

ZERO TOLERANCE POLICIES IN  
FLORIDA SCHOOL DISTRICTS

By

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To my wife, Heather, and to my parents, Mike and Diane

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## TABLE OF CONTENTS

	<u>page</u>
ACKNOWLEDGMENTS .....	4
LIST OF TABLES .....	9
ABSTRACT .....	10
CHAPTER	
1 ZERO TOLERANCE POLICIES IN FLORIDA .....	11
Current School Policies .....	12
Statement of the Problem.....	14
Framework of the Study .....	15
Purpose of the Study and Research Questions .....	16
Significance of the Study.....	16
Limitations.....	17
2 HISTORY OF ZERO TOLERANCE.....	19
The Formation of a Zero Tolerance Definition .....	19
Defining Zero Tolerance for Students with Disabilities.....	21
Individuals with Disabilities Education Improvement Act of 2004.....	21
The No Child Left Behind (NCLB) Act of 2001 .....	22
Origins of the Term <i>Zero Tolerance</i> .....	24
Current Zero Tolerance Policies .....	27
Enactment and Inclusion of Zero Tolerance Policies.....	27
Expert Opinions on Zero Tolerance Policies.....	30
Effects of Zero Tolerance Policies on Student Behavior .....	31
Rethinking Zero Tolerance Policies .....	34
Recent Changes in Zero Tolerance Policies .....	37
Alternatives to Zero Tolerance Punishments in Florida.....	38
Student Codes of Conduct .....	44
Elements of Zero Tolerance Discipline Policies .....	44
Defining the Term <i>Zero Tolerance</i> .....	46
Guns.....	48
Knives.....	49
Drugs .....	50
Bullying and Harassment .....	51
Options for an Alternative Educational Setting.....	54
Summary.....	55

3	THE STUDY .....	57
	Overview of the Method.....	57
	Overview of the Study.....	57
	Overview of Policy Analysis.....	58
	Theoretical Framework of the Study .....	59
	Data Sources .....	60
	Procedures.....	61
	Theory and Rationale .....	61
	Conceptualizations .....	63
	Operationalizations.....	64
	Coding Schemes .....	64
	Sampling.....	64
	Coding .....	65
	Tabulation and Reporting.....	67
	Summary.....	67
4	RESEARCH FINDINGS.....	68
	Profile of Data Sources.....	69
	Method and Rates of Retrieval.....	69
	Description of Categories by School District Size .....	70
	District Size and Inclusion of a Zero Tolerance Definition .....	71
	District Size and Inclusion of Zero Tolerance against Guns.....	71
	District Size and Inclusion of Zero Tolerance against Knives.....	72
	District Size and Inclusion of Zero Tolerance for Drugs .....	73
	District Size and Inclusion of Zero Tolerance against Bullying and Harassment.....	73
	District Size and Options for an Alternative Education Setting.....	74
	Results of Coding by Categories .....	74
	Results of Coding by Indicators .....	75
	Inclusion of a Definition for the Term Zero Tolerance.....	76
	Guns.....	77
	Knives.....	77
	Drugs .....	78
	Bullying.....	78
	Options for an Alternative Educational Setting.....	79
	Summary of Patterns.....	79
5	CONCLUSIONS AND IMPLICATIONS .....	91
	Discussion of the Findings.....	92
	Defining Zero Tolerance .....	92
	Compliance with the Gun-Free Schools Act of 1994.....	93
	Expanding Zero Tolerance Policies.....	95
	Providing the Option of an Alternative Education Setting.....	96
	Conclusions.....	96

Conclusion 1: Student Codes of Conduct Should Include a Definition of the Term Zero Tolerance .....	97
Conclusion 2: Limit What Constitutes a Zero Tolerance Offense .....	97
Conclusion 3: Districts Should Fund Alternative Education Settings.....	98
Implications for Policy and Practice.....	99
Revisit Current Student Codes of Conduct .....	99
Adopt a Model Student Code of Conduct .....	100
Create and Implement a Three CHANCE System of Educational Settings.....	102
Recommendations for Future Research.....	104
Summary .....	105

## APPENDIX

A ANALYSIS OF ZERO TOLERANCE POLICIES IN FL SCHOOL DISTRICTS CODEBOOK .....	111
B ANALYSIS OF ZERO TOLERANCE POLICIES IN FLORIDA SCHOOL DISTRICTS CODING FORM .....	112
C UNIVERSITY OF FLORIDA INSTITUTIONAL REVIEW BOARD APPROVAL LETTER .....	113
D INITIAL LETTER OF REQUEST FOR PUBLIC DOCUMENTS.....	114
E SECOND LETTER OF REQUEST FOR PUBLIC DOCUMENTS .....	115
REFERENCE LIST .....	116
BIOGRAPHICAL SKETCH .....	121

## LIST OF TABLES

<u>Table</u>	<u>page</u>
4-1 Results by method for Florida school districts .....	81
4-2 Results by rate of retrieval for Florida school districts.....	82
4-3 Division of districts into categories by student body population.....	83
4-4 Results by district size and inclusion of a zero tolerance definition.....	84
4-5 Results by district size and zero tolerance for guns.....	85
4-6 Results by district size and zero tolerance for knives.....	86
4-7 Results by district size and zero tolerance for drugs.....	87
4-8 Results by district size and zero tolerance for bullying .....	88
4-9 Results by district size and an alternative education setting.....	89
4-10 Comparison of categories to indicators.....	90
5-1 Seven elements to include in a model student code of conduct.....	109
5-2 Changing habits after new character education (CHANCE) schools.....	110

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ZERO TOLERANCE POLICIES IN FLORIDA SCHOOL DISTRICTS

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Mandatory punishments for disciplinary offenses have been included in school districts' Student Codes of Conduct since the Gun-Free Schools Act of 1994 mandated that districts have zero tolerance policies in order to receive their federal education dollars. Thirteen years later, the majority of the 67 school districts in Florida have expanded their use of zero tolerance policies to include infractions other than those that were included to keep guns out of schools. This policy analysis, the first comprehensive study of its kind, evaluated the zero tolerance policies found in all 67 of Florida's Student Codes of Conduct with the intent of providing policy-makers and educational leaders with practical, action-oriented recommendations on ways they can improve how students are disciplined in Florida.

This study examined the history of zero tolerance policies, including the practice of adding offenses other than the possession of guns to these policies. This policy analysis detailed the differences between large school districts in Florida, those over 15,000 students, with the small school districts in Florida and their decisions on what to include in their districts' zero tolerance policies. This study concluded with recommendations on what should be in a model Student Code of Conduct as well as a recommendation for starting a Three-CHANCE (Changing Habits After New Character Education) system of educational placements.

## CHAPTER 1 ZERO TOLERANCE POLICIES IN FLORIDA

The fear of violence in schools has led American legislators and educational leaders to adopt discipline policies that are increasingly punitive in nature (Noguera, 1995). One example of a punitive discipline policy is the Gun-Free Schools Act of 1994 (U.S. Department of Education, 2006). The Gun-Free Schools Act requires each state receiving federal Elementary and Secondary Education Act of 1965 (ESEA) money to have a policy that mandates 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. It continues to be enforced today since its reauthorization in Section 4141 of the ESEA as amended by the No Child Left Behind (NCLB) Act of 2001 (U.S. Department of Education, Office of Safe and Drug-free Schools, 2006).

