

Zero Tolerance Policies Likely Contribute to High Attrition Rates of Black Students and Hispanic Students

by Roy L. Johnson, M.S.

Zero tolerance policies are a likely contributor to high attrition rates of Black students and Hispanic students in Texas public schools. Research shows that practices like referrals to disciplinary alternative education centers increases students' likelihood of dropping out of school later on (U.S. Department of Education, 2016; American Psychological Association, 2008; Kang-Brown, et al., 2013). In this additional analysis to IDRA's annual attrition study, we compared the trend lines for attrition rates to those of discipline data for the state of Texas.

IDRA's attrition studies involve an analysis of ninth-grade enrollment figures and 12th-grade enrollment figures three years later (see story on Page 3). The high attrition rates of Black students and Hispanic students were particularly acute in the mid-1990s and are likely fueling the continued disproportionality between White students and students of color today.

The contemporary origin of zero tolerance policies traces back to the 1980s when federal and state initiatives sought ways to wage the "war on drugs" and other societal issues. With the advancement and adoption of the "Broken Windows Theory" by Kelling, Wilson & Coles in the 1980s and 1990s, school systems began to apply zero tolerance approaches to minor school infractions (Teske, 2011). The theory purports that, by addressing problems when they are small, the likelihood of the problems escalating diminishes.

During the early to mid-1990s, school systems across the country began to adopt zero tolerance policies for minor school infractions in the belief that they were heading off larger potential problems. This resulted in the near doubling of

students suspended annually (Poe-Yamagata & Jones, 2000).

With the revision of the state education law in 1995, Texas enacted the modern version of the school discipline code establishing zero tolerance measures into state and school district codes of conduct and a variety of alternative school placements. In 2005, 2009 and 2015, the Texas Legislature made some efforts to mandate some level of discretion in school discipline under certain circumstances. The spike and fall in the attrition rates for all students – and particularly students of color and males – became acutely observable as shown in the IDRA attrition studies.

Attrition Rates by Race-Ethnicity and Gender

Overall attrition rates in Texas range from a low of 24 percent in 2013-14 and 2014-15 to a high of 43 percent in 1996-97. Attrition rates for Hispanic students ranged from a low of 31 percent in 2013-14, 2014-15 and 2015-16 to a high of 54 percent in 1996-97. For Black students, attrition rates ranged from a low of 25 percent in 2013-14 to a high of 51 percent in 1995-96 and 1996-97. Attrition rates for White students ranged from a low of 13 percent in 2013-14 to a high of 32 percent in 1996-97.

The historical high attrition rate for each race-ethnicity group parallels the period when zero tolerance policies gained momentum in Texas. Lower attrition rates for each group coincide with Texas' legislative attempts to relax zero tolerance approaches under specific circumstances.

Males have higher attrition rates than females.

- Attrition rates for male students ranged from a low of 26 percent in 2013-14 to a high of 46

percent in 1996-97. Attrition rates for female students ranged from a low of 21 percent in 2013-14 to a high of 40 percent in 1996-97.

- Hispanic males have higher attrition rates than Black and White male students. Attrition rates for Hispanic males ranged from a low of 31 percent in 2013-14, 2014-15 and 2015-16 to a high of 51 percent in 1995-96, 1996-97, 1997-98, and 1998-99.
- Attrition rates for Black males ranged from a low of 29 percent in 2013-14 to a high of 55 percent in 1995-96 and 1996-97.
- For White males, attrition rates ranged from a low of 14 percent in 2013-14 to a high of 34 percent in 1995-96, 1996-97, and 1997-98.

In 2015-16, the attrition rate of Hispanic males was 2.13 times higher than White males and 1.10 times higher than Black males.

Among females, Hispanic females have higher attrition rates than Black and White female students.

- Attrition rates for Hispanic females ranged from a low of 27 percent in 2015-16 to a high of 51 percent in 1996-97.
- Attrition rates for Black females ranged from a low of 20 percent in 2012-13 and 2013-14 to a high of 46 percent in 1994-95, 1995-96 and 1996-97.
- Attrition rates for White females ranged from a low of 12 percent in 2010-11, 2011-12, 2012-13, and 2013-14 to a high of 30 percent in 1996-97.

In 2015-16, the attrition rate of Hispanic females was 2.08 times higher than White females and 1.17 times higher than Black females.

