

spotlight

Zero Tolerance Policies and Their Impact On Michigan Students

Zero Tolerance Policies in Context

What Are Zero Tolerance Education Policies?

“Zero tolerance” (ZT) education policies refer to a variety of school disciplinary practices that mandate automatic suspension and/or expulsion from school for offenses perceived to be a threat to the safety of other children, school employees, or the school community itself (Skiba & Peterson, 1999). The stated purpose of ZT policies is to preserve safe school environments.

It is estimated that more than 3,600 students were expelled from Michigan schools during academic year 1999-2000 in accordance with “zero tolerance” policies (Student Advocacy Center of Michigan, 2002).¹ Many of these students were expelled for behaviors that once would have been considered nothing more than adolescent antics or poor judgment.

Consider, for example, Jeremy Hix, a senior honors student from Holt, Michigan who went to his school prom wearing a Scottish bagpiper’s outfit that included a traditional 3-1/2 inch ceremonial knife. For this transgression, the Holt Public Schools recommended that Hix be expelled in accordance with the school’s zero tolerance policy prohibiting weapons possession in school. Hix’ case gained national attention during the fall of 2001, including national media stories, American Civil Liberties Union involvement, and demonstrations by bagpipers.

¹ This estimate is based upon data provided by the State of Michigan to the Student Advocacy Center of Michigan. Information was provided for 22 school districts and two individual schools, out of a total of 555 public school districts in Michigan, for the 1999-2000 school year. A total of 589 students (0.22%) were expelled from the reporting schools. Extrapolating from this dataset, the Student Advocacy Center estimated that the total number of students expelled in the state during that academic year was 3,696.



Box 1. Cases Involving Students Accused of Weapons Possession in Michigan

“Samantha,” a 15-year-old white female high school student, was in her classroom at school when another student brought a pizza to class as part of a school project. The student said she needed a knife to cut the pizza; “Samantha” responded that she had one, reached into her purse and pulled out a knife with a blade in excess of 3 inches. When questioned, “Samantha” reported that she had been carrying the knife in her purse for about 5 months. In accordance with the Student Code of Conduct, “Samantha” was suspended for being in possession of a weapon, and her case was referred to the Expulsion Consultation Team. The team expelled “Samantha” for the rest of the semester and the first semester of the following year, a sanction less severe than a permanent 180-day expulsion. They reasoned that the circumstances of the incident showed that “Samantha” had not intended to use the knife as a weapon and that she had not made any threats.

“George,” a 17-year-old white male student was in his first-hour classroom when he felt a knife in his pocket poke him when he sat down. He had forgotten that he still had the knife in his pocket from his fishing expedition the day before. “George” took the knife out of his pocket and put it on his belt so that it would not continue to poke him, intending to take the knife out to his car after his first-hour class. Another student saw the 3-3/8 inch knife on “George’s” belt and reported it to school authorities. “George” was suspended for violation of the Student Code of Conduct and referred to the Office of Student Services. The Expulsion Consultation Team reviewed his case and decided not to expel “George.” They reasoned that “George” had not intended to use the knife as a weapon and had made no threats to use the weapon, thus permitting an exception to permanent expulsion. “George” was suspended for 13 days and placed in another high school.

Most suspension and expulsion cases involve circumstances that are less sensational than the Hix case, however, although they, too, often involve behavior that is not uncommon for adolescents. The cases described in Box 1 illustrate this point.

The cases of “George,” “Samantha,” and Jeremy Hix raise troubling questions about zero tolerance education policies in general, and their application in the State of Michigan in particular. Was the safety of other students in fact threatened by these students’ actions? Did the sanctions imposed in each case constitute the right outcome? Why did one case result in a 13-day suspension and school transfer, whereas the others resulted in expulsion? If Hix had not been an honors student would he have been expelled permanently from school? If Hix had not been able to afford an attorney, would his sanction have been more severe? If “Samantha” had been male, would the penalty have been stiffer? Would the sanction for students like “George” differ depending upon whether they are enrolled in urban school districts or rural districts in which students commonly hunt and fish after school? If these students had been youth of color, would their sanctions have been more severe? Which sanctions constitute appropriate use of discretion? Do any of them constitute discrimination – whether intended or not?

Why Were Zero Tolerance Education Policies Developed?

In the early 1990s, schools looked to no-nonsense “zero tolerance” policies to help stem what the public perceived to be a tide of school violence.² As a result, many districts adopted increasingly strict ZT policies. California, Kentucky and New York served as early leaders in this movement, enacting zero tolerance policies that mandated expulsion of students for possession or distribution of drugs, fighting, and gang-related activity. By 1993, several states had adopted ZT policies, often broadening them to mandate expulsion for such infractions as use of tobacco on school grounds, physical fighting, making verbal threats, failure to disclose knowledge of another student’s verbal threat, and school disruption (Skiba, 2000).

In 1994, the term *zero tolerance* assumed new significance when President Clinton signed into law the Gun Free Schools Act. This law required that all states that receive federal funds have in effect a state law requiring all local education agencies in the state to expel from school for a period of not less than one year any student who was found to have brought a

² Despite the public’s perceptions, school crime actually has been declining. Donahue, Schiraldi, and Ziedenberg (1997) reported a 27.3% decline in school-related violence between 1992 and 1997. A survey of 1,234 public elementary, middle and high schools during the 1996-97 academic year revealed that 90% of the principals surveyed reported no incidence of serious or violent crime and 80% of the schools reported 5 or fewer crimes of any kind (Donahue et al., 1997).

weapon to school under the jurisdiction of the local school district.³ Some state governments also have expanded the term “weapons” to include such items as toys, plastic kitchen cutlery, nail clippers, and gestures (The Civil Rights Project, 2000).