Since the enactment of the federal Guns-Free School Act of 1994, Florida has required its public school districts to create and enforce policies that offer no leniency for students (Florida Safe and Healthy Schools Act, 1006.13, 2005). These policies, commonly referred to as zero tolerance or “One Strike and You’re Out” policies, are stated so that they are as broad, vague, and all-encompassing as possible (Blumenson & Nilsen, 2003). While the Florida statute complies with the federal law, many school districts across Florida have broadened the policy to include expulsion for knives, drugs, bullying, and even disorderly conduct.

To bring public attention to the different ways in which Florida implements zero tolerance policies, the Washington, DC non-profit group Advancement Project in collaboration with the NAACP Legal Defense and Educational Fund, Inc. and the Florida State Conference of the NAACP examined the zero tolerance practices of Florida’s six largest school districts in its 2006 report titled *Arresting Development: Addressing the School Discipline Crisis in Florida*. The report came as a reaction to the much-publicized 2005 Associated Press article that highlighted

the incident of a five-year-old girl who was handcuffed and arrested by St. Petersburg, Florida police for having a temper tantrum in her classroom (Advancement Project, Florida State Conference of the NAACP, & the NAACP Legal Defense and Educational Fund, Inc, 2006). Since then, the girl's family has hired a lawyer and is suing both the Pinellas County School District as well as the St. Petersburg Police Department (Associated Press & CBS News, 2005). In an interview with the Associated Press, the lawyer for the family said,

unfortunately, with our system of civil justice, the way that we handle these matters, is you have to sue someone in order to get reform . . . to get the reform, you have to make them pay, because if you don't make them pay, they're never going to reform themselves. If they don't have to pony up, there never will be any change. (§ 13)

Realizing that reform through the court system can be quite expensive for school districts, the Florida Association of District School Superintendents (FADSS) used the Advancement Project report as the impetus for discussion when they convened in the fall of 2006 to address the implementation of zero tolerance policies in Florida. They did not, however, publish any official statements regarding the proceedings of their meeting.

Implementing a zero tolerance policy that is both consistent with the Gun-Free Schools Act yet also respectful to the particular characteristics of the communities would eliminate inconsistent interpretations of the policy. There currently are no guidelines or model elements for Student Codes of Conduct that school boards or district superintendents can refer to when trying to improve their policies (Florida Department of Education, 2006). Achieving these model elements served as the impetus for this research.

### **Current School Policies**

There are some similarities as well as differences in how discipline is handled across Florida's school districts. For example, even though Florida State Law does not require knives to be included as one of the infractions included in zero tolerance policies, many school districts in

Florida have a clause in their discipline codes of conduct that mandates expulsion from the regular education setting for the possession of a knife. In addition, of the 26,990 school related referrals to the Florida Department of Juvenile Justice (DJJ) during the 2004–2005 school year, “over three–quarters of school–based referrals (76%) were for misdemeanor offenses such as disorderly conduct, trespassing, or assault and/or battery, which is usually nothing more than a schoolyard fight” (Advancement Project, 2006, p. 6). Children in Florida are increasingly being sent to judges and jails for offenses that traditionally were dealt with in the principal’s office and after school detentions (Kaczor, 2006).

There are also cases of non–violent students who have been expelled under Florida’s zero tolerance policies. In 1999, a Florida high school student was expelled for violating his district’s zero tolerance policy against “inappropriate behavior” (Huffines, 2000). The student was disciplined for threatening to shoot up the school in a Columbine–type fashion. The student adamantly denied ever saying this. The principal could not find one credible adult or student witness to support the allegation. The police were called to the school, but after a two–day investigation, they determined that there was not enough evidence to press any type of charge against the student. This, however, did not stop the school board from expelling the student. The American Civil Liberties Union (ACLU) eventually accepted the family’s case in 2000, but at that point the boy had already been out of school for an entire year. Such incidents are numerous not only in Florida but across the country (Skiba, Reynolds, Graham, Sheras, Conoley, & Garcia–Vazquez, 2006).

Few school district policies utilize internal discipline methods that try to “address the underlying causes of behavioral problems” (Advancement Project, 2006, p. 6). Thirty years ago, it would have been an unusual sight to have a child handcuffed by a police officer in school. This

is, however, becoming more common in today's public institutions of education. The sight of children being criminalized, handcuffed, arrested, booked, and sent to court for minor misconduct in school is a trend that is commonly referred to as the "schoolhouse-to-jailhouse track" or the "school-to-prison pipeline" (p. 6).

### **Statement of the Problem**

Children are often suspended and expelled from their regular education settings for offenses that do not pose a threat to school safety and that are far beyond the scope and intentions of the 1994 GFSA (Advancement Project, 2006). In August 2006, the American Psychological Association (APA) convened a task force to study the psychological affects that zero tolerance policies have had on the development of adolescents and their ability to learn in an atmosphere that is governed by punitive policies (Skiba, et al., 2006). To highlight the urgency for zero tolerance reform, the APA pointed out how zero tolerance policies punish innocent children:

January, 2004, Bossier Parrish, Louisiana. A fifteen year old girl found in possession of one Advil tablet was expelled for one year under a district policy of zero tolerance for any drug. Closer scrutiny of previous school disciplinary actions in the school district revealed cases in which other students had received a lighter punishment for explicitly illegal drugs. (Skiba, et al., 2006, p. 31)

According to the APA Zero Tolerance Taskforce, there are many school board members, educational leaders, and parents who believe that suspending or expelling students is an effective behavioral modification because it promotes a safer learning environment for the children who were not involved with the incident (Skiba, et al., 2006). The taskforce, however, reported data that contradicted this belief. APA data indicated that the behaviors that resulted in the suspension or expulsion were not modified, and that the removal of those students did not create a safer learning environment in those schools.

Some educational leaders and legislators publicly support the idea that zero tolerance policies enacted over the past decade have made their schools safer (U.S. Department of Justice, 2005). Their claims are supported by the U.S. Bureau of Justice Statistics annual report *Indicators of School Crime and Safety* that states “violent victimization dropped from 48 incidents per 1,000 students in 1992 to 24 per 1,000 in 2002, a decrease that mirrors a decrease in crime among the whole population” (Scarpa, 2005, p. 19). Yet there is evidence to suggest that even with zero tolerance policies “the federal report, *Indicators of School Crime and Safety*, grossly underestimates the extent of school crime because it is based upon limited research surveys, not actual reported crime incidents” (p. 19).

Ken Trump, president of the National School Safety and Security Service, calls the federal report misleading. He believes that “most experienced school safety professionals know that school crime is under-reported to law enforcement and that there is no federal mandatory K–12 crime reporting and tracking law on the books” like there is for institutions of higher education (Scarpa, 2005, p. 19). By keeping the crime statistics under-reported, principals can better portray to the general public that their schools are safer than what is actually true. Trump also questions whether it is good practice to handcuff, suspend, or expel students for minor infractions if there is no reason to believe that this practice makes the educational environments any safer.

### **Framework of the Study**

More than 2,500 students drop out of high school each day as a result of expulsion or other conditions (Kingsbury, 2006). In the United States, close to 1 million students leave school without graduating each year, “costing the nation more than \$260 billion in lost wages, taxes, and productivity over the students’ lifetimes” (p. 30). In addition, 4,400 juveniles are arrested each day and “68% of the inmates in state prisons lack a high school diploma” (p. 30). Despite

these statistics, districts continue to remove students through the use of all-encompassing zero tolerance policies.

### **Purpose of the Study and Research Questions**

The purpose of the study was to determine differences in the Student Codes of Conduct developed by large and small school districts in response to zero tolerance policies related to the implementation of the Gun-Free Schools Act of 1994.

