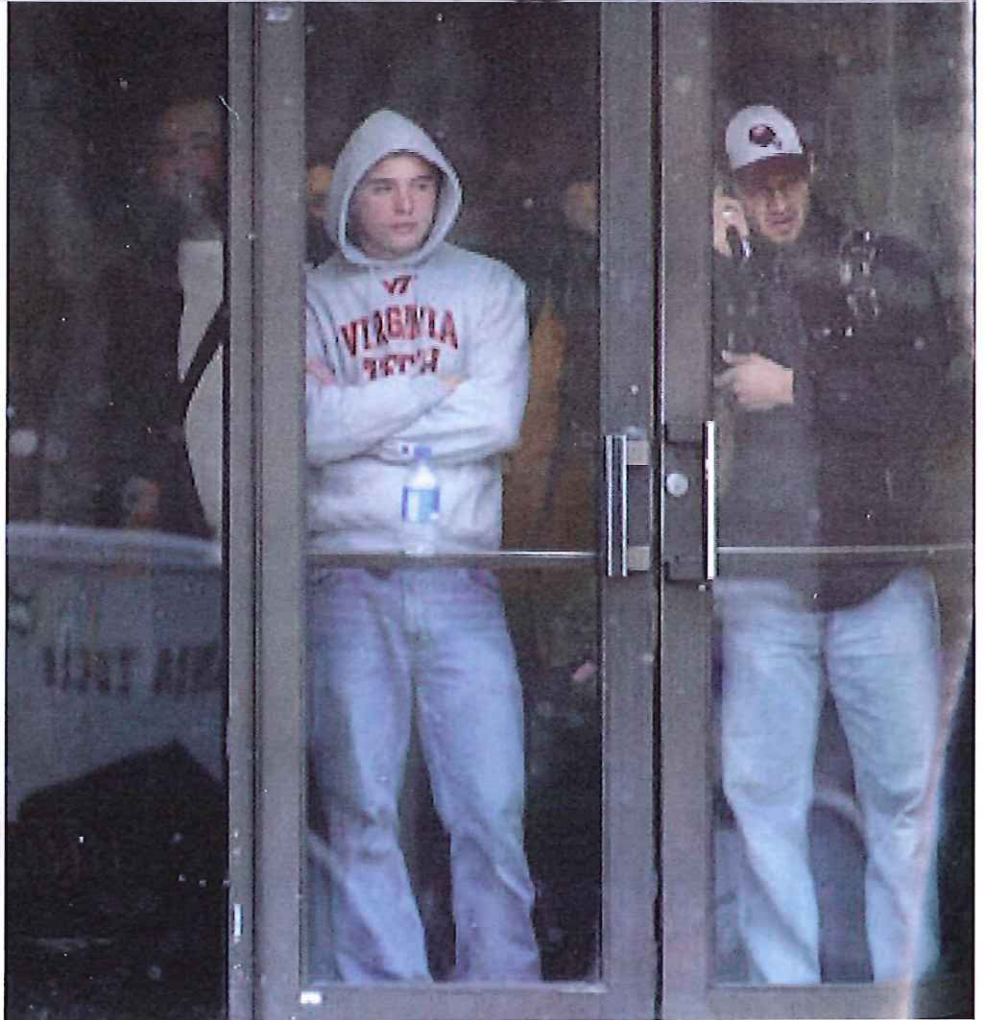
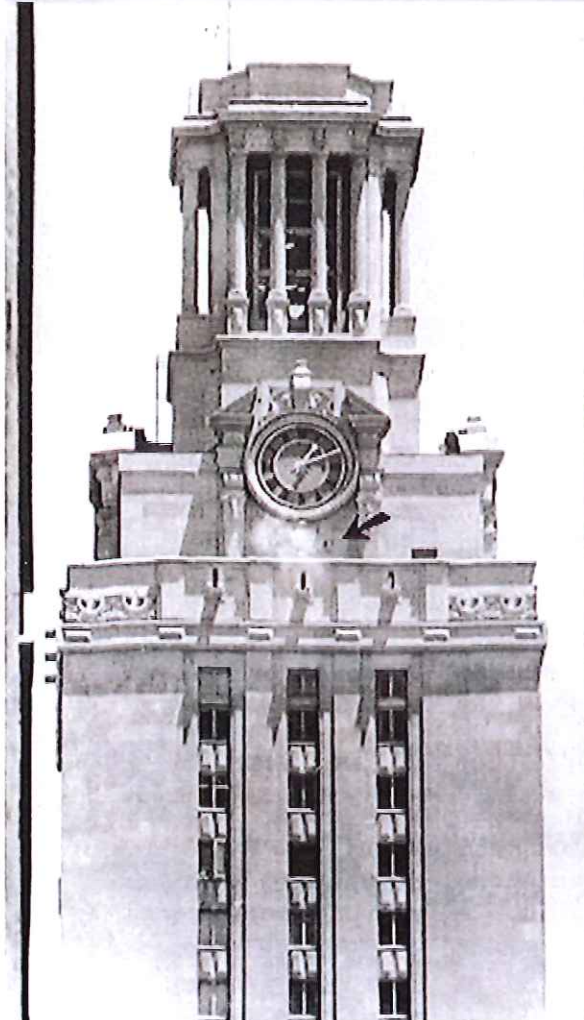


