

Swarthmore College

Works

Senior Theses, Projects, and Awards

Student Scholarship

Spring 2014

The Rationalized Yet Unnecessary Policy: The Consequences of Zero Tolerance Discipline Policies in U.S. Public Schools

Catherine Kelley , '14

Follow this and additional works at: <https://works.swarthmore.edu/theses>



Part of the [Anthropology Commons](#), [Education Commons](#), and the [Sociology Commons](#)

Recommended Citation

Kelley, Catherine , '14, "The Rationalized Yet Unnecessary Policy: The Consequences of Zero Tolerance Discipline Policies in U.S. Public Schools" (2014). *Senior Theses, Projects, and Awards*. 412.
<https://works.swarthmore.edu/theses/412>

Please note: the theses in this collection are undergraduate senior theses completed by senior undergraduate students who have received a bachelor's degree.

This work is brought to you for free by Swarthmore College Libraries' Works. It has been accepted for inclusion in Senior Theses, Projects, and Awards by an authorized administrator of Works. For more information, please contact myworks@swarthmore.edu.

The Rationalized Yet Unnecessary Policy:
The Consequences of Zero Tolerance Discipline Policies in U.S. Public Schools

Catherine Kelley '14
Swarthmore College
Sociology/Anthropology and Educational Studies Thesis

5 May 2014

Thesis Advisors:
Professor Sarah Willie-LeBreton, Swarthmore College Sociology/Anthropology
Department Chair
Professor Sarah Costelloe, Swarthmore College Educational Studies Department

Abstract

The goals of this thesis are to highlight the unintended consequences of zero tolerance policies in U.S. public schools and the context surrounding the initial use of zero tolerance policies in schools by uniting existing bodies of research from the past two decades. The prominence of zero tolerance policies has led to the overuse of out-of-school suspension for nonviolent offenses such as tardiness and classroom disruption. It has further led to minority students, especially African American students, being disciplined at higher rates compared to their white peers. I argue that zero tolerance policies are not inherently racist or discriminatory policies, yet their varying implementation in schools has led to a severe discriminatory effect in suspension rates, high school completion, and the number of students referred to the juvenile justice system. Therefore, the influence of zero tolerance should be eliminated from school discipline policies in favor of highly effective alternative policies, specifically System-wide Positive Behavior Interventions and Supports and restorative justice practices.

Table of Contents

Abstract	p. 2
Table of Contents	p. 3
Acknowledgments.....	p. 4
Chapter One: Introduction.....	p. 5
Chapter Two: Consequences of Zero Tolerance.....	p. 18
Chapter Three: Effective Alternative Policies	p. 45
Chapter Four: Conclusion.....	p. 63
Works Cited.....	p. 70

Acknowledgements

I would like to thank all of my friends, peers, professors, and deans who have cheered me from the beginning. But first and foremost, I would like to thank my thesis advisors, Professor Sarah Willie-LeBreton and Professor Sarah Costelloe, for being amazing, brilliant experts in their fields and understanding, compassionate women. They challenged me to make assertions based on fact and evidence, not on solely on my emotions and gut feeling. They offered me great life advice and support, understood just how in danger of failing I was this past year. It is truly amazing just how asking about my day and my other classes made a difference in my motivation

I would also like to thank Dean Karlene Burrell-McRae, who met with me every week of my senior year to offer support and keep me on track, not only with my thesis but with my classes as well. During a time when I could barely get out of bed in the morning she made sure I woke up early and worked on my thesis, provided me with tea and motherly love. I am so thankful for your affection as well as your tough love, because you motivated me to do my best, you truly believed in me.

Most importantly, I would like to thank my mother, Nicasia Vasquez, and my sister, Carolina Kelley, who have been my greatest support since my father passed away in the fall of my junior year. I kept the state of my emotionally and mental wellbeing from them, as well just how much I was struggling to complete my senior year. But recently she told me she believed I could complete this thesis because I am intelligent. She even told me she would support me if I needed time off and that I did not have to feel ashamed because of it. These words still mean the world to me, and gave me the extra push I needed to finally complete this thesis.

Professor Sharon Friedler shared a beautiful quote with me one day, and now I truly feel the words resonating with me. I stumbled. I fell. But I got up. Now I am dancing again.

Chapter 1 - Introduction

My 'Safe' School – Muhlenberg Public High School, Laureldale, PA

I absolutely hated Mondays, especially Mondays when I was running late to school. I glanced at the time on the dashboard of my 2004 Toyota Rav4 and groaned. 8:45am. I was definitely late for AP Biology.

Grabbing my book bag and making sure my tardy excuse slip was in hand, I rushed to the front doors of Muhlenberg High School. I rolled my eyes. There were two sets of bulletproof glass doors, both controlled by the main office after the school day commenced. I rang the buzzer of the side of the left door and waited. A surveillance camera stared at me overhead; I waved. The doors finally opened a few seconds later with a resounding buzz. I hurried to get inside before the buzzing stopped; I would be stuck outside even longer.

The interior of Muhlenberg High was entirely white: white floors, white ceilings, and white walls. Sometimes it felt like a prison to me, especially since it was only two floors and shaped like a large square. There were few windows. But I had no time to think about it. I handed in my tardy excuse pass that my mom had sleepily signed for me earlier. Without the pass I would be marked as unexcused, and an accumulation of unexcused tardiness could get me detention, or even out-of-school suspension. It has happened to quite a few people.

I signed my name in the late arrival logbook, and hurried to my locker on the second floor. It was times like these that I became really annoyed by my school's 'no book bags in the classroom' rule. Did teachers really think I would try to pack a bomb or a gun in my book bag? As a honors/AP student I had so many textbooks to carry; it was impossible to go to my locker after every class with only four minutes to get from point A to point B.

Well, I was already late, but I made it to AP Biology without much incident. Of course, it was right then that my principal made an unexpected announcement. “Students, faculty, and staff, we are issuing a code orange, I repeat we are issuing a code orange. Please evacuate the building and await further instruction.” Great. Just great. Another bomb threat; they were so frequent not because anyone truly meant to bomb the school but because some students discovered this was an effective way to get out of school for a class period. I heard that one of our neighboring schools, Governor Mifflin High School, received a bomb threat every Friday. Muhlenberg, thankfully, did not have that problem since we only received about a few per year.

As we all filed out of the school and into the athletic fields, we all saw a police car zoom past us. They entered the school with a K-9 unit. Well, no one seemed concerned. It was hardly the first time this happened, but I expected firefighters at least.

We all spent about twenty minutes on the lawn, suffering through the nippy October morning wind. Finally, the police and their German shepherds all left. Students, faculty and staff were allowed back inside. We ended up missing the rest of AP Biology anyway, though.

It was not until I sat down for lunch at my usual table that I found out what happened this morning from my best friend. Our school did receive a bomb threat, though not a serious one. But our principal decided it would be a good time to also do a drug sweep, hence the dogs. Apparently cocaine was found in someone’s locker. Weed in another’s. But I shrugged. I had been at the school for nearly four years already, that day had not been the first successful drug sweep.

It was not until years later, while writing this thesis, that I again remember this moment. I remember this moment ironically because it was a typical day; my school was no stranger to drug sweeps, surveillance cameras, reinforced doors and the occasional bomb threat. But it had

never truly occurred to me that we had studied in fear. We had studied in a prison. Of course half the student body and I argued against some of our school's unnecessarily strict rules, such the no book bag in class rule, but we thought it was normal for schools to operate this way, to exert control over us. But I realized just how like a prison many schools are when I visited a work release center in Philadelphia weekly for a class taught by a Swarthmore College professor. This facility also had two sets of doors controlled by the main office, a surveillance camera watching who entered and left, a sign-in for every visitor, and random drug sweeps of the incarcerated individuals' rooms. Its walls, floors and ceiling were white. It was just like Muhlenberg High.

As I recalled this memory of my school and compared it to the Work Release Center, I wondered why and how. Why had my school felt like a prison to me, and how had it become that way? It could not have always been that way; new rules were established each year, sometimes in response to what was happening in the media. After the shooting in the Amish schoolhouse, for example, our school had teachers lock their classroom doors while they were teaching for a few weeks. So then what lied at the root of this incessant fear of violence, and what has allowed schools to resemble prisons instead of institutions of learning?

And then I learned about zero tolerance policies. Zero tolerance as a school discipline policy is grounded in the idea that the removal of students who threaten school safety and endanger school climate will maintain a safe environment for the learning of well-behaved students (Skiba & Peterson, 1999; Lamont et al., 2013).

Zero tolerance policies claimed to make schools safer for students, faculty and staff. However, Muhlenberg High School did not seem to benefit from it. My school did not make me feel safe when a student harboring cocaine was expelled. It did not make me feel safe when students were sometimes arrested after school fights, which were still always common anyway

no matter how many students were arrested or suspended. I was hardly safer when out-of-school suspension was used as a punishment for frequent tardiness. Zero tolerance has evolved to include much more than simply expulsion for the possession of a weapon in schools; nationwide, zero tolerance policies punish students for reasons beyond their original intention, contributing to a school climate that is far from fostering safety and community, the ideal place of learning for a student (Lamont et al., 2013, p. e1001). Further, if zero tolerance worked, then Muhlenberg High School would not need to keep students from carrying backpacks to class, or need a set of double doors at its entrance. If it really worked, out-of-school suspension would not be overused as a means to solve common disciplinary problems (Skiba, 2000; Wald & Losen, 2003; Fenning & Rose, 2007; Lamont et al., 2013).

Many adults perceive schools to be places where violence threatens their children daily. School violence is believed to have increased in the past few decades, with media sensationalizing school shootings and other violent crimes in schools across the nation (Skiba & Peterson, 1999; Skiba, 2000; Noguera, 2012). To ensure safety, school administrators responded with zero tolerance. But has school violence truly ever increased or just our awareness of it? Has zero tolerance ever been truly necessary?

These policies, instead of making schools ‘safer’, have rendered unintended consequences that are impossible to ignore. One such important outcome is how minority youth are disciplined at a greater rate than white students, affecting their high school completion rates when many are already disadvantaged due to existing complex racial and socioeconomic factors (Noguera, 2003; Wald & Losen, 2003). Public education is the only route to success for hundreds of thousands of children each year (Noguera, 2003, p. 5). Strict and unnecessary discipline policies such as ones permitted under zero tolerance may be an obstacle to many

students attempting to complete public education. We as a nation should be helping our youth—especially those who are already marginalized by the public school system—complete their education, not continuing to push them out of schools for disruptive behavior that could be addressed by more sympathetic, alternative means. It is time to end our nation’s ‘get tough’ attitude toward school discipline and replace it with a ‘let’s care’ approach.

The Consequences of Zero Tolerance

Public schools mirror the community, and a school’s primary mission is to educate the students that it is responsible for (Lamont et al., 2013, p. e1001), and yet thousands of students each year drop out of school, are pushed out, or commit a criminal offense that leads to their incarceration before they finish their education. Strict school discipline policies, specifically zero tolerance policies, are one important facet of the complex issues surrounding high school dropouts. Research on zero tolerance policies—which are usually implemented for the sake of school social control rather than for the resolution of violent behavior (Noguera, 2003)—reveals a negative correlation with high school completion rates.

One study by Lee et al. (2011) found that schools that suspended over 20 percent of their student bodies experienced higher drop out rates compared to schools that suspended less than 10 percent (p. 184). This greatly affects minority students who already experience a “graduation gap” compared to white students (Wald & Losen, 2003); after analyzing data from the Office for Civil Rights, Wald & Losen (2003) found that “58 percent or more of ninth grade students in high minority schools don’t graduate four years later” (p. 2). Furthermore, students who experience out-of-school suspension and expulsion are as much as 10 times more likely to ultimately drop out of high school than are those who do not (Lamont et al., 2013, p. e1001). Issues surrounding high school dropouts are complex and involve a multitude of factors, yet the

link between zero tolerance policies, an overuse of out-of-school suspension, and high school dropout rates cannot be denied (Christle et al., 2004; Lee et al., 2011).

Zero tolerance policies have also had a discriminating effect in the rates at which minority students are disciplined with out-of-school suspension and expulsion compared to their white peers. The disparities are rarely due to chance or individual, contextual differences. Fine and Smith (2001) report, “zero tolerance disproportionately targets, criminalizes, and effectively ends the educational careers of many poor and working-class youth of color” (p. 257). Daniel Losen (2012) reinforces how zero tolerance policies cause disparities in the suspension and expulsion rates of African-American students and white students. He analyzes the school-to-prison pipeline and out of school suspensions using disparate impact theory, which states that a policy is unlawful if it has a discriminatory effect while being allegedly colorblind (Losen, 2012, p. 46). Analysis of OCR data reveals that the number, not the incidents, of students who are non-White being expelled has doubled since the 1970s when school discipline policies began to change (Losen, 2012, p. 48). Losen (2012) found no evidence that higher rates of suspension among Black students are linked with higher rates of misbehavior, due to the fact that these students are more likely to be suspended for less serious discretionary offenses (p. 52).

I have found no evidence that zero tolerance policies were enacted to target minority students specifically, and they may not be inherently discriminatory policies. Implementation is the key issue in schools across the nation. It is evident that very few states have the same interpretation of zero tolerance discipline policies. Lamont and his colleagues (2013) noted that 10% of schools in a statewide study were responsible for 50% of the state’s student suspensions (p. e1002), revealing the scope of the variation within states. If variation within states is high, variation across the nation is even higher. Michigan, for example, is known to be the strictest

zero tolerance state in the U.S. Bogos (1996) and Polakow-Suransky (2000) note that students in Michigan are mandated by state law to be expelled from all public school districts if in possession of a weapon; further, students who participate in school fights are also mandated to be suspended or expelled, and their school does not have to provide alternative education as they wait to be able to return to school.

Suspension and expulsion rates across schools in the nation vary significantly; therefore, the reasons behind the discipline may vary significantly as well. Skiba and colleagues (2003) explore gender, race and socioeconomic factors in disparities in the rates of school disciplinary infractions by analyzing data collected from one year of disciplinary data of an urban middle school. The findings of the study revealed that disparities and discrimination may be more attributed to the system of disciplining, such as misbehavior being corrected with a negative punishment, or at the individual level—teachers’, principals’, and other school staffs’ varying beliefs on discipline—rather than at the school level. Racial disparities in disciplining students, even after controlling for socioeconomic status, suggest that in classrooms, minority students are being sent to the office for discipline for actions that are left to the interpretation of the individual administering the punishment (Skiba et al. 2003, p. 336).

Skiba and his colleagues are not the only ones to have come to the same conclusions on the racial discrepancies in school suspension rates within schools. Christle and colleagues (2004) also found that schools with a large percentage of minority students and students of low socioeconomic backgrounds were associated with higher rates of student suspension. The highly individual interpretation of school discipline is further highlighted by one assistant principal’s comment about the overuse of suspension at his school: “If your only tool is a discipline referral and your idea of classroom management is, ‘[Students] should behave when they come, and if

they don't, it's not my problem,' you don't have any tools” (McNeil et al. 2013). A number of school administrators and teachers hold this view on classroom management, showing a zero tolerance mentality to misbehavior when zero tolerance policies in schools were initially intended to target the possession of firearms (Skiba & Peterson, 1999). Students are pushed out of classrooms and schools for misbehavior, far from the violence that zero tolerance is supposed to prevent in schools. Adding the evidence supporting discrimination in the use of exclusionary discipline techniques, this means that many minority students are being excluded from schools when they are the ones who could benefit the most from public education (Noguera, 2003).