What Is Michigan’s Zero Tolerance Education Policy?

Since the passage of the federal Gun Free Schools Act of 1994, Michigan’s legislature has enacted a series of laws requiring expulsion (or suspension) for a number of offenses, extending far beyond the firearm violations that are the subject of the federal law. Expulsion is mandatory for possession of a dangerous weapon, as well as for arson, criminal sexual conduct on school grounds,⁴ and physical assault against a school employee.⁵ Michigan’s law also requires expulsion or suspension for assaults committed against other students at school, even if no weapon was involved,⁶ and for verbal assaults committed against school employees or volunteers.⁷ State law further requires each school board to comply with the statewide school safety policy adopted by the Superintendent of Public Instruction, Attorney General, and Director of Michigan State Police on October 4, 1999.⁸ The statewide school safety policy requires that certain types of incidents occurring at school be reported to a local law enforcement agency.⁹

In addition, the Office of Safe Schools at the Michigan Department of Education has developed a Model Code of Student Conduct “to assist Michigan school districts in developing, updating, or revising their local codes.”¹⁰ This model code may be modified to reflect local school district policy and procedure. The code of conduct classifies offenses into three levels according to the seriousness of the offense. Schools may reclassify offenses at their discretion.

³ The Gun Free Schools Act was included in the No Child Left Behind Act of 2001 and is now codified at 20 U.S.C. 7151. The 1994 statute defined “weapon” to mean a firearm. The 2001 statute substituted the term “firearm” for weapon and extended the expulsion requirement to students who possess a weapon at school, even if they did not bring it to the school.

⁴ See MCL 380.1311(2)-(10). The class of “dangerous weapons” specified in the Code includes many weapons for which expulsion is not required under the Gun Free Schools Act. These mandatory expulsion provisions were part of P.A. 1995, No. 250.

⁵ See MCL 380.1311a(1). This provision was part of P.A. 1999, No. 104.

⁶ See MCL 380.1310. This provision was part of P.A. 1999, No. 102.

⁷ See MCL 380.1311a(2). This provision was created by P.A. 1999, No. 104 and then amended by P.A. 2000, No. 230.

⁸ See MCL 380.1308.

⁹ The following incidents occurring at school must be reported to a local law enforcement agency: Armed student or hostage, suspected armed student, weapons on school property, death or homicide, drive-by shooting, physical assault (fights), bomb threat, explosion, arson, sexual assault (criminal sexual conduct), robbery or extortion, unauthorized removal of student, threat of suicide, suicide attempt, larceny (theft), intruders (trespassing), illegal drug use or overdose, drug possession or drug sale, vandalism or destruction of property, minor in possession of alcoholic liquor or tobacco products, bus incident or bus accident.

¹⁰ Michigan’s Model Code of Student Conduct was developed by the Michigan Department of Education, in collaboration with other state and local agencies, organizations, educators, and concerned citizens, pursuant to Public Act 263 of 2000. Available at www.michigansafeschools.org

How Are Zero Tolerance Education Data Collected in Michigan?

In 1999, Michigan's Family Independence Agency (FIA) collected limited data regarding expulsions in Michigan. The information was not comprehensive because approximately half of the Michigan school districts failed to refer data regarding student expulsions to the FIA (Polakow-Suransky, 1999). For example, the Detroit Public Schools expelled 232 students from August 1995 to June 1997, but did not report any of these expulsions to the FIA (Polakow-Suransky, 1999).

Also in 1999, the Michigan State Legislature mandated that each school board in the state submit a report to the Superintendent of Public Instruction each academic year.¹¹ Michigan's zero tolerance law requires each local school district to provide the state with the number of expulsions per district and a description of the circumstances surrounding any expulsions under the state law. This information is to be forwarded yearly to the U.S. Department of Education.

Michigan has failed to adhere fully to this part of the law. In the fall of 2000, the Freedom of Information Act Coordinator for the state commented: "Due to an encryption problem, Section 1301a [sic] data do not exist in the Department of Education for any school districts in Michigan."¹² After a second request for information, the State provided the Student Advocacy Center of Michigan with information for 22 school districts and two individual schools, out of a total of 555 public school districts in Michigan, for the 1999-2000 school year. A total of 589 students (0.22%) were expelled from the reporting schools. Extrapolating from this dataset, the Student Advocacy Center of Michigan (2002) estimated that the total number of students expelled in the state during that academic year was 3,696.

It is difficult to ascertain just how many students are expelled from Michigan schools each year because data are not routinely collected and reported to a central source and because data are not collected in uniform ways.

Although official data from the State of Michigan are not routinely available, other sources document the effects of ZT policies in Michigan. (See "Additional Resources" section of this report, page 20.)

¹¹ See MCL 380.1310a(1).

¹² Business correspondence from Michigan Department of Education Freedom of Information Act Coordinator to Student Advocacy Center of Michigan, September 8, 2000.

Findings Regarding Michigan's Zero Tolerance Education Policies

Finding #1: Michigan's policies are particularly stringent.

The District of Columbia and every state except Vermont have complied with the Gun Free Schools Act (GFSA) by enacting laws mandating the expulsion of a student for possession of a firearm on school grounds. Michigan and 26 other states have expanded this provision to include any weapon and, in some cases, “look-a-like” weapons (The Civil Rights Project, 2000). While the GFSA is very specific in its definition of “weapon,” in many instances schools are interpreting “weapon” very loosely – including, for example, key chains,¹³ butter knives,¹⁴ toenail clippers,¹⁵ and even chicken “fingers”¹⁶ (Light, 2001).

