



TOOLKIT TOPIC 1

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*Reevaluating Zero  
Tolerance Policies  
and the Shift  
Toward Supportive  
Approaches*

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# *Reevaluating Zero Tolerance Policies and the Shift Toward Supportive Approaches*

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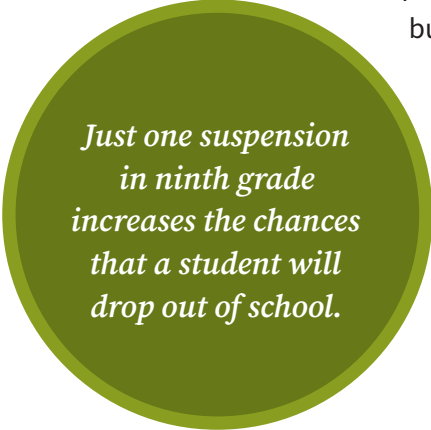
## **EXECUTIVE SUMMARY**

Zero tolerance policies, initially adopted to ensure safety, have led to disproportionate suspension and expulsion rates among marginalized students for minor infractions. Legislative actions in states like Illinois aim to limit these policies and emphasize support services. Evidence suggests zero tolerance does not improve safety and may exacerbate issues. Illinois mandates that threat assessment procedures be adopted to deal with serious threats. Disproportionate application harms marginalized students, necessitating a shift toward proactive, inclusive approaches.

## **INTRODUCTION**

The term “zero tolerance” became a commonly known term throughout the country and media when it was applied to the legal system having “no tolerance” for the transport of drugs of any quantity aboard shipping vessels.<sup>i</sup> The idea of zero tolerance became widely applied to schools in 1994 via the passage of the Gun-Free Schools Act,<sup>ii</sup> which required each state to pass a law requiring schools to expel students for a minimum of one calendar year for possessing a firearm. However, zero tolerance policies promoting suspension and expulsion became widely misapplied in response to minor school behaviors unrelated to school safety.<sup>iii</sup> For instance, the most common reasons students are suspended are for behaviors like class disruption, class disrespect, tardies, truancy, and dress code violations.<sup>iv</sup> These types of subjective behaviors are most likely to fuel long-standing racial/ethnic and disability disproportionality, particularly among Black and Indigenous students.<sup>v</sup>

Suspension and expulsion are the most common disciplinary responses in schools, but there is no evidence that these practices are effective in changing behavior and, ironically, may increase unwanted school behavioral issues and community crime in the future.<sup>vi</sup> Also, using exclusionary discipline connected with zero tolerance has many undesirable outcomes for students, their families, and the broader community. For example, exclusionary discipline is associated with dropping out of school and entering the juvenile justice system.<sup>vii</sup> In addition, just one suspension in ninth grade increases the chances that a student will drop out of school.<sup>viii</sup>



*Just one suspension in ninth grade increases the chances that a student will drop out of school.*



There have been troubling findings about the significant disproportionate application of zero tolerance policies documented for almost five decades. A report published by the Children’s Defense Fund in 1975 found that U.S. Department of Education data indicate that there is substantial racial/ethnic disproportionality in the implementation of zero tolerance policies, particularly with regard to Black and Indigenous students. It also showed an over-representation of students with disabilities, particularly students in the category of emotional/behavior disturbance. On the contrary, the research consistently shows that Black and Brown students are removed through suspension because of subjective offenses, like class disrespect and disruption, which are prone to implicit bias.<sup>ix</sup> It also is surprising that students in special education, particularly those with identified behavioral/emotional and mental health issues, are the most likely to be removed even though they should receive specialized instruction and support as specified in the Individuals with Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation Act.<sup>x</sup> Students with minoritized identities, particularly Black students with disabilities, are at the highest risk of school pushout practices through zero tolerance policies and practices.<sup>xi</sup>

Zero tolerance policies are still being used excessively in many locales despite the lack of evidence to indicate that they are successful and the disparate impact they have on racial/ethnic minority students and individuals with disabilities. Zero tolerance policies are counter to the mission of schools. Educators should be developing, implementing, and evaluating proactive practices that support the behavioral, social-emotional, and mental health of all students. This should include minoritized students who have been harmed historically in our schools. We advocate for a multi-tiered system of support (MTSS) that provides a framework for structuring practices that have desired social-emotional, academic, and behavioral outcomes for all students.<sup>xii</sup> Restorative, positive interventions and behavior supports and social-emotional learning (SEL) are practices that can be embedded in an MTSS.