Exclusionary discipline practices such as out-of-school suspension and expulsion as enabled through zero tolerance policies are simply not productive for schools. These practices lower achievement, increase further suspension rates, and are rarely ever necessary (Wald & Losen, 2003; Sprague & Vincent, 2013, p. 11). Moreover, students being punished with exclusionary discipline practices are usually low-income, have learning disabilities, or have one or both parents missing at home (Skiba et al., 2002; Noguera, 2003, p. 342; Wald & Losen, 2003). It is this population—lower income minority youth—that are at most risk for being negatively affected by school’s exclusionary discipline practices, which could lead to a higher risk of being involved in the juvenile or adult justice system, what has come to be referred to as the school-to-prison pipeline. Fowler (2011) explains, “Youth who are disciplined or court-involved are at an increased risk of dropping out and becoming involved in the juvenile justice system” (p. 18). These youth, criminalized through strict zero tolerance policies, effectively lose access to public education for misdemeanors that are mostly non-violent, such as drug violations, tardiness, and disrespect (Wald & Losen, 2003; Fowler, 2011).

The school-to-prison pipeline is another important possible consequence of zero tolerance policies, a phenomenon in schools that requires further research. The phrase acknowledges the extent to which student misbehavior in schools is increasingly criminalized, contributing to students dropping out or getting ‘pushed out’ of school, or ends in students being referred to the justice system or law enforcement officials oftentimes simply for nonviolent misconduct, such as classroom disruptions and tardiness (Wald & Losen, 2003; Fowler, 2011). For many students, attending school since zero tolerance policies have been widely adopted is a straight track to prison (Wald & Losen, 2003). Public opinion and attitudes on juvenile misconduct have made it easier for youths to be tried in courts in the justice system: “between 1990 and 2000 there was a 16.8% increase in the number of nonviolent cases involving juveniles that were formally prosecuted nationally” (Wald & Losen, 2003). Furthermore, “youth and those caught in the school-to-prison pipeline (STPP) compromise the most disenfranchised children and young adults 7 to 21 years of age” (Houchins & Shippen, 2012, p. 266). Wald & Losen (2003) also observed that African American youth are six times more likely to be incarcerated than whites, even without having prior criminal records (p. 4). Instead of helping students, whether they are disruptive in class or commit a crime, schools are tracking them into prison by using increasingly punitive discipline policies, an effect of zero tolerance.

Alternative Policies

In their study of suspension rates in Kentucky middle schools, Christle et al. (2004) noted how schools that promoted positive behavior enjoyed lower suspension rates compared to schools who did not share the same ideals (p. 523). This shows that before schools can begin to reform, suspension rates must first decrease through alternative approaches to discipline. Alternative school discipline policies such as System-wide Positive Behavioral Interventions and

Supports (PBIS) and school-wide restorative justice practices embody a more caring rather than punitive approach to discipline. Instead of casting students out of schools without addressing the cause of misbehavior, these alternative policies allow students a space to address their problems, bond to their schools more, and still continue their academic work within school (Sprague & Vincent, 2013). These alternatives are based on research evidence highlighting their success, making them effective alternatives to zero tolerance policies, which have little research suggesting positive outcomes (Skiba, 2000, p. 15).

“Positive behavior support is a general term that refers to the application of positive behavioral interventions and systems to achieve socially important behavior change” (Sugai et al., 2000, p. 133). Sugai et al. (2000) write that the key to PBIS is not simply intervening in problem behavior, but is creating a school environment in which problem behavior is “less effective, efficient, and relevant, and making desired behavior more functional” (p. 134). In schools, discipline influences of PBIS are apparent in four different settings: in the entire school, in the classroom, outside of the classroom, with individual students (Sugai & Horner, 2002). For example, Sugai & Horner (2002) note that in the classroom setting, teachers working under PBIS are expected to directly teach students expected and acceptable positive behaviors, such as asking for assistance and being prepared in class, at different times during the school year; should engage in active supervision, such as moving around the classroom and interacting with students; and should ensure that their lessons are culturally appropriate and are able to “accommodate individual differences” (p. 34-35). PBIS may be apparent in many existing teacher and school practices, for example many teachers already read school rules on the first day of school, yet what separates PBIS from normal school practices is how teachers and school administrators are specifically trained by a PBIS team to implement a consistent, school-wide

system of positive behavior support (Sugai et al., 2000; Sugai & Horner, 2002; Horner et al., 2005). PBIS is “not a collection of behavior modification practices” (Sugai & Horner, 2002, p. 45), it is a school-wide system that addresses and prevents problem behavior, strives to influence lifestyle outcomes, involves parent, teacher and student inputs, and is based on “research-validated practices” (Sugai et al., 2000; Sugai & Horner, 2002; Horner et al., 2005).

Like PBIS, restorative justice practices take an opposite approach to punitive means to handle misconduct and violent behavior in schools. Restorative justice, however, operates on the philosophy that after an act of harm or violence has occurred, or even simply a disagreement between two parties, all parties involved need a space to communicate and heal from the incident, which would then potentially deter further acts of harm (Sprague & Vincent, 2013, p. 75). These practices take the form of class meetings, circles, and conflict resolution in order to provide a safe environment for mediation not only between students, but also between students, their teachers, staff, principals, and their parents, reflecting the importance of community involvement in conflict resolution (Sumner et al., 2010). Sprague and Vincent (2013) provide multiple scenarios of where restorative justice was used as an alternative to harsh discipline. One example involves two high school boys who engaged in a physical altercation after hurling racist insults at each other (Sprague & Vincent, 2013, p. 72). The boy who started the fight with the racist insults had to write a paper on hate speech; the boy who started the fight with a tackle was tasked with learning how to express his feelings and attended several anger management sessions with the school counselor (Sprague & Vincent, 2013, p. 72). In another example, “boys kick in a fence on the way home from school and the police were called”, and the resolution involved the principal taking the boys to the house and apologizing for their actions, painting the fence for two Saturdays with their older brother, a special education student, and ultimately not having

charges pressed against them (Sprague & Vincent, 2013, p. 73). Therefore, instead of criminalizing youths as zero tolerance would with suspension, a misdemeanor ticket, or a referral to the juvenile justice system, restorative justice practices treats students as human beings who make mistakes and can still learn valuable lessons from them.

Unfortunately it is beyond the scope of this thesis to thoroughly investigate if a majority of schools across the United States are truly discriminating against minority youth with their exclusionary discipline policies. It is also beyond the scope of this thesis to cover the issues concerning the school-to-prison pipeline, or to investigate the complex factors that lead students to drop out or be pushed out of schools. This thesis, however, will begin this investigation, especially in highlighting the consequences of zero tolerance policies. I do not believe that zero tolerance policies are inherently discriminatory policies, and it is important to begin this investigation with this presumption. Even so, zero tolerance policies do have a discriminatory effect. In fact, as the research in this thesis demonstrates, these policies may be an exponentially important factor behind many students, specifically minority students, struggling to remain in school and the reason why others ultimately abandoning the education system that has seemingly abandoned them.

The examination of zero tolerance policies in U.S. public schools begins with Chapter Two, which presents an analysis of the birth of zero tolerance and how it was accompanied with good intentions of keeping schools safe through no tolerance for weapons and violence. These good intentions quickly morphed, however, as federal policy allowed individual interpretations of zero tolerance. Chapter two further examines the context of zero tolerance policies in the 1980s to also reveal how people's perceptions of violence in schools has been facilitated by sensationalized media, indicating that zero tolerance policies were rationalized as successful in

keeping schools safe based on a myth and its misconceptions. The alternative school discipline policies referred to in chapter three could help keep students in schools and promote positive behavior, and an investigation of its research evidence could help in proving the ineffectiveness of zero tolerance policies that have little to no research basis in comparison.

Chapter 2: Consequences of Zero Tolerance

A Policy That Has Not Changed

In January 2014, the Obama administration issued a 35-page guideline for schools that overuse suspensions and expulsions (Rich, 2014). The guideline explains to school administrators how to tell the difference between major threats to school safety and minor disciplinary infractions. It also outlines approaches for schools in how to counsel students, coach teachers and disciplinary officers, and how to hold sessions to teach social and emotional skills, which would all hopefully reduce the school's number of suspensions (Rich, 2014). With this, the administration acknowledges data from the Office for Civil Rights about the racial disparities that exist in suspension and expulsion rates across the country, and it urges schools to do better. The Secretary of Education stated, "In our investigations, we have found cases where African-American students were disciplined more harshly and frequently because of their race than similarly situated white students...racial discrimination in schools is a real problem" (Hefling & Yost, 2014). Finally, in January 2014, the Obama administration denounced zero tolerance policies because they allow for minorities to be disproportionately targeted in schools with "outdated" methods of exclusionary school discipline (Hefling & Yost, 2014).

It has taken two decades for the heads of State to not only openly address the problem of zero tolerance policies, but to also discourage schools from using them. If the Obama administration is clearly aware of the issues surrounding zero tolerance policies, from the strictest to the most general, then why do schools still use them? Examining the history of zero tolerance may begin to reveal an answer.

The Rise of 'Zero Tolerance'

Zero tolerance as a public policy is one that punishes offenses severely, whether the offense is a severe or minor infraction (Skiba & Peterson, 1999, p. 1; Skiba, 2000). Zero tolerance as a school discipline policy is grounded in the idea that the removal of students who threaten school safety and endanger school climate will maintain a safe environment for the learning of well-behaved students (Skiba & Peterson, 1999; Lamont et al., 2013). The removal of students could be through temporary suspension or, much more severely, through permanent expulsion. “Currently, over 90 percent of U.S. public schools have some type of zero tolerance policy in place” (Verdugo & Glenn, 2002, p. 1) in order to send the message that “certain behaviors will not be tolerated” (Skiba, 2000, p. 2). Yet the term ‘zero tolerance’ originated from social policies that had failed to control crime and drug trade during the 1980s (Skiba & Peterson, 1999; Skiba, 2000; Casella, 2003). Furthermore, the popularity of zero tolerance has little basis on its effectiveness in promoting a safe school environment and is rather based on media attention on preconceived notions of school violence (Skiba, 2000, p. 15).

1980s: The First Appearance of Zero Tolerance in the United States

Casella (2003) describes the 1980s in the United States as a decade of social upheaval, with policymakers using a new ‘get tough’ approach to resolve social issues such as criminal violence and illegal drug use. The first recorded use of the term ‘zero tolerance’ was in the 1983 Lexis-Nexis national newspaper database after the Navy reassigned 40 crew members for suspected drug use (Skiba & Peterson, 1999, pg. 1-2). It was later used again “in 1986 [when] a U.S. attorney in San Diego, California used the term to define a program aimed at impounding seacraft for carrying drugs” (Verdugo & Glenn, 2002, p. 5). With this customs policy of zero tolerance, any individual carrying even trace amounts of drugs across borders was met with federal court charges no matter the situation (Skiba, 2000, p. 5). The program garnered national

media attention, and “thereafter the zero tolerance concept was applied to a variety of social programs, including environmental pollution, trespassing, skateboarding, racial intolerance, homelessness, sexual harassment, and boom boxes” (Verdugo & Glenn, 2002, p. 5). This was enabled due in part to the language of zero tolerance being powerful enough to settle the public’s anxiety over increased crime and drug use; zero tolerance promised an end to all that was unsafe in America. However, zero tolerance ultimately backfired in respect to controlling the drug trade. Citizens complained about their private properties being impounded for minute traces of drugs, and zero tolerance policies were in high controversy by the late 1980s (Skiba & Peterson, 1999, p. 2). Skiba and Peterson (1999) note, “By 1990, the U.S. Customs Service quietly discontinued its initial zero tolerance program after strict applications of the rule resulted in the seizure of two research vessels on which a small amount of marijuana was found” (p. 2). Even so, zero tolerance, which had been applied to a wide variety of social programs, had already found its way into schools.

An Increased Fear of School Violence

Ensuring safety in schools is vital, especially due to the fact that children spend the majority of their day inside schools with little connection to the outside world. Therefore, violence in schools is a reasonable problem for many districts to fixate on, and in some school districts, concerns over violence in schools have taken precedence over academic issues (Noguera, 2012, p. 7). The public has also been increasingly concerned about school violence; one Gallup Poll revealed that 65 percent of parents believed a school shooting would be very likely to occur in their communities (Carlson & Simmons, 2001; Kimmel & Mahler, 2003, p. 1439). Therefore, “if schools fail to respond decisively to this problem, popular support for public education may be endangered” (Noguera, 2012, p. 7). However, this concern over school

shootings arose through its media sensationalism, which misleads the public on the frequency of school shootings and their severity. The beginning of this fear of school shootings sprang from the shooting at Columbine High School in Littleton, Colorado on April 20, 1999; the massacre, unprecedented in its brutality, shocked American citizens and instilled a new fear of school violence (Shen, 2012). The shooting was indeed horrific and the deadliest high school massacre in U.S. history, and since the Columbine shooting many similar shootings have occurred in schools (Shen, 2012), such as the 2007 Virginia Tech University shooting. However, violence in schools is not a new phenomenon, as Muschert (2007) notes in explaining that “at the turn of the millennium, school shootings were an ascendant social problem, often because the events garnered public interest, which contributed to the perception that school shootings were a new form of violence occurring with increased frequency and intensity” (p. 61). Unfortunately, the media industry is highly profit driven, and media attention on school violence has risen as public interest peaked after the Columbine shooting (Muschert, 2007, p. 66). The story of the shooting was kept alive in the media for a consecutive thirty days with 170 articles written about it; “*The New York Times* built the salience of the Columbine case by emphasizing different aspects of the incident over time” (Chyi & McCombs, 2004, p. 30). Therefore, school violence is perceived to have increased due to media attention when in truth only “1 in 2,000,000 school-age youth will die from homicide or suicide at school each year” (Dinkes et al., 2006; Muschert, 2007, p. 61).

Because increased media coverage has led the public to believe that schools are unsafe and rampant with violence, many schools have responded with zero tolerance policies that treat acts of violence—and even acts of nonviolence—as criminal offenses in their desire to reassure the public that they are in control and their children safe (Noguera, 2012, p. 8). Schools, due to the fact that they are social institutions reflecting the problems of their society (Noguera, 2003),

will not always be completely safe places; even so, children are probably safer in schools than in their neighborhoods or homes (Noguera, 2012, p. 8-9). Therefore, increased violence in schools and frequency of school shootings are myths, and zero tolerance is only a “rationalized myth” (Meyer & Rowan, 1977) institutionalized in response to public fear.