To determine such differences, the following research questions were addressed:

1. Is there a difference in the Student Codes of Conduct of Florida's small and large districts that include a definition of what the term *zero tolerance* means and how it relates to discipline?
2. Is there a difference in the Student Codes of Conduct of small and large districts that include guns in their zero tolerance policies?
3. Is there a difference in the Student Codes of Conduct of small and large districts that include knives in their zero tolerance policies?
4. Is there a difference in the Student Codes of Conduct of small and large districts that include drugs in their zero tolerance policies?
5. Is there a difference in the Student Codes of Conduct of small and large districts that include bullying or harassment in their zero tolerance policies?
6. Is there a difference in the Student Codes of Conduct of small and large districts that include provisions allowing for students to attend alternative educational settings if they violate a zero tolerance policy?

Based on the results of these findings, elements of a model Student Code of Conduct were developed that incorporated the mandates of the Gun-Free School Act of 1994 as well as recommendations for future studies addressing how school districts might reduce expulsions with the intent of keeping more students in an educational setting and out of jail.

### **Significance of the Study**

In 1995, one year after the implementation of the Gun-Free Schools Act (GFSA), the Centers for Disease Control and Prevention (CDC) revealed that 10% of students in grades 8–12

carried a weapon to school *on a daily basis* (Malico, 1995). The intent of the GFSA was to reduce this type of statistic, yet in 2001 the Josephson Institute on Ethics conducted a similar survey to the CDC survey and found that the percentage had risen to 14% (Erickson, Mattanini, & McGuire, 2004). Even after a full five years of implementation of zero tolerance policies and the GFSA, the percentage of students carrying weapons to school actually increased while the number of violent incidents appears to have decreased. According to these statistics, it appeared that the GFSA was not a deterrent to bringing weapons to school and had not benefited school districts as intended.

This research provides school districts and educational policy-makers with a description of how the Gun-Free Schools Act of 1994 has been implemented in Florida. In addition, elements of a model Student Code of Conduct were developed that incorporated the mandates of the Gun-Free School Act of 1994 as well as recommendations for school districts to reduce expulsions with the intent of keeping more students in an educational setting and out of jail. If Florida's school districts choose to adopt these elements, students will benefit by having more opportunities to learn from their mistakes as well as having fewer suspensions and expulsions. If these elements are adopted, parents and community members would also benefit by having more youth in educational facilities and less in juvenile correctional facilities.

### **Limitations**

The results of the study are based on research conducted by analyzing Student Codes of Conduct from Florida's 67 county public school districts. There are limitations to this study, the first being that the results of this study cannot be generalized to other states. Although other states may have similar structures that would support a comparison of their Student Codes of Conduct to Florida's Student Codes of Conduct, each state is unique in the laws and regulations that guide local school districts. For example, some states have a multitude of school districts

within a single county. Other states have laws that restrict the usage of zero tolerance policies, making a comparison between those states and Florida difficult to validate.

The second limitation is in the appropriate application of this study to Florida's school districts. By eliminating the use of K-5 and 6-8 Student Codes of Conduct, the researcher may have inadvertently inflated the findings of the study. While the researcher did not code the excluded Student Codes of Conduct, there is a possibility that the excluded Student Codes of Conduct did not contain as many zero tolerance policies as the included Student Codes of Conduct. This is based on the practice that districts create separate Student Codes of Conduct for younger children with the intent of having fewer mandatory and less extreme parameters for offenses than those applied to the secondary school environment.

The fact that 100% of the requested Student Codes of Conduct were provided to the researcher greatly reduced the limitations placed upon the study. The researcher utilized the same coding form for all 67 of Florida's Student Codes of Conducts. This eliminated the risk of recorder error in the data analysis procedures. By incorporating all available Student Codes of Conduct in this study on Florida discipline policies, the policy analysis was strengthened by using descriptive statistics instead of inferential statistics, eliminating the need to prove statistical significance at a .05 level for any of the data provided. Each set of numbers and percentages were factual because the researcher had the totality of information that was available to the population.

## CHAPTER 2 HISTORY OF ZERO TOLERANCE

The purpose of this study was to determine the relationship between Florida's small and large school districts and the offenses in the zero tolerance policies found in their Student Codes of Conduct. The purpose of this chapter was to present a review of literature pertaining to zero tolerance policies, highlight current data and research regarding zero tolerance policies, and present testimonies from experts in the field of school discipline as they relate to zero tolerance policies. This review provided the necessary foundation to lay the theoretical and philosophical framework for the study.

### **The Formation of a Zero Tolerance Definition**

In November 1998 Jordan Locke, a five-year-old attending Curtisville Elementary School in Deer Lakes, Pennsylvania "was suspended for wearing a 5-inch plastic axe as part of his firefighter's costume to a Halloween party in his classroom" (Skiba, 2000). In their response to upset firefighters who criticized the suspension, school officials drafted an "Open Letter to Firemen Across the Country" stating "that they never intended to offend firefighters by referring to the axe as a weapon, but defended the zero tolerance policy against weapons as fair" (p. 4).

In May 1999 a sophomore in Pensacola, Florida loaned her nail clippers with an attached nail file to a friend. When the teacher saw this, she confiscated the clippers. The girl, aspiring to be a doctor, was given a 10-day suspension by the principal and threatened with expulsion, with the principal adding, "Life goes on. You learn from your mistakes. We are recommending expulsion" (Skiba, 2000, p. 4).

There are other stories like these in Florida and throughout the United States. Websites are dedicated to highlighting the injustices resulting from zero tolerance policies and calling for an end to them ([www.thisistrue.com](http://www.thisistrue.com), [www.ztnightmares.com](http://www.ztnightmares.com), [www.texaszerotolerance.com](http://www.texaszerotolerance.com)). One

example of a non-violent youth whose life was forever changed as a result of a school district enforcing a zero tolerance policies mandated by the GFSA of 1994 is of the high school senior in Knoxville, Tennessee who was expelled in 1999 after a friend left a knife in his car (Potts, Njie, Detch, & Walton, 2003). Apparently despondent after being expelled during his senior year in high school, the student committed suicide. The parents of the boy sued the Knox County School Board and eventually won their case when the 6<sup>th</sup> U.S. Circuit Court of Appeals ruled the expulsion was irrational and absent of any evidence that the student was aware of the knife's presence in his car. The judge, however, did not challenge the existence of zero tolerance policies. For some educational leaders, this holding reaffirmed their belief that there was nothing wrong with zero tolerance policies. Other politicians and educational leaders in Tennessee, however, began to question the decade-old federal law (Potts, Njie, Detch, & Walton, 2003).

Zero tolerance, as it relates to behavior and discipline, has been defined as “the policy or practice of not tolerating undesirable behavior, such as violence or illegal drug use, with the automatic imposition of severe penalties even for first offenses” (Potts, Njie, Detch, & Walton, 2003, p. 16). This definition provides an opportunity for school boards and principals to expand the boundaries in which a behavior can be subjected to a zero tolerance policy simply by their labeling the behavior undesirable. Having such an all-encompassing definition for zero tolerance is the precise reason why so few lawyers will accept cases involving parents or students challenging zero tolerance policies. Zero tolerance policies and definitions can be so encompassing that judges often rule any behavior that school districts deem *undesirable* as punishable behaviors that are within the legislative boundaries of the law and therefore subject to severe penalties. In February 2001, the American Bar Association adopted a resolution opposing

all zero tolerance policies on the ground that the policies pay no “regard to the circumstances or nature of the offense or the student’s history” (Potts, et al., 2003, p. 16).

