Introduction

Zero tolerance education policies are an assortment of discipline practices that mandate the use of automatic suspension or expulsion, on the basis that the perceived action poses a risk to the students or school community (De Beers, Zewel, 2002). These policies identify a mandated, predetermined consequence, which is often severe, punitive, and applied without regard to behavior, circumstance or situational context (Corenley et. al, 2008).

Mental health disorders can manifest themselves as criminal or antisocial which are also behaviors associated with zero tolerance policies, such as disobeying school rules, insubordination and disruption (Cauthman, Kelleher, Mulvey, Scholle, 2005; De Beers, Zewel, 2002). Research indicates that schools use the juvenile system to a greater extent for infractions that were at one time not considered dangerous or threatening (Corenley et. al, 2008).

For over half of students who received mental health support, “the education sector was the most common point of entry” (Angold et. al, 1993). Early detection and intervention can reduce or eliminate the manifestations of some mental illness (Mental, H. P. A. S. G., 2005). Early diagnosis is key for long term individual success (Mental, H. P. A. S. G., 2005). According to the Civil Rights Data Collection 13,189 students with disabilities were expelled under zero tolerance policies in 2009.

The implications for this study is the use of zero tolerance on students with disabilities, especially those with emotional or behavioral disorders at a disproportionate rate, making these youth also overrepresented in school disciplinary reports and juvenile justice centers (Teske, 2011). An estimated 1 out of 10 children will have some form of mental health disorder before the age of 18 years old (Keyes, 2008). If a student drops out, over their lifetime they earn $400,000 less than a high school graduate and pay an average of $60,000 less in taxes (Out 2013). Families and caregivers end up bearing the majority of costs, while long term, costs range from reduced national income to lack of employment, and increased use of social services. Making untreated mental health illness more expensive than treatment (Mental, H. P. A. S. G., 2005).

Research Question

What (if any) consideration of mental health diagnosis is written into zero tolerance policies articulated at the local level?

Methods

A stratified random sample of 200 school districts has been pulled from the US Census Bureau data of school districts by population in each state, as determined to be a fair representation of US school district character traits.

A content analysis was done to determine if the district has public policy regarding the data being collected. The district policies if available, are located then reviewed for the study variables. It was necessary to review all possibly related policies available on the district websites due to the lack of uniformity. After a policy is located it is reviewed to determine if the specified variables are referenced. The policies found are then documented and coded for common themes and references within their variable.

Findings

At the completion of this study, it was found that:

- 193 districts have a website.

- 157 of the districts have publicly available policies.

- 119 were found to have mental health policies for students attending in the district that is publicly available on the district website.

- 41 districts have zero tolerance policies for students attending in the district that is publicly available on the district website.

- 17 of the 41 districts have discussion of mental health assessment.

- 1 had a discussion of modified discipline only if the local education agency (LEA) had knowledge prior to the behavior that resulted in discipline measures.

- 70 of the sampled policies include discussions of mental health diagnosis of students.

- 24 of the sampled policies include discussions of modified discipline sanctions based on a need for mental health diagnosis.

These included 7 references that students may be subjected to the same discipline measures as identified disabled students if the request is made for an evaluation during the period the student is subject to discipline measures.

- 14 references that a student may receive the same protections as a student with special education, if the district had knowledge of the disability before the disciplinary behavior occurred.

- 1 reference that a pending assessment will result in compliance with state law.

- 1 reference that a student may be referred for an assessment after the suspension period.

- 1 reference that the district is not required to refer a student for assessment, and students are not permitted to be reinstated to classrooms or campus due to a pending assessment during suspension.

“...A child who has not been determined to be eligible for special education and related services and who has engaged in behavior that violated a code of student conduct, may assert any of the protections provided for in this rule, if the LEA had knowledge that the child was a child with a disability before the behavior that precipitated the disciplinary action occurred.” Valdosta City School District Georgia

“The District is not required to refer for special education assessment and evaluation a student who has been suspended for violation of school rules and district policy to determine if such a student might have a disability. A suspended student is not entitled to reinstatement to classroom and campus privileges pending any assessment and evaluation which is to be made during the term of the student’s suspension.” Mandan Public School District North Dakota

References:


Cauthman, E., Kelleher, J., Mulvey, S., Teske, A. (2011) Predicting first time involvement in the juvenile justice system among emotionally disturbed youth receiving mental health services. Psychological Services, 8(1), 10-15


Keyes, C. (2008) Mental Health in adolescence: is youth flourishing?., American Psychological Association