“The Rationalized Myth”

The theory of the rationalized myth in organizational structure can be applied in regards to the popularity and general acceptance of zero tolerance policies. John W. Meyer & Brian Rowan (1977) state that formal organizations are driven to incorporate practices and procedures that are socially rationalized in order to achieve legitimacy regardless of its efficiency (p. 340). They argue that “institutionalized products, services, techniques, policies, and programs function as powerful myths, and many organizations adopt them ceremonially”, which leads to organizational structures reflecting institutionalized myths of their environment, not their actual work processes (Meyer & Rowan, 1977, p. 340-341). In other words, organizations adopt products, services, policies, and programs because of a social perception that they are necessary, and this adoption will then give organizations legitimacy to maintain support for their survival. However, these products, services, and so forth are merely myths that have been rationalized as necessary and desired even though they are not necessarily helpful to the organizations or to society (Meyer & Rowan, 1977). Institutionalized rules in society are those “built into society as reciprocated typifications and interpretations” (Berger & Luckmann, 1967, p. 54), which can be taken for granted, or supported by public opinion or law (Starbuck, 1976; Meyer & Rowan, 1977, p. 341).

Meyer & Rowan (1977) give the example of issues of safety and environmental pollution as rationalized myths institutionalized into organizations’ formal structures and procedures. They

note that “as issues of safety and environmental pollution arise, and as relevant professions and programs become institutionalized in laws, union ideologies, and public opinion, organizations incorporate these programs and professions” (Meyer & Rowan, 1977, p. 344-345). Another example of a rationalized myth would be programs of research and development in corporations, in which personnel become trained in research and development, and organizations are then under increasing pressure to incorporate Research & Development departments into their structure (Meyer & Rowan, 1977, p. 344). The myth therefore creates a necessity for it because it is believed to be the rational and proper way to organize; this does not imply that the myth is particularly helpful to the organization, despite public opinion and the myth’s social institutionalization (Meyer & Rowan, 1977).

Zero tolerance policies have spread into schools as rationalized myths. Blair (1999) explains, “In the late 1980s, school safety and violence discussions were largely relegated to the rise of violence in urban public schools” (p. 36) with a focus on gangs and behavioral intervention. However, by the early 1990s, these discussions spread to violence in suburban public schools and communities (Blair, 1999, p. 36) where violence was no longer the result of gangs. Schools in the late 1980s then needed an answer to school safety issues in the wake of national media attention on drugs and violence. They were under pressure by the public and the government to control juvenile violence and needed a no-nonsense approach to drugs, gangs and weapons (Skiba, 2000, p. 5). Zero tolerance, initially used in response to illegal drug trade, seemed well suited for these purposes and has become a formal part of school discipline structure as a result. A first clue that the efficiency of zero tolerance is a myth is how the U.S. Customs Service discontinued using it in relation to drug trade (Skiba & Peterson, 1999); another clue is how the zero tolerance movement began to fade from general public programs until it was

only prevalent in relation to school conduct policies (Casella, 2003). “In 1989, school districts in Orange County, California and Louisville, Kentucky, implemented zero tolerance policies in their schools” (Verdugo & Glenn, 2002, p. 5) while “in New York, superintendent Donald Batista of the Yonkers school system applied a zero tolerance policy to disruptive students” (Verdugo & Glenn, 2002, p. 6). “With its restricted school access, ban on hats, immediate suspension for any school disruption, and increased use of law enforcement, the program contained many of the elements that have come to characterize zero tolerance approaches in the past decade” (Skiba & Peterson, 1999, p. 2). This model is even more pervasive two decades after its implementation.

Even though the public continues to fear an increase of violence in schools, students do not in fact solely commit violence in schools. The U.S. is one of three industrialized countries to still permit the use of corporal punishment in public schools (Blower & Watson, 2004, p. 1). Blower & Watson (2004), found that “in the 1999-2000 school year, 9,223 public school students in Missouri were reported as having been hit for disciplinary purposes by teachers or administrators” (p. 1). This is also a form of violence that disproportionately affects poor or disabled minority students (Blower & Watson, 2004, p. 1). Therefore, parents who advocate for zero tolerance policies in schools to keep their children safe from violence should also keep in mind that adults also commit violence against children and schools are no different.

The U.S. public has spun a myth of excessive and increasing violence in schools and rationalized a need for stricter measures of social control. School administrators responded with zero tolerance policies that were already proven as inefficient in other social organizations, yet helped schools maintain public support by showing parents their dedication to keeping kids safe.

The rationalized myth of zero tolerance only became more institutionalized when it reached federal policy and all schools were forced to adopt some form of it.

Zero Tolerance at the Federal Level

Even as it spread to school policy, zero tolerance was originally part of larger scale initiatives for gun violence control by the Clinton administration. It represented a turning point in U.S. crime reduction policy, which became more punitive with an unforgiving “three-strikes you’re out” model to not only discipline offenders but also instill fear in potential criminals (Blair, 1999; Casella, 2003). This model allows for the mandatory incarceration of offenders for 25 years after committing their third offense, which is especially upheld in California and New York law (Zimring et al., 2001). In schools under zero tolerance, students are not even given three strikes like offenders are; it is one strike and they are out.

Mandatory expulsion became national policy when the Clinton administration signed the Guns Free Schools Act of 1994 into law, which mandates the one-year minimal expulsion of any student in possession of a firearm and the referral of that student to the criminal or juvenile justice system (Skiba, 2000, p. 5). The Guns Free Schools Act was also created as an amendment to the Elementary and Secondary Education Act of 1965, which made it law for federal funding to be withheld from schools that did not conform to the law (Casella, 2003, p. 874). This would be sufficient in ensuring schools abided to the new act as well as to the nation’s mission in controlling juvenile gun violence. However, in 1995, the law amended its terminology from “firearm” to “weapon”, allowing for school personnel to broaden expulsion and suspension terms under zero tolerance to any object that could be used as a weapon, not simply a firearm; even objects like nail clippers, files and pocket knives could cause a student’s expulsion (Casella, 2003, p. 874). In 1997, local education agencies were further allowed to expel students if caught

with illegal drugs, which then spread into formal school policy (Casella, 2003, p. 874). The Gun Free Schools Act therefore left interpretation of drug and weapon charges to the school's discretion, which in the following decade has been correlated with disparities in the rates that minority students are suspended or expelled compared to white students. This racial disparity will be further explicated later in this chapter.

Instead of being amended in light of emerging research on its negative effects in schools (Skiba & Peterson, 1999), zero tolerance policies were further cemented into federal policy nearly a decade later during the Bush administration. In 2002, No Child Left Behind (NCLB) contained similar terms to that of the Guns Free Schools Act in regards to school safety. A letter to Senator Byrd by the Bush administration regarding school safety explained how NCLB would hold states accountable for school safety, especially if the state is receiving funds from the Federal Safe and Drug-Free Schools program that preceded the Guns Free Schools Act of 1994 (GFSA) (Paige, 2001). According to the NCLB, one of the conditions requires that states "adopt a 'zero-tolerance' policy that empowers teachers to remove violent or persistently disruptive students from the classroom" (Paige, 2001). Once more, the language of zero tolerance made its way into federal and state policy, mandating the expulsion of students without consideration of the circumstances behind each unique case. This terminology also now allowed zero tolerance to target disruptive students, a broad term left to the discretion of teachers and school administrators. "By the 1996-1997 school year, 94% of U.S. public schools enforced zero tolerance policy in cases involving firearms and weapons, 88% for cases involving drugs, 87% for incidents involving alcohol use, and 79% for situations involving fights between students" (Casella, 2003, p. 875). These numbers have only increased because through the GFSA and NCLB, zero tolerance policies became a requirement for schools that wished to continue

receiving federal education funding.

Zero Tolerance at the School Level

Despite intentions of combating school violence, the rise of ‘zero tolerance’ has allowed schools to address a number of offenses unrelated to the original purpose of the Guns Free Schools Act or the No Child Left Behind Act. Because ‘weapon’ can be interpreted differently across the nation, many schools suspended young children for bringing toys to schools that could be considered weapons (Willoughby, 2012, p. 55). For example, a Pennsylvanian kindergartener was suspended for bringing a plastic axe to school as part of his firefighter costume on Halloween (Willoughby, 2012, p. 55). A twelve-year-old from Woonsocket, Rhode Island was suspended for bringing in a toy gun to class (Skiba & Peterson, 1999, p. 4). One extreme example in a Chicago public school, yet still conceivable in many other schools, is that of a seventeen-year-old expelled from school and then advised to dropout for simply shooting a paper clip on a rubber band at a classmate, an offense of battery (Skiba & Peterson, 1999, p. 4). In Centralia, California, a five-year-old brought a razor blade to school after finding it at a bus stop; instead of educating him on the dangers of picking up sharp objects on the street, the boy was expelled for the violation of the school’s zero tolerance policy and transferred to another school (Skiba & Peterson, 1999, p. 4). These cases highlight the ambiguity of the term ‘weapon’ and how the term could have various different meanings, not only across states but across school districts and local schools as well.

When a child does bring a weapon to school, though without the intent to harm, their sentences are harsh and reminiscent of prison sentences. Even though it is currently reforming, Chicago has one of the strictest zero tolerance policies in the nation because its policies are broader than the federal mandate. The District’s policies require mandatory expulsion for a wide

range of student misconduct that could even take place away from school grounds (Drizin, 2001, p. 31). Steven Drizin (2001) describes the story of one of his cases, Arturo, a middle school student of good social and academic standing in Chicago. Arturo, however, one day succumbed to peer pressure and brought an unloaded gun to school to show to his friends. One friend borrowed it and proceeded to flash it during a fight on a school playground. Because he had brought the gun to school in the first place, Arturo was first suspended and then summoned to court to stand trial; it ended with a one year expulsion, though the maximum sentence could have been two (Drizin, 2001). This case exemplifies the one-size-fits all model zero tolerance policies can take across the country; Arturo brought a weapon to school but had not been in possession of it during a fight involving other students. Yet he still faced expulsion because he was the one to bring it to school grounds and law mandates that the student bringing a weapon to school be expelled for a minimum of one year. Drizin (2001) comments that schools are now “blindly applying zero tolerance policies...to snag ‘good kids’ as well as ‘bad kids’” and it is only after this occurs that parents lament, ““when I supported these policies, I never thought that they would be applied to my kids’” (p. 40).

However, zero tolerance policies are not only applied to weapons-related offenses. “By 1993 zero tolerance policies were being adopted by school boards across the country, often broadened to include not only drugs and weapons but also tobacco-related offenses and school disruption” (Skiba & Peterson, 1999, p. 2). To this day schools still use zero tolerance policies to expel or suspend students who have merely committed minor infractions compared to bringing a weapon to school with the intent to harm. Zero tolerance policies are easy fixes for some school administrators, in that difficult youth are simply suspended instead of being counseled (Fine & Smith, 2001, p. 258-259). In Chicago in the year 2000, 33 percent of suspended students were

suspended for nonviolent drug offences, 33 percent for cutting class and tardiness, and 31 percent for fighting (Fine & Smith, 2001, p. 258). Verdugo & Glenn (2002) further indicate in their study that “only five percent of schools took actions for students using or possessing a firearm on school grounds”, yet “nearly a quarter took actions against students who possessed or used a weapon other than a firearm” (p. 8). More schools are preoccupied with controlling disruptive behavior in their schools through zero tolerance rather than using such policies as they were intended: to control gun violence.

Furthermore, zero tolerance influences not only school discipline but school procedures as well. Public schools with zero tolerance policies in place are more likely to require a uniform, close campus for lunch and have controlled access to buildings, require random drug sweeps, have students pass through metal detectors daily, or even have police presence on school grounds (Verdugo & Glenn, 2002, p. 6). These schools attempt to create a safer school climate, but the effectiveness of these measures has yet to be seen. Instead, there is a higher correlation between unsafe schools and the use of moderate to severe safety measures (Skiba, 2000; Verdugo & Glenn, 2002).

The Strictest Zero Tolerance State

Michigan schools are seen as having one of the harshest zero tolerance policies in the U.S. with the strictest measures and a permanent-expulsion mandate (Polakow-Suransky, 2000, p. 104). “In 1994, Michigan lawmakers passed legislation mandating that any student found with a weapon on school grounds, or found guilty of arson or rape, would be permanently expelled from all public school districts in the state” (Bogos, 1996, p. 359). Students committing verbal assault and issuing bomb threats after grade 6 must be suspended or expelled for a period of time designated by the school board; ‘verbal assault’ is determined by local school policy (Michigan

Department of Education, 2013, p. 2). Likewise, students who assault other students are mandated to be suspended or expelled for up to 180 days should the assault be reported to the principal, superintendent or school board, and students assaulting school personnel are required to be permanently expelled (Michigan Department of Education, 2013, p. 2-3). Parents of students who are expelled, or students who are 18 and above, are allowed to petition for reinstatement, but only after 150 school days after the expulsion (Michigan Department of Education, 2013, p. 3). Michigan's zero tolerance laws are indeed strict. They follow an absolute "one-strike you're out" model, in which students are not given more chances before being suspended or expelled. Even though the law allows for an appeal for reinstatement, students are still forced to spend approximately five months without alternative education before they can begin a reinstatement process that does not even guarantee readmission to school.

While many states have passed similar laws, Michigan is the only state which does not require schools to provide alternative education for expelled and suspended students, causing students to return to school much more behind in material than their peers (Bogos, 1996, p. 359). If a school district wishes not to provide alternative education for a student, it is up to the parent of the student to seek his or her own alternative education programs (Michigan Department of Education, 2013, p. 3-4). This has contributed to a crisis in Michigan; in 2006, more than 1 in 6 young adults in Michigan do not carry a high school diploma due to dropping out, was falling behind with work, and was forced out by strict zero tolerance policies (Michigan Citizen, 2008). Moreover, "a 2009 report by the American Civil Liberties Union of Michigan found that districts across the state meted out a greater share of discipline to minority students, thereby increasing the odds that suspended or expelled students would drop out of school or wind up in prison or jail" (Magazine & Roelofs, 2014). "In some districts, African Americans accounted for more

than 90% of expulsions” (Michigan Chronicle, 1999). Because there is no reliable data on the exact number of expulsions in Michigan since zero tolerance became law, due in part to lack of reporting, the number and whereabouts of students expelled from all public school districts in Michigan are unknown (Polakow-Suransky, 2000, p. 104). This suggests that the disparities in the expulsion and suspension rates of African American students compared to Caucasian students could be much higher across the state.

Polakow-Suransky (2000) conducted a study of 100 school districts out of the 557 in Michigan to analyze the effects of the state’s strict zero tolerance law and collect reliable data in regards to suspension and expulsion. He found that “the majority of students caught by the expulsion law are in fact between the ages of 12 and 15” while “the legal dropout age in Michigan is 16 (Polakow-Suransky, 2000, p. 106). Some of these students, under the age of 16, and expelled from their school districts, never return to school. “The state has created a situation that is tantamount to legally sanctioned truancy, whereby students not afforded the right to leave school are forcibly barred from attending, and are left with no educational opportunity whatsoever” (Polakow-Suransky, 2000, p. 107). Even further, Polakow-Suransky (2000) found that reinstatement into schools after expulsion is minimal compared to the number of petitions for reinstatement. For example, in the urban school district Lansing, 64% of its expelled students petitioned for reinstatement from 1995-97, with only 54% of petitioners being reinstated after one year of expulsion while the other 46% were never readmitted to their schools (Polakow-Suransky, 2000, p. 109). The process of reinstatement could be difficult for many families without the resources necessary to attain legal representation or to compile the legal paperwork for a petition, causing many students not to petition for reinstatement (Polakow-Suransky, 2000, p. 109). Furthermore, the students who do not become reinstated are then forced to seek

alternative education, yet Polakow-Suransky (2000) noted that Lansing could not provide the number of students in alternative education programs during the 1995-96 school year (p. 109). Flint, another urban school district highlighted in the study, indicated that only “46% of its expelled students were provided with alternative education” (Polakow-Suransky, 2000, p. 109). Therefore, not only were students in Michigan being expelled at ages below the legal dropout age, but these youths were largely not being provided with alternative education while being expelled.