The U.S. Department of Education defines zero tolerance weapons’ policies in two separate documents: Sec. 14601 of the Elementary and Secondary Schools Act (ESEA)—Gun-Free Requirements (otherwise known as the GFSA of 1994, a component of the Improving American’s Schools Act of 1994) and the No Child Left Behind Act (NCLB) Sec. 4141 of 2001 (Potts, et al., 2003). The GFSA defines the following:

each State receiving Federal funds under this Act shall have in effect a State law requiring local educational agencies to expel from school for a period of not less than one year a student who is determined to have brought a weapon to a school under the jurisdiction of local educational agencies in that State, except that such State law shall allow the chief administering officer of such local educational agency to modify such expulsion requirement for a student on a case-by-case basis. (U.S. Department of Education, Office of Safe and Drug-Free Schools, 2006, ¶ 2)

### **Defining Zero Tolerance for Students with Disabilities**

As outlined in the Gun-Free Schools Act of 1994, the U.S. Department of Education’s definition of the term *student* does not include those youth protected under the Individuals with Disabilities Education Act (IDEA)’s Individual Education Plans (IEP) as detailed in Special Rule—part c of Section 14601 where it states, “Schools that have students with IEPs that bring guns or knives to school are guaranteed due process procedures” (U.S. Department of Education, 2004). These proceedings may result in a return of the students to their regular educational settings if the behavior was determined to be a manifestation of their disabilities as outlined in their IEPs.

### **Individuals with Disabilities Education Improvement Act of 2004**

Several changes were made to the Individuals with Disabilities Education Act (IDEA) in 2004. One of the more significant changes was the inclusion of the new section relating to students with disabilities who violate their districts’ Student Codes of Conducts. Prior to 2004,

the term Student Code of Conduct was not even mentioned in the IDEA. The new IDEA has experienced a change in philosophy regarding how students with disabilities who inflict serious bodily injury upon another person can be disciplined, introducing more of a zero tolerance approach that is in direct conflict with the mentality that individual consideration should be given to all students, the philosophy that the IDEA was founded upon.

There may be incidences when children with disabilities who are protected under the IDEA threaten other children in the school with a weapon. In those cases, “school authorities can unilaterally remove a child with a disability from the child’s regular placement for up to 45 days at a time” and may ask an impartial hearing officer to order subsequent extensions “if school officials continue to believe that the child would be substantially likely to injure self or others if returned to his or her regular placement” (U.S. Department of Education, 2004, p. 4). Another change made by the Individuals with Disabilities Improvement Act of 2004 specifically states that,

a child with a disability who is removed from his or her current placement for disciplinary reasons, irrespective of whether the behavior is determined to be a manifestation of the child’s disability, must be allowed to participate in the general education curriculum, although in another setting, and to progress toward meeting his or her IEP goals. (Office of Special Education and Rehabilitative Services, Department of Education, 2006, p. 17)

It is important to note that students with disabilities can still be expelled, and in some states, those expulsions make up a considerable percentage of the students who are expelled each year (U.S. Department of Education, National Center for Educational Statistics, School Survey on Crime and Safety, 2000).

### **The No Child Left Behind (NCLB) Act of 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 just for bringing a gun *to school* (such as having it in the trunk of a car). NCLB still empowers local school districts to place stricter policies on their

students, an option that many districts are still inclined to accept as they appease parents and school employees who demand safer schools (Potts, et al., 2003). Exceptions are sometimes made when school-sponsored gun clubs require students to have a gun in order to participate, an exception allowed by the GFSA.

Although the Gun-Free Schools Act did not become federal law until 1994, some states already had zero tolerance laws in place, expelling students for offenses ranging from the possession of weapons to disorderly conduct (Pipho, 1998). When the term *zero tolerance* first entered in the vernacular of federal legislators, it was understood that the goal of enacting a zero tolerance law was “to produce ‘gun-free’ schools” (p. 725). Including an actual definition of zero tolerance in the federal legislation may not have seemed necessary at the time because the legislators supported the same goal, but the fact that the Gun-Free Schools Act allowed for expansions to the law has greatly transformed not only what zero tolerance means from state-to-state, but in most cases, what it means from district-to-district. As it is written in the Gun-Free Schools Act,

the term *weapon* in the federal law does not include knives or common fireworks, though a state law implementing the federal act may use a broader definition of weapon that does include knives. The federal definition of weapon does include guns, bombs, grenades, rockets, and missiles. (Pipho, 1998, p. 725)

The result is that a zero tolerance policy in one district often times is completely different than the zero tolerance policy in the neighboring district.

The media have highlighted districts that have overly broad policies, “picking up on stories in which the penalty appeared more serious than the infraction” (Pipho, 1998, p. 726). With differing definitions of zero tolerance from district to district and state to state, there sometimes is confusion from both students and parents as to what exactly it means for their district to have a zero tolerance policy (Pipho, 1998). Some districts explicitly define the term *zero tolerance* as

well as the offenses that result in mandatory punishments, while other districts simply include a statement that they have a zero tolerance policy, yet do not define what that policy includes.

### **Origins of the Term *Zero Tolerance***

Different sources credit the origins of the term *zero tolerance* in everyday American vocabulary. Although it may have been used prior to 1982, the first time the term *zero tolerance* was ever published in reference to a guaranteed punishment was in a 1982 Atlantic Monthly article by James Wilson and George Kelling entitled “Broken Windows: Police and Neighborhood Safety” (Potts, et al., 2003). This article discussed a change in mentality of the Newark, New Jersey police department. The theory was, “if a broken window in a building is not repaired, it sends the signal that no one cares about its maintenance and that soon all the windows in all the building will be broken” (p. 2). This article prompted other police departments to adopt zero tolerance policies even for mild displays of disorderly behavior because the belief was this behavior was a “precursor to more serious crime” (p. 2).

Other sources indicate that it was not until 1983 that the term *zero tolerance* was actually used in an official government policy. The policy was enacted by the U.S. Navy to combat drug usage by its sailors (Verdugo & Glenn, 2002). In 1983 the Navy enforced its zero tolerance for drugs by reassigning over 40 sailors because of their suspected drug abuse. In 1986 it became the official name of a program enacted by U.S. Attorney Peter Nunez of San Diego, requiring the impoundment of any sea craft carrying or transporting any amount of drugs. The program was such a success that in 1988 U.S. Attorney General Edwin Meese promoted the program as a national model. He ordered all customs officials to seize the vehicles and property of anyone crossing the border into the United States with even trace amounts of drugs. Those individuals were charged with a federal crime (Skiba, 2000).

The success of these programs encouraged educational leaders and legislators to try the same types of policies in their increasingly dangerous public schools (Skiba, et al, 2006). There was, however, no research as to the effect such policies would have on adolescents, nor was there any consideration as to the appropriateness in having ultimate consequences for first time offenders. While it can be argued that rational adults would be deterred from certain activities if they knew those activities held dire consequences, no studies were conducted as to whether children were capable of understanding the repercussions of zero tolerance policies (Skiba, et al, 2006). In fact, research published in 2006 by the American Psychological Association's (APA) Taskforce on Zero Tolerance policies concluded that adolescents before the age of 15 were psychologically incapable of understanding the full significance of their actions as they relate to a mandated punishment.