## EXCLUSIONARY DISCIPLINE IN SECONDARY AND POSTSECONDARY SETTINGS

Students who qualify for special education services in Illinois are more likely to drop out of school than their peers without disabilities and are more likely to receive exclusionary discipline.<sup>xiii</sup> Seventeen percent of students with Individualized Education Programs (IEPs) in Illinois were expelled and received educational services, according to the 2023 Illinois Report Card. However, 41 percent of students with IEPs in Illinois were expelled and did not receive educational services.<sup>xiv</sup> These metrics are connected, as students who are suspended or expelled are more likely to drop out of high school and less likely to enroll in postsecondary education.

## SCHOOL DISCIPLINE LEGISLATIVE MANDATES

Several states have taken legislative actions to curb and eliminate zero tolerance policies. At this time, there are 19 states, including Illinois, that have passed legislation to ban zero tolerance policies as an automatic reaction for students violating the discipline code of conduct, outside of that required for firearms as part of the Gun-Free Schools Act.<sup>xv</sup>



## LIMITATIONS ON SUSPENSION AND EXPULSION IN ILLINOIS

Illinois passed sweeping discipline legislation, Public Law 99-0456 (commonly called SB 100), in 2016. This legislation requires school districts in Illinois to limit the unnecessary use of exclusionary discipline, like suspension and expulsion, “to the greatest extent practicable.”<sup>xvi</sup> This legislation prohibits zero tolerance policies unless otherwise required by federal law or the School Code, and it requires that Illinois school districts make decisions about exclusionary discipline on a case-by-case basis and “provide appropriate and available support services” for longer suspensions.

Illinois discipline legislation requires that out-of-school suspensions of three days or less can be used only if the student’s continuing presence in school would pose a threat to school safety or a disruption to other students’ learning opportunities.<sup>xvii</sup> Furthermore, out-

of-school suspensions for more than three days, expulsions, and disciplinary removals to alternative schools may be used only if the following two conditions are met:

1. Other appropriate and available behavioral and disciplinary interventions have been exhausted, and
2. The student’s continuing presence in school would either (i) pose a threat to the safety of other students, staff, or members of the school community, or (ii) substantially disrupt, impede, or interfere with the operation of the school.<sup>xviii</sup>

Please see the [Transforming School Discipline Collaborative Public Act 99-0456 School District Self-Assessment Checklist](#) and [Section 10-22.6. Suspension or expulsion of pupils](#) from the Illinois Compiled Statutes for more detailed information about the requirements.

School districts shall make reasonable efforts to provide ongoing professional development to school-based professionals, administrators, school board members, school resource officers, and staff on the adverse consequences of school exclusion and involvement of the justice system, effective classroom management strategies, culturally responsive discipline, the appropriate and available supportive services for the promotion of student attendance and engagement, and developmentally appropriate disciplinary methods that promote positive and healthy school climates.

Therefore, schools should be mindful of when they engage in practices carrying out de facto zero tolerance. If the school automatically suspends students for five days every time a fight happens and regardless of a student’s role in the fight, then in practice, zero tolerance is being carried out even though it is not explicitly stated in the discipline code of conduct. Looking at discipline data disaggregated by race/ethnicity on an ongoing basis is critical in determining how discipline decisions are made and ensuring they occur on an individualized basis while considering the context surrounding the infractions. Please see [Illinois Senate Bill 100](#) for more information.