Michigan is currently working to reform its zero tolerance policies by embracing alternative policies, such as restorative justice initiatives in Detroit. Despite this, many schools across the state still hold onto the strict law of 1995 with little amendments made to it nearly two decades later, largely due to the perception that it would be difficult to control and adequately punish unruly students without the use of suspension or expulsion (Brenneman, 2013). However, alternative school discipline policies could be just as effective for social control in schools by catering to a student’s sense of achievement, and these alternative policies do not have the discriminatory effects that zero tolerance policies unintentionally permit (Sprague & Vincent, 2013). Schools holding onto zero tolerance policies like many schools in Michigan should be aware of the consequences of these policies, especially their unintended consequences in increasing the achievement gap between minority and white students.

A Discriminating Policy

Zero tolerance policies are not themselves racist; they are colorblind. They are policies that can target any race or ethnicity, an able child or one with disabilities, on the grounds of creating safe schools. However, this does not suggest that zero tolerance is not without fault, especially due to the fact that when enacted, a pattern across all states reveals that minority

students are suspended and expelled at higher rates than white students. “In one of the earliest statistical studies of minority overrepresentation in school discipline, the Children’s Defense Fund (1975), using the Office for Civil Rights (OCR) data, found rates of suspension for black students that were between two and three times higher than suspension rates for white students” (Skiba, 2000, p. 11). Disparities in the discipline of minority students compared to white students has therefore been a civil rights issue for almost forty years, and yet zero tolerance has only exacerbated an issue that should have been closer to being resolved by now. In a 2012 press conference call on newly released OCR data, the Assistant Secretary of Education for Civil Rights stated how “African American students represented about 18 percent of the sample in the Civil Rights Data Collection, but 46 percent of multiple out-of-school suspensions and 39 percent of expulsions” (U.S. Department of Education, 2012). She further states how African American boys and girls are suspended and expelled at higher rates than any other group, and African American girls are suspended at higher rates than even Latino boys (U.S. Department of Education, 2012). “Additionally, in districts that showed at least one expulsion under zero-tolerance policies, African Americans represent 19 percent of enrollment, but 33 percent of the students expelled” (U.S. Department of Education, 2012). There is a limitation to the data, however; it is self-reported by schools and states, and these disparate rates could all be much higher.

While expulsions under zero tolerance are severe and merit further analysis, schools most frequently use out-of-school suspension to discipline students. Daniel J. Losen (2012) analyzes the frequent use of out-of-school suspensions using disparate impact theory, which states that a policy is unlawful if it has a discriminatory effect while being allegedly racially neutral (pg. 46). These policies are especially unlawful when other alternatives with a less adverse impact exist

(Losen, 2012, p. 46). “Disparate impact legal analysis requires the examination of three prongs: (1) Does the race neutral policy or practice have a racially disparate negative impact? (2) Is the policy educationally necessary? (3) If justified by necessity, is there an equally effective less discriminatory alternative?” (Losen, 2012, p. 46). In order to prove that zero tolerance falls under the category of a disparate impact policy and is therefore unlawful, Losen examined suspension data collected from the Office of Civil Rights.

Analysis of OCR data reveals that the number, not the incidents, of students who are non-White being expelled has doubled since the 1970s when school discipline policies began to change (Losen, 2012, p. 48). Further, Losen found that racial disparities were most commonly found in the district level, causing variation within states in the number of minority students suspended. For example, the school district of Fort Wayne, Indiana suspended 55.7 percent of Black students compared to 19.1 percent of White students, an extremely high number for a state not known for its high suspensions (Losen, 2012, p. 49). Moreover, the Office of Civil Rights collected data on twenty school districts with the highest suspension and expulsion rates for the 2009-2010 school year, which further demonstrates variation among school districts. Richmond County, Georgia had many schools on the list with over 88% of students suspended. One school, Academy of Richmond County High School, has an enrollment of 1,120 and had suspended 1,085 students. Examining the data closer revealed that the school has an enrollment of 82.3 percent African American students and 16.1 percent Caucasian students. All but 8.1 percent of its out-of-school suspensions were given to African American students; further, not one of its five expulsions was given to a Caucasian student (McNeil et al., 2010).

Losen found no evidence that higher rates of suspension among Black students are linked with higher rates of misbehavior, due to the fact that these students are more likely to be

suspended for less serious discretionary offenses (2012, p. 52). Data collected in North Carolina schools exemplifies how black first-time offenders students are more likely to be suspended for minor infractions than white first-time offenders. In the category of cell phone use, about 33 percent of black students were suspended compared to 15 percent of white students; with displays of affection, over 40 percent of black students were suspended compared to about 14 percent of white students (Losen, 2012 p. 53).

Russell Skiba (2000) also found similar results. He analyzed the reasons why students of one urban school were being referred to the office and found that white students were referred for vandalism, drugs, and alcohol while black students were mostly referred for obscene language, loitering, disrespect, and the broad term ‘conduct interference’ (Skiba, 1998)” (Skiba, 2000, p. 12). For example, in one school two students, one black and one white, with similar disciplinary backgrounds were found to have engaged in the ‘unauthorized use of electronic devices’. The students were using similar devices (a cell phone and iPod), yet the white student was assigned detention while the black student was assigned a one-day suspension (U.S. Department of Education, 2012, p. 9). In another case, an OCR investigation discovered that the school administrators used their discretionary authority to impose harsher punishments than the student code normally called for on African-American students as compared with similarly situated white students with a frequency that was impossible to have occurred by chance. “One African American kindergartener was given a five-day suspension for setting off a fire alarm, while a white 9th grader in the same district was suspended for one day for the same offense” (U.S. Department of Education, 2012, p. 9). These cases reveal how black students receive harsher punishments for minor and/or ambiguous offenses compared to white students, who usually receive punishments equal to their violation. They also “reveal school climates in which

expectations and consequences regarding typical juvenile behavior and misbehavior are significantly more severe for African-American and other minority children” (U.S. Department of Education, 2012, p. 8). Zero tolerance allows for local schools to control their discipline policies, but it also allows for racial biases to perpetuate within schools.

Students across the nation are being suspended for violation of school rules, which are minor compared to bringing a firearm with the intent to harm. Yet this disproportionately affects minority students, especially African American students, and is simply contributing to the large achievement gap between black and white students. Zero tolerance policies have allowed for this discrimination in schools to occur through its unequal implementation as well as the ease it grants school administrators to target perceived disruptive behavior. Therefore, are zero tolerance policies as racial neutral as they are intended to be? Data that has proved consistent for over 25 years suggests they are not neutral.

Many believe that the disparities in race with respect to suspension and expulsion rates are due to socioeconomic differences, not racial differences. Skiba et al. (2002) proved this false in their study of gender, race and socioeconomic factors in the disparities in the rates of school disciplinary infractions by analyzing data collected from one year of disciplinary data of an urban middle school. The goal of the researchers was to prove that the discrepancies within the three categories were due to discrimination in schools, since minorities and low-income students are often overrepresented in school punishment. The study was conducted in one of the largest cities in the U.S., and Skiba et al. collected data from over 1,000 middle school students’ disciplinary records. Analysis employed discriminant analysis to explore the reasons behind sending students to the office based on race, gender and socioeconomic status (Skiba et al., 2002, p. 325).

The findings of the study reveal that disparities and discrimination may be more attributed to the system of disciplining or at the individual level rather than the school level. Racial disparities in disciplining students even after controlling for socioeconomic status suggest that in classrooms, minority students are being sent to the office for discipline for actions that are left to the interpretation of the individual (Skiba et al., 2002, p. 336). Skiba et al. (2002) also found no evidence of the disparities being caused by higher rates of African American misbehavior. “Discriminant analysis of racial disparities failed to show a pattern of more serious misbehavior among the group with the higher rate of office referral... Black students were more likely to be referred to the office for excessive noise, threat and loitering” (Skiba et al., 2002, p. 334).

Skiba et al. concluded the overrepresentation of black students in disciplinary action and exclusionary school practices cannot solely be attributed to socioeconomic factors or to higher rates of misbehavior; rather, the equity issue lies in individual teacher or school administrator’s own racial biases, which are common even when attempting to be fair because of how deeply routed beliefs on discipline are in most schools. Closely examining the history of zero tolerance policies shows that they simply reflect these biases, especially the bias that bad students do not deserve to be in school with the good students, while at the same time attempt to remain color-blind. Color-blind policies are rarely ever racially neutral; an example can be seen with mass incarceration and the “three strikes you’re out” policies on criminal offenses in some states.

An Example of a ‘Colorblind’ Policy

Zero tolerance policies attempt to be racially neutral, but history has shown that similar policies have been manipulated to serve a hidden discriminatory agenda against minorities, specifically African Americans, who have been disenfranchised due to a long history of social

and institutional racism. As zero tolerance has influenced the increased number of minority students suspended and expelled, so has drug policy on the number of minority citizens incarcerated. “Beginning in the 1970s, America has embarked upon an unparalleled experiment in industrialized mass imprisonment. At that time, U.S. prisons and jails held roughly 300,000 prisoners; by 1990, that figure grew to over 1 million. Now around 2.3 million are imprisoned in state and federal prisons and jails” (Herivel, 2007, p. ix). In the 1970s, after the social and political crises of the Civil Rights Movement and the Vietnam War, President Nixon introduced the idea of a ‘war on drugs’ to cater to conservative white’s perception of the racial origin of violence and social problems (Alexander, 2012, p. 47-48). It was not until October 1982 under President Reagan, however, that this war on drugs was shaped into a political campaign and subsequently became a new colorblind, federal policy that had an unprecedented discriminatory effect.

Reagan’s War on Drugs can also be seen as a rationalized myth; he promised to fight street crime and shifted the public’s attention to drug-law enforcement with millions of dollars issued to antidrug funding (Alexander, 2012, p. 49). Yet “at the time he declared this new war, less than 2 percent of the American public viewed drugs as the most important issue facing the nation (Alexander, 2012, p. 49). He changed this view with a media campaign “sensationalizing the emergence of crack cocaine in inner-city neighborhoods”, which promoted the public perception that crime—especially gang violence—and drug use was an urban, African American issue (Alexander, 2012, p. 50). Therefore, the War on Drugs was seen as justice being served, even though in truth it had the effect of creating more violence in urban cities when residents, frustrated with joblessness after evaporating manufacturing jobs, struggled to make a living with illegal drug trade by any means possible (Alexander, 2012, p. 51).

A year after the announcement of the War on Drugs, the term ‘zero tolerance’ was used in relation to illegal drug trade. This zero tolerance approach to illegal drugs has led to the phenomenon of mass incarceration, which has mostly affected low-income African American young men. Michelle Alexander (2012) affirms, “the War on Drugs, cloaked in race-neutral language, offered whites opposed to racial reform a unique opportunity to express their hostility toward blacks and black progress, without being exposed to the charge of racism” (p. 54). At the start of the campaign, incarceration of African Americans skyrocketed; recently, the “Human Rights Watch reported in 2000 that, in seven states, African Americans constitute 80 to 90 percent of all drug offenders sent to prison” (Alexander, 2012, p. 98). Michael Tonry (1995) examined incarceration for drug offenses rates of whites and nonwhites in the 1980s. He found that in 1983, close to when the War on Drugs was first launched, the drug offenders in Virginia prisons were 62 percent white and 38 percent African American (Tonry, 1995, p. 115). However, he discovered that by 1989, those numbers reversed with 65 percent being nonwhite and 35 being white (Tonry, 1995, p. 115). Therefore, for the past three decades, the War on Drugs has disproportionately landed an alarmingly high percentage of minority men in prisons for nonviolent crime. Zero tolerance grew out of this policy under the same colorblind pretext. **ADD**

TRANSITION

School-to-Prison Pipeline

As the number of minority men and women in prisons and jails escalates due to a “one-strike you’re out” model of policing for minor drug charges, so does the number of minority youth who are incarcerated after committing an offense at school. According to a study by the Public Policy Research Institute at Texas A&M University (2005), the single greatest predictor of future involvement in the juvenile system is a history of disciplinary referrals at school

(Fowler, 2011, p. 16). This constitutes a school-to-prison pipeline: schools refer students to juvenile courts where they receive misdemeanor tickets, fines, and sentences to detention centers (Fowler, 2011). In 2009, about 275,000 non-traffic related misdemeanor class C tickets were distributed to Texan youths by school police officers for disorderly conduct, disruption of class, and truancy (Fowler, 2011, p. 17). These tickets are not simple demerits; these are tickets that criminalize young students, basically stating that they have committed a crime. Furthermore, “youth who are disciplined or court-involved are at an increased risk of dropping out and becoming involved in the juvenile justice system” (Fowler, 2011, p. 18), which further delineates a school-to-prison pipeline with the frequency of students receiving strict punishments under zero tolerance policies. A student who dropouts out of school or is expelled does not automatically end up in the juvenile justice system; however, the risk is still high, and schools should be targeting this problem, not continuing it.

The framing paper for the School-to-Prison Pipeline Research Conference provides several points on the disparities between minority and white youth being incarcerated as well as not receiving the benefits of education. Wald & Losen (2003) point towards zero-tolerance policies as the root cause of the inequalities and discrimination in school discipline practices. An alarming statistic in this paper comes from the Justice Policy Institute (2002), which stated, “by the end of the century, there were almost a third more African American men in prison and jail (791,600) than in universities or colleges (603,000)” (Wald & Losen, 2003, p. 5). More African American men will be sent to prison and jail as schools more frequently discipline African American boys for minor infractions, damaging their discipline records which follow them after high school. For example, in one school, two students slapped each other and fought; they were not only suspended for 10 days as a result, but also arrested and sent to court (Casella, 2003, p.

883). The principal expressed the common sentiment that fighting would not be tolerated on school grounds and students would be arrested and face court if caught assaulting one another, no questions asked (Casella, 2003, p. 883). Students who engage in acts of violence in schools should be disciplined, yet they should be disciplined and counseled in schools, not passed off to courts and law enforcement to handle the situation (Fowler, 2011). Instead of helping troubled students achieve higher and attain aspirations, these schools only perpetuate a school-to-prison pipeline on the belief that they need to use a ‘get tough’ approach to remove violence from their premises. Directing students to judicial hearings instead of treating them like youths who often engage in physical altercations is excessive and simply a temporary fix to schools’ problems with violence and disruptive behavior. Zero tolerance and its federal mandate for schools to ensure their safety is one of the definite reasons why the school-to-pipeline phenomenon has flourished in recent decades.