As of 2000, several states mandated expulsion of students for a variety of offenses in addition to weapons possession:

- 17 states had laws concerning mandatory expulsions for drug and alcohol possession¹⁷
- 12 states expelled students for disobedience¹⁸
- 10 states expelled students for assaults against other students¹⁹
- 8 states expelled students for vandalism²⁰
- 6 states expelled students for making a verbal threat²¹

Michigan expels students for all of these offenses (The Civil Rights Project, 2000; see “Michigan Code of Student Conduct Offense Levels”).

13 See *ACLU of Georgia represents student suspended from school for carrying “Tweety Bird” key chain*. Available at <http://www.aclu.org/news/2000/n100200.html>. See also *Georgia girl's Tweety Bird chain runs afoul of weapons policy*. Available at <http://www.cnn.com/2000/US/09/28/wallet.suspension.02/>.

14 See case from South Carolina (The Civil Rights Project, 2000).

15 See case from Pennsylvania (The Civil Rights Project, 2000).

16 Christopher Kissinger, an 8-year-old first-grader at South Elementary School in Jonesboro, AR was suspended from school for 3 days in January, 2001 for aiming a chicken strip toward a teacher and saying, “Pow, pow, pow” (The Associated Press State & Local Wire, 2001).

17 Arkansas, Delaware, Florida, Hawaii, Kansas, Kentucky, Maine, Massachusetts, *Michigan*, Mississippi, Nebraska, Nevada, New Jersey, South Dakota, Tennessee, Utah, and West Virginia.

18 Arizona, Colorado, Florida, Indiana, Kansas, Maine, *Michigan*, New Jersey, Oregon, South Carolina, Wisconsin, and West Virginia.

19 5 states expel students explicitly for assaults against other students: *Michigan*, Nebraska, New Jersey, Oregon, and West Virginia; Utah expels students explicitly for aggravated assault; 2 states expel students for assault (Colorado and Massachusetts); Kansas expels students for “willful violation of student conduct regulation; disruptive conduct, conduct which endangers safety of others,” Kentucky for “assault or battery,” and New Hampshire for “violence.”

20 California, Colorado, *Michigan* (“destruction of property”), Nebraska, New Hampshire, New Jersey, Oregon, and West Virginia.

21 California, *Michigan* (“threat/coercion”), Nebraska, Oregon (“menaces a school employee or another student”), Wisconsin, and West Virginia.

Finding #2: More Michigan students are expelled for fighting (without weapons) than for any other violation.

Analysis of data from 255 public school districts in Michigan for the 1999-2000 academic year revealed that 887 students were expelled for the following reasons:

- 38% (335) for physical assaults/fighting
- 16% (142) for weapons
- 15% (135) for verbal assault
- 8% (67) for drug possession
- 4% each for bomb threats (38) and drug distribution (36)
- 2% (17) for alcohol use
- 1% each for vandalism (12), arson (9), and theft (9)
- <1% for criminal sexual conduct (6)
- 9% (81) “other”

Finding #3: Youth of color are disproportionately expelled and suspended under Michigan’s zero tolerance policies.

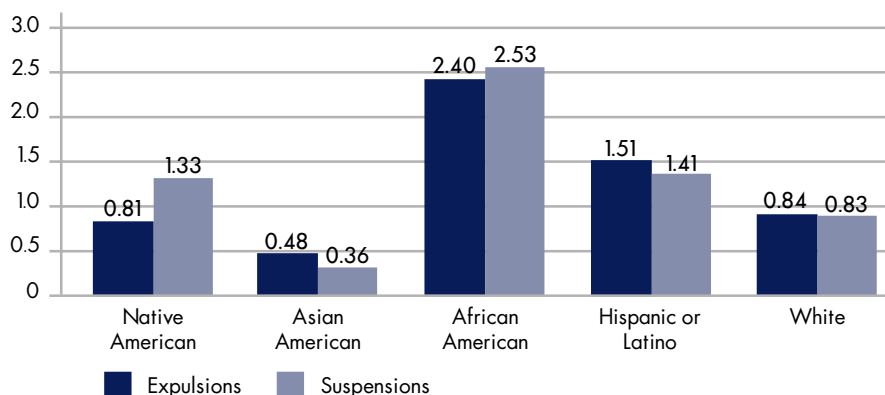
Recent data from the U.S. Department of Education show that although African Americans represented only 17% of national public school enrollment, they constituted 32% of out-of-school suspensions (The Civil Rights Project, 2000).²² Furthermore, students of color were more likely to be disciplined for minor offenses and ZT policies were more likely to exist in school districts with predominantly African American and Latino students (The Civil Rights Project, 2000). Investigations of student behavior, race, and discipline have found no evidence that youth of color misbehave at a significantly higher rate, yet Skiba (2000) reported that 29 states suspended more than 5% of their total African American enrollment, whereas only four states suspended more than 5% of their non-Hispanic white population.²³

²² One way of measuring how certain groups of students may be disproportionately affected by ZT policies is to calculate an “index of disproportionality.” The “index of disproportionality” is calculated by dividing the proportion of individuals of a particular group who are suspended or expelled from a school district at a given point in time by the proportion of that group in the general school population in that district. According to this system, an index of 1.00 indicates that youth of a particular group (e.g., ethnic, racial, gender) are suspended or expelled in exactly the same proportion as they occur in the general school population. An index number greater than 1.00 indicates over-representation; the larger the index number, the greater is the extent of over-representation. In contrast, an index number less than 1.00 indicates under-representation. Example: Although African Americans represent only 17 % of national public school enrollment, they constitute 32 % of out-of-school suspensions. The index of disproportionality for this statistic is calculated by dividing the proportion of suspended African-American students (32%) by the proportion of African American students in the general population (17%), yielding an index of 1.9.