## **THREAT ASSESSMENT & EVIDENCE-SUPPORTED WAYS TO ADDRESS BEHAVIORAL CONCERNS**

Whereas zero tolerance policies were intended to improve school safety, they have not done so even during the infrequent times that long-term

suspension and expulsion were used in response to student threats. In “[The School Shooter: A Threat Assessment Perspective](#),” the FBI cautioned:

“In today’s climate, some schools tend to adopt a one-size-fits-all approach to any mention of violence. The response to every threat is the same, regardless of its credibility or the likelihood that it will be carried out. In the shockwave of recent school shootings, this reaction may be understandable, but it is exaggerated -- and perhaps dangerous, leading to potential underestimation of serious threats, overreaction to less serious ones, and unfairly punishing or stigmatizing students who are in fact not dangerous.” (pg. 5)<sup>xix</sup>

Indeed, there are times when the removal of a student is necessary in the most egregious cases of potential harm (e.g., firearms/serious weapons violations). However, not only is there evidence that zero tolerance policies and procedures are ineffective for minor offenses (where they are most invoked), they are ineffective when implemented in isolation of an evidence-supported threat assessment protocol. The (should this be “they” instead of “the”?) do not make schools or the community safer when more students engage in more severe infractions.<sup>xx</sup>

Illinois is one of several states that requires all school districts to develop threat assessment procedures. According to the Illinois General Assembly, each school district must create a threat assessment team and “must implement a threat assessment procedure that may be part of a school board policy on targeted school violence prevention.” Illinois school districts are required to have a threat assessment team that includes critical personnel such as the school administrator, a teacher, a school counselor, a law enforcement officer, a school psychologist and a school social worker.

For more information, please see the following resources: [Illinois Association of School Boards-School Safety and Security](#) or [Illinois School and Campus Safety - Behavioral Threat Assessment \(K-12\)](#).

## **DISPROPORTIONALITY**

Students who are suspended or expelled are more likely to drop out of school, less likely to enroll in higher education, and more likely to have continuing contact with the justice system.<sup>xxi</sup> Zero tolerance discipline policies further increase youth involvement with law

enforcement and expand exclusionary discipline practices while not making schools safer.<sup>xxii</sup> This creates long-term educational impacts and harms youth, the school climate, and the community. Educators in all roles are urged to implement alternative practices when possible and to focus on preventing dangerous behavior rather than waiting to react to it after it happens.

It was expected that the adoption of zero tolerance policies would level the playing field for students by making a clear set of boundaries that would be the same for all. The expectation was that these clear guidelines and predetermined consequences would decrease the high levels of exclusionary discipline that disproportionately impacted students based on racial demographics and disability status. However, years of longitudinal data have shown this is not true. Schools are not safer than before the adoption of zero tolerance policies, nor have disproportionate rates of exclusionary school discipline been meaningfully impacted for students from historically marginalized groups.<sup>xxiii</sup> Students with disabilities and students from historically marginalized groups still are being disproportionately suspended and expelled, with Black youth with disabilities comprising almost half of all students who qualify for IDEA services who were suspended or expelled.<sup>xxiv</sup>

All educators, including school-based professionals, administrators, and support staff, are responsible for employing proactive and positive behavior plans that support the needs of all students. The U.S. Department of Education Office of Special Education Programs emphasized this in its 2022 [Dear Colleague Letter on Implementation of IDEA Discipline Provisions](#) (p. 3),<sup>xxv</sup> asserting that educators are urged to “implement effective, preventative, and responsive practices in place of exclusionary discipline and utilize strategies to ensure students with disabilities receive free appropriate public education.” These efforts will, in turn, help reduce the number of children with disabilities subjected to exclusionary discipline, including the frequency and duration of such practices” (p. 3).<sup>xxvi</sup> This means moving away from the punitive mindset that accompanies zero-tolerance policies and embracing practices that aim to keep schools safe and students in environments best suited to learning.