An in-depth study of the school-to-prison pipeline is out of the scope of this paper, yet it is important to note the relationship between schools adopting zero tolerance policies reminiscent of strict policies that incarcerate offenders at higher rates than what was the norm before the 1970s. The severe phenomenon of schools tracking students into prisons, even if it is without the intention to do so, requires extensive research. Youth arrested and incarcerated for truly violent crimes, such as school shootings, is a much different case than youths arrested for drug use or for participating in school fights. This reliance on the justice system is not making schools safer, as zero tolerance intended. Instead, schools are simply adding to the already dire issue of mass imprisonment, but with minority youths—the future of our nation—disproportionately affected alongside adult males.

Zero Tolerance and High School Completion

Many studies have long since found a negative correlation between a school's overuse of suspension and expulsion and its completion rate. "Schools that suspend large numbers of students, or that suspend small numbers of students frequently, typically find themselves so preoccupied with discipline and control that they have little time to address the conditions that influence teaching and learning" (Noguera, 2003, p. 347). This could lead to students being pushed out of schools due to the number of days spent out of school during suspension—days mostly spent with no alternative education, as is the case in Michigan. A school's preoccupation with suspension and expulsion could also lead to students simply dropping out because they see no worth in remaining in a school that does not care for them. In her ethnography of a New York City public high school, Michelle Fine (1991) found that one of the factors encouraging students to dropout of school was due to misbehavior and subsequent suspensions or expulsions (p. 63). One student, Gabrielle, withdrew at the age of seventeen following a suspension, even though she did not wish to be discharged (Fine, 1991, p. 63). Another student, Hector, had a record of truancy, and was suspended for five days because of suspicious loitering following a time of paranoia at the school. Upon his return he was discharged under the guise of being overage (Fine, 1991, p. 66). These students were unable to complete school and were either forced to enter GED programs at day schools or simply start working; their old school treated them as though they were simply filing paperwork, not even bothering to counsel the students on their decisions or direct them to psychological services (Fine, 1991, p. 65-66). This case exemplifies the negative relationship between suspension and high school completion but in only one school in one school district.

In her ethnography, Casella (2003) highlights the case of one student who was two months away from graduating when she was suspended. The student, Laura, pulled the fire

alarm, a criminal offense, and was suspended. When she returned, the Regents exams in New York City public schools were starting and she was vastly underprepared. She decided to give up entirely, even though she would graduate soon. Her thoughts were clear on the matter: the school kicked her out and let her back in not to help her, but simply in the hopes that she learned her lesson, saw the difficulties in her life after her misconduct. Laura dropped out before completing high school, which could have been prevented if schools had not ‘pushed’ her out and had dealt with the minor infraction within school property with alternative solutions (Casella, 2003, p. 882).

Lee et al. (2011) investigated whether there was a link between school suspension rates and dropout rates in public high schools in Virginia. The researchers hypothesized that schools with higher rates of suspension would therefore have higher rates of dropouts, and likewise schools with lower rates of suspensions would have lower rates of dropouts. Their compelling literature review supports the hypothesis of increased suspensions leading to increased high school dropouts, and studies that address some of the factors that lead students to dropout are clearly cited for further research and evidence. Lee et al. used statistical analysis and hierarchical regression analysis to test their hypothesis and found that higher dropout rates were positively correlated with higher suspension rates. “Schools that typically suspended approximately 22% of their students over the course of the school year had a dropout rate that was 56% greater than the dropout rate for schools that suspended only 9% of their students” (Lee et al., 2011, p. 184), proving that the more schools suspended their students, the greater the number of students who were pushed out and/or dropped out. Further, “although a correlational study cannot establish a causal relation, suspensions may increase the dropout rate for both white and black students” (Lee et al., 2011, p. 186). Students who are suspended frequently are unable to keep up with their

class work; as a result, some of those students decide to simply leave school altogether (Lee et al., 2011, p. 186). Therefore, using suspension as a disciplinary practice has negative effects on school completion. Mandating exclusionary practices, such as zero tolerance policies, simply harm schools and their students, not help them create a better environment for learning.

Need for Reform

A study conducted by Christle et al. (2004) found that schools with a higher number of low socioeconomic and minority students also have a higher number of suspension rates than more affluent and less ethnically diverse schools. However, schools that reported low suspension rates differed significantly from schools reporting higher ones; these schools used alternative methods to school discipline, such as instituting a program called PRIDE that rewarded students for positive social and academic behavior instead of solely punishing them for negative behavior (Christle et al., 2004, p. 523). These schools also have various after school clubs in addition to sports teams available for students compared to schools with higher suspension rates (Christle et al., 2004, p. 523). Overall, the schools with overall low suspension rates did not strive to push students out of school so that they could correct their behavior on their own. Rather, these schools made an effort to use alternative strategies to target the reasons why students misbehave instead of suspending them without examining the context. If more schools across the nation adopted similar models of alternative discipline policies, not only would suspension and expulsion rates decrease, but students would be overall happier in their schools, and minority students would be less likely to be suspended, expelled or referred to a juvenile court.

Chapter 3: Effective Alternative Policies

Caring – An Alternative in Classroom Management

In his book *Holler if You Hear Me*, urban middle-school teacher Greg Michie (2009) writes about his first few years as a bright-eyed teacher in an urban school district and the disillusionment that followed on his first day. In his time as a teacher at Quincy Middle School Michie observed multiple instances of disruptive behavior, truancy, school fighting, and gang violence that painted a bleak picture of the minority students attending the school. However, Michie built a close relationship with many of the students and learned more about their insights and reasoning behind their misconduct.

One such case involved Hector, who began a fight during a school-sponsored camping trip seemingly out of childish anger. However, when Michie questioned him without punishing him first as many teachers would, while in tears Hector began to explain that he was worried about his sick sister and high-strung from fear (Michie & Cisneros, 2009, p. 32-33). With this information, Michie was able to help settle Hector's fear by taking him to see his sister.

Another incident involved a student named Ruby who was thought not to care about school by her science teacher. Her science teacher, Mr. Shepherd, constantly forced her out of the classroom for speaking up in class and interrupting him. One day, she wrote a letter to Mr. Shepherd under the direction of Ms. Hoskins, the school's lead teacher for the upper grades. She wrote:

If the teachers wants the children to learn he should help, not say that they are dum. If teachers lose their patience they should have it under control, not come out and say some wrong things and make the children feel bad. That's why children act the way they act, not wanting to learn (Michie & Cisneros, 2009, p. 124).

Of course, Ruby cannot speak for all children, and not all teachers are out to hurt their students' feelings, but her words do hold some merit. An older Ruby reaffirms her words:

The kid has to listen to the teacher, but the teacher has to listen to the kid, too. In a way, the student should be a student-teacher and the teacher should be a teacher-student. But a lot of times, that's not the way it is. The teachers just say, 'I said it, you do it. Period. End of discussion' (Michie & Cisneros, 2009, p. 134).

Unfortunately, her teacher disregarded her seven-page composition about how teachers and students can improve and barely read even half of it (Michie & Cisneros, 2009, p. 125).

One student, Juan, reveals to Michie his life at home, his dreams, his innermost feelings, and first and foremost his frustrations. He shares a similar sentiment to Ruby, telling Michie,

To me what makes a good teacher is someone who understands the students...I mean, teachers do have to be strict in a way. Strict but free... Everything has its boundaries. The way I look at it, teachers are strict 'cause they're afraid of their students. They're afraid that the students are gonna take over them (Michie & Cisneros, 2009, p. 154).

Juan's insights are valid. A teacher should not stop being strict, but there are boundaries, and in the end a caring teacher is one who will have behaved students because these students truly see that someone expects the best from them. A student who tries to learn in an environment where he or she is constantly faced with punishment for misbehavior is not a student who will strive to do their best and reform; this is a student who will probably resist school social norms and cease to care, like Ruby (Skiba, 2000; Michie & Cisneros, 2009).

Zero tolerance discipline policies in schools hardly foster a caring and safe environment for students to learn and make inevitable mistakes in. However, a caring mindset, especially necessary in urban schools such as Michie's, can be promoted through alternative discipline programs in schools that are rooted in research proving their success. The consequences of zero

tolerance policies are discrimination, fear, and resistance. The ‘consequences’ of alternative discipline policies such as System-wide Positive Behavior Interventions and Supports (PBIS) and restorative justice, however, are inclusion, safety, and community. Yet before schools can begin to reap the benefits of alternative discipline programs discussed further in this chapter, zero tolerance policies—the antithesis of caring policies—should first be eliminated and out-of-school suspension severely limited.

The First Step: Eliminate Zero Tolerance

Before any school district can effectively use alternative discipline programs, their former discipline policies based on zero tolerance must first and foremost be completely overhauled. Many school leaders believed zero tolerance was the answer to their discipline problems; many still continue to believe it is effective in addressing matters of misbehavior, truancy, and school violence because it removes the source of the problem (Skiba, 2000, p. 16). However, if zero tolerance were truly effective, then schools nationwide would have experienced a decrease in suspension and expulsions and a positive trend in school safety decades ago, and there would not be a growing phenomenon of students going through a school-to-prison pipeline (Skiba, 2000).

Zero tolerance policies—the overuse of out-of-school suspension and expulsion for violence and possession of a weapon—have not proven that teachers and students, as well as their parents, feel any safer in schools since its onset (Noguera, 2012, p. 10-11). School security measures greatly resemble prison security measures with the presence of metal detectors, surveillance cameras, periodic locker searches, and the requirement of uniforms (Skiba, 2000). “Advocates of [metal detectors] argue that they may keep weapons out of schools, thus making it less likely that conflicts will escalate into deadly violence” (Skiba, 2000, p. 8). While the presence of metal detectors may allow for school guards to remove potential weapons from a

student, it does not necessarily prevent violence. Students with the intent to harm remark that they would simply walk right through a metal detector; one school shooter in Red Lake, Minnesota shot and killed the school guard supervising the metal detectors and walked right into the school (Dedman, 2006). Furthermore, Hankin et al. (2011) compiled fifteen years of scholarly research on metal detectors in schools and found that “a sizable proportion of students in schools with metal detectors (7.8%) still reported carrying a weapon in schools...this raises the possibility that those students most intent on using a weapon to threaten or injure another person may be undeterred by the presence of metal detectors” (p. 104). Therefore, an increase in metal detectors under zero tolerance will not prevent a school shooting from occurring as school administrators believe they would, as seen in the tragedy in Red Lake, Minnesota, and much more recently the massacre at Sandy Hook Elementary School in which the shooter, who was not a student or part of school staff, simply shot his way into the school heavily armed (Strasser, 2012).

Likewise, the use of surveillance cameras does not prevent violence, as with the Columbine High School shooting in which the cameras caught only the aftermath of the violence and could not prevent it (Skiba, 2000, p. 8). There is also little research supporting the effectiveness of locker searches and insufficient data supporting that uniforms in public schools add to a safer environment (Skiba, 2000, p. 8-9). Therefore, all zero tolerance policies have served to do in schools is increase the fear of youth violence and the need for absolute control over students (Noguera, 2012, p. 11). Zero tolerance does not help schools or schools would not be facing the same issues they faced in the 1980s when zero tolerance models were first introduced (Casella, 2003). Violence cannot be adequately addressed through expulsion and increased security measures. Violence needs to be addressed on an individual level with

counseling and mentoring, not at the federal level with the mandated removal of the offender from school, in order to truly see a trend in safer schools (Skiba, 2000; Casella, 2003; Hankin et al., 2011; Noguera, 2012).

One important limitation of zero tolerance is that it does not allow for students to make and learn from their mistakes as all humans should, and it furthermore does not allow for the context and reasons behind acts of violence or misconduct to be examined and sufficiently addressed (Skiba 2000; Verdugo & Glenn, 2002, p. 2). “Throughout the United States, schools most frequently punish the students who have the greatest academic, social, economic, and emotional needs” (Johnson, Boyden, & Pittz, 2001; Noguera, 2003, p. 342). Children who are in foster care, suffer from abuse or neglect, harassment or bullying by their peers, or who perform at below grade-level expectations often engage in disruptive behavior, and are punished when schools should be addressing these issues, not sending children home (Noguera, 2003, p. 342). Casella (2003) notes how “the young men in prison were once kids who arrived at school with problems nobody would want, and the students discussed in this article were, in general, without real support from their schools and sometimes their families” (p. 886). Laura is one such student who Casella had spoken with after she dropped out of school two months before graduation after receiving a suspension. She revealed that her primary reason for dropping out was a lack of support from her school; her mother, who had been with her as she spoke to Casella, also seemed to show a lack of support by agreeing with the school’s punishment (Casella, 2003, p. 881). Instead of pushing out Laura, who would have benefited from a high school diploma for her future, her school should have attempted to keep her in school for her graduation. Instead she felt alienated and chose to leave, just as many other students, especially those who would go on to be incarcerated, have felt during their schooling.

Zero tolerance policies assume that all students are adults capable of facing the lifelong consequences of their actions, which oftentimes involve referrals to the juvenile or adult judicial system, as though they are criminals (Sumner et al., 2010). In fact, many students misbehave or turn to delinquency because they are crying out for help (Skiba, 2000; Noguera, 2003) or are taking an oppositional stance, such as being deliberately disruptive in class, due to resentment that it is an expected behavior from them (Skiba, 2000, p. 14; Verdugo & Glenn, 2002, p. 13). These students “internalize the labels that have been affixed to them, and as they begin to realize that the trajectory their education has placed them on is leading to nowhere, many simply lose the incentive to adhere to school norms” (Noguera, 2003, p. 343). Students need mentoring, not an expulsion or a direct line to prison (Skiba & Peterson, 1999; Skiba, 2000; Fenning & Rose, 2007; Fowler, 2011; Lamont et al., 2013).

Second Step: Reevaluate Out-of-School Suspension

Expulsion through zero tolerance policies are ineffective due to how they are applied in cases in which the vague term ‘weapon’ is left to the discretion of school administrators and therefore subject to human biases—especially racial biases (Wu et al., 1982; Skiba, 2000, p. 14). Out-of-school suspension coincides with zero tolerance policies because it is the most frequently used disciplinary technique in schools that is not as permanent as expulsion (Skiba, 2000, p. 10) and its use is also highly subjective. Moreover, the American Academy of Pediatrics “maintains that out-of-school suspension and expulsion are counterproductive to the intended goals” of keeping children in school and educating them, and are “rarely if ever are necessary, and should not be considered as appropriate discipline in any but the most extreme and dangerous circumstances, as determined on an individual basis rather than as a blanket policy” (Lamont et al., 2013, p. e1005). Other scholars (Skiba & Peterson 1999; Skiba, 2000, Noguera, 2003;

Fenning & Rose, 2007; Losen, 2012) also maintain a similar sentiment. Thorson (1996) provides an example of one student who describes his experience with exclusionary school practices:

When they suspend you, you get in more trouble, 'cause you're out in the street... And that's what happened to me once. I got in trouble one day 'cause there was a party, and they arrested everybody in that party... I got in trouble more than I get in trouble at school, because I got arrested and everything (p. 9)

A current incarcerated individual, Seth G. Cooper, comments on the overuse of out-of-school suspension at his former high school, especially in the case of him and his brother, frequent marijuana users who were suspended for possession of the drug:

This was the second time in the first month of the school year that the school authorities singled us out for smelling like 'burnt marijuana'. With a second suspension, my brother would have attended only two out of the first six weeks of school. How did they suppose we would learn anything if we were constantly being suspended? (2012, p. 73).