The APA report referenced many studies that supported the idea that zero tolerance policies were not appropriate for the mindset of adolescents:

adolescents before the age of 15 display psychosocial immaturity in at least four areas relevant to social contexts such as those found in schools: resistance to peer influence, attitudes toward and perception of risk, future orientation, and impulse control... They tend to weigh anticipated gains more than losses when making decisions (e.g., Hooper, Luciana, Conklin, & Yarger, 2004). Young adolescents tend to be much less future-oriented than older adolescents and adults. They tend to discount the future when making choices (Greene, 1986) and to focus more on short-term rather than on the long-term risks and benefits of their decisions (Grisso, et al., 2003). Finally, developmental studies on behavioral control indicate that younger adolescents are less able to evaluate situations before acting, which is in part due to greater difficulty they have in regulating their moods (Cauuffman & Steinberg, 2000; Luna, Garve, Urban, Lazar, & Sweeney, 2004). (Skiba, et al., 2006, p. 67)

A lack of research in early the 1990s and a lack of understanding on the effects that zero tolerance policies would have on students did not deter school districts across the country from adopting them. School districts in California and Kentucky began implementing zero tolerance policies for gangs and weapons as early as 1989 (Verdugo & Glenn, 2002). New York followed

by implementing zero tolerance policies mandating expulsion for any students involved in fighting, drugs, or gang-related activity (violent or non-violent) (Skiba, 2000). Across the country school boards adopted zero tolerance policies that resulted in expelling students for activities ranging from smoking to school disruption. The Superintendent of Yonkers School System in the State of New York applied zero tolerance policies to any student who disrupted the learning process, giving schools the freedom to expel any student for just about any disturbance (Verdugo, 2002).

In 1994, President Clinton signed the GFSA (McAndrews, 2001). According to Secretary of Education Richard W. Riley, “when our children and their families are afraid to go to and from school and afraid to be in school, learning obviously suffers” (Malico, 1995, ¶ 4). In a directive to Riley from Clinton, the President stressed “the paramount importance that this nation’s schools be safe, disciplined, and conducive to learning,” asking Riley to work with local authorities to help ensure that zero tolerance policies are adopted (¶ 6). The federal government was going to get tough on violence in schools, prompted by the newly won Republic majority in the House of Representatives and supported by the Democratic president (Malico, 1995).

One of the most influential pieces of research that was published shortly after the adoption of the GFSA was a 1995 survey by the Centers for Disease Control and Prevention (CDC). These research findings quantified the seriousness that guns and violence were posing on communities. The survey results determined that, on a daily basis, “more than one in 10 students in grades 8–12 carried some kind of weapon to school” (Malico, 1995, ¶ 7). This corresponded to the 1993 survey already conducted by the Education Department’s National Center for Education Statistics that found that “one-quarter of students in grades 6–12 worried about becoming victims of crime or threats while at school and at least one in eight students had been victimized

while on school property” (§ 8). The same year that survey was conducted, a University of Michigan study revealed that only 5% of students attended schools equipped with metal detector (Stone–Palmquist, 2004).

School districts were not given additional funding to implement zero tolerance policies. Instead, they were offered guidance by the U.S. Department of Education. In addition, the same Congress that authorized the GFSA voted to cut \$500 million in funding for the Safe and Drug–Free Schools Program, resulting in a 60% decrease in federal funds to states for a program that was designed to make schools safer (Malico, 1995).

The GFSA mandated that those states that did not pass and enact legislation consistent with the GFSA by October 20, 1995 would “risk losing funding for programs authorized under the Elementary and Secondary Education Act” (Malico, 1995, § 12). Again, as funding for programs that promoted safer schools decreased, states were expected to decrease violence in their public schools. The result of these legislative maneuvers was that states adopted new laws and policies that mandated the expulsion of students, policies that were inexpensive to implement. They were not, however, required to provide those students with alternative educational settings. Florida law outlines that an alternative education placement can be made for the expelled students if it is determined that the alternative setting can meet the educational, emotional, and social needs of the students (Florida State Legislator, 2005); as of yet, there is no system or procedure in Florida designed to determine if those needs or educational standards are being met by the alternative settings.

### **Current Zero Tolerance Policies**

#### **Enactment and Inclusion of Zero Tolerance Policies**

Two states that enacted zero tolerance policies immediately following the passage of the GFSA of 1994 were Tennessee and Florida. Florida State Law 1006.13 mandates the following:

the zero tolerance policy shall require students found to have committed one of the following offenses to be expelled, with or without continuing educational services, from the student's regular school for a period of not less than 1 full year, and to be referred to the criminal justice or juvenile justice system: a) bringing a firearm or weapon to school, to any school function, or possessing a firearm at school, and b) making a violent threat or false report involving school or school personnel's property, school transportation, or a school-sponsored activity. (Florida State Legislature, 2005, Public Law 1006.13)

The legislation continues by stating, "although education and prevention are the preferred means of achieving safe schools, there must be a clear statement of policy that violence in schools will not be permitted" (1006.13). The State of Florida, however, does not offer guidelines for a curriculum that districts can follow regarding the education and prevention of violence. It is each district's responsibility to decide if they are going to facilitate alternative education facilities or programs and how they are going to operate them.

The law also states that Florida mandates all principals "monitor the administration of discipline of students to ensure that discipline is administered equitably without regard to real or perceived gender, race, religion, color, sexual orientation, ethnicity, ancestry, national origin, political beliefs, marital status, age, social and family background, linguistic preference, or disability" (Florida State Legislature, 2005, 1006.13). The lack of equitability in Florida with regard to race has recently been questioned and highlighted in the 2005 NAACP report published in conjunction with the Advancement Project, along with many other reports and dissertations published in the past five years (Skiba, et al., 2006; Gregory, 1997). The lack of equitability in zero tolerance policies was also highlighted in 1995 when the General Assembly for the State of Tennessee surpassed Florida when it enacted a new law that "required a student who is in possession of a weapon, a controlled substance, or who committed battery against a [public school] employee be expelled for at least one calendar year" (Potts, et al., 2003, p. 2). The Comptroller of the Treasury for the State of Tennessee was commissioned to conduct and compile an annual report for the state legislature on the implementation of the new policy. The

Comptroller reported that, even though the number of students enrolled in Tennessee public schools is decreasing, the number of students expelled as a result of zero tolerance policies is increasing. This led the General Assembly members to believe that there were a higher percentage of students with discipline and emotional problems entering the public school systems or that the zero tolerance policies were used for quick solutions to a variety of discipline issues.

In reviewing a specific school board policy regarding zero tolerance, the Chicago Public Schools (CPS)—the nation’s third largest public school system—has included the term *zero tolerance* in their “Uniform Discipline Code” since August 1995 (Chicago Board of Education, 1995). The school board’s use of the term, though, is quite different from other school districts. Their zero tolerance policy does not necessarily imply an automatic punishment. In their “Policy Statement,” CPS states “a Zero Tolerance Policy will be enforced for students who commit acts of misconduct which seriously disrupt the orderly educational process” (p. 4) and “those who are found to possess illegal drugs, firearms, or other dangerous weapons will be suspended immediately and face possible expulsion” (p. 4). The phrase “face possible expulsion” is used instead of “will face expulsion.” The Uniform Discipline Code states that the “use, possession, and/or concealment of a firearm/destructive device” will result in “police notification and/or arrest, suspension for 10 days, and expulsion for a period of not less than one calendar year, or as modified on a case–by–case review by the Chief Executive Officer or designee” (p. 9).

