Zero Tolerance in Theory and Practice: Historical Context

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Abstract
The article is an overview of zero tolerance from beginning to date. Many commenters' cite zero tolerance as a simplistic approach to school safety. The evolution of the policy to become a one size fits all is the underlying problem of zero tolerance being the "cure all" educators wanted.

Keywords: Zero Tolerance, School Climate, School Discipline, School Policy, Elementary Secondary Education, School Safety, Discipline Policy.

Introduction

Zero-tolerance policies evolved from tragic school events, such as the Columbine shootings that occurred during the 1990s. In an age of Zero Tolerance discipline reform, policies are widely used and mandated, or face losing federal funding, by the United States government [Gun-Free Schools Act of 1994, P.L. 103-227, as cited by 54]. These policies are among the many school-based bullying intervention programs, including those that promote tolerance for differences in race, religion, gender, class, and culture, and have been met with mixed implementation success. Hilton, Anngela-Cole, and Wakita [33]consider this is due to the fact that such programs fail to address many risk factors associated with bullying and victimization, and also fail to answer the questions of how bullies and victims fit into peer ecologies, or how parents and educators impact bullying and victimization [2]. The misguided implementation of zero tolerance policies, as a one size fits all approach that also includes other prohibited infractions, has brought to the forefront conflict and tension amongst American public-schools. This chapter will provide a discussion on the theory and practice of

zero tolerance policies from a historical context, and provide alternative approaches to zero tolerance discipline measures.

Zero tolerance policies began in the 1980s as an ideology to deter and tackle adult crime. Political supporters of zero tolerance held the belief that harsher punishment would lead to a decline in crime. The *get tough* ideals presented by politicians eventually surfaced into the American public-school systems by the 1990s as a way to address student discipline and promote safe school environments. According to Kajs [36] "zero tolerance policies are rigid mandates of predetermined consequences, usually resulting in expulsion or suspension, for identified student misconduct." Specific misconduct includes possession of weapons and drugs, assault, sexual harassment, and threats of violence [54]. Some schools have even expanded zero tolerance discipline policy to include bullying, dress-code infractions, and a variety of other student misconduct [3]. The rigid policy provides for little flexibility in minor infractions of school rules, nor does its logic take into consideration circumstances behind the misbehaviors [31;66,67, 68; Teboas cited in 36]. In many schools districts, all violations of student conduct are judged equally and punished as such with no room for flexibility. Coloroso [18] contends that the implementation of a "one-size-fits-all" punishment approach is illogical and lacks common sense where punishment doesn't fit the crime, and especially when infractions are small and not necessarily an offense.

Although zero tolerance policies were developed to improve school culture and environments, the policies have had negative impacts on the caring culture of American schools. According to Armistead [3] "discipline and punishment are not synonymous", and it is imperative that the two be separated. The implementation of zero tolerance punishments can have damaging implications on student performance and developmental needs leading to school avoidance, absenteeism, increased dropout rates, missed learning opportunities, skewed perceptions of the educational system, and the criminalization of children. When students face overly-harsh discipline measures their psychological well- being is also affected which can have long term implications placing school culture and environments in jeopardy [8; 9; 36].On a broader spectrum, the negative impacts of zero tolerance policies on children who miss out on learning opportunities can flow over into our communities where public dollars are wasted providing public assistance for those living in poverty as adults, or building "bigger woodsheds" to house those who end up in the criminal justice system [3; 8].

After the adoption of zero tolerance policies, expulsion rates increased drastically. Massachusetts reported only 90 suspensions or expulsions during the 1992-93 school year, however, after zero tolerance policies went into effect the following year, the state reported over 900 student suspensions and expulsions. Colorado and Tennessee reported similar findings during the same time period (DeMarco, 2001 as cited by [51]. In a three year period after zero tolerance implementation in 1995-96, Chicago schools reported over an 11% increase in school suspensions [26]. Although the increase in reported numbers of expulsions is disconcerting, what is even more alarming are the disproportionate demographics of who is being expelled. Skiba[65] examined the 1994 -95 discipline records from a large Midwestern school district's middle school population. The research indicated that 89.9% of students expelled were those from the African American population and it was noted that the percentage could not be explained in terms of misconduct or socioeconomic status as compared to those of White students. A possible explanation was consistent in the findings of Gordon et al. [as cited by 57] leading to interpretation of the zero tolerance policies. The hallmark of zero tolerance is that is removes bias and assigns prescribed punishments that apply to all offenders without room for discussion. However, some specific conduct such as in the case of "disrespectfulness" or "defiance of authority" can be left up to interpretation by administrators dependent on the individual student. According to Rice [57], United States schools from a conventional view are considered safe for children as indicated by the following statistics as compiled by [20]:

- Although the absolute number of homicides of school-age youth at school has varied, the percentage of youth homicides occurring at school remained at less than 2% of the total number of youth homicides over all the survey years, 1992–1993 to 2004–2005. For example, in 2003–2004, 19 (1.3%) of the 1,437 youth homicides occurred at school.

- Only 3 (0.2%) of 1,282 youth suicides occurred at school during the 2003–2004 school year.

- Nonfatal victimization—such as theft, rape, sexual assault, etc.—is relatively the same in and away from school, with theft being slightly more common at school for primary and middle-school students and lower for high school students.

- The percentage of students in grades 9–12 who reported having been in a physical fight during the previous 12 months in 2005: 14% on school property and 36% away from school.

- Although 6% of students in grades 9–12 reported carrying a weapon on school property in the past 12 months (2005), 19% reported carrying weapons off school grounds.

- The percentage of 9–12 grade students who reported using alcohol in the previous 30 days, from 1993–2005: on school property, between 4.3% and 6.3%; off campus, from 51.6% to 43.3%.

- The percentage of 9–12 grade students who reported using marijuana in the previous 30 days, from 1993–2005: on school property, between 4.5% and 8.8%; off campus, from 17.7% to 26.7%.

If schools are considered to be safe, the question arises as to why zero tolerance policies as implemented to begin with. The answer to this preponderance may be the result of the environmental situations schools are placed in. In the age of tolerance, the harsh practices of zero tolerance have come under fire, and as a result alternatives programs are being researched to utilize aspects of discipline to teach and maintain safety [8]. Browne-Dianis are in agreement that reformation of zero tolerance discipline practices is much needed. A preliminary approach to reform zero tolerance practices would be to examine initial causes of misconduct, and to recruit parental and community support all while supporting diversity and tolerance in the classroom environment [3]. Since bullying and victimization are often connected with psychological disorders, mental health professionals can also be included in the efforts[33].

Academic research for zero tolerance has focused mainly on school safety as a primary goal rather than on the seriousness and repercussions of bullying thus resulting in a multitude of non-evidence-based approaches being implemented in American schools (The National Institute of Mental Health, 2004 [as cited by 54]. There is also disconnecting in programs that conjoin approaches regarding tolerance of differences. Rice [57] refers to the works of John Dewey's *conception of habit* as a way to provide insight in connecting zero tolerance and habits of tolerance to fulfill the apparent need for harmonious student relationships. In accordance of a Deweyan perspective, the development of any habit requires the support of a social environment; however, the "no questions asked" policies of zero tolerance do little to support such environments. The developmental process for the habit of tolerance requires a positive relationship among students, teachers, and administrators to which such habits can be modeled, encouraged, and reinforced [65].

Approaches to Intervention

One approach to intervention is the concept of using computer programs. These computer programs were created with the knowledge that school aged children are technical savvy and enjoying using computerized fun games. Thus, the idea of developing social skills and decreasing bully actions in the elementary schools were created to improve school climate [61]. According to Beaty and Alexeyev [5] gaming system appeal is at an all-time high with 94% of school-aged children having computer accessibility with Internet in their homes. Therefore, technical suaveness continues to grow as well as interest specifically among fourth grade students, with 89% that plays online games.

One approach to the e-learning system was with a study of the particular game called *Quest for the Golden Rule*. Through exploration of a gaming system, in a relatively new facet of teaching, the hope is to cause interactive interest to improve social skills as well as prevent bullying. Not only will the games help in the prevention of bullying but future coping skills in years to come for these young students. Interactive games were studied using a sample from 226 to 438 using the same number of girls and boys. After the completion of each game part, the children said they were satisfied that they could be of assistance aiding bullying conflicts and that their understanding increased greatly [61].