Noguera (2003) further highlights that “for many poor children, schools provide a source of stability that often is lacking in other parts of their lives” (p. 6). If schools play such an important role for youth, especially impoverished and minority children, then out-of-school suspension is only casting aside these youths who could be greatly helped within schools.

Chapter Two provided examples of how out-of-school suspension is used as a disciplinary punishment, one that disparately impacts students of color. For example, in their study of the sources of racial and gender disproportionality in school punishment, Skiba et al. (2003) found a pattern in which “black students are suspended disproportionately due primarily to a higher rate of office referral” (p. 335), and after controlling for socioeconomic factors, still encountered that “significant racial disparities in school discipline remain even after controlling for socioeconomic status” (p. 333). The Office for Civil Rights (OCR) discovered similar results

in their investigations of discrimination in U.S. public schools: “African-American students represent 18 percent of students in the sample but 35 percent of students suspended more than once” and “46 percent of those suspended more than once” (U.S. Department of Education, 2012, p. 7). Therefore, not only is out-of-school suspension counterproductive to keeping students in schools and educating them, it is also a tool in creating and perpetuating racial disparities between students. Logically, schools should strive to limit the use of out-of-school suspension. The pressing issues of violence, misbehavior and truancy that primarily lead to schools overusing out-of-school suspension as a disciplinary technique can be resolved in school and with the community (Karp & Breslin, 2001; Cameron & Thorsborne, 2001; Sprague & Vincent, 2013). By sending students home, schools are not taking the opportunity to teach students who misbehave valuable lessons of taking responsibility for those harmed and being assertive yet respectful when expressing their feelings or frustrations in the classroom; at home, these students will never learn from their mistakes (Cameron & Thorsborne, 2001; Karp & Breslin, 2001; Sumner et al., 2010; Sprague & Vincent, 2013). “The strongest indication that [suspension practices] are ineffective at changing behavior is the fact that students who get into trouble and are suspended most frequently rarely change their behavior for the better because they are periodically not allowed to attend school for a few days (Noguera, 2003, p. 346). These are also students who repeatedly misbehave, and thence are suspended more often. Also, “it is ironic and telling that schools typically punish children who are behind academically by depriving them of instructional time...and illogical that students who miss school often are forced to miss more school as punishment ” (Noguera, 2003, p. 345). Instead of depriving students of their education, forcing them to return to the classroom academically behind their peers after a suspension, students should be kept in schools, where issues influencing

misconduct, violence and absenteeism are more likely to be solved with caring personnel (Karp & Breslin, 2001; Casella, 2003; Noguera, 2003; Sumner et al., 2010; Sprague & Vincent, 2013).

Third Step: Implement Alternative Program

When a school has shown a dedication to reduce or eliminate the use of out-of-school suspension and targets the effects of zero tolerance policies by critically examining its discipline procedures, the need for an effective alternative discipline program arises. It is a fallacy to believe that discipline is not required; students should be given the opportunity to learn from their mistakes, yet in a manner that is helpful, allows for growth of character, and is an advantageous use of their time (Karp & Breslin, 2001). Several successful programs meet these criteria, including System-wide Positive Behavior Interventions and Supports (PBIS) and restorative justice practices, which are steadily growing in popularity.

System-wide Positive Behavior Interventions and Supports

System-wide Positive Behavior Interventions and Supports (PBIS), “is a well established systematic and data-driven approach to improving school learning environments” (Losen, 2012, p. 58). It consists of three levels of intervention: school-wide level, which affects every member in the school community in order to create a safe learning environment; the individual classroom level in order to focus on smaller groups of students; and an even more specialized individual level for students who need extra instruction in skills training, school expectations, and in strategies tailored to specific behaviors (Losen, 2012, p. 59). Evidence-based features of PBIS include prevention, the definition and instruction of positive social expectations, the acknowledgement of positive behavior, the arrangement of consistent consequences for problem behavior, and a continuum of intensive, individual interventions (Horner et al., 2005, p. 11). PBIS operates on a continuum of three tiers; the first tier—universal interventions or the school-

wide system and classroom system—is the primary intervention level that involves all students in a school in order to reduce problem behavior before it occurs (Sugai et al., 2000, p. 136). The second tier—specialized group interventions or the at-risk system—is the secondary intervention level that specifically targets students at-risk for problem behavior, which involves 5 to 15 percent of the student body, to reduce the number of current problem behavior cases (Sugai et al., 2000, p. 136). Lastly, the third tier—specialized individual interventions or the individual student system—is the tertiary prevention level that focuses on students with “chronic or intense problem behavior”, 1 to 7 percent of the student body, to reduce the “intensity or complexity of current cases” (Walker et al., 1996; Sugai et al., 2000, p. 136). It is extremely important in PBIS that teachers and administrators have consistent expectations in the classroom and in school in general (Horner et al., 2005, p. 17); inconsistencies confuse students and do not reinforce which behaviors are tolerated and not tolerated in the school.

An aspect of PBIS absent from zero tolerance is the fact that with PBIS, teachers and administrators must define and teach behavioral expectations, as well as monitor appropriate behavior (Horner et al., 2005, p. 18). Students are not suspended or expelled for vague reasons of misbehavior; rather, students are given a voice to explain themselves and learn the consequences of their actions while in school, not at home. Furthermore, behavioral expectations go beyond school-wide ones that compromise the system-wide level; with PBIS, these school expectations must be transformed into specific, observable behaviors at the individual level that are consistent (Horner et al., 2005, p. 20). For example, the expectations at Adams City High School transform from basic ‘respect’ in the hallway to the specifics of keeping the location neat, using appropriate language, allowing others to pass, and monitoring noise level (Horner et al., 2005, p. 23). PBIS guidelines also tell administrators what not to expect: office referrals will not change behavior,

and school-wide efforts will not affect students with chronic problem behavior (Horner et al., 2005, p. 18, 31). Therefore, the third level of PBIS, intensive, individually designed interventions, addresses the needs of the individual student and gives them function-based assignments to target chronic misbehavior overtime (Horner et al., 2005; Overview of PBIS Maryland, 2009).

Many schools have adopted some kind of PBIS since its development in the 1980s (Shah, 2012). In Los Angeles, schools with PBIS have noted a large cut in suspensions; in one high school, 600 suspensions were cut in one year (Shah, 2013). In Charleston, South Carolina, students in Haut Gap Middle School take a 40-minute a day course for nine weeks on how to be a successful Haut Gap student as part of their PBIS program (Shah, 2012). While requiring extra effort and time, this has proven successful in that Haut Gap has experienced a drop in suspensions, with less than 100 of its 500 students being suspended in the 2010-2011 school year as compared to 170 suspensions for an enrollment of 250 students in 2007 when PBIS was first introduced (Shah, 2012).

The success of PBIS is further highlighted with the Maryland model of the system-wide preventative program. As of 2008, 46 percent of Maryland schools were trained in PBIS (Overview of PBIS Maryland, 2009). To measure if PBIS improved school quality, schools to be trained in PBIS were scored using the School-wide Evaluation Tool (SET), which is comprised of two to three hours of observation of positive behavior support systems in the school conducted by an independent observer. Schools were scored before PBIS training and on a post-training follow-up, and the differences in scores were remarkable. All regions of the state showed high scores for positive behavior support systems post PBIS training; for example, the eastern region of Maryland scored a 25 on the SET pre-training, yet scored 85 post-training

(Barrett et al., 2008, p. 110). In regards to suspension rates, schools implementing PBIS showed a significant decrease between school years. Middle schools trained in July of 2004 had a suspension rate of 33.36 percent, and in the following year showed a decrease to 26.66 percent (Barrett et al., 2008, p. 111). PBIS has therefore been successful in Maryland, and more schools each year in the state are being trained in PBIS. This success is due in part by the quality of PBIS coaching by PBIS staff; these results can be replicated elsewhere with the same kind of training (Barrett et al., 2008, p. 113).

Restorative Justice Practices

Restorative justice practices are those that empower communities to respond holistically to violence and harm (Hereth et al., 2012, p. 246) based on the philosophy that this would foster strong communities in which crime is prevented and responded to directly when it happens (Bursik & Grasmick, 1993; Sampson, 1995; Karp & Breslin 2001, p. 249). In schools, restorative justice practices take a similar approach to school violence and misconduct. “Restorative justice provides an opportunity for schools to practice participatory, deliberative democracy in their attempts to problem-solve around those serious incidents of misconduct that they find so challenging” (Cameron & Thorsborne, 2001, p. 182). It especially gives students committing an act of misconduct or violence a voice when otherwise they would simply be suspended or expelled with little control over the situation. Restorative justice take into account not only the needs of victims but also that of offenders, their families, and other stakeholders involved in the incident of harm so that all parties can work together to rebuild what was lost, rather than punishment being viewed as a final resolution (Strang & Braithwaite, 2001, p. 1; Hereth et al., 2012, p. 246). This allows people to heal from the incident and prevent similar harm from recurring (Hereth et al., 2012, p. 246) because a sense of justice is being served that is not

necessarily felt when offenders are punished and not brought face-to-face with those their behavior has impacted (Cameron & Thorsborne, 2001, p. 184). When an act of school violence or misconduct is committed, a learning experience is not provided through the immediate resolution of the issue using punitive means; but restorative practices such as mediation circles allow the offender to especially garner a sense of personal responsibility, rather than feel oppressed through authoritarian controls (Karp & Breslin, 2001, p. 253; Sumner et al., 2010). With restorative justice, “responding to the hurt of crime with the hurt of punishment is rejected, along with the corresponding value of proportionality—punishment that is proportionate to the wrong that has been done” (Strang & Braithwaite, 2001, p. 1). Zero tolerance responds to school violence and misconduct with the hurt of punishment when what is truly needed is healing and support for all parties involved.

Restorative justice in schools appears in many different forms, from peer mediation programs, to mediation circles, to extensive parent and community involvement in formal community conferences (Lawrence, 2007; Sprague & Vincent, 2013). Restorative circles, an important facet of restorative justice, involve students, teaches, parents and sometimes staff sitting in a circle with a circle keeper ensuring that everyone has a chance to speak and respects the values of active listening in the circle (Sumner et al., 2010, p. 11). In a circle, everyone involved in an incident is brought together to have their sides of a situation listened to; students and teachers also have the opportunity to see how others are affected by their actions (Sprague & Vincent, 2013, p. 66). To make circles work, Sprague & Vincent (2013) urge teachers to sit with students and listen, be encouraging, believe in the students’ words, be vulnerable and also forgiving (p. 64). Questions asked in circles range from those asked to the person or party ‘harmed’, such as “how has what happened impacted you and others?” and “what do you think

needs to happen to make things right?"; and questions posed to those who 'harmed', such as "what were you thinking at the time?" and "what do you think you need to do to make things right?" (Sprague & Vincent, 2013, p. 67-68). These questions allow conflict resolution to occur while empowering victims and offenders, bringing them face to face to truly make sense of the situation and devise ways together, not separately, to heal. This is what zero tolerance lacks: students are not given the chance to explain themselves or accept responsibility for a situation if they are immediately forced to leave the origin of the incident, and it allows for suspended students to return to schools believing their opinions to be unimportant (Sumner et al., 2010, p. 8).

Karp & Breslin (2001) studied the effects of school-wide restorative practice programs in Minnesota Public Schools (p. 254). Minnesota Public Schools began installing a school-wide system of restorative justice starting in 1995, when the state funded districts to develop effective violence and peacekeeping programs (Karp & Breslin, 2001, p. 255). In 2001, four school districts were given \$300,000 each to investigate alternative practices to school discipline problems (Karp & Breslin, 2001, p. 256). Unlike in many other school districts, sponsors of the restorative justice program were troubled by the increasing involvement of the juvenile justice system in matters of teaching and schooling. They believed resolution should take place in school setting, but with the caveat that all parties be involved, not simply authoritarian figures such as principals, teachers and counselors who traditionally issued punishments (Karp & Breslin, 2001, p. 255). During the first year of the project, the Seward Montessori Elementary School in Minneapolis witnessed a 27 percent reduction in suspensions and expulsions, and the Lincoln Center Elementary School saw its number of referrals for violent behavior more than halve in just two years (Karp & Breslin, 2001, p. 257). South St. Paul High School issued 110

out-of-school suspensions during its first year of restorative justice practices; by its second year, the number dropped to 65 (Karp & Breslin, 2001, p. 257). The fact that Minnesota school districts were supported with state funds to explore alternative practices in discipline ultimately helped many schools change their discipline policies (Karp & Breslin, 2001). Although not all schools in the nation have access to the same resources. It is still valuable for schools to consider alternative options to punishment, and restorative justice in Minnesota shows the success behind investing in communitarian control rather than complete authoritarian control (Karp & Breslin, 2001).

In West Oakland, California, Sumner et al. (2010) performed a case study of Cole Middle School to see if restorative justice practices were successful in replacing zero tolerance discipline policies (p. 2). In Cole Middle School, implementing restorative justice took time and commitment; teachers and students committed to lengthy training sessions, and 25 students took an elective restorative justice class at its implementation in 2007 (Sumner et al., 2010, p. 9). An important part of the restorative justice program at Cole was the circle, which was held daily at the beginning of the day, regularly in some classrooms, and as needed to address acts of violence or misconduct when they occurred (Sumner et al., 2010, p. 11). One example of how the restorative circle mediated conflict is seen through the resolution of a situation between a teacher and a student. The Circle Keeper commented on the fact that there were two warring sets of feelings in the circle: that of the teacher, who believed to have been disrespected by the student, and that of the student, who argued that she was disrespected by the “teacher’s lack of action and not taking the time to explain things” (Sumner et al., 2010, p. 12). The Circle Keeper urged the two parties to acknowledge the other’s feelings, and apologies ensued. The teacher formally stated that he would take the time to come to the student face-to-face to provide assistance and

the student promised to get work done faster (Sumner et al., 2010, p. 12). It is easy to imagine that this scenario would have gone differently at another school still entrenched in a zero tolerance mindset. At the end of their study, the researchers found that students and teachers began to take a different perspective on school and community violence and felt that their relationship to the community, as well as to each other, was strengthened (Sumner et al., 2010, p. 16). On average, 83 percent of the students agreed that restorative justice was helping their school and had reduced fighting; 70 percent felt it helped their relationship with their teachers (Sumner et al., 2010, p. 21). The researchers also examined suspensions at Cole over a five-year period; they found that before restorative justice was implemented in 2007, a record high of 72.2 percent of students were suspended in 2006 compared to 10.6 percent in 2009 (Sumner et al., 2010, p. 31). Other factors can contribute to a decline in suspension rates, such as a shrinking student body, yet the decline in suspensions is much too steep for it to simply be external factors (Sumner et al., 2010, p. 31). Therefore, it is evident that restorative justice at Cole Middle School proved to be a beneficial alternative to zero tolerance policies.