The zero tolerance policies in Chicago are structured so that, instead of automatic expulsion, students are suspended and given a hearing where an appropriate punishment can be determined. If it were determined that the student knowingly brought the drugs or firearms to school in order to do harm, the GFSA may be used as the impetus for expulsion. The difference

between Chicago's policy and other school district policies is that the intent of the infraction is examined. There are no automatic expulsions; instead, educational administrators must review the situation and circumstances and make appropriate decisions based on those facts. The school board, however, continues to use the term *zero tolerance* so that they can present themselves as being in alignment with the federal guidelines.

### **Expert Opinions on Zero Tolerance Policies**

Currently over 90% of U.S. public school districts have some type of zero tolerance policy in place that extends the scope of the GFSA, while all 50 states now have zero tolerance policies mentioned somewhere in their state laws (Verdugo & Glenn, 2002). Many educational leaders have questioned if the reason zero tolerance policies are still in place is that they truly deter violence or if they are an easy way for educational leaders to expel students who traditionally perform poorly on standardized tests (McAndrews, 2001). Expelling disruptive students who perform poorly in school can result in an increase of the school's overall performance because discipline offenders are often low achievers (McAndrews, 2001). In the case of Florida, a school's actual letter-grade may increase if enough low performers are removed. With research indicating that zero tolerance policies "are neither effective in reducing violent behavior in children nor implemented in a manner that is child-centered or equitable" (Verdugo & Glenn, 2002, p. 2), some would wonder if the reason they are still so prevalent is so that principals have easy ways to rid low-performing students from their schools (McAndrews, 2001).

Peterson (personal communication, April 22, 2005) stated that there is no federal database available that tracks students who are suspended or expelled; this is strictly delegated to local school boards and some state boards of education. In addition, even though there has been research conducted that proved similarities and differences between suspensions and incarcerations, Peterson believes it is not possible to prove what influence, if any, zero tolerance

policies have on incarcerations themselves. What needs to be considered is whether or not these youths would still have been incarcerated in the course of their lifetime, even if they had not been suspended or expelled as a result of a zero tolerance policy while in school. Peterson realizes that this cannot easily be answered because of the numerous mitigating circumstances that surround most incarcerations of juveniles.

Peterson (personal communication, April 22, 2005) also stated that research has demonstrated the effectiveness of anger-management programs in reducing the expulsion rate in schools. His program, *Safe and Responsive Schools (SRS)*, is one that offers several levels of anger-management and behavior modification awareness that school districts can adopt (Peterson, 2005). He referenced the Harvard Civil Rights Project Study (Skiba, 2003) that showed a reduction in the number of referrals, suspensions, and absentees after enacting alternative programs to zero tolerance discipline policies.

Skiba (personal communication, May 2, 2005) believes that many educational leaders adopted the idea that even the smallest infractions must be given the strictest punishments so as to send a message to the rest of the student body that the administration was tough on violence. He also believes that the federal zero tolerance policies mandated by the Gun-Free Schools Act were based on assumptions that were never tested in 1994 and still have yet to be tested today. Skiba highlighted the lack of research regarding zero tolerance policies in his work with both the *Harvard Civil Rights Project* (Skiba, 2003) and the *American Psychological Association's Zero Tolerance Taskforce* (Skiba, Reynolds, Graham, Sheras, Conoley, & Garcia-Vazquez, 2006).

### **Effects of Zero Tolerance Policies on Student Behavior**

Students expelled from their schools for violating zero tolerance policies may eventually enroll in camps like those sponsored by the National Guard. Joe Jones, Cadet Coordinator for Youthcare at the Florida Youth Challenge (FYC) facility at Camp Blanding in Florida, facilitates

a program for 12–16 year–olds who are in need of behavior modification as deemed by either themselves and/or their parents. Jones (personal communication, May 2, 2005) said the center is neither a juvenile detention center nor a jail. It accepts students who have been in misdemeanor trouble, with most of their cadets having been expelled from their local public schools as a direct result of violating a zero tolerance policy (if the expulsion involved a weapon, the felony charge must be dropped by the time they enter the FYC).

The Florida Youth Challenge is a viable option for many students who, for a variety of reasons, do not find success in their regular educational setting. Florida Youth Challenge, located on the grounds of Camp Blanding near Starke, Florida, is one of 15 National Guard Youth Challenge Academies sponsored in the United States, with 23 more states on the National Guard’s waiting list, as highlighted in April 24, 2006 by *U.S. News & World Report* (Kingsbury, 2006). Their success derives from the fact that,

the teaching at the academies is strictly organized. Cadets take one section of the high school equivalency test at a time, focusing on reading, writing, and math. The testing method, which pairs an adult education model with the military’s instructional system, works. Nationwide, 70% of the students in the Challenge program earned their general equivalency diplomas. That’s nearly double the 41% pass rate of other adult education programs. And cadets earn theirs in half the time—improving an average of two grade levels in reading and math in only 5 ½ months in class, for example. The cost of educating a cadet is 85% less than that of educating a high school student—and far less than the cost of juvenile incarceration. (Kingsbury, 2006, p. 31)

Both successful and cost–effective, the academies have become viable alternatives to simply expelling children from regular education settings.

When asked why he believes so many youth still violate zero tolerance policies even though they are well aware the consequence is expulsion, Jones explained that,

most kids don’t take any responsibility for being expelled. They feel they’ve been set–up and are scared of the consequences only *after* they’ve done something. Not one student that I work with ever weighed the consequences of his or her actions before committing the offense. (personal communication, May 2, 2005)

Jones, an African–American male and former U.S. Marine, believes that part of the blame for this mentality are the community values that many of his students come from, specifically poor African–American and Caucasian families. Over the course of several years working with such families, Jones sees a trend in that many parents believe *the system* is to blame, either because administrators are picking on their children or that certain teachers were disrespecting their child. Jones believes that some parents do not help reinforce responsibility in their children for the inappropriate actions they commit, and that some parents actually believe the consequences should not apply to their children even though their children are guilty.

Jones (personal communication, May 2, 2005) spoke about the high percentage rate of students who, even after showing progress in their nine–month behavior modification program and demonstrating a renewed interest in leading an honest life, fell back into gangs and unhealthy social circles once they returned to their local neighborhoods. He does not, however, view this as a failure in the program because he believes that, instead of having 30% of his graduates end up in jail by the time they are 21 years–old (Jones, personal communication, May 2, 2005), he believes that percentage would be closer to 100% if FYC did not exist. In addition, Jones is quick to point out that there is a *three-year waiting list with over 300 names of students* who are trying to get one of the 150 seats available in the upcoming classes of cadets. The funding sponsors of Jones’ program include the Florida National Guard, the Department of Defense, and the Departments of Education in Tallahassee and Washington, DC. To the sponsors, the long waiting list is an apparent sign that their program is filling a void for students who have been suspended or expelled as a result of violating zero tolerance policies in their districts.

## **Rethinking Zero Tolerance Policies**

Referring once again to the annual report compiled by the Comptroller of Treasury for the State of Tennessee in regard to the implementation of zero tolerance policies in that state, Ethel Detch, Director of the Office of Education Accountability for Tennessee, published in 2003 a synopsis of the “recent thinking about zero tolerance” and presented it to the State’s General Assembly and the Governor. After communicating with her to clarify some of the key points made in the report, Detch (personal communication, May 2, 2005) reiterated that,

despite the policies’ widespread prevalence in the United States, zero tolerance may be falling out of favor among some educators and education researchers. It could be argued that success with zero tolerance policies should result in yearly decreases in zero tolerance violations; instead in Tennessee the numbers have climbed at a faster rate than student enrollment. Some educators claim zero tolerance has become a ‘catch-all’ that administrators use to rid themselves of difficult students.