²³ Data not provided for other racial/ethnic groups.

Michigan data also show clear racial and ethnic disparities. For example, analyses of data for the 1999-2000 academic year from 255 local school districts in Michigan (30% of 726 local districts) show that youth of color were suspended and expelled at higher rates than white youth (Hahn, Walker, Villarruel, Dunbar, & Borden 2002). African-American students were expelled at a rate 2.4 times their proportion in the general student population; Latino students were expelled at a rate 1.4 times their proportion in the general student population. (See Figure 1.)

Figure 1. Index of Disproportionality for Expulsions and Suspensions



Note: An index of 1.0 indicates the point where the proportion of expelled/suspended students equals the proportion of enrolled students of that race/ethnicity. Larger index numbers denote greater disproportionality.

As Figure 1 also shows, students of color experienced disproportionately high rates of suspension. Specifically, African American students were suspended at 2.5 times their proportion in the general student population, while Latino students were suspended at 1.4 times their proportion and Native American students were suspended at 1.3 times their proportion of the general student population.

Other data sources reveal disparate treatment of youth of color. For example:

- In 1999, African Americans were suspended at a rate 250% higher than their white counterparts in Michigan (Michigan Family Independence Agency, 1999).
- 66% of students expelled in Michigan in 1999-2000 were African American, whereas only 28.5% were white (Student Advocacy Center of Michigan, 2002)

- A limited scope Michigan Department of Education study revealed that African Americans were expelled disproportionately at a level of 39.1%, nearly three times their share of the state population (Polakow-Suransky, 1999).
- In the Lansing School District, 51% of students expelled were African American while only 33% of the total school population was African American in 1999-2000 (Student Advocacy Center, 2002), yielding a disproportionality index of 1.5. Similarly, 53.3% of students suspended were African American (index = 1.6).

Thus, despite variations across specific samples, it is clear that, when considering all of the data, youth of color – particularly African American and Latino students – are suspended and expelled from schools in Michigan at disproportionately high rates. (See Table 1).

Table 1
Michigan Suspension/Expulsion Data by Race/Ethnicity and Data Source (1999–2000)

RACE/ ETHNICITY (% of general student population)	African American (18.7%)	Latino (3.2%)	Native American (1.0%)	Asian (1.8%)	Non-Hispanic White (75.3%)	Unknown
DATA SOURCE						
Student Advocacy Center (2002): 91 expulsions	15.4%	4.4%	<2%	—	58.2%	15.4%
Student Advocacy Center (2002): 404 expulsions	65.6%	5.4%	0.2%	—	28.5%	2.3%
Hahn et al. (2002): 887 expulsions	21.4%	5.2%	1.1%	0.6%	71.1%	—
Hahn et al. (2002): 43,819 suspensions	22.5%	4.9%	1.8%	0.5%	70.4%	—
NSAF (1999): 210 suspensions + expulsions	29.1%	6.9%	—	—	61.4%	2.6%
Lansing School District: 4,817 suspensions	53.3%	12.0%	0.9%	1.6%	32.2%	—

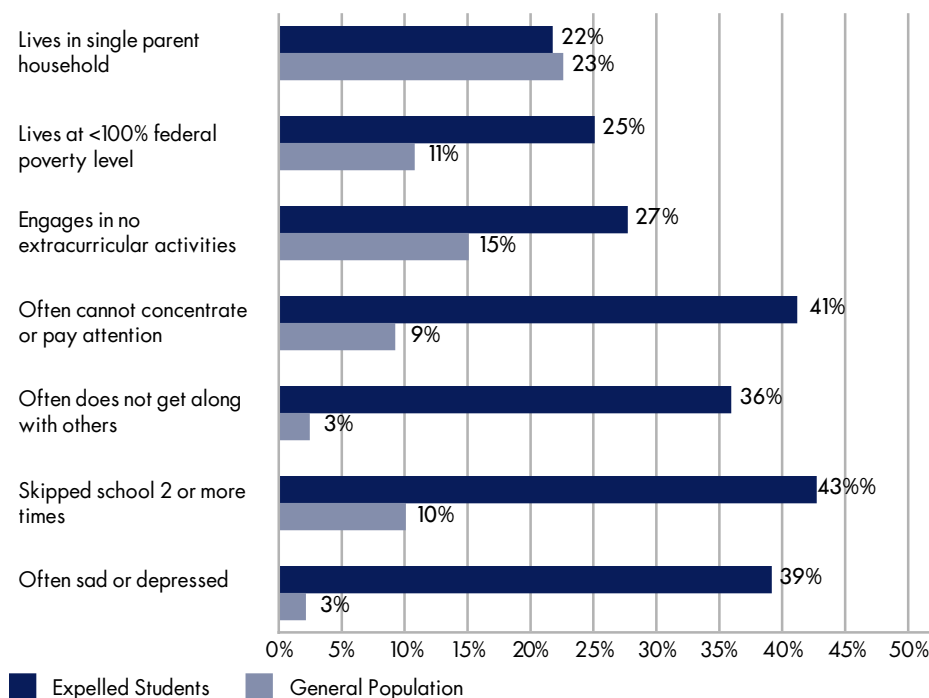
Finding #4: Special needs students are disproportionately expelled under Michigan’s zero tolerance policies.