# Cover Story



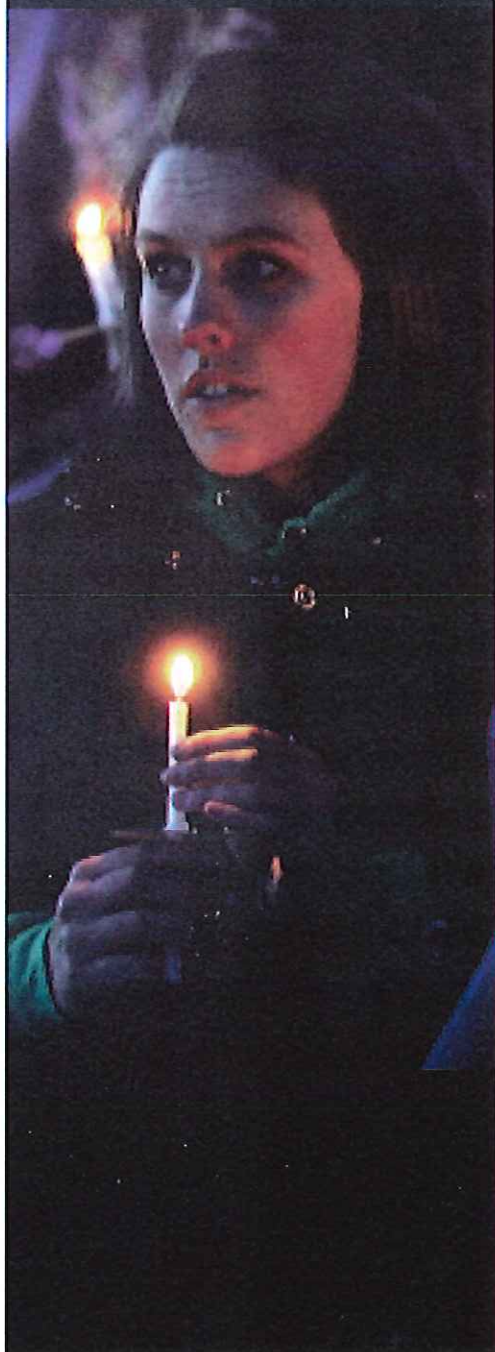


# The History and Evolution of Zero Tolerance in Education

*by Amy E. Tucker*

**F**ew people would argue the notion that safe learning environments benefit students and staff alike. Virtually every adult and the majority of youngsters in America today have been exposed to reports of school shootings and violence through the media.

The Columbine High School massacre of April 1999 is the deadliest school massacre at an American high school, with 15 dead including the two high school senior gunmen. It remains the fourth-deadliest school massacre in United States history, after the 1927 Bath School disaster, the 2007 Virginia Tech massacre, and the 1966 University of Texas, Austin, massacre. Contrary to popular misconception, however, the issue of guns on campus predates both Columbine and the Gun-Free Schools Act (GFSA) of 1994.



High-profile shootings and incidents of school violence throughout the '80s and '90s increased public perception that schools were unsafe, resulting in legislation being passed to deal with student violent offenders. These policies, originally intended to enforce the shared premise that schools should provide a physically and emotionally safe learning environment for kids, morphed into the zero tolerance policies that exist today in many districts nationwide.