Reversing long-standing campaigns aimed at keeping at-risk children *in* school, two experts believe zero tolerance policies are designed to seek and identify troublesome or potentially troublesome students and get them *out of school* (Blumenson & Nilson, 2003). Eric Blumenson of Harvard Law School and Eva Nilson of Boston University attempted to answer the complex question of why, if zero tolerance is falling out of favor among educators and researchers, does the federal and state governments still support it? First, to many parents disillusioned with the Columbine-like violence of the 1990s, isolation of bad students seems a safer bet than rehabilitation. Secondly, Blumenson and Nilson believe that teachers and administrators have a number of incentives to retain zero tolerance policies in their schools: federal aid is contingent on mandatory expulsions for weapon offenses; teachers are loathe to abandon a policy that efficiently rids the classroom of troublemakers; and school administrators benefit because expelled students are often low achieving students who score poorly on the standardized tests that are increasingly used to evaluate their schools (and sometimes their own

performance as administrators). In addition, Florida's teachers who work in high performing schools (sometimes called "A" Schools) get financially compensated for their students' performance on the Florida Comprehensive Achievement Test (FCAT), and starting in 2007 will even earn merit pay bonuses as approved by Governor Jeb Bush (Kaczor, 2006).

Blumenson and Nilson (2003) believe that long gone are the days when suspensions or expulsions were saved for either the most serious offenses or for repeat offenders, adding that "the new zero tolerance policy imposes expulsion or suspension for a wide range of other conduct that previously would have been dealt with through after-school detentions, withdrawals of privileges, counseling, mediation, and other methods" (p. 69). For example, in Connecticut's public schools, "for kindergarten alone, the rate of suspensions/expulsions almost doubled over a two-year period from 463 in 2001–2002 to 901 reported for the 2002–2003 school year" (Gordon, 2003, p. 1). Gordon states that the students were suspended and expelled for such things as "fighting, defiance, and temper tantrums," behaviors that are commonly found to be true with any 5-year-old students (p. 1). The article poses two questions for the reader: (a) who should be deciding that kindergarteners need to be suspended; and (b) is the Connecticut version of a 5-year-old really more violent than any other states' children?

A leading expert in both mainstream American and Hispanic educational research, Tobin McAndrews' article *Zero-Tolerance Policies* has been influential in both the English-speaking and Spanish-speaking communities regarding evaluation of the perception of zero tolerance policies (McAndrews, 2001). McAndrews cites a 2000 National Center for Education Statistics (NCES) study that determined zero tolerance policies had little effect over a four-year implementation period in previously deemed unsafe schools. The study also reports that the current data do not demonstrate a decrease in school-based violence since the passage of the

GFSA. His belief is that “the popularity of zero tolerance policies may have less to do with their actual effect than the image they portray of schools taking resolute measures to prevent violence,” adding that “whether the policies actually change student behavior may be less important than the reassurance it gives the school community at large” (p. 6). This belief is supported by a 1999 study conducted by Diane Ravitch for the Washington, DC based Brookings Institute, who concluded that the image of being tough on crime in schools was more important than whether or not student behavior was actually being modified (Ravitch, 1999).

An additional report that attempted to review the effectiveness of zero tolerance policies was conducted by the Center for Disease Control and Prevention in 2003:

in contrast to the 3,523 firearms reported as confiscated under the Gun-Free Schools Act in the 1998–1999 school year, school surveys indicate that an estimated 3% of the 12<sup>th</sup> grade population (i.e., 85,350 students) reported carrying firearms on school property one or more times in the previous 30 days. Thus, even if only 12<sup>th</sup> grade students carry firearms, fewer than 4.3% of firearms are being detected in association with the Gun-Free Schools Act. (Hahn & Bilukha, 2003, p. 20)

The results of this survey proved that schools, despite having zero tolerance in place for nine years, still have students bringing guns to school, implying that the goal of eradicating guns from schools with the use of zero tolerance policies had failed.

Hyman and Snook (1999) describe the abusive nature of zero tolerance policies on otherwise non-violent children in their 1999 book titled *Dangerous Schools: What We Can Do about the Physical and Emotional Abuse of Children*. Their belief is that educational leaders should stop criminalizing student behavior in schools because they are turning what should be an educational experience into a punishment-orientated culture where all children are presumed guilty until they are proven innocent, a paradox for the way in which adults are treated in our society. Hyman and Snook express their professional opinion that the only solution to reforming zero tolerance policies is to zero them out [of the schools].

In Florida, Juvenile Judge J. Michael Traynor sees 400 to 450 juveniles a week in his St. Augustine courtroom (Prior, 2005). Traynor believes that,

in some ways, the schools and parents have turned to the courts for things that maybe in prior years would have been handled at home or in school. I believe it is because schools are reluctant to use any punishment other than . . . suspension or alternative schools. Some students aren't receptive to that type of discipline. In addition, there are parents who are unable to discipline their children, and they look to the courts for assistance. (p. 6)

As judges see an increase in the juvenile cases in their courtrooms, school boards across the country are calling for yet harsher punishments for misbehaving students, a dilemma many educational leaders must face when deciding whether or not to suspend students (Arndorfer & James, 2005). The reason derives from the fact that school boards feel they are faced with an even more pressing issue: retaining teachers. Arndorfer and James reported the findings from a 2004 Public Agenda survey of teachers, stating that "more than one in three teachers said they had considered leaving the profession because of student discipline" (p. 5A). This problem is accentuated for school districts serving low socio-economic populations that already have a hard time recruiting and retaining teachers.

### **Recent Changes in Zero Tolerance Policies**

With the increased momentum that zero tolerance policies were having in primary and secondary schools during the late 1980s and early 1990s, their popularity decreased in the areas that initially made them common. For example, the U.S. Customs Service discontinued its practice of impounding vehicles and vessels because of the controversy due to the numerous American Civil Liberties Union (ACLU) lawsuits that were filed against it (Verdugo & Glenn, 2002). The U.S. Customs officials that made the programs popular in the late 1980s realized that policies with automatic punishments were not only ineffective in changing behavior, but were also fundamentally unjust and most likely unconstitutional (Blumenson & Nilsen, 2003).

In addition, the State of Texas, with the support of Texas Governor Perry and State legislators, reformed the way in which zero tolerance policies would be enforced in Texas starting with the 2006–2007 school year (Crowley, 2007). In keeping with the federal guidelines that mandate someone who brings a gun to school be expelled for no less than 365 school days, Texas lawmakers passed legislation of their own that mandates all zero tolerance policies must include an investigation by the educational leadership of the district (principal, superintendents' office, etc.) as to the *intent* of bringing the object to school (Skiba, et al., 2006). Following the decision from the legislators to reform Texas' zero tolerance laws, Marc Levin, the, director of the Center for Effective Justice at the Texas Public Policy Foundation, said:

we applaud the Legislature for making much needed reforms to Texas' zero tolerance law. During this session, we learned of exemplary students who were expelled to a juvenile justice facility for unintentional mistakes, such as unknowingly bringing a pocket knife to school that was left in a jacket after hunting the day before or taking prescription pain relief medication at lunch. This legislation clarifies that expulsion is not required in such circumstances. It will restore common sense to the system by allowing school administrators to consider the intent and prior disciplinary of such students, if any, in determining the appropriate punishment. (Texas Public Policy Foundation, ¶ 2)

Those that believe zero tolerance policies have overstepped their limits are watching Texas' educational leaders as they attempt to restore common sense into their discipline policies.