ZT policies often affect special needs children who tend to be more prone to impulsive and anti-social behavior or minor offenses like disobedience. Although the Americans with Disabilities Act of 1990 (ADA) was amended in 1997 to provide some protection for special education students, they are still often treated unfairly (Polakow-Suransky, 1999).

The Student Advocacy Center of Michigan (2002) found that 71% of the students referred to the agency for expulsions during the 1999-2000 academic year had special needs: 19.6% were special education certified or were receiving protections under §504 of the Rehabilitation Act of 1976, which prevents discrimination on the basis of disability in a federally funded program (including schools); and 51.6% had exhibited identifiable risk factors prior to expulsion. These risk factors included emotional problems such as depression, suicidal ideation, anger, and impulsivity; ADHD diagnosis; academic problems; previous trauma; and victimization by other students. Although these students had exhibited risk factors prior to expulsion, school systems had failed to provide consistent referrals for evaluation or appropriate follow-up services for these students (Student Advocacy Center of Michigan, 2002).

Students expelled from schools in Michigan were significantly more likely to report having experienced identifiable risk factors prior to exclusion from school, according to findings from the National Survey of American Families (1997/1999). When compared with the general population of students in the state, expelled students were 11.5 times as likely to often be sad or depressed, 4 times as likely to have skipped school, 12 times as likely to not get along with others frequently, nearly 5 times as likely to have difficulties with concentration, almost 2 times as likely to have no extracurricular activities, and almost 2.5 times as likely to be living at less than 100% of the federal poverty level. (See Figure 2.) In contrast, students from single parent households were *not* more likely to be expelled than students from two-parent households.

Figure 2. Reported Risk Factors for General Population Versus Expelled Students in Michigan



Source: National Survey of American Families (1997/1999).

Finding #5: Males are disproportionately expelled under Michigan's zero tolerance policies.

According to the state's Family Independence Agency data, males constituted almost two-thirds (65%) of those expelled from Michigan schools in 1999. Because 51.2% of students in school that year (851,600 of 1,663,152 students) were male, the index of disproportionality for males was 1.3 in 1999.

An analysis of 91 expulsion cases from 1999 to 2000 conducted by the Student Advocacy Center of Michigan paints a more troubling picture. Males constituted 82.4% of those expelled, but only 51.2% of youth in school, yielding a disproportionality index of 1.6.

Finding #6: Younger students are more likely to be expelled under Michigan's zero tolerance policies.

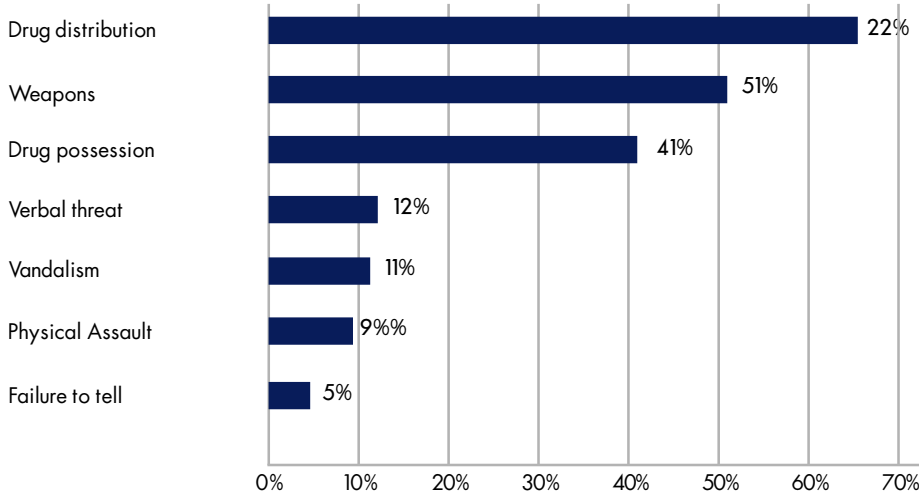
Generally speaking, the students affected by zero tolerance policies are not the older, tougher students the law may have been created to address. An analysis of 91 expulsion cases from 1999 to 2000 conducted by the Student Advocacy Center of Michigan (2002) revealed that students expelled ranged in age from 7 to 18 years, with 14 being the most common age for expulsion. Students during the middle school years (grades 6-9) were expelled at higher rates than any other age group during academic year 1999-2000 (Student Advocacy Center of Michigan, 2002).

Finding #7: Michigan residents do not favor expulsion of students for most offenses.

The Institute for Public Policy and Social Research at Michigan State University conducts a quarterly *State of the State Survey* of Michigan residents. The 21st Quarterly Survey (May 2001) included seven questions about school discipline. Seven questions concerned various offenses a student could commit in Michigan schools. Interviewers asked respondents what they felt was the appropriate disciplinary action for a student who engages in the following offenses: weapons possession, drug distribution, drug possession, physical fighting, verbal assault, vandalism, and failure to tell school authorities of a threat made by another student. Respondents were presented with the following choices of disciplinary actions: (1) expulsion, (2) suspension, (3) some lesser punishment such as detention, (4) referral to counseling, or (5) no action.

Popular support for expelling a child from the school setting as a form of punishment dropped drastically when crimes were perceived as less serious by respondents in the quarterly *State of the State Survey* conducted in May 2001 (see Figure 3). The majority of respondents favored expulsion for only two offenses: drug distribution (67%) and weapons possession (53.7%).