## School Safety Pre-1994

Prior to 1994, school districts and building principals primarily handled discipline and crises on a case-by-case basis in a decentralized manner. They followed building or district-developed student codes of conduct, which could be extremely general in nature (e.g.,

drugs and guns are not allowed in school) but did not spell out requisite disciplinary actions for the offenders.

"Before 1985, we used a more decentralized, crisis-management approach that didn't anticipate pre-determined consequences," said John Cassese, a retired elementary school principal and SAANYS regional representative who spent 33 years in the Sachem school district on Long Island. "Things were less uniform then. We followed a take-it-as-it-comes mentality where if an incident occurred, we'd gather together and determine if it should result in suspension, detention, or parental involvement on some level."

Schools may have had safety committees and crisis plans, but procedures varied widely from district to district and state

to state. Moreover, building principals might have had a more detailed code of conduct than the district level so enforcement became an issue. As a rule, schools with a higher prevalence toward violent incidents typically had more detailed plans for handling student behavior and crises. This often meant that schools with few or no violent occurrences were often utilizing outdated codes of conduct that would leave them ill-prepared in the case of a life-threatening crisis arising from student violence.

Cassese credited the uptick in violent student behavior he witnessed throughout the '80s and '90s as resulting from the drug explosion in schools coming out of the '70s, and an increase in bullying and activity related to weapons, drugs, alcohol, and gang behavior.

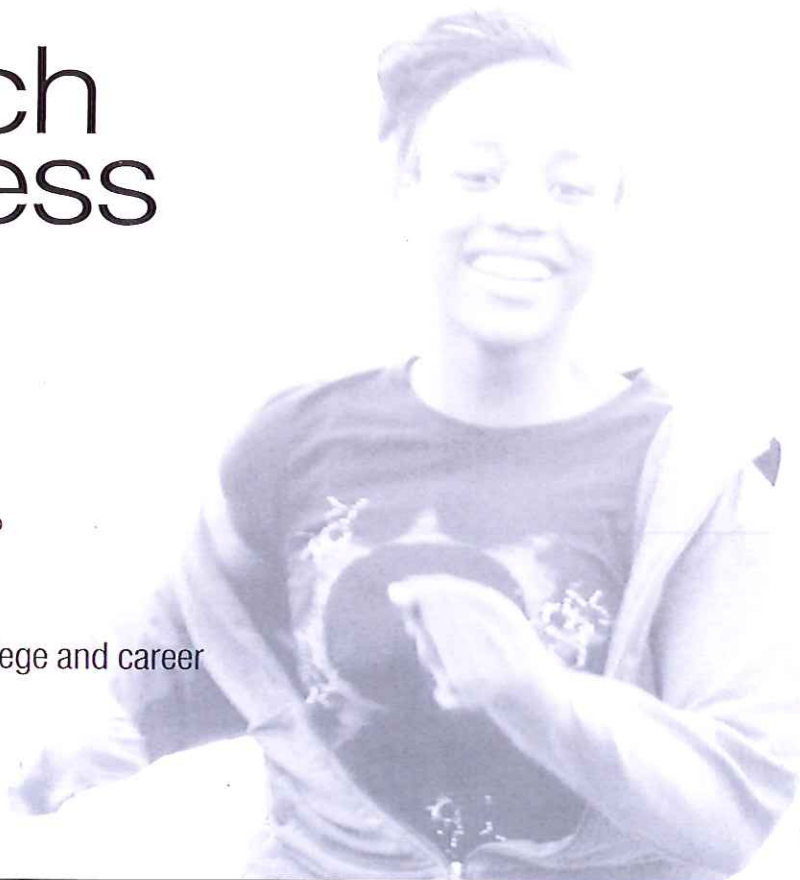
- Advertisement -

research  
readiness  
rigor  
results

**ACT**<sup>®</sup>

data-driven solutions for college and career  
readiness and success

**Northeast Region Office**  
518/869-7378 [www.act.org](http://www.act.org)



14158

In 1986, the Safe and Drug-Free Schools and Communities Act (SDFSCA) (Part of Pub. L. 99-570 and the Anti-Drug Abuse Act of 1986) authorized funding for drug abuse education and prevention programs (U.S. Department of Education Institute of Education Sciences, 2008). Associations with local law enforcement developed and Drug Resistance Education Programs (DARE) became popular:

surrounding zero tolerance for guns," said Schoonover. "These policies, expelling students for 365 days for bringing a gun to school, found their way to the halls of Congress and became a nationwide policy. President Clinton had his Secretary of Education, Richard Riley, make sure it was passed through Congress, making it a joint Democratic-Republican effort."

with a step-by-step plan of who did what, when, and where," said Lawson, explaining that this was before the term "lockdown" came into being. "We had crisis plans in place before this incident, but they existed more for responsibility and accountability," he continued. "Not everyone knew about them and what they should do if an incident occurred. After this incident, everyone in the building knew their role."