Surveys prior to a bullying campaign to minimize school incidences would greatly benefit the understanding of the need, where occurrences take place and when, and who is the target students. With this information a plan can begin to transform in the minimizing of bully situations, according to Dillon & Lash [19]. At the same time faculty and staff surveys need to be taken as well prior to training and professional development. Their input and buy-in will be vital to a successful program. This plan should include informational training to help the bully, the victim and those observing [5].

Administration decisions in implementation of school protocol are necessary for program success. Leaders that use wisdom and empathy in support of the program are key for improvement [13]. As well, training in empathy may, according to Miller [47] reduce aggressive behavior for the bully. At the same, no research has shown that bullies lack empathy [23]. By involving the schools teachers, counselors, administration, students, family, as well as the community, the schools bullying problem reduction has more chance of success than just to address the issue. This opens a larger population of adults for the child to report bullying. As well to understand that adults are intolerant of this kind of behavior, then they will also see the action is wrong [21]. According to Dillon & Lash [19] change from bullying requires teaching students and staff how to handle situations before they arise. Along with teaching proactive skills and staff training, should include: cafeteria workers, bus attendants, paraprofessionals, and secretarial persons. Without training, responses to bullying focuses on student negative actions and assigning specific discipline [61]. According to the National Institute of Mental Health, [as cited by 5] when specific targeting occurs, less negative behavior takes place. Specifically, when the school environment is understood, it is when the dynamic of the bully and bullied role is defined [27]. It is when specific early observations of the schools bullying problems are defined that a plan of action can be implemented [10].One example of early childhood observations has even developed for research in children ages 3-5 according to Crick, Casa, and Ku [18]. Due to schools lack of funding and personnel, it is often difficult to provide resources to meet the need of all, as well as specific students [61]. Student needs through intolerance has now reached bigger numbers due to Internet usage. According to Gay [25], intolerance is not a new concept, and has crossed the spectrum of every group of people on the planet. Playing or role play has long been a part of the developing of young children and adolescence. According to Vygotsky [as cited by 5] play allows for children to act older and search out new development skills without feeling limited. For school aged children role play can give the opportunity for students to practice responses

to bully situations and verbal responses, giving confidence to use in real life Coloroso [14] believes that we can transform the bully into a leader, the victim into developing character strengths, and the observer into a more positive role of standing up against violence, by motivating a change in conduct. Graham [27] agrees that teaching the bully to change behavior and aggression and take responsibility for their actions. As well the bullied need strategies to realize that they are not the cause of the problem, and they are important as individuals understanding self-worth.

Support for students comes in different levels. Most students benefit effectively from the teaching offered through schools and bully campaigns, however about 10% according to Pepler, Jiang, Craig, & Connolly [as cited by 55] need more training that includes specific areas. Some areas of teaching of skills at schools include: emotions and behavior understanding, skills for social interaction, to solve problems and different ways to do so, genuine empathy, understanding anxiousness and being sad, being a leader that is positive, and what to do under pressure with peers (Vaughan & Pepler, 2007, as cited by 60]. For teaching success of these skills (Rubin-Vaughan et al. [61] computer games for the elementary and middle school students have been created. As well, beyond the rigor of the academic subjects, computer games are teaching and reminding students of ways to handle social issues [60]. On the opposite side of thought according to Sutton, Smith, & Swettenham, [70] believe that the bully does not lack skills for social properness but on the contrary understands people and uses their knowledge to their own personal gain. Quite often when bullying takes place and the administrator is considering the facts there is a lack of considering variables such as: if the student has been bullied or has bullied prior, male or female, does the student share information or do they internalize, and what is the level of the offense. When considering the behavior in school of the instigator or the victim it is important to check on student support for both students. The level of support for the students or lack of seems to determine if the student is the bully or the bullied. According to Olweus [51] predictions are made that the bullied would need a student at school or a good friendship for support. Other research shows they believe that the bully would lack support in: a guardian [30], school personnel [7], and school instructors [58], showing significantly the lack therein changes the dynamics [18]. Some suggestions include: continuing or beginning support (strategies for teachers) socially for those students that are bullying will have more of an intervention. As well, those that are bullied noted that they lacked a student friend or friendship but desired this companionship [18]. Possibly support for the bullied could have social skills geared to this area of friendships. At the same time, Rigby [as cited by 18] did a large sample of students and observed a number of socially lacking students were those being bullied. As well, Rigby determined that for both sexes that a lack of friendships was related to those bullied. At the same time, lack of school personnel support was also a contributor to the bullied. This lack of support could have an effect on a student's well-being, mentally and physically. More considerations include: the support of friendships, school personnel, guardians, and instructors maybe conceived as a safety net for students and bring lasting successful benefits. But, research on this concept has not been on-going [17]. While the support noted by the bullied was much lower that the bullied, support for students can be categorized as a set guide-line of actions and behavior that helps encourage them while under duress, and can be seen as a positive buffer system [18]. Social support can be seen as: friendship roles, mentoring, public health promotions, mental health, and promoting friendships.