Figure 3. Percentage of Michigan Respondents Favoring Expulsion for Various Offenses

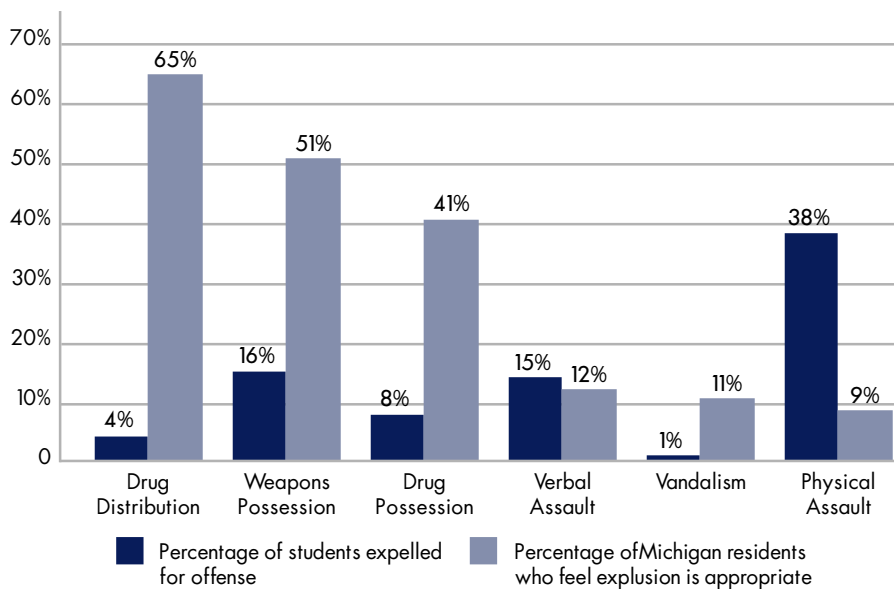


Source: 21st State of the State Survey conducted by the Institute for Public Policy and Social Research at Michigan State University (May 2001).

NOTE: Number of individuals responding to each question varied slightly (904-934). The percentages depicted for each category reflect proportion of the total number of persons surveyed (958) who responded that they favored expulsion.

Analyses also revealed a disconnect between public opinion regarding appropriate punishment for children who break school rules and the actual numbers of expulsions for various offenses. (See Figure 4.) Whereas most expulsions occurred for physical fighting, only 9% of Michigan residents surveyed believed that physical fighting should be a cause for expulsion.

Figure 4. Percentage of Students Actually Expelled versus Percentage of Michigan Residents Who Believe Expulsion is Appropriate for Each Offense



Finding #8: Michigan’s zero tolerance policies seem confusing and restrictive to some school administrators.

A study of administrators in two mid-Michigan rural counties found that most had only a minimal understanding of zero tolerance policies, and little familiarity with additions to the state’s ZT policies enacted in 1999 (MCL 380.1310 and MCL 380.1311) (Dunbar & Villarruel, 2002). When asked if there was a need for zero tolerance policies, all of the principals indicated that they already had a policy in place that would address the problems of a student who brought a weapon to school. One of the principals stated:

“I think people have lost the fact that schools have always been able to set policies, schools have always been able to judge circumstances, and if you have a need to expel somebody or suspend somebody, we’ve always been able to do that. The state doesn’t have to come up with a law about weapons expulsions to enable me to recommend an expulsion of a student if I think the student is going to cause harm or has bad intent.”

In the current context, school administrators believe that there is little or no room for discretion; rather, they feel forced to impose a prescribed solution for each situation, regardless of circumstances. This approach runs counter to the position of the National Association of Secondary School Principals, provided in a statement before the United States Commission on Civil Rights (February 18, 2000), which states in part:

“[F]or some[,] equality means that all zero-tolerance policies must be the same for every school in the Nation. To require that all zero tolerance policies be equal means that the federal government would be creating the discipline code for every school in America. The instances over the last year provide evidence against this prescription. Instead it supports a system of policies that clearly define the acts that will not be tolerated in our schools, but leaves to the discretion of school principals and local school boards the discipline that is warranted in each case. We need to trust the principals in our schools and the processes established by the local school boards which fairly, consistently, and responsibly implement and enforce these policies. To do otherwise, would continue to create the situations we see in headlines today claiming the punishment does not fit the act (p. 2).”

In this regard, it is important to note that while the current federal law requires that the “chief administering officer” of the local educational agency have the authority to modify the expulsion requirement in any particular case, Michigan’s statute does not explicitly include this requirement of discretion.

Policy Alternatives

Because suspensions and expulsions remove students from constructive learning environments, they are not ideal disciplinary actions. The necessity for using these disciplinary measures should be decreased by reducing the behaviors that invoke them. The challenge is to provide some viable and effective alternatives to ZT policies – non-stigmatizing and non-exclusionary alternatives that hold students accountable for their actions without denying them an education.

Finding Safety Where We Least Expect It: Resisting the Drive for Punishment in Our Schools (Noguera, 2001) suggests the following general guidelines for reducing violence:

1. Reduce anonymity, alienation and the impersonal character of schools.
2. Promote a climate of respect by responding quickly and consistently to minor infractions.
3. Adopt a preventative approach to discipline utilizing strategies that encourage students to take responsibility for their behavior and learn from their mistakes.
4. Provide numerous opportunities for students to become more deeply engaged in school and activities that further their development.