Dr. Brian Schoonover, author of *Zero Tolerance Discipline Policies* (iUniverse, Inc., 2009) and advocate against Florida's zero tolerance laws, explained that the concept of zero tolerance for guns has been around for two decades, predating the GFSA of 1994 by about five years.

Peter Lawson spent nearly all 34 years as an educator in Red Hook, New York, becoming high school principal in 1975 and holding that post until his retirement in 1995. An incident in the mid-'80s involving a gun prompted his district to codify a more detailed emergency plan.

As Red Hook formalized their student code of behavior and discipline from the mid-'70s, they began including specific consequences for various infractions. Still, many policies remained general (e.g., weapons are banned in school) and both the definition of what could be used as a weapon and the resulting consequences remained undefined.

"We saw states like California, Kentucky, and New York start to write policies

"When a student returned from a first-period class with a loaded shotgun, that prompted us to generate a notebook

- Advertisement -

## When is climate change a good thing?

Transform your school climate. Teach essential skills that help students maintain focus, work with others, and solve problems.

Research-based social and emotional learning programs, such as the *Second Step* and *Steps to Respect* curricula, have been shown to increase academic achievement and reduce problem behavior.



Join our **online community** to connect and exchange ideas with other school administrators.



Global nonprofit leader in preventing bullying, violence, and child abuse

[www.cfchildren.org](http://www.cfchildren.org)

## GFSA: The Pendulum Swings Left

This would change in 1994, a big year for education legislation. The Goals 2000: Educate America Act (Pub. L. 103-227) established a new federal partnership through a system of grants to states and local communities to reform the nation's education system (U.S. Department of Education Institute of Education Sciences, 2008). The Safe Schools Act of 1994 (Part of Pub. L. 103-227) authorized the award of competitive grants to local educational agencies with serious crime to implement violence prevention activities such as conflict resolution and peer mediation (U.S. Department of Education Institute of Education Sciences, 2008).

Also in 1994, President Bill Clinton's efforts to reform education resulted in passing the Improving America's Schools Act (IASA), which reauthorized federal funding available through the Elementary and Secondary Education Act (ESEA) of 1965 (U.S. Department of Education, 1994, Archived Information). The Gun-Free Schools Act of 1994 (Title IV, Part A, Subpart 3, Section 4141) was part of IASA and required that each state receiving federal ESEA funding have a policy mandating that students be expelled for at least 365 days from their regular educational setting if they bring a firearm onto school property or to a school event (Schoonover, 2009, p. 3; U.S. Department of Education, 1994, Gun-Free Schools Act).

Jennie Pennington, current SAANYS Government Relations Committee member and former high school principal for 23 years in the district before retiring in 2005, believes educators never really understood the significance of the GFSA until five years later when Columbine occurred.

"What Columbine did, from the point of view of disaffected students, was

**"I asked any kid who ever came into my office because they were in trouble, 'Who is the adult in this building that you feel comfortable talking to?' I only got worried if there wasn't one."**

to put in their minds that there were other alternatives," Pennington said. "Columbine introduced the concept that acting out in extreme ways and being destructive to others was the real way to get attention."

"The high profile cases were more or less anomalies and weren't indicative of violence happening broadly in schools," said Cassese. "But schools wanted to take precautions because

administrators sensed violent incidents could happen anywhere because of the type of student that was involved."

He described these students as "not necessarily violent students, but who were flying below the radar and perhaps struggling in school, but no one suspected they were the type of violent student that would kill people and plan violence."

— Advertisement —

## Get **Ready** for success, New York!

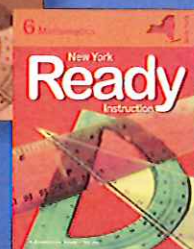
### The *only* product matching the new April-to-April standards for 2010



English Language Arts  
Grades 3-8



Mathematics  
Grades 3-8



Intensive instruction and practice that aligns to the New York State Performance Indicators.

