Education Statistics, National Forum on Education Statistics, *Safety in Numbers: Collecting and Using Incident Data to Make a Difference in Schools*, NCES 2002-312, prepared by I. Hantman, G. Bairu, A. Barwick, B. Smith, B. Mack, S. Meston, L. Rocks, and B. James of the Crime, Violence, and Discipline Task Force, Washington, D.C.: July 2002, p. 89.
[28] Ibid., p. 88.

Appendix A
Response to this report from the Commissioner of Education

STATE OF TENNESSEE
DEPARTMENT OF EDUCATION
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PHIL BREDESEN
GOVERNOR

LANA C. SEIVERS, Ed.D.
COMMISSIONER

July 24, 2003

Ethel Detch
Director, Office of Education Accountability
Comptroller of the Treasury
505 Deaderick St., Suite 1700
Nashville, TN 37243

Dear Ms. Detch:

The Department of Education has reviewed the draft report prepared by your office relative to zero tolerance policies in Tennessee schools and concurs with your findings and recommendations.

We look forward to working with you in the future.

Sincerely,

Lana C. Seivers, Ed. D.
Commissioner

LCS/mh

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