In addition, it is important to provide early intervention and treatment for at-risk students, particularly those who have been identified as having mental health concerns. Also, it is important to ensure that students' due process rights are protected whenever disciplinary actions must be taken.²⁴

The following approaches are consistent with these guidelines and with the theoretical advancement of both positive youth development (c.f., Pittman & Irby, 1998; Pittman, Ferber, & Irby, 2000) and community youth development (Perkins, Borden, & Villarruel, 2001).²⁵

Peer Juries

In a peer jury system, students accused of misbehavior appear before a jury composed of fellow students. The accused student is given the opportunity to explain his or her behavior to the jury. The jurors are then charged with (a) communicating to the student how the behavior violated the rules of the school community and (b) developing a set of sanctions

²⁴ Legislation from the State of New York provides language for ensuring due process protections. See NY CLS Educ § 3214 (2002), subsection (1) c (1), noting “No pupil may be suspended for a period in excess of five school days unless such pupil and the person in parental relation to such pupil shall have had an opportunity for a fair hearing, upon reasonable notice, at which such pupil shall have the right of representation by counsel, with the right to question witnesses against such pupil and to present witnesses and other evidence on his behalf.” See also Zweifler (2000).

²⁵ It is important to note, however, that while these approaches appear to be promising alternatives to harsh ZT policies, research to evaluate their efficacy and effectiveness currently is limited or lacking.

that responds appropriately to the transgression (see, e.g., Office of Juvenile Justice and Delinquency Prevention, 2000; 2001).

Peer juries are one of many innovations introduced into the American justice system under the banner of restorative justice (see, e.g., Bazemore & Umbreit, 1997). In 1998, the Michigan Bureau of Juvenile Justice joined agencies from across the nation and around the world in adopting this approach to juvenile justice. Restorative justice has been embraced as a way of avoiding the tiresome and often unproductive debate between rehabilitation and punishment within the juvenile justice system. Restorative justice is based on three core principles: accountability, community safety, and competency building. Students are held accountable for the harm they cause to specific members of the school community (i.e., victims) as well as the community at large. Through restitution and community service, the offending student must repair the harm.

Restorative justice does not simply place burdens on the offender. It seeks to re-integrate the offending student into the school community. Instead of excluding the student, as with suspension or expulsion, a thoughtful, context-based set of sanctions not only communicates to students that they have a place within the school community, but also maps out just how they can keep it. The discipline process is viewed as a learning opportunity for students while protecting the learning environment for their peers. Thus, participation in tutoring or counseling or other supportive services can become part of a sanctions package. Competency building and community safety are thus advanced simultaneously. Students are provided support to improve their learning and behavior. The school community directly benefits to the extent that the sanctions are well tailored to the student's situation.

For additional information on peer juries, see Light (2001).

SMART Program

In March of 1998, Chicago school officials launched the "Saturday Morning Alternative Reach out and Teach" (SMART) program (Light, 2001). The program is designed to provide a second chance for students accused of non-violent offenses such as drug and alcohol possession. The Board of Education can refer students to SMART as an alternative to expulsion. Juvenile court judges, probation officers and the Cook County state's attorney can refer youth to SMART as an alternative to placement in a juvenile detention facility. If referred to SMART, a student must first serve a 10-day out-of-school suspension and the student and his or her parents must both attend an orientation and go to 8 consecutive Saturday sessions, each lasting a minimum of four hours. These sessions focus on decision-making, conflict resolution, and non-violence and include drug education, character education and sometimes a lecture from a jail guard about prison life. The students also must complete 20 hours of community service within a four-week time frame (Light, 2001).

For additional information on the SMART Program, see the website of The Hamilton Fish Institute: <http://www.hamfish.org>. The Hamilton Fish Institute was founded in 1997 to serve as a national resource to test the effectiveness of school violence prevention methods and to develop more effective strategies. The Institute's goal is to determine what works and what can be replicated to reduce violence in America's schools and their communities.

Positive Action Through Holistic Education (PATHE)

The PATHE program combines an environmental change approach with direct intervention for high-risk youth to reduce delinquent behavior and increase educational attainment. The program is designed for middle and high school students and focuses on comprehensive school improvement, including revised disciplinary procedures, enhanced school activities to promote achievement, and a positive school climate. The program also provides services to "marginal" students to increase their self-esteem and success experiences. The effectiveness of this program has been evaluated in a sample of high schools and middle schools. Analysis of pre- and post-test data revealed a 6% decrease in suspension rates (Kingery, 2001, p. 13).

For additional information on the PATHE program, see <http://hamfish.org/programs/id/114>

Prepared for

Michigan Public Policy Initiative (MPPI) is a program of the Michigan Nonprofit Association and is affiliated with the Council of Michigan Foundations.

Started in 1998, the goals of the Initiative are to:

1. Educate policymakers and the media on issues impacting Michigan nonprofits;
2. Act as an advocate for the nonprofit community;
3. Engage nonprofits in advocacy; and
4. Promote research on the sector.