Your Sales Representative

Christin Cleere-Martin  
315-952-0300  
CCMartin@CAinc.com

Only **\$9.99** per Student Set

 Curriculum Associates

**“The problem with the GFSA was the wording. The mandate referred specifically to guns but added: ‘and anything else that the school district deemed as necessary.’ The goal [of GFSA] was to prevent nonviolent students from being pushed out of school, but resulted in some states expelling for disorderly conduct and cafeteria fights.”**

“If a kid is disaffected and maladjusted to that point, then any policy you put in place isn’t going to be a deterrent,” stated Pennington, who believes the only real deterrent to preventing student violence is by having an adult in the building who knows the kid well. “I asked any kid who ever came into my office because they were in trouble, ‘Who is the adult in this building that you feel comfortable talking to?’ I only got worried if there wasn’t one.”

Following Columbine and a rash of copycat incidents, schools began imposing restrictions on visitors and adding automatic locks and cameras to school entrances. Today you can hardly enter a school without a camera or electronic lock or where you have to show some sort of identification to enter.

“We were the first school in the district to get cameras and electronic locks at the entrance doors,” said Cassese, who asked the district to begin installing them in 1994. “There was a lot of support from the community, but districts had a lot of angst about that decision. They felt that our schools would look like armed camps and that young kids would be frightened.”

As schools interpreted the GFSA within their own school districts, zero tolerance evolved for a wide array of offenses.

According to Schoonover, Florida was guilty of taking zero tolerance way beyond the scope of the original law. “The federal definition of a weapon includes guns, grenades, missile launchers, and such but Florida expanded zero tolerance to include drugs, sexual harassment, bullying, and more.”

“The problem with the GFSA,” explained Schoonover, “was the wording. The mandate referred specifically to guns but added ‘and anything else that the school district deemed as necessary.’ The goal [of GFSA] was to prevent non-violent students from being pushed out of school, but resulted in some states expelling for disorderly conduct and cafeteria fights.”

“There was no single definition of zero tolerance in schools,” said Cassese, “so, schools made their own listings of what acts would constitute zero tolerance resulting in a one-size-fits-all approach. A kindergartner with a scout knife was treated the same way as a senior with a loaded gun or sharp implement.”

Schoonover views education reform as a pendulum that swings one way and then the other until it finally finds itself in the center.

“The GFSA swung the pendulum all the way to the left,” Schoonover explained. “Those kids are gone and they’re

someone else’s problem: namely the Department of Juvenile Justice.

“Many of these expelled children have nowhere to go,” he continued. “These kids don’t stay home with their PlayStation. They’re walking the streets getting into more trouble and perpetuating the schoolhouse-to-jailhouse trend.”

### **The Zero Tolerance “One-Size” Mindset**

SAANYS Past President Mark Turner retired in June 2008 after nearly 35 years in the Rochester public school system. The retired elementary school principal never imagined that schools would have headed toward zero tolerance with their educational plans.

“We always had school safety plans and general security plans,” he explained. “We had door security plans and procedures for dealing with intruders and keeping a safe school atmosphere. But, it’s far more detailed and prescriptive now: it really reflects the complexity and challenges educators are facing today and the highly regulatory nature of our schools.”

The No Child Left Behind Act (NCLB) of 2001 (Pub. L. 107-110, 115 Stat. 1425, enacted January 8, 2002) amended and reauthorized the Safe and Drug-Free Schools and Communities Act (SDFSCA) (Title IV of IASA) as Part A of Title IV-21st Century Schools (U.S. Department of Education, 2001). “The 2001 NCLB Act clarifies that students must be expelled for possessing a gun in school (such as in a backpack) but not necessarily for bringing a gun to school (such as having it in the trunk of a car) (Schoonover, 2009, p. 20).

NCLB forced schools to boil down their codes of conduct and policies into the minutia of details and began to

## **“There needs to be room for the administrator to interpret and use their judgment or you become boxed into a corner.”**

introduce the concept of “intent” and reintroduce administrator judgment. Schoonover changed his stance, from supporting expulsion to becoming an advocate for zero tolerance reform, when a model student in his district was expelled for borrowing his father’s electrician truck which (unbeknownst to the student) had his 12-inch work knife in the back seat.