The Role of Friendships in Inhibiting Victimization

Certain friendships/relationships may affect the student socially. McNeal and Dunbar [45]suggests that certain friendships may change the outcome of the bullied/bully student, as well as having the friend that seems stronger than others. But, it is unclear if the bully in a friendship has the same type of change/outcome. Another friendship could involve the bully

rather than the bullied to reduce conflict, or just having friends, causing the peers to change their perception and limit conflict. But the bullied as friend did not lesson the amount of incidences, and it may have been that they were not confident to change the roles [63]. Coloroso [14] suggestions that proper social skills should include the way the bullied is supported that it should be a one-on-one experience, standing up for them and encouraging. As well to consider developing a vocabulary to use in nurturing friendship/ relationships during a time of need [42]. By focusing on civility among students long term improvements can be made and real world skills are developed. It is not clear which training has the most effect on student behavior [23].

Mental Health

Good mental health is essential for all living beings; therefore consideration of promoting a bullying campaign with this in mind is necessary. By promoting good mental health, the bully and the bullied can receive instruction for encouraging relationships/friendships [69], because friendships for the bullied is considered important in prevention [51] as well as the bully. When considering the school personnel and their role in presenting a good mental health concept for bully prevention it is often that sexual harassment is left out of the teaching [11]. It is possible that due to the nature of the topic schools cannot or will not address such topics. By bringing in professionals in the mental health field within the schools, such as counselors and school psychologists, and using proper assessing tools and considering sexual harassment in student bullying, it is a consideration that this problem could be eliminated [9]. By promoting good mental health within the school it is considered to be a way of facilitating public health [29].

Strategies

The teachers and school personnel that spent time with the students suggesting other means of settling bullying conflicts than violence saw a reduction. It also seems that the student's perception of their school along with personal experiences whether positive or negative has a determining factor [22]. When positive acts are being observed such as group standing up against bullying on the victim these experiences change for the student [14]. Observably, experiencing play has been taken away from student's school day with less playground time and social skills being taken out of the picture, they do not know how to behave appropriately because it is not being taught. Their day has become completely academic, all work and less play, with little social skills being modeled. When playground time is available for students, specific rules and more staff supervising can lower the number of bullying times. As well, having a specific policy for bullying explaining the concept and holding the students accountable for bully, bullied and the observer [14]. With policies that are specifically explained and enforced; bringing awareness that hopefully empowers students to take a stand will cause occurrences like Columbine to never be witnessed again [21].

By educating students, it is the hope and the missing piece of negating this problem of bullying [21]. But, it cannot be just presenting a curriculum of bullying; it must have adults that are genuinely interested in our youth to change the setting of normal behavior [14]. These adults must encourage healthy social skills, successfully teaching students to be mindful of situations at school, and solutions for solving problems in bullying prevention [61]. For more strategies Kosciw, et al., [38] suggests the advocating for state level of bullying program specific legislation for the identify of gender and expressions of gender as well as disabilities, religion and race, as well as have gender specific policies for reporting incidences for students, support Gay-Straight Alliance clubs and such that address problems in schools, give professional development opportunities for the help of increasing support for students, and lastly, provide information for students on LGBT persons in history as well as resources for their personal research. By identifying support, having classroom plans of action, preparation

of student area procedures, and redirecting, we can place them into two categories being prevention and reaction [56].