## KEY TERMS

### **FAPE**

An abbreviation for free and appropriate public education

### **Threat Assessment**

An evidence-based procedure that assesses the credibility and seriousness of a potential threat.

## BEHAVIOR INTERVENTION EXAMPLES

### RELATIONSHIP BUILDING

The intentional and ongoing process of establishing positive connections, fostering trust, and developing meaningful relationships between school-based professionals and students. It involves creating a supportive and caring environment where students feel valued, respected, and understood. When students have positive relationships with their school-based professionals, they are more likely to feel engaged and motivated in the learning process. Students who feel connected to their school-based professionals are more likely to have positive self-esteem, self-confidence, and a sense of belonging. This, in turn, supports their overall social and emotional development. Positive teacher-student relationships create a positive classroom climate where students feel safe, respected, and supported. This promotes a sense of community and cooperation among students, reduces disruptive be-



havior, and enhances overall classroom management. Building strong relationships with students can have a positive impact on behavior management. When students have a positive relationship with their teacher, they are more likely to follow classroom rules, respond positively to redirection, and accept guidance and feedback from the teacher. Additionally, students who have positive relationships with their school-based professionals are more likely to experience academic success. They are more willing to take risks, seek help when needed, and persist through challenges. Positive relationships also provide a foundation



for personalized instruction and targeted support, helping students reach their full potential. Students also feel comfortable sharing their thoughts, concerns, and ideas with their school-based professionals, leading to improved collaboration and problem-solving.

**Examples of Relationship Building:**

School-based professionals can greet students at the door with a smile and a personal greeting, making them feel welcome and valued as they enter the classroom. School-based professionals can get to know students individually by taking the time to learn about students' interests, hobbies, and aspirations. They can engage in conversations with students, ask open-ended questions, and actively listen to their responses. School-based professionals can demonstrate empathy and support by actively listening to students' concerns, offering guidance and advice when needed, and providing emotional support during challenging times. School-based professionals need to acknowledge and celebrate students' achievements, efforts, and improvements. In turn, this helps build confidence and motivates students to continue working hard.

**Non-examples of Relationship Building:**

When a teacher dismisses or ignores students' thoughts, opinions, or concerns, a student may feel unheard and undervalued. If a staff member treats some students more favorably than others, it undermines trust and can create a negative classroom climate. Fairness and equity are important aspects of relationship building. If staff fail to make any effort to get to know students individually or show interest in their lives, it can hinder the development of a positive teacher-student relationship. If inconsistent feedback or overly harsh criticism is provided without balancing it with positive feedback relationships may be strained and negatively impact student's confidence and motivation. If a classroom staff member remains distant or uninvolved in students' learning experiences, it hinders the establishment of positive relationships. All staff need to actively engage with students, participate in discussions, and create opportunities for interaction.

## BEHAVIOR INTERVENTION EXAMPLES

### RESTORATIVE CONFERENCING

Restorative conferences are a structured process that brings together individuals who have been directly affected by a harmful incident or conflict, along with relevant stakeholders, to engage in open dialogue, understanding, and healing. The purpose of a restorative conference is to address the harm caused, repair relationships, and find resolutions that meet the needs of all parties involved.

In a restorative conference, participants sit in a circle or around a table to create an environment of equality and respect. The 5 restorative questions, also known as the Restorative Justice Questions or Restorative Circles Questions, are a set of guiding questions used in restorative practices to facilitate dialogue, understanding, and resolution. These questions help



individuals involved in a harmful incident or conflict to reflect on their actions, consider the impact on others, and explore ways to repair relationships. The questions typically include:

- What happened? This question encourages individuals to share their perspectives on the incident, providing an opportunity for each person involved to express their version of events. It helps to establish a common understanding of what took place.
- What were you thinking at the time? This question invites individuals to reflect on their thoughts, emotions, and motivations during the incident. It encourages self-reflection and helps participants gain insight into their own mindset and decision-making process.
- What have you thought about since then? Here, individuals are encouraged to consider the consequences of their actions and the impact they have had on others. It promotes accountability and prompts individuals to reflect on their behavior and any changes in their understanding or perspective since the incident.
- Who has been affected by what happened? This question encourages individuals to consider the broader impact of their actions on others involved, as well as on the wider community. It helps individuals develop empathy and understanding for the experiences and feelings of those affected.