In order to be successful, however, “restorative justice practices require a radical shift in philosophy” from “retributive, authoritarian controls” to “restorative, communitarian controls” (Karp & Breslin, 2001, p. 253). This will take time and training, requiring extra funds and resources (Sumner et al., 2010). Furthermore, not every restorative justice program will look the same nation-wide; variations will occur due to differing school climates and community settings (Sumner et al., 2010, p. 33). It is a misconception with restorative justice that certain sanctions cannot be applied to students for; however, the goal of restorative justice is to repair the relationship between the parties and in some cases the community involved, and to reintegrate the offending individual (Sprague & Vincent, 2013, p. 52). Even so, if a school focuses funds on

implementing restorative justice rather than policing students, the benefits would eventually outweigh many limitations, as it did in some Minnesota Public Schools and in Cole Middle School.

The Process of Change

Alternatives to zero tolerance and out-of-school suspension all come at a price: time, resources, extra energy and compassion. These measures, such as PBIS, are not simple to implement and require extensive training in order to be truly effective (Sugai et al., 2000; Overview of PBIS Maryland, 2009). They also have a monetary component; as with PBIS, if a school district implements the program in 15 schools, the cost per school would be approximately \$4,633 (Blonigen et al., 2008). School leaders need to be truly committed to changing their discipline practices in order to make a difference in their suspension and expulsion rates (Sprague & Vincent, 2013). However, over time, schools that change their practices will see a great difference, not only in suspension rates but in overall school climate as well. In a study measuring students' relationships to school, Libbey (2004) concludes that students in schools in which their teachers show a high level of caring and supportiveness and where discipline is fair and effective feel more connected to their school and have a higher sense of belongingness, leading to high achievement and positive behavior (p. 281-282). Yet this cannot happen with zero tolerance policies that prevent children from getting an education based on the excuse of creating safer schools. The schools that dedicate themselves to implementing alternative discipline policies will also feel much safer than schools still using zero tolerance policies, which resemble prisons (Pollack & Sundermann, 2001). The principal of one Florida school to implement alternative discipline practices reports that in her school, they "treat children with kindness... We don't have a rigid hand. We show them values. Once you give a child

reasons, you get them to follow directions” (Shores, 2003; Noguera, 2003, p. 350). Alternative discipline policies function on the philosophy of caring, and all children, misbehaved or well behaved, are in need of it.

Chapter 4: Conclusion

Zero Tolerance—Do We Need It?

This thesis initially began to investigate the history and nature of zero tolerance discipline policies, and how its context has allowed for discrimination to follow its use. It is important to remember that zero tolerance policies are not of themselves racist policies initiated to target a group of students belonging to a certain racial or ethnic minority. Rather, zero tolerance policies began with the good intention of keeping schools safe and eradicating school violence during a time when school shootings and other acts of youth violence dominated the media and the public consciousness. The fact that these ‘get tough’ policies were federally mandated exemplifies our nation’s preoccupation with keeping children safe in schools and our commitment to ensuring a learning environment in which students worry about achievement, not their lives.

However, the implementation of zero tolerance policies is far from what was expected at the federal level, and this is the core of the problem with its continued existence. Zero tolerance policies are indeed colorblind, but this means little when also comparing it to the Reagan administration’s War on Drugs, a similar colorblind policy combating illegal drug use and trade, which has incarcerated millions of minority men for minor drug charges and has significantly added to the current pressing issue of mass incarceration (Alexander, 2012). Since their formal birth as part of the Guns Free Schools Act of 1994, zero tolerance policies in schools has negatively affected not only suspension and expulsion rates of minority students, but have also impacted high school completion rates, school climate, and the referral of students—especially minority students—to the juvenile justice system, leading to a phenomenon called the school-to-prison pipeline (Skiba & Peterson, 1999; Skiba, 2000; Skiba et al., 2002; Verdugo & Glenn, 2002; Casella, 2003; Noguera, 2003; Christle et al., 2004; Fowler, 2011; Lee et al., 2011; Losen,

2012; Lamont et al., 2013). As long as schools reflect the society that created them and discrimination exists in society, schools will be places where students may experience discrimination, yet this does not entail that schools should cease to make an effort in changing policies that allow discrimination and racism to perpetuate (Noguera, 2003).

Therefore, zero tolerance policies are in fact causing more harm than good—and there are far more studies available and frequently cited stating as such (Skiba & Peterson, 1999; Skiba, 2000; Skiba et al., 2002; Verdugo & Glenn, 2002; Casella, 2003; Noguera, 2003; Wald & Losen, 2003; Polakow-Suransky, ;Fowler, 2011; Lee et al., 2011; Losen, 2012; U.S. Department of Education, 2012; Lamont et al., 2013). The next pertinent question for government leaders, schools, and parents to ask is if zero tolerance as a disciplinary system is truly necessary. Zero tolerance thrived in the late 1980s and in the 1990s because the public rationalized a need for a no tolerance approach to school violence, due to high media coverage of isolated incidents of school violence, and the effects of similar policies targeting illegal drug use (Skiba & Peterson, 1999; Skiba, 2000; Casella, 2003). Schools are no less safe than they were two decades ago; and after zero tolerance, it is not evident that they are any safer than two decades ago (Skiba, 2000; Noguera, 2003). Therefore, a policy that has only allowed for discrimination to exist under the guise of creating safe schools and is not truly necessary should no longer be implemented as the norm in schools. Alternative discipline policies, grounded in positive research and successful case studies, can accomplish what zero tolerance first intended and more.

The Call for Zero Tolerance Reforms

With the discrepancies of suspension and expulsion rates between minority and white students brought to light and acknowledged by the Obama administration (Hefling & Yost, 2014), school districts today are beginning to reevaluate and reform their discipline policies, and

many are actively changing the authoritarian ways their schools have been run. For example, in 2013, the Los Angeles Unified School District was the first district in California to ban suspension based on ‘willful defiance’” (Shah, 2013). This would greatly reduce the number of out-of-school suspensions in this school district because it had formerly “maintained a zero tolerance policy for students who failed to comply, in any way, with any policy or direction given by teachers or school administrators—covering everything from mouthing off to wearing baggy pants” (Rott, 2013). At present, a year later, students report being grateful for the change in policy, one that had disproportionately affected minority students (Caesar, 2014). The Los Angeles Unified School District is also currently voting on having a student advisory member sit on the school board to provide guidance on issues salient to students lives; this student would be more aware of school climate, security issues, and overall context than school board members typically are, and can therefore provide meaningful input during meetings (Caesar, 2014).

In northern California, The San Francisco Unified School District recently followed Los Angeles with the ‘Safe and Supportive Schools Policy’, which will be set in place by the fall of 2014. The policy will “forbid suspensions or expulsion referrals made solely for ‘disruption/willful defiance’” (Blad, 2014). This will hopefully decrease the number of African American students suspended; “in 2012-2013, black students, only about 10 percent of the school population, accounted for nearly 50 percent of suspensions and expulsions”, not to mention that they also “missed an average of 19 more instructional days per year than their peers” (Kwong, 2014). The Safe and Supportive Schools Policy will strive to decrease suspensions and expulsions by focusing on providing additional support for teachers who need to remove students from their classrooms, and by using restorative justice practices to keep students in schools rather than excluding them (Kwong, 2014).

Chicago recently announced a continuing decreasing trend in out-of-school suspensions rates due to the district's new code of conduct that encourages alternatives to classroom removal (Blad, 2014). The district has seen a 36 percent drop in suspension rates after changing its zero tolerance-influenced discipline standard: as of January 2014 there have been 14,587 suspensions in Chicago public schools compared to 36,046 suspensions the school year before (Blad 2014). The state of Maryland also plans to adopt new policies for the 2014-2015 school year in which "schools can only suspend students for longer than 10 days if they determine their behavior 'would pose an imminent threat of serious harm to other students and staff'" (Blad, 2014). Furthermore, the new policy mandates "school leaders must exhaust other interventions before they consider suspensions or expulsions, must limit classroom removal 'to the shortest period predictable', and must provide suspended/expelled students with 'comparable educational services' while they are out of the classroom" (Blad, 2014). These policies are all beginning to use steps to combat the severity of zero tolerance.

Not all schools are embracing changes in discipline. I recently visited Muhlenberg High School, almost four years since I left. It still has two sets of bulletproof glass doors. It still has the same buzzer and security camera surveillance. The walls, floors and ceiling have not changed from prison white. Students are still not allowed to walk around with backpacks, and there has been talk of introducing mandatory uniforms, just as the Reading Public School District did a couple of years ago. State law has not changed and allows schools in Pennsylvania, especially in my school, "to suspend students for up to ten consecutive days without action by the district's school board or by governing authority" (Jordan et al., 2013, p. 13). This means Muhlenberg school principals can still suspend a student for disobedience and misconduct without needing a second opinion (Suspension and Expulsion, 2011, p. 1). As for expulsion, Muhlenberg School

District “may permanently expel from the district rolls any student whose misconduct or disobedience warrants this sanction” (Suspension and Expulsion, 2011, p. 1). Zero tolerance has had an obvious affect on my former high school and unfortunately continues to do so with little change in sight. This shows that while the Obama administration urges schools to reevaluate their zero tolerance policies and despite the fact that several schools across the nation have utilized successful alternatives, a majority of school districts in the U.S. still reject the notion that anything but zero tolerance can be effective in keeping schools safe and orderly. This is why it is extremely paramount that more schools begin to integrate alternative policies and practices as they cast aside the negative influences of zero tolerance, such as the overuse of out-of-school suspension unless for extreme circumstances, the presence of metal detectors and frequent locker searches that break students’ trust with their school, and the overall mindset that students are not capable of taking responsibility for their actions without being severely punished.

Change Exclusionary Mindset

For decades and continuing until this day, the “removal from the classroom or removal from the school through suspension or even expulsion [has served] as the standard forms of punishment employed by schools throughout the United States” (Noguera, 2003, p. 342; Sprague & Vincent, 2013). Many administrators act on the assumption that removing students from schools for violating rules and expectations and oftentimes even violating the law, such as with illegal drug use, provides an immediate return to order for the sake of other students attempting to learn. Students, “in an exchange for an education...are expected to obey the rules and norms that are operative within school and to comply with the authority of the adults in charge” and exclusionary practices of discipline are rationally utilized (Noguera, 2003, p. 343). This authoritarian mindset is further revealed in the public response to schools implementing

alternative discipline practices. For example, one blogger, Walt Gardner, writes, “trying to deal with these miscreants consumes an inordinate amount of time and energy for teachers and administrators. If they don’t alter their behavior after being counseled, I don’t see why they deserve to be in school where they hold their classmates hostage” (Brenneman, 2013).

In order for alternative practices to truly work, however, this punitive and accusing mindset needs to change. The key to having a successful alternative discipline program is patience due to the fact that they take time and effort to implement (Sumner et al., 2010). Zero tolerance policies have reined for decades due to the ease with which students could be removed from the classroom for less than ideal behavior—“restorative practice takes time, in a way that simple punishment does not” (Brenneman, 2013; Brown, 2013). It is inevitable that in the beginning many people will be skeptical of practices such as PBIS and restorative justice within a culture of zero tolerance and ‘one strike you’re out’ (Brown, 2013). However, given time and resources, positive changes will occur within schools, as with the Los Angeles School District, Chicago, and Maryland public schools. Students in Los Angeles were shown that their district cares for them by the banning of suspensions under the umbrella term ‘willful defiance’; and in response these students have now strived to take a more active role in their school by petitioning for a student advisory member on the school board. Schools are already burdened with increasing test scores and securing scarce funding, and an added pressure of changing discipline policies seems daunting. However, when schools make the sacrifice of focusing on implementing caring policies instead of punitive ones, students will see the effort to change and respond in kind.

Limitations and Further Research

Unfortunately, there are several limitations to a study of this nature on zero tolerance policies. Because public schools largely self-report their data on suspension and expulsion rates, it is difficult to know the exact number of students, especially minority students, suspended and expelled (U.S. Department of Education, 2012; McNeil, 2013). These numbers can be higher or lower depending on the case, and human error is also a likely possibility, as schools can accidentally report an alarming number of suspensions when that is not the case. This error occurred, for example, with two schools in Hartford, Connecticut; these schools were listed among the schools that suspended the highest number of students due to flawed information being given to the Office for Civil Rights (McNeil, 2013). Another limitation of this study is its scope; there are many complex factors revolving around high suspension rates, dropout rates, the school-to-prison pipeline, school violence and school climate, and the reasons behind student delinquency or misbehavior in schools, but this thesis merely introduced these issues. These are all issues within the public education system that merit their own analysis as well as a deeper understanding of their connection to zero tolerance policies. The true disparate effects of zero tolerance can also be much more pervasive than what is presented in this thesis, due to it being difficult to study human bias and discrimination in classrooms across the nation. However, all of these limitations simply represent future areas of study that this thesis has served to introduce and begin to investigate; research on zero tolerance policies should always be ongoing, especially in analyzing its effects in schools twenty years since it became school policy.

Works Cited

- Alexander, M. (2012). *The new Jim Crow: Mass incarceration in the age of colorblindness*. The New Press.
- Barrett, S. B., Bradshaw, C. P., & Lewis-Palmer, T. (2008). Maryland Statewide PBIS Initiative Systems, Evaluation, and Next Steps. *Journal of Positive Behavior Interventions*, 10(2), 105-114.
- Blad, E. (2014). Chicago Schools Attribute Drop in Suspensions to New Discipline Policies. *Education Week - Rules for Engagement*. Retrieved March 21, 2014, from http://blogs.edweek.org/edweek/rulesforengagement/2014/02/chicago_schools_attribute_drop_in_suspensions_to_new_discipline_policies.html?cmp=SOC-SHR-FB
- Blad, E. (2014). Maryland Adopts New Discipline Rule to Address Racial Disparities, Suspensions. *Education Week - Rules for Engagement*. Retrieved March 21, 2014, from http://blogs.edweek.org/edweek/rulesforengagement/2014/01/maryland_adopts_new_discipline_rule_to_address_racial_disparities_suspensions.html?cmp=SOC-SHR-FB
- Blad, E. (2014). "Willful Defiance" Will No Longer Be Cause for Suspension in San Francisco. *Education Week - Rules for Engagement*. Retrieved March 25, 2014, from http://blogs.edweek.org/edweek/rulesforengagement/2014/03/willful_defiance_will_no_longer_be_cause_for_suspension_in_san_francisco_1.html?cmp=SOC-SHR-FB
- Blair, F. E. (1999). Does Zero Tolerance Work?. *Principal*, 79(1), 36-37.
- Blonigen, B. A., Harbaugh, W. T., Singell, L. D., Horner, R. H., Irvin, L. K., & Smolkowski, K. S. (2008). Application of economic analysis to school-wide positive behavior support (SWPBS) programs. *Journal of Positive Behavior Interventions*, 10(1), 5-19.