“The problem with zero tolerance is what it means,” said Pennington. “Many of the policies will define precisely what the weapons are: it’s a gun, a knife, etc. But, a metal bookend could be used as a weapon. There needs to be room for the administrator to interpret and use their judgment or you become boxed into a corner.”

Following Columbine, many “persistently dangerous” city school districts implemented metal detectors to screen for weapons. These schools still experienced violent incidents, however, because dangerous implements were being used that weren’t on the “prescribed list” of zero tolerance weaponry.

In 2001, the American Bar Association published a report calling zero tolerance policies unconstitutional because they failed to consider intent and the nature of the student and offense (American Bar Association, February 2001).

“Zero tolerance policies in school say you’re guilty until proven innocent which is contradictory to the U.S. Court System,” said Schoonover.

As of this printing, the only state that legally mandates principals to consider intent is Texas (Skiba, Reynolds, Graham,

Sheras, Conoley, and Garcia-Vasquez, August 9, 2006).

### **The Pendulum Swings Right**

According to Schoonover, everything in education, whether it’s a reading or safe-school initiative, needs to be re-evaluated.

“You have to ask yourself if a law that was passed in 1994 is still what we want in place in 2009,” he noted. “Are these mandates appropriate for children? It’s that pendulum I’m talking about. The goal is to end up in the middle.”

“It’s [zero tolerance and NCLB] a plan to address some very significant, evolved situations but we need to take a look at how certain extenuating circumstances

**“You have to ask yourself if a law that was passed in 1994 is still what we want in place in 2009,” he noted. “Are these mandates appropriate for children? It’s that pendulum I’m talking about. The goal is to end up in the middle.”**

impact the rules and our schools,” said Turner. “We need to ensure that policies are fair and that we continue to honor the rights and responsibilities of all students and staff.”

The Individuals with Disabilities Education Improvement Act (IDEIA)

of 2004 (Pub. L. 108-446) provided a comprehensive reauthorization of the Individuals with Disabilities Education Act (IDEA) of 1988 (U.S. Department of Education Institute of Education Sciences, 2008). The GFSA didn’t include students with disabilities in its definition of a student. Students protected under the IDEA’s Individual Educational Plans were guaranteed due process (Schoonover; 2009, p. 18). In 2004, the IDEA was modified to include a section involving students with disabilities who violate their district’s code of conduct. Infractions could include removal from the student’s regular placement for up to 45 days up to and including expulsion (Schoonover; 2009, pp. 18-19).

Cassese feels strongly that the shape and look of school discipline today have been molded by society becoming more litigious over the last 25 years.

“It’s forced schools to handle situations, documentation, and the application of discipline leading to zero tolerance so that everyone is being treated exactly the same way to avoid lawsuits,” Cassese explained. “There’s a need to

understand not only the application of all of the laws but have an awareness of the differences between special ed and regular ed students’ educational plans when applying and doling out discipline. And there’s a difference between an actual threat of violence and disruptive behavior in the classroom that prevents

the academic process from unfolding in a smooth way."

"If the objective was to make the school climate better, it's failed," said Schoonover. "Dangerous schools are still dangerous schools and safe schools still remain relatively safe. But if you think the objective was removing violent kids from the school, then yes, they've achieved that."

Perhaps the biggest signal that the pendulum is swinging back towards the right comes from Florida's recent repeal of its expansive zero tolerance laws. On December 4, 2009, Florida's Department of Education passed Senate Bill 1540, which stated that "zero tolerance policies are not intended to be rigorously applied to petty acts of misconduct and misdemeanors" (Florida Department of Education, 2009).

"Zero tolerance after the fact doesn't ensure safety," said Pennington. "It focused more attention on it, but it limited the freedom to run a safe school by focusing administrations and school boards on being entirely too prescriptive. The only way to guarantee a safe school is to have adults connect with kids."

## **The Education Continuum**

In the summer of 2006, the American Psychological Association released its Zero Tolerance Task Force Report and determined that zero tolerance policies were not effective at reducing violence in schools (Skiba, et al., 2006).