School Climate

School climate plays a major role in student performance of bullying or non-bullying behaviors. Because, students will take their lead in following adults and other student's behaviors, if negative behavior or bullying is taking place then they will feel the go ahead to act accordingly [4]. Many studies have sought to determine school climate and the effects, however fewer studies have specifically researched bullying and school climate. According to Nansel et al. [49] one US early study noticed that bullies had little awareness of school climate, and the bullied or those that were bullies and bullied, had much more. At the same time, this study had school climate listed as a small fraction of the entire survey. Another study from Kuperminc, Leadbeater, and Blatt [40] explains that little research has been published on school climate and bullying and the possible effects, however, showed that school climate has possible effect on boy's actions and their psychological state. The study showed boys that observably had negative self-concepts of them and felt a positive school climate was taking place; they showed no inward or outward problems. By considering school climate as a piece of the puzzle when planning a program or reducing bullying, another positive factor is added to the success [41]. One part of determining school climate is to survey students and determine their feelings of respect, belonging, and personal observations of bullying as well as teacher and administration perceptions. Understandably, these perceptions play importance in the overall school climate including student respect. Improving school climate often takes place with bullying reduction; as well as reducing negative behaviors, and improving overall student success [5]. At the same time, the school climate should be of one were students could speak to adults to share issues that would not cause punishment by other students or administration [Dillon & Lash, 19, as cited by 5; 34].

Those students with negative experiences of being bullied or the bully/bullied in the 6th grade did not feel school climate was positive as other students. This study suggests transition to middle school may need addressing as it relates to social skills [28]. As well, the student's awareness of bullying and mutual feelings of others was important to school climate [53]. More negative experiences that effect school climate includes: being absent due to feeling unsafe, tormented by students, personality differences including sexual gender preferences and race [38]. A support system for these students include: school personnel, specific personnel, school bullying procedures and policies, as well as bullying/harassment state mandated laws that can change school climate positively [38]. Subsequently, a support system can also bring positive social change to the community [72]. Another study of the school's climate took place to determine the type of bullying that may cause, or is a result of the behavior [46]. Surprisingly, parents that favorably approved their child's school climate showed less response to the administration and even the child if they thought they were bullied in some form. Therefore, the research showed that the parent response is directly related to belief of school climate [74]. As well Olweus[51, 52], also determined the importance of school climate and the effect it has on bullying and the reduction. Included in the school climate factors for reducing bulling encompass: a genuine interest from adults, kindness, adults being a part of the solution, close watch of students, non- judgmental or lack of hostility toward the offense, and setting boundaries to student actions [49]. Further research shows that the judgmental and hostility towards the bully or bullied less than favorable behaviors brings negative outcomes for both, according to Connolly, Pepler, Craig, and Taradash [15] and Nansel et al. [49] (for a meta-analysis, see 29) as well as the observer to the offense O'Connell, Pepler, & Craig [50]. Therefore, bullying, the responses from others, the entire process, and all involved, will cause change in the school climate [23, 24].

Conclusion

Zero-tolerance policies have a painful major influence over concerns about school safety, disparities in discipline, student activism, race riots, rising rates of crime, and violence on the adoption of zero-tolerance policies [16; 43]. In the movement to maximize and enhance the quality of the learning environment, zerotolerance policies as a form of getting tough on schooldiscipline became the mantra of schoolsystems countrywide [71].

Legislatures and boards around the country are fighting the public battle to stop violence and drug abuse in schools, so taking a hard line was a popular position [48]. However, many school systems continue to have mandatory guidelines for dealing with a host of schoolbehavioral problems that affect school climate and academic performance [71]. Since the mid-1990s, schoolshave increasingly turned to suspensions and the criminal courts to deal with problem students [6].

These tools of zero tolerance has led to a growing confluence between schoolsand legal systems [32]. Zerotolerance has become the standard for adding jail time to the education process [48].

The use of zero tolerance has led to a schoolto prison into an adult criminal justice system [32]. Discipline practices of suspension, expulsion, and arrest for school behavior problems are converting children in conflict into criminal offenders [64]. The expansion of zerotolerance policies can directly pinpoint the schoolto prison is a result of zero tolerance. [32].