Discipline Data by Race-Ethnicity

The Texas Education Agency collects discipline data through the Public Education Information Management System (PEIMS). Data are reported at the state, region and school district level with access readily available to annual summary reports for the last 10 years (2005-06 to 2014-15). A review of these data show disproportionately high disciplinary action rates for students of color and males.

In Texas, data are collected on four types of disciplinary actions: in-school suspension, out-of-school suspension, referral to disciplinary alternative education programs (DAEP), and referrals to juvenile justice alternative education programs (JJAEP).

In-School Suspension Data. Each year from 2005-06 to 2014-15, Black students received in-school suspensions nearly two times the rate they comprised in the total population.

- In 2014-15, Black students represented 13 percent of public school enrollment in Texas, but 25 percent of students receiving in school suspensions.
- In comparison, White students represented 28 percent of enrollment but 21 percent of students receiving in-school suspensions. On average, 17 percent of Black students are suspended compared to 8 percent of White students.
- Hispanic students represented 52 percent of enrollment and 50 percent of students

suspended. On average, 9 percent of Hispanic students received in school suspensions.

- Males represented 51 percent of the 2014-15 total enrollment but 71 percent of the students suspended in-school. On average, 12 percent of males compared to 6 percent of females received in-school suspensions.

Out-of-School Suspension Data. As with in-school suspensions, Black students received out-of-school suspensions significantly more than the rate they comprised in the total population from 2005-06 through 2014-15 school years.

- In 2014-15 Black students represented 13 percent of public school enrollment in Texas, but 35 percent of students receiving out-of-school suspensions.
- White students represented 28 percent of enrollment but 14 percent of students receiving out-of-school suspensions. On average, 11 percent of Black students are suspended compared to 2 percent of White students.
- Hispanic students represented 52 percent of enrollment and 49 percent of students receiving out-of-school suspensions. On average, 4 percent of Hispanic students received out of school suspensions.
- Males represented 51 percent of the 2014-15 total enrollment but 73 percent of the students receiving out-of-school suspensions. On average, 12 percent of males compared to 6 percent of females were suspended.

Other Discipline Data. Annual discipline summaries also provide information on students removed from the classrooms in several other categories including disciplinary alternative education program (DAEP), juvenile justice alternative education program (JJAEP) and expulsions. DAEPs were established for criminal offenses – drug related activities, gun violations and assault – all violations that had been punishable by referral to the Texas JJAEP system. Because not all areas of the state had access to JJAEP facilities, DAEPs were presented as a means for creating options that would remove serious offenders from regular school settings, including many small school districts and those rural communities where no JJAEP facilities existed.

Instead, students as young as six years old were removed from their kindergarten classes and sent to DAEPs for “discipline” problems. And students often can’t catch up academically because many of their teachers are not qualified to teach them, and those who are qualified are unable to coordinate with the students’ “sending” schools.

In 1999, IDRA released a report on thousands of Texas public school students who were being criminalized, ostracized and stigmatized for “offenses” that were formerly managed by a visit to the principal’s office or even a simple timeout with its seminal assessment of Texas DAEPs. Ten years later, an IDRA policy update, showed that in the previous decade, more than three quarters of a million students had been sent to DAEPs. Four out of the five students there were not there

Disciplinary Actions by Discipline Action Groupings

School Year	Total Enrollment	Number In-School Actions	Number Out-of-School Actions	Number DAEP Actions	Number JJAEP Actions	Number Expulsion Actions
2007-08	4,819,172	654,667	311,718	100,666	5,911	1,849
2008-09	4,892,748	631,265	289,809	92,719	4,938	1,645
2009-10	4,978,999	625,362	284,028	90,213	4,951	1,541
2010-11	5,063,863	596,422	265,543	87,553	4,039	1,227
2011-12	5,127,376	579,670	263,322	85,450	3,459	1,054
2012-13	5,205,659	549,305	248,266	81,104	2,819	893
2013-14	5,289,752	524,268	242,017	77,333	2,693	778
2014-15	5,371,933	496,497	232,769	75,208	2,543	828