"They found that the payoff of separating students out is not so great for either side that it justifies the means," said Cassese. "Expelled students tended to become somewhat more hostile when separated. It didn't solve the [violence]

problem and in some cases may have exacerbated existing problems such as dropout rates, repeated offenses, and receiving mixed support from parents."

Schoonover's continuum of education is not about keeping kids who are violent in the regularly zoned school, but keeping them in a program so that they're not just roaming the streets and getting into more trouble. Resources can include implementing character education programs; creating alternative schools; developing collaborative programs with students, faculty, staff, and the community; and developing model student codes of conduct.

"We need to ensure there's a continuum of educational placement and resources from kindergarten through graduation, whether that's at age 16 or 18," said Schoonover. "My research demonstrated that if you attend school in a smaller district with fewer resources, you only have a 48 percent chance of having an alternative school in your district."

Alternative schools have existed for

## **Schoonover's continuum of education is not about keeping kids who are violent in the regularly zoned school, but keeping them in a program so that they're not just roaming the streets and getting into more trouble.**

some time in many districts. What began as home schooling for students with illness or suspensions for non-violent crimes morphed into a separate location for students with discipline problems, broadening the "alternative school" concept.

Similarly, character education has been around since the Partnerships in

Character Education Program of 1994 and was renewed and reemphasized through the NCLB in 2001 (U.S. Department of Education, 2001, Character Education). Cassese feels it's time to take character education to the next step.

"Most schools have some sort of citizenship programs: pride, cooperation, responsibility, kindness, respect, and some humanistic underpinnings. The link that needs to be made now is the link between those existing programs and measuring the effect of those programs on a student-by-student basis."

"That's the beginning of changing the school climate from violence to a more humanistic and appropriated safe environment for everyone," said Cassese.

Schoonover developed the Changing Habits after New Character Education (CHANCE) Program as an alternative school, drawing from successful programs such as the Safe Schools – Healthy Students Initiative, the National

Guard Youth Challenge Program, and other character education programs.

The National Guard has lots of research behind it with getting people to graduate by taking civil responsibility, personal responsibility, job training, and other components of these programs," said Schoonover. "The solution is moving 'at-risk' students into more

restrictive school settings before they cause violence.”

To combat funding challenges, Schoonover recommends combining resources. Three rural counties could combine resources and have one centralized school or schools could have one wing of their high school building house an alternative school program. The National Guard academies are jointly funded by the state that hosts them, the U.S. Department of Defense, and the U.S. Department of Education because they see the benefits versus the consequences.

“It’s a lot cheaper for a county to run an alternative school for 200 kids than it is for a county to run a correctional facility for the same number of youths,” Schoonover explained. “It will cost the county \$200K/student/year to run the correctional facility and it will cost the school \$6K/student/year. You have to look at it dollar-per-dollar and have the commitment of the county and the school district.”

Pennington incorporated a lot of collaborative programs into the school culture.

“The regulatory nature of education has made ensuring safety harder because it’s a distraction,” she said. I focused on keeping that stuff out of the way of good teaching but, following Columbine, teachable moments would have included having a dialogue about what happened.”

She developed a principal’s advisory group made up of a cross-section of kids who she deemed were in the “middle.”

“The AP students, by being selective, tend to be the school leaders,” Pennington explained. “The special ed kids get a lot of attention and have a lot of people looking out for them. I chose kids from the ‘middle’ and called

it ‘taking the temperature’ of what kids were actually thinking.”

Collaborative programs can be especially important when developing student codes of conduct. Schoonover developed “7 Elements to a Model Student Code of Conduct” (MSCC), which is universal to any school district or state and even includes a role for zero tolerance in the mix (Schoonover, 2006, p. 129).

“Every MSCC should include zero tolerance for guns and violence,” Schoonover continued, “but that doesn’t mean you kick them out on the streets. It means you won’t tolerate violence in this particular educational setting and you have to go somewhere else.”

Schoonover recommends getting community members involved in applying research-based information to their district and asking questions. What would an amnesty clause look like in our district? If we were to define what zero tolerance is, how would that look in our district? He also stressed

that every MSCC needs an amnesty clause and an intent clause.

“Schools should be a place where students can learn,” said Schoonover, “whether that means learning world history or learning from their mistakes.” “Hopefully, by the time they’ve finished their education, they’ve learned some academics, can speak correctly, balance their checkbooks, and follow the rules of society.”

