Chapter 9

Impact of Zero Tolerance Policies on American K–12 Education and Alternative School Models

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ABSTRACT

Despite the original intent of zero tolerance policies in schools—to ensure guns and other dangerous weapons were kept out of schools—these policies have instead grown to encompass an endless variety of minor infractions that would, in previous generations, not necessarily result in the immediate removal of the student from the classroom. Zero tolerance policies do not proportionately discipline students and, instead, treat every child and situation the same. Further, studies confirm that as suspension, expulsion, and school-based arrests have increased since the mid-1990’s, the majority of students being suspended, expelled, or arrested are predominately minority students. The goal of this chapter is to examine the application of zero tolerance policy in K-12 public schools and offer administrators and educators alternative school discipline models.

INTRODUCTION

The origin of the term “zero tolerance” dates back to the early 1980s as state and federal efforts to combat drug abuse intensified (Teske, 2011). Zero tolerance policies were implemented as a deterrent against serious crimes. Generally, zero tolerance policies assign predetermined punishment and retroactively apply them to specific offenses without regard to the severity of the crimes. Eventually, the term would be applied to a number of offenses including pollution, sexual harassment, and trespassing. The widespread application to minor offenses can be accredited to the criminology concept known as the

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“Broken Windows” theory (Teske, 2011). The theory argues that a relationship between disorder and crime exists. A broken window is a representation of neglect and lack of accountability. If a window in a building is broken and left unfixed, it is likely that more windows in that building will be broken. The un repaired windows of the building will entice vagrants to break in and inevitably the vagrants will become squatters. The squatters will subsequently cause more damage to the building and possibly destroy it. The broken windows theory calls for communities to crack down on minor offenses in order to deter serious crime. Therefore, order begets accountability and disorder begets crime and it becomes essential that minor offense violators be punished in order to avoid more serious crimes.

During the early 1990’s, American public schools systems began to embrace the broken windows concept for minor school infractions by implementing zero tolerance policies. When Congress signed the Gun Free Schools Act (GFSA), it mandated that any school (primary or secondary) that wished to receive federal funding, to adopt zero tolerance weapons policies. The GFSA mandated the expulsion of any student found violating these policies. In the following years, an outbreak of school shootings created an environment for an expansion of zero tolerance policies in American public schools. Zero tolerance created bright line rules without gray areas that might allow students or parents to challenge school administrations. These policies struck fear in the hearts of students who might have otherwise paid less attention to the rules. They prevented expensive legal challenges which could drain the legal budgets in some districts. These policies on their face gave the appearance of being applied fairly without regard to gender, race, religion, or sexual orientation and this was attractive to many districts that wanted to give the appearance of equality. In reality, however, the application of these policies resulted in the converse of equality.

Over the last two decades, zero tolerance policies have become extremely controversial as high-profile cases have caught national attention (Walker & Mongan, 2012). Should a ten year old be suspended for pointing a “gun” made with his thumb and forefinger at his classmate? Let us change that ten year-old into a five year-old. Instead of his hand, let’s make this “gun” a piece of a Pop Tart gnawed into a shape of a gun. Is that legitimate grounds for a suspension? The answer—under zero tolerance—is a resounding yes. In Rhode Island, a 12-year-old boy was suspended after he brought a gun-shaped keychain that he had won at an amusement park to school. The school claimed the suspension was necessary because they had a zero tolerance policy for guns or gun replicas (Stuart, 2013). In another case, a middle school girl was suspended and faced expulsion after disposing a razorblade in her school’s trashcan. The girl had actually confiscated the razor from a friend after learning she had been harming herself. Again, the school justified their decision on the grounds of a zero tolerance policy for weapons. The aforementioned cases illustrate some of the intrinsic problems with zero tolerance policies in American public schools, bringing to question the efficacy of severe punishment as a means of making schools safer and improving student behavior.

**Efficacy of Zero Tolerance Policy**

The debate about the efficacy of zero tolerance policies in increasing school safety has been extremely lopsided. The conventional wisdom amongst scholars is that zero tolerance policies are flawed, ineffective, and, in many cases, do more harm than good. The Vera Institute of Justice completed a review of