What needs to be done to make things right? The final question focuses on finding ways to repair the harm caused and restore relationships. Participants are encouraged to generate ideas and agree on concrete actions or resolutions that can address the needs of everyone involved. This question emphasizes the importance of taking responsibility, making amends, and working towards reconciliation. These questions serve as a framework for meaningful dialogue and reflection in restorative practices. They create a safe and supportive environment for individuals to share their experiences, listen to others, and actively participate in the process of resolution and healing.

## BEHAVIOR INTERVENTION EXAMPLES

### TEACHING ALTERNATIVE BEHAVIORS

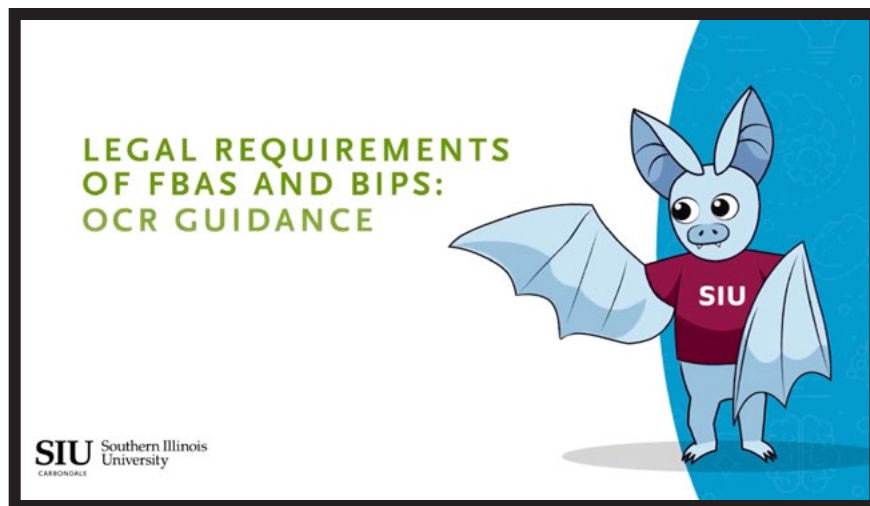
Providing individuals with alternative and socially acceptable ways to respond or behave in situations where their current behavior may be ineffective, inappropriate, or problematic. It focuses on teaching student's new skills or strategies that can replace undesirable behaviors and lead to more positive outcomes. A specific behavior needs to be targeted, the function or reason the behavior occurs determined, and a replacement or alternative behavior identified. The alternative behavior should serve the same function or meet the same need but in a more appropriate and acceptable way and should be easier and more efficient than the target behavior. The replacement behavior is taught by breaking down the desired behavior into smaller, manageable steps or components. Use explicit instruction, modeling, and prompts to teach the individual how to perform the alternative behavior. Provide positive reinforcement when the individual engages in the alternative behavior. Provide opportunities for the individual to practice the behavior in various contexts to ensure that the new skill generalizes.

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## VIDEO RESOURCES

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## RESOURCE LINKS

- » [Illinois 105 ILCS 128/45](#)
- » [U.S. Department of Justice: Making Prevention a Reality](#)
- » [NASP: Prepare Training Curriculum](#)
- » [U.S. Secret Service: Improving School Safety through Bystander Reporting](#)

This is not an endorsement nor an exhaustive list of possible resources. Please consult with your individual district, Regional Office of Education, and the Illinois State Board of Education for additional resources. [Illinois State Board of Education](#)

## CREDITS

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## ENDNOTES

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