- Blower, S., & Watson, A. L. (2004). Corporal Punishment in Schools. *Center for Family Policy and Research publications (MU)*.
- Bogos, P. M. (1996). Expelled-No Excuses-No Exceptions-Michigan's Zero-Tolerance Policy in Response to School Violence: MCLA Section 380.1311. *U. Det. Mercy L. Rev.*, 74, 357.
- Brenneman, R. (2013, April 22). As Restorative Justice Spreads, When Do You Suspend? *Education Week - Rules for Engagement*. Retrieved February 18, 2014, from http://blogs.edweek.org/edweek/rulesforengagement/2013/04/detroit_schools_have_discipline_problems.html?cmp=SOC-SHR-FB
- Brown, P. L. (2013, April 3). Restorative Justice Programs Take Root in Schools. *The New York Times*. Retrieved from <http://www.nytimes.com/2013/04/04/education/restorative-justice-programs-take-root-in-schools.html>
- Bursik Jr, R. J., & Grasmick, H. G. (1993). Economic deprivation and neighborhood crime rates, 1960-1980. *Law & Soc'y Rev.*, 27, 263.
- Cameron, L., & Thorsborne, M. (2001). Restorative justice and school discipline: Mutually exclusive? In H. Strang, & J. Braithwaite (Eds.). *Restorative justice and civil society* (pp. 180-194). Cambridge University Press.
- Casella, R. (2003). Zero tolerance policy in schools: Rationale, consequences, and alternatives. *The Teachers College Record*, 105(5), 872-892.
- Cesar, S. (2014, April 7). L.A. Unified students want one of their own on school board. *Los Angeles Times*. Retrieved from <http://articles.latimes.com/2014/apr/07/local/la-me-student-board-members-20140408>
- Christle, C., Nelson, C. M., & Jolivette, K. (2004). School Characteristics Related to the Use of Suspension. *Education & Treatment of Children (ETC)*, 27(4).

- Chyi, H. I., & McCombs, M. (2004). Media salience and the process of framing: Coverage of the Columbine school shootings. *Journalism & Mass Communication Quarterly*, 81(1), 22-35.
- Civil Rights Assistant Secretary to Address Statewide Hearing on School Discipline Policies, Discuss Equity in Education. (n.d.). Media Advisories. Retrieved November 21, 2013, from <http://www.ed.gov/news/media-advisories/civil-rights-assistant-secretary-address-statewide-hearing-school-discipline-p>
- Cooper, S. G. (2012). One month in high school. In S. Bahena, N. Cooc, R. Currie-Rubin, P. Kuttner, & M. Ng (Eds.), *Disrupting the School-to-Prison Pipeline* (pp. 73–75). Cambridge, MA: Harvard Educational Review.
- Dedman, Bill (2006). Does every school need a metal detector?*msnbc.com*. Retrieved March 17, 2014, from http://www.nbcnews.com/id/15111439/ns/us_news-crime_and_courts/t/does-every-school-need-metal-detector/
- Berger, P. L., & Luckmann, T. (1967). The social construction of reality: A treatise in the sociology of knowledge. *New York: Anchor*.
- Dinkes, R., Cataldi, E. F., Kena, G., & Baum, K. (2006). Indicators of School Crime and Safety: 2006. NCES 2007-003. *National Center for Education Statistics*.
- Drizin, S. (2001). Arturo's case. *Zero tolerance: Resisting the drive for punishment in our schools*, 31-41.
- Dropout study should alarm all of Michigan. (2008). *Michigan Citizen*. Retrieved from <http://search.proquest.com/docview/368165533?accountid=14194>
- Fenning, P., & Rose, J. (2007). Overrepresentation of African American students in exclusionary discipline the role of school policy. *Urban Education*, 42(6), 536-559.
- Fine, M. (1991). *Framing dropouts: Notes on the politics of an urban high school*. SUNY Press.

- Fine, Michelle, and Kersha Smith. 2001. "Zero Tolerance: Reflections on a Failed Policy That Won't Die." Pp. 256–63 in *Zero Tolerance: Resisting the Drive for Punishment in our Schools. A Handbook for Parents, Students, Educators, and Citizens.*, edited by William Ayers, Bernardine Dohrn, and Rick Ayers. New York, NY: The New Press.
- Fowler, D. (2011). School discipline feeds the "pipeline to prison". *Phi Delta Kappan*, 93(2), 14-19.
- Hankin, A., Hertz, M., & Simon, T. (2011). Impacts of metal detector use in schools: Insights from 15 years of research. *Journal of school health*, 81(2), 100-106.
- Helfing, K., & Yost, P. (2014, January 8). Obama administration recommends ending "zero-tolerance" policies in schools. *PBS NewsHour*. Retrieved March 1, 2014, from <http://www.pbs.org/newshour/rundown/obama-administration-recommends-ending-zero-tolerance-policies-in-schools/>
- Herivel, T., & Wright, P. (Eds.). (2009). *Prison profiteers: Who makes money from mass incarceration*. The New Press.
- Horner, R. H., Sugai, G., Todd, A. W., & Lewis-Palmer, T. (2005). School-wide positive behavior support. *Individualized supports for students with problem behaviors: Designing positive behavior plans*, 359-390.
- Houchins, D. E., & Shippen, M. E. (2012). Welcome to a Special Issue about the School-to-Prison Pipeline: The Pathway to Modern Institutionalization. *Teacher Education and Special Education*, 35(4), 265-270.
- Johnson, T., Boyden, J. E., & Pittz, W. J. (2001). Racial Profiling and Punishment in US Public Schools: How Zero Tolerance Policies and High Stakes Testing Subvert Academic Excellence and Racial Equity. Research Report [and] Executive Summary.

- Jordan, H., Addis, B., Feldman, S., Scott, O., Sokol, M., Warren, J., ... & Treece, W. (2013). Beyond zero tolerance: Discipline and policing in Pennsylvania Public Schools. *American Civil Liberties Union of Pennsylvania*. pp. 1-38.
- Karp, D. R., & Breslin, B. (2001). Restorative justice in school communities. *Youth & Society*, 33(2), 249-272.
- Kimmel, M. S., & Mahler, M. (2003). Adolescent masculinity, homophobia, and violence random school shootings, 1982-2001. *American behavioral scientist*, 46(10), 1439-1458.
- Kwong, J. (2014, February 26). SFUSD board approves measure favoring alternatives to suspensions. *The San Francisco Examiner*. Retrieved April 21, 2014, from <http://www.sfexaminer.com/sanfrancisco/sfusd-board-approves-measure-favoring-alternatives-to-suspensions/Content?oid=2715041>
- Lamont, J. H., Devore, C. D., Allison, M., Ancona, R., Barnett, S. E., Gunther, R., ... & Young, T. (2013). Out-of-school suspension and expulsion. *Pediatrics*, 131(3), e1000-e1007.
- Lawrence, R. (2007). *School Crime and Juvenile Justice*. New York, NY: Oxford University Press, Inc.
- Libbey, H. P. (2004). Measuring student relationships to school: Attachment, bonding, connectedness, and engagement. *Journal of School Health*, 74(7), 274-283.
- Lee, T., Cornell, D., Gregory, A., & Fan, X. (2011). High suspension schools and dropout rates for black and white students. *Education and Treatment of Children*, 34(2), 167-192.
- Losen, D. J. (2012). Sound Discipline Policy for Successful Schools: How redressing racial disparities can make a positive impact for all. In S. Bahena, N. Cooc, R. Currie-Rubin, P. Kuttner, & M. Ng (Eds.), *Disrupting the School-to-Prison Pipeline* (pp. 45–72). Cambridge, MA: Harvard Educational Review.

- Magazine, B., & Roelofs, T. (2014). "Zero tolerance" school reforms hit resistance in Michigan. *MLive.com*. Retrieved February 07, 2014, from http://www.mlive.com/education/index.ssf/2014/01/zero_tolerance_school_reforms.html
- Meneil, N., and Shah, M. (2013, January 10). Suspension, expulsion data cast harsh light on some schools. *Quality Counts*. Retrieved October 15, 2013 from, <http://www.edweek.org/ew/articles/2013/01/10/16ocr.h32.html?intc=EW-QC13-TOC>.
- Meyer, J. W., & Rowan, B. (1977). Institutionalized organizations: Formal structure as myth and ceremony. *American journal of sociology*, 83(2), 340.
- Michie, G., & Cisneros, S. (2009). *Holler if you hear me: The education of a teacher and his students*. Teaching For Social Justice.
- Muschert, G. W. (2007). Research in school shootings. *Sociology Compass*, 1(1), 60-80.
- Noguera, P. A. (2003). *City schools and the American dream: Reclaiming the promise of public education* (Vol. 17). Teachers College Press.
- Noguera, P. A. (2003). Schools, prisons, and social implications of punishment: Rethinking disciplinary practices. *Theory into Practice*, 42(4), 341-350.
- Noguera, P. A. (2012). Preventing and producing violence. In S. Bahena, N. Cooc, R. Currie-Rubin, P. Kuttner, & M. Ng (Eds.), *Disrupting the School-to-Prison Pipeline* (pp. 7-30). Cambridge, MA: Harvard Educational Review.
- Overview of PBIS Maryland. (2009). Retrieved from <http://www.pbismaryland.org/>
- Paige, R. (2001). Letter to Senator Robert Byrd regarding the Administration's FY2002 budget request relating to school safety, reading, and school modernization. (2010, January 29).

- Letters (Correspondence). Retrieved November 21, 2013, from <http://www2.ed.gov/policy/elsec/guid/secletter/010517.html>
- Peterson, R. L. (2005). Ten alternatives to suspension. *Impact: Feature Issue on Fostering Success in School and Beyond for Students With Emotional/Behavioral Disorders*, 18(2).
- Polakow-Suransky, S. (2000). America's least wanted: Zero-tolerance policies and the fate of expelled students. In V. Polakow (Ed.), *The public assault on America's children: Poverty, violence, and juvenile injustice* (pp. 101-129). New York, NY: Teachers College Press.
- Pollack, I., & Sundermann, C. (2001). Creating safe schools: A comprehensive approach. *Juvenile Justice*, 8(1), 13-20.
- Rich, M. (2014, January 8). Administration Urges Restraint in Using Arrest or Expulsion to Discipline Students. *The New York Times*. Retrieved from <http://www.nytimes.com/2014/01/09/us/us-criticizes-zero-tolerance-policies-in-schools.html>
- Rott, N. (2013, May 5). LA Schools Throw Out Suspensions For “Willful Defiance.” *NPR.org*. Retrieved April 14, 2014, from <http://www.npr.org/2013/05/15/184195877/l-a-schools-throw-out-suspensions-for-willful-defiance>
- Sampson, R. J. (1995). The community. In J. Q. Wilson & J. Petersilia (Eds.), *Crime* (pp. 193–216). San Francisco: Institute for Contemporary Studies.
- Shah, N. (2012). At S.C. School, Behavior Is One of the Basics. *Education Week*. Retrieved from http://www.edweek.org/ew/articles/2012/10/25/09pbis_ep.h32.html
- Shah, N. (2013). Los Angeles Schools Ban Suspensions for “Willful Defiance.” *Education Week - Rules for Engagement*. Retrieved March 20, 2014, from http://blogs.edweek.org/edweek/rulesforengagement/2013/05/los_angeles_bans_suspensions_for_willful_defiance.html?cmp=SOC-SHR-FB

- Shen, A. (2012). A Timeline Of Mass Shootings In The US Since Columbine. Retrieved April 12, 2014, from <http://thinkprogress.org/justice/2012/12/14/1337221/a-timeline-of-mass-shootings-in-the-us-since-columbine/>
- Shores, K. (2003, January 20). Academy instills values, discipline and structure. *South Florida Sun-Sentinel*, pp. 16-18.
- Skiba, R. J. (2000). Zero tolerance, zero evidence. *An analysis of school disciplinary practice*.
- Skiba, R. J., & Peterson, R. L. (1999). The dark side of zero tolerance: Can punishment lead to safe schools?. *Phi Delta Kappan*, 80, 1-11.
- Skiba, R. J., Michael, R. S., Nardo, A. C., & Peterson, R. L. (2002). The Color of Discipline: Sources of Racial and Gender Disproportionality in School Punishment. *The Urban Review*, 34(4), 317–342. doi:[10.1023/A:1021320817372](https://doi.org/10.1023/A:1021320817372)
- Sprague, J. R., & Vincent, C. (2013, June 28). *From restorative justice to restorative discipline in schools: Challenges and opportunities*. Lecture presented at Closing the Opportunity Gap in University of Washington, Tacoma, WA. Retrieved from <http://www.tacoma.uw.edu/events/>
- State's zero-tolerance law eroding equal access to public education: Blacks expelled from school at alarming rate. (1999, Mar 03). *Michigan Chronicle*. Retrieved from <http://search.proquest.com/docview/390100161?accountid=14194>
- Strang, H., & Braithwaite, J. (2001). Introduction: Restorative justice and civil society. *Restorative justice and civil society* (pp. 1-13). Cambridge University Press.
- Strasser, A. (2012). Elementary School Shooting In Connecticut. Retrieved April 12, 2014, from <http://thinkprogress.org/justice/2012/12/14/1336101/elementary-school-shooting/>

- Sugai, G., Horner, R. H., Dunlap, G., Hieneman, M., Lewis, T. J., Nelson, C. M., ... & Ruef, M. (2000). Applying positive behavior support and functional behavioral assessment in schools. *Journal of Positive Behavior Interventions*, 2(3), 131-143.
- Sugai, G., & Horner, R. (2002). The evolution of discipline practices: School-wide positive behavior supports. *Child & Family Behavior Therapy*, 24(1-2), 23-50.
- Sumner, M. D., Silverman, C. J., & Frampton, M. L. (2010). School-based restorative justice as an alternative to zero-tolerance policies: Lessons from West Oakland. Berkeley, CA: Thelton E. Henderson Center for Social Justice, University of California, Berkeley, School of Law.
- Suspension and Expulsion, Muhlenberg School District § 233 (2011).
- Thorson, S. (1996). The Missing Link: Students Discuss School Discipline. *Focus on Exceptional Children*, 29(3), 1-12.
- Tonry, M. (1995). *Malign Neglect: Race, Crime, and Punishment in America*. Oxford University Press.
- U.S. Department of Education, Office for Civil Rights, Title VI Enforcement Highlights, Washington, D.C., 2012.
- USA, Michigan Department of Education. (2013). *Suspensions and expulsions* (pp. 1-5). Lansing, MI: Michigan Dept. of Education, Government Services and Customer Satisfaction Program. Retrieved from http://www.michigan.gov/documents/suspensions_118759_7.pdf
- Verdugo, R. R., & Glenn, B. C. (2002). Race-Ethnicity, Class and Zero Tolerance Policies: A Policy Discussion.
- Wald, J., & Losen, D. J. (2003). Defining and redirecting a school-to-prison pipeline. *New directions for youth development*, 2003(99), 9-15.

- Walker, H. M., Horner, R. H., Sugai, G., Bullis, M., Sprague, J. R., Bricker, D., & Kaufman, M. J. (1996). Integrated approaches to preventing antisocial behavior patterns among school-age children and youth. *Journal of Emotional and Behavioral Disorders*, 4(4), 194-209.
- Willoughby, B. (2012). Suspending Hope. *Teaching Tolerance*, 41, 46-49.
- Wu, S. C., Pink, W. T., Crain, R. L., & Moles, O. (1982). Student suspension: A critical reappraisal. *The Urban Review*, 14, 245–303.
- Zimring, F. E., Hawkins, G., & Kamin, S. (2001). *Punishment and democracy: Three strikes and you're out in California*. Oxford University Press.