As far back as 2009 there is a lack of empirical evidence to support the notion that zero-tolerance policies decrease violent incidents in schoolsor improve schoolsafety. The literature suggests that zero-tolerance has flaws and schooldistricts and administrators have misused it [43; 44]. The American Psychological Associations' review of the literature found that only a few reports that could directly test the assumptions of zerotolerance and that data contradicts those assumptions [1]. While no measureable impact on schoolsafety zero tolerance has had a number of negative effects' racially disproportionality, increased suspensions and expulsions, elevated drop-out rates, and multiple legal issues related to due process [32]. Similarly, Kennedy-Lewis [37]. States zerotolerance discipline policies have actually led a 'discipline gap,' in which minority students receive harsher and more frequent suspensions and expulsions than their peers from dominant cultural and socioeconomic backgrounds. Even with the movement toward evidence-based methods and school wide intervention plans show disproportional increased suspension, expulsion, higher dropout rates and referral to juvenile justice continues [71; 32]. Studies indicate zerotolerance has a such as the increased the inclination that students will engage in future disciplinary problems, including schooldisengagement, noncompliance, tardiness, absence, truancy, and disrespect for authority figures in school [71].

The zero tolerance discipline practices of suspension, expulsion, and arrest for schoolbehavior problems are converting children in conflict into criminal offenders [64]. Long-term out-of-schoolsuspensions do not consistently impact misbehavior, and in fact may lead students to behave in a worse manner upon return [39]. Studies suggest that zerotolerance policies have had multiple negative effects on student behaviors and are said to increase the likelihood that students will engage in future disciplinary problems, including school disengagement, noncompliance, tardiness, absence, truancy, and disrespect for authority figures in school [71]. Applying zerotolerance discipline by automatically suspending a student out-of-schoolis appropriate only if the student poses an imminent threat to the personal safety of themselves or others [39].

Out-of-school suspension is an unreliable method of disciplining students, and should be phased out as a punishment. In-schoolsuspension is effective as a discipline method as long as it is short-term, allows the student to continue his education, and permits the student to maintain some connection with the school [39].

Zero tolerance policies are often in tension, if not conflict with the stated purpose of education [57]. Zerotolerance policies may negatively affect the relationship of education with juvenile justice and appear to conflict to some degree with current best knowledge concerning adolescent development [1].

The literature suggests that zero-tolerance has flaws and school districts and administrators have misused it. When implemented, it typically equates to exclusion through suspension and expulsion: two disciplinary actions that have well-documented side effects. Researchers have indicated that there are alternatives to zero-tolerance that schooladministrators can use to curb discipline problems [44]. U.S. Departments of Education and Justice for 2014 documentation issued by highlighting their suggestions for schooladministrators to lessen their zero-tolerance policies and to re-balance their policies to be more ethnically neutral [6; 35]. Moore [48] contends that sometimes the issues that surround zerotolerance are not about enforcement, but rather about the initial assessment and decision (usually by a schooladministrator) to take action under the auspices of zerotolerance.

A growing critique of zero tolerance has led to calls for reform and alternatives [32]. One approach to zerotolerance is restorative justice [71]. Schools must adapt and update their discipline policies to better address the needs of at-risk students. The at-risk students who attend alternative schools are often transient and have challenging home situations, which impacts their attendance and attitude, and creates gaps in their education [39]. The need for less-punitive methods in the reduction of problem behaviors in schools and mandated intervention is catching momentum, with a growing number of advocacy organizations and membership associations calling for "more effective and fair approaches to schooldiscipline" [71]. The need to separate safety from the discussion of equity requires a critical policy analysis that examines how state-level zerotolerance legislation portrays educators, students, and schooldiscipline and reflects neoliberal influence [37].

The juxtaposition between "zerotolerance" and "tolerance" policies and practices must be the focus of change in the zero tolerance review [57]. Americans in U.S. Society find themselves at a historical juncture where schools are implementing zerotolerance policies and--at the same time--also trying to promote tolerance, typically across differences such as race, class, culture, ability, and religion [57].

Removing zero tolerance as a policy should result in reduced suspensions and expulsions [76]. Some states acknowledge students' needs for a more holistic approach to their education and mandate continued education and support services to help them after they are removed from school [37].

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As Teasley (2014) questions the need for zero tolerance policies and states that the "cure all" for school disciplinary problems should be replaced. The authors of this article agree there is no simplistic "cure all" such as zero tolerance to discipline problems.

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