The following are services and resources provided to the nonprofit community, policymakers and media:

PUBLICATIONS

Michigan in Brief — A handbook and corresponding Web site, provides useful information about the state and an objective look at 40 public policy topics of current concern to Michigan residents and their elected representatives. The issues are treated in sufficient depth to be useful to the well-informed, yet written plainly enough to be understood by non-experts. Cost: \$30

Lobbying Guide for 501(c)(3) Michigan Nonprofits — This handbook, the first of its kind, answers the most frequently asked questions related to lobbying by nonprofits. What is lobbying? What are the reporting procedures for lobbying in Michigan and the IRS? Can organizations use funding from a foundation to work on public policy? And other important questions about advocacy. Cost: \$5

Setting the Record Straight on Michigan's Nonprofit Community — This booklet promotes an understanding of the nonprofit sector, demonstrates its role in society, and dispels a host of misconceptions about nonprofits, many of which have surfaced in recent years. It also explores challenges facing nonprofits in a changing economic and political landscape, and suggests strategies for responding to these issues. Cost: \$5

Guide to Getting Good Media Coverage — This guide is designed for nonprofit leaders with little time to spend on PR, each section gives the key information needed to get media coverage of nonprofit issues, projects and other activities. For those who are new to media work the guide provides the basics for getting started. For those who are more media savvy the guide serves as a checklist for ongoing media campaigns. Cost: \$2.50

2001–2002 Guide to Michigan Nonprofit Association's Policy Concerns and Recommendations — This brochure for state and federal policymakers lists MNA's legislative priorities and public policy positions. MNA is currently developing a guide for the 2002 Elections on the nonprofit sector's public policy priorities. Cost: Free

State Government Directory — MPPI provides to nonprofits, free of charge, this pamphlet that lists the names, addresses and phone numbers of Michigan's senate, house of representatives, and executive branch.

Cost: Free

TRAININGS

Issues in Brief — A series of monthly educational forums for legislative staff and policymakers to assist in policy analysis and constituent relations highlighting critical issues facing Michigan's nonprofit organizations.

Nonprofit Day — An annual one-day conference at the Capital, for nonprofit staff, volunteers and boards, to promote their involvement in public policy through skill-based and informative sessions on advocating in Michigan. Nonprofit Day 2003 is scheduled for September 24 in Lansing.

Workshops — MPPI offers training to nonprofit boards, staff and volunteers on developing a public policy agenda, the rules and regulations for lobbying, on how to be an effective advocate and on working with the media. MPPI also offers seminars for the media on covering nonprofit news. MNA staff is available as requested to provide these trainings – length and cost is negotiable.

PUBLIC INFORMATION

MNA Public Policy E-mail Updates — An educational piece, sent twice a month to MNA members to inform them of the latest policy issues impacting Michigan nonprofits. Contributors to the e-mail updates include: Gongwer News Service, Independent Sector, Citizens Research Council, OMB Watch and the National Council of Nonprofit Associations.

Michigan Public Policy Initiative Web Site — A one-stop source for information on public policy impacting Michigan nonprofits, this site provides: www.mnaonline.org/mppindex.html

- Up-to-date information on legislation;
- Government Directory;
- Links to state/national government/organizations of interest;
- Archive of past Public Policy E-mail Updates;
- Advocacy Grapevine – stories of successful nonprofit advocacy; and
- Publications on lobbying in Michigan, working with the media and objective information on critical issues facing Michigan nonprofits and residents.

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Additional Resources

1. ***Access Denied: Mandatory Expulsion Requirements and the Erosion of Education in Michigan*** is a report released in February 1999 by the Student Advocacy Center of Michigan (Polakow-Suransky, 1999). The report examines the effects of zero tolerance policies in Michigan public schools. 100 school districts were selected for inclusion in a survey, based on geographic location, diversity of population, and annual rate of per pupil spending. www.studentadvocacycenter.org
2. ***Opportunities Suspended: The Devastating Consequences of Zero Tolerance and School Discipline*** is a report released by the Civil Rights Project at Harvard University and the Advancement Project (2000). The report examines the effect of zero tolerance policies nationally. www.law.harvard.edu/civilrights/conferences/zero/zt_report2.html
3. **The State of the State Survey**, produced by the Institute for Public Policy and Social Research at Michigan State University, is a quarterly survey of Michigan residents. In May 2001, questions about school disciplinary policies were included in the 21st survey. Results from this survey are included in this report. www.ippsr.msu.edu/SOSS/DEFAULT.ASP
4. The ***National Survey of American Families*** (NSAF) is a dataset produced by the Urban Institute (1997/1999). The NSAF contains information about characteristics of suspended and expelled students in 13 states, including Michigan. These characteristics include demographics, involvement in extracurricular activities, behavioral problems and depression. www.urban.org/Content/Research/NewFederalism/NSAF/Overview/NSAFOverview.htm
5. ***Not in My House***, co-authored by Christopher Dunbar and Francisco Villarruel (2002), describes the results of a study of two mid-Michigan counties. The study examines school administrators' understanding of, and reaction to, zero tolerance policies in their schools and districts. Available from Dr. Villarruel: fvilla@msu.edu
6. ***Facing the Consequences*** is a report released by the Expose Racism and Advance School Excellence Initiative (Gordon, Della, & Keleher, 2000). The report examines racial discrimination in U.S. public schools. <http://arc.org/erase>
7. ***Michigan Public Schools Expulsion Data, Academic Year 1999-2000***, a report by the Student Advocacy Center of Michigan (2002), provides data on the 4% of districts responding to the Center's Freedom of Information Act (FOIA) request for information on suspensions and expulsions. www.studentadvocacycenter.org

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Other Spotlights

Families On The Move – A Look at the Impact of Children's Frequent School Changes

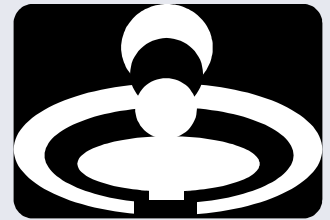
www.mnaonline.org/pdf/mobil.pdf

Promising Approaches to Prevent Dating Violence

www.mnaonline.org/pdf/Spotlight501.pdf

Explaining Challenging Behavior in Early Childhood

www.mnaonline.org/pdf/spotlight3.pdf



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