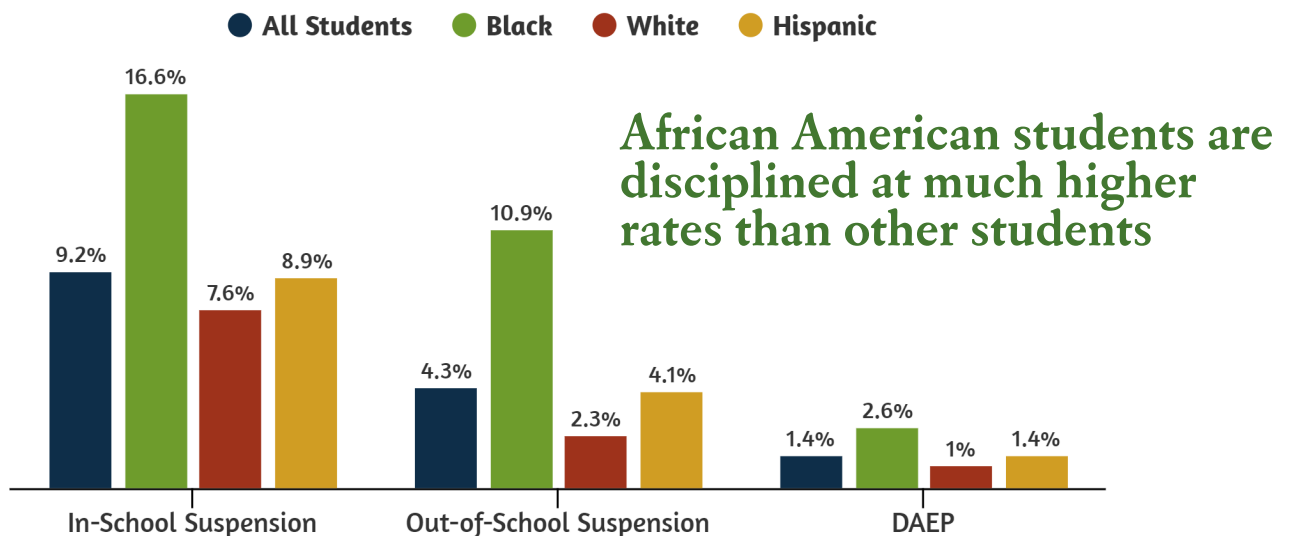
DAEP = Disciplinary Alternative Education Program JJAEP = Juvenile Justice Alternative Education Program
 Source: Texas Education Agency, State Level Annual Discipline Summary, PEIMS Discipline Data, 2007-08 to 2014-15

Disciplinary Actions by Student Group in Texas, 2014-15

Student Group	Total Enrollment	Percent Enrollment	Percent In-School Actions	Percent Out-of-School Actions	Percent DAEP Actions	Percent JJAEP Actions	Percent Expulsion Actions
All Students	5,371,933	100.00	100.00	100.00	100.00	100.00	100.00
American Indian or Alaska Native	22,162	0.00	0.00	0.00	0.00	N/A	N/A
Asian	209,492	3.90	0.65	0.50	0.56	0.68	N/A
Black or African American	684,601	12.74	25.40	34.81	24.42	19.73	15.93
Hispanic/Latino	2,789,715	51.93	50.17	49.00	52.63	56.36	52.33
Native Hawaiian/ Other Pacific	7,565	0.00	0.00	0.01	0.06	2.13	6.08
Two or More Races	106,607	1.98	2.02	1.75	1.81	1.86	1.86
White	1,551,791	28.89	21.28	13.53	20.05	20.95	28.84
Female	2,614,763	48.67	29.22	27.04	25.87	19.47	21.74
Male	2,757,170	51.33	70.78	72.96	74.13	80.53	78.26
Special Education	509,793	9.49	15.36	19.34	17.10	18.30	14.88
Economically Disadvantaged	3,288,416	61.21	76.06	81.47	76.85	70.98	70.93
At Risk	2,666,290	49.63	74.43	78.42	80.72	81.55	71.28

DAEP = Disciplinary Alternative Education Program JJAEP = Juvenile Justice Alternative Education Program
 Source: Texas Education Agency, State Level Annual Discipline Summary, PEIMS Discipline Data, 2014-15

Disciplinary Action Rates by Race-Ethnicity in Texas, 2014-15



Source: Intercultural Development Research Association, 2016.

because of serious offenses.

Results for the DAEP and JJAEP categories in IDRA's 2016 review are provided in the tables and graphs on Pages 18-19. In each of these categories Black students and males were disproportionately represented.