“You will always have challenges to the system,” added Turner. “Some students will create infractions in the system and you need to ensure that you follow through and make sure you’re consistent. On the other hand, we’re doing our best to recognize students for all of their accomplishments and trying to catch them doing the right thing.”

*Editor’s note: Amy E. Tucker is a freelance writer from Clifton Park, NY, covering education and sports for the past decade.*

The federal government first implemented zero tolerance in 1988 by authorizing U.S. Customs agents to impound boats suspected of having illegal drugs on board. Law-enforcement agencies began using the term and by 1989, schools in both New York and California began adopting zero tolerance policies. By 1993, policies had been adopted by school districts nationwide to deal with drugs, tobacco, weapons, and general school disruptions. In 1994, President Bill Clinton signed into law the Gun-Free Schools Act, which mandates a minimum one-year expulsion for students who are found possessing any weapon. By 1996, more than 75 percent of school districts in the country had some sort of zero tolerance policy on the books. In 1998, the total number of suspensions nationwide reached 3.1 million, and the total number of expulsions reached 87,000 – many of these to include minor infractions such as insubordination or misdemeanor offenses.

American Civil Liberties Union of Illinois. (2008). Student Rights: Zero Tolerance. Retrieved November 20, 2009, from <http://www.aclu-il.org>

## References:

American Bar Association. (February 2001). Zero Tolerance Report. Retrieved December 14, 2009, from <http://www.abanet.org/crimjust/juvjus/zerotolreport.html>.

Florida Department of Education. (December 4, 2009). Zero Tolerance Policies, Senate Bill 1540.

Schoonover, B. (2009). Zero Tolerance Discipline Policies. New York: iUniverse, Inc., 3, 18-19, 20, 129.

Skiba, R., Reynolds, C., Graham, S., Sheras, P., Conoley, J., and Garcia-Vasquez, E. (August 9, 2006). Are Zero Tolerance Policies Effective in the Schools? An Evidentiary Review and Recommendations. American Psychological Association. Retrieved December 14, 2009, from <http://www.apa.org/pubs/info/reports/zero-tolerance.pdf>.

U.S. Department of Education. (1994). Archived Information: H.R.6 Improving America's Schools Act of 1994. Retrieved December 15, 2009, from <http://www.ed.gov/legislation/ESEA/toc.html>.

U.S. Department of Education. (1994). Gun-Free Schools Act (GFSA) (Title IV, Part A, Subpart 3, Section 4141). Retrieved December 15, 2009, from <http://www.ed.gov/policy/elsec/leg/esea02/pg54.html#sec4141>.

U.S. Department of Education. (2001). Character Education...Our Shared Responsibility. Retrieved December 15, 2009, from <http://www.ed.gov/admins/lead/character/brochure.html>.

U.S. Department of Education. (2001). The No Child Left Behind Act of 2001 (Pub. L. 107-110, 115 Stat. 1425, enacted January 8, 2002). Retrieved December 15, 2009, from <http://www.ed.gov/policy/elsec/leg/esea02/index.html>.

U.S. Department of Education Institute of Education Sciences. (2008). Digest of Education Statistics: 2008. Retrieved December 15, 2009, from [http://nces.ed.gov/programs/digest/d08/ch\\_4.asp](http://nces.ed.gov/programs/digest/d08/ch_4.asp).

Wikipedia. (1999). Columbine High School massacre. Retrieved December 14, 2009, from [http://en.wikipedia.org/wiki/Columbine\\_High\\_School\\_massacre](http://en.wikipedia.org/wiki/Columbine_High_School_massacre).

## Additional Resources:

Crisis Prevention Institute: (877) 877-5389 (provides training for certified crisis-prevention personnel)

DARE Programs: <http://www.dare.com>

National Crime Prevention Council: <http://www.ncpc.org/>

National Guard Youth Challenge Program: <http://www.ngycp.org/site/>

Opponents of Zero Tolerance Injustices: <http://www.thisistrue.com>; <http://www.zero-tolerancenightmares.com>; <http://www.texaszerotolerance.com>

SAANYS Administrators Handbook: outlines student discipline, health and safety, parent-school connections, and more.

Safe Schools-Healthy Students Initiative: <http://www.ed.gov/programs/dvpsafeschools/index.html>

Zero Tolerance Reform: <http://www.ZeroToleranceReform.com>