Conclusions

Zero tolerance policies are contributing to the high number and percent of students who are lost from public school enrollment, particularly students of color and males. High attrition rates coincide with the adoption of zero tolerance policies in the state of Texas in the early to mid-1990s and likely are contributing factors today. The research points to suspension as one of the biggest signs that a student may drop out.

Emerging research on zero tolerance and the positions of professionals in other related fields and the judicial field question the effectiveness of zero tolerance policies in maintaining a safe and disciplined school learning environment. There is no research to support that zero tolerance makes schools any safer. While zero tolerance was ostensibly created to respond to issues where students are at risk of harm, only 5 percent of disciplinary actions in recent years involved the possession of a weapon. Violent crime in juvenile populations is down, but it was already decreasing since 1991 (Kang-Brown et al., 2013).

What is indeed clear is the mounting amount of data on the disproportionality of discipline actions in schools. For example, as the Office for Civil Rights' research shows, preschool students face a disproportionately high rate of suspension. According to the data, "Young children who are expelled or suspended are as much as 10 times more likely to drop out of high school, experience academic failure and grade retention, hold negative school attitudes, and face incarceration than those who are not" (U.S. Department of Health and Human Services, & U.S. Department of Education, 2014).

And nationally, Black students are 3.8 times as likely to be subject to out-of-school suspension as white students. And they are 2.3 times as likely to be referred to law enforcement or subject to a school-related arrest than white students (U.S. Department of Education, 2016).

Through the Civil Rights Data Collection (CRDC), the U.S. Department of Education, Office for Civil Rights, is monitoring data on discipline in schools due to the overrepresenta-



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tation of students of color in suspensions and expulsions. Expulsions and suspensions are in violation of civil rights laws if they are found to be administered in such a way that targets minority students.

School systems and policymakers in Texas and the nation must ensure that the necessary reforms and actions be taken to provide equal education opportunity for every child in Texas regardless of race, color and gender. A number of reports and resources are available to assist stakeholders in public education in working toward sustainable changes that will reduce bias and help all students learn. See IDRA's eBook, *Resources on Student Discipline Policy and Practice* (<http://budurl.com/IDRAeBdLP>).

Resources

- American Psychological Association, Zero Tolerance Task Force. (December, 2008). "Are Zero Tolerance Policies Effective in the Schools? An Evidentiary Review and Recommendations," *American Psychologist*, 63(9), 852-862. <http://www.apa.org/pubs/info/reports/zero-tolerance.pdf>
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- Kang-Brown, J., & J. Trone, J. Fratello, T. Daftary-Kapur. (2013). *A Generation Later: What We've Learned About Zero Tolerance in Schools* (New York, N.Y.: Vera Institute of Justice). https://storage.googleapis.com/vera-web-assets/downloads/Publications/a-generation-later-what-weve-learned-about-zero-tolerance-in-schools/legacy_downloads/zero-tolerance-in-schools-policy-brief.pdf
- Kelling, G.L., & C.M. Coles. (1998). *Fixing Broken Windows: Restoring Order and Reducing Crime in Our Communities* (Free Press).

Also see...

"In-Grade Retention in the Early Years – What's Holding Children Back?"

by Paula Johnson, M.A., in the October 2016 issue of the IDRA Newsletter

<http://budurl.com/IDRANOct16b>

- Poe-Yamagata, E., & M.A. Jones. (2000). *And Justice for Some* (Washington, D.C.: Building Blocks for Youth). <http://files.eric.ed.gov/fulltext/ED442882.pdf>
- Teske, S.C. (2011). "A Study of Zero Tolerance Policies in Schools: A Multi-Integrated Systems Approach to Improve Outcomes for Adolescent," *Journal of Child and Adolescent Psychiatric Nursing*, 24 (2011) 88-97. [http://www.ncfcj.org/sites/default/files/Zero%20Tolerance%20Policies%20in%20Schools%20\(2\).pdf](http://www.ncfcj.org/sites/default/files/Zero%20Tolerance%20Policies%20in%20Schools%20(2).pdf)
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- U.S. Department of Health and Human Services & U.S. Department of Education. (2014). *Policy Statement on Expulsion and Suspension Policies in Early Childhood Settings* (Washington, D.C.). <http://www2.ed.gov/policy/gen/guid/school-discipline/policy-statement-ee-expulsions-suspensions.pdf>

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