### **Alternatives to Zero Tolerance Punishments in Florida**

Alternatives already exist for those seeking to rely less on automatic punishments for behaviors. Throughout the country, some school boards and committees are dedicating more time to finding other options to zero tolerance policies (Arndorfer & James, 2005). One such alternative program is between the University of Florida and the University of Oregon known as Positive Behavioral Interventions and Supports (PBS), funded by the U.S. Department of Education and until July 2006 facilitated in Florida by University of Florida professor Terry

Scott. Scott (personal communication, May 2, 2005) promotes the theory that, “when you have zero tolerance, you have zero options.”

Of the many programs developed as alternatives to suspensions, Scott’s program is one of the few based on hard data. His work places him in schools across the United States and Canada where he leads on-site training to help the administration and faculty discover the multitude of alternatives to automatically suspending or expelling students by asking teachers to use a standardized referral system so that they can see where the problem areas exist in their school. Highlighting the successes he found in implementing the program in Alachua County, Florida, Scott said that several PBS programs in middle and high schools found very high approval ratings from the parents, faculty, students, and educational leaders (personal communication, May 2, 2005).

While supporting alternatives to suspensions and expulsions, Scott explained in a 2005 *The Gainesville Sun* article that he believes “suspension is still a necessary component to a school’s ‘bag of tricks’,” adding that it should be used when the safety of other students and school personnel is at issue so as to remove and separate the dangerous student from the situation (Arndorfer & James, 2005, p. 5A). He continues by saying “for lesser offenses, sometimes suspension can make things worse . . . because sometimes kids do those behaviors because they do not want to be in school” and they know they will be allowed to go home if they act out (p. 5A). This eliminates the deterrence factor that is the fundamental philosophy and component behind suspensions and expulsions. Instead of decreasing unwanted behavior, the threat of suspension or expulsion may actually increase it as a form of positive reinforcement. Scott (personal communication, May 2, 2005) said the purpose of PBS is “to create environments that

don't have to result in suspensions or expulsions" by developing school-wide agreements on appropriate behavior.

A second alternative to automatic suspensions and expulsions is the Safe and Responsive Schools program developed and co-directed by Skiba and Peterson. This program differs from PBS in that, instead of focusing on one main discipline problem, the program emphasizes different levels of misbehavior, with each level having a different consequence to the action. For example, minor disruptions in the classroom may have the consequence of having the student's parent come sit beside the student for a day (Peterson, 2005). The advantage to this type of program is that it fosters a new level of discipline and respect between teachers and students that result in an increase in understanding between both parties of what is expected behavior. Like Scott's program, this program can also be modified to address specific needs in the educational community.

In the spring of 2005, an entire edition of *Educational Leadership* highlighted how schools can improve, with a major aspect being their discipline policies. One alternative to zero tolerance policies is found in the Kentucky Instructional Discipline and Support (KIDS) Project, a program developed by the Kentucky Department of Education in association with a behavior management program called Foundations: Establishing Positive Discipline Policies (McCloud, 2005). Instead of assigning the typical punishment intended to exclude misbehaving students from the school community through suspension and expulsions, the KIDS Project aims to install a new management system in schools that creates a level of mutual respect between students themselves and between teachers and students (McCloud, 2005).

Prior to the implementation of the KIDS Project, T. C. Cherry Elementary School in Bowling Green, Kentucky dispensed 880 disciplinary referrals in the 1997–1998 school year and

was in the 56<sup>th</sup> percentile for the norm–referenced standardized test used in Kentucky (McCloud, 2005). In the 2002–2003 school year, three years after the KIDS Project was implemented in the school, there were only 30 disciplinary referrals, compared to the 880 previously administered, and the students’ average score rose to the 78<sup>th</sup> percentile, earning Cherry Elementary the distinction of becoming a U.S. Department of Education Blue Ribbon School (an honor awarded to only 233 schools across the nation that year). Since the three years of implementation, both the teachers and students surveyed say that there has been a positive increase in the school climate with a corresponding decrease in the number of referrals to the office for disciplinary reasons (McCloud, 2005).

The principal of Cherry Elementary claims that encouraging good behavior has become just as important as discouraging bad behavior, with the implementation of a reward system that recognizes positive behaviors and improvements (McCloud, 2005). The faculty and educational leaders discovered that they enjoyed their jobs much more when they focused their energy on proactive, positive approaches to student behavior instead of, as the principal says, “the typical detentions, suspensions, and expulsions that tend to be more reactive, punitive, and exclusionary . . . than they are educational” (p. 47). While the principal is the first to admit that not all of the problems have magically disappeared, she does state that there is a new sense of ownership of one’s behavior and achievements, something that had been lacking at her school prior to the KIDS Project.

One other alternative to expelling students out onto the streets through the use of zero tolerance policies involves accepting the fact that not all kids are suited for the same, traditional learning environment. Realizing that some children can not handle all of the pressures and stimuli found in the large public schools that are prevalent throughout Florida, incorporating

more options like the Florida Youth Challenge (FYC) program into Florida's regular education curriculum may keep more children in learning environments and fewer children in the juvenile justice systems or simply off the streets. Even Florida's parochial schools are beginning to entertain the idea that not all children succeed in the traditional classroom, as demonstrated by the Catholic Diocese of St. Augustine's *CampRisk* program (Marywood Retreat Center, 2005).

Programs like *CampRisk* combine low student/teacher ratios with "fun and games, workshops presented by Florida State-certified guidance counselors, and lessons on faith, friendships, parents, schools, and the world around the students" in a manner that fosters ownership and responsibility for their own actions (Marywood Retreat Center, 2005). While programs like FYC and *CampRisk* are sometimes labeled by educational leaders as Boot Camps or Brat Camps (as popularized by ABC's 2006 television program titled *Brat Camp*), these programs could become an avenue for keeping troubled and unmanageable children in a learning environment while still following the guidelines of the Gun-Free Schools Act.

The purpose of implementing these types of programs or camps would not exclusively be for corrective measure, but also for preventative ones. Both of these camps teach anger-management skills and personal responsibility in addition to having state-certified faculty teach the basic educational curriculum found in all of Florida's schools. Unlike the juvenile justice facilities in Florida that have recently received bad publicity for their physical abuse of children, no physical restraining or force is used in the afore mentioned behavior modification programs (Leary, 2006) . Most educational leaders now believe that spanking or hitting children is not the answer to modifying the behaviors of youth (Nordling, 1999). Everything taught in these programs centers around changing one's mindset and accepting ownership for one's own

behavior instead of relying on prescribed zero tolerance guidelines that offer no direction for children on how to live (Marywood Retreat Center, 2005).

In 1995, Chicago Mayor Richard M. Daley appointed Paul Vallas to be the city's first chief executive officer of the Chicago Public Schools. Mr. Vallas, along with his chief education officer Lynn St. James, unveiled a plan to create residential facilities within public schools for children who are homeless, in the care of the Department of Children and Family Services, or who have been suspended or expelled from their regularly zoned schools (Catalyst Chicago, 2006). St. James, the first African-American to hold her position in the Chicago Public Schools, proposed implementing a residential-style program similar to the FYC as an alternative to suspending and expelling students in Chicago. She believed that by expelling troubled youth from their local public schools and sending them back into their communities would be more detrimental to them and society because, unlike being in an educational setting, they would be unsupervised and more likely to engage in inappropriate and illegal behavior. She felt so strongly about the need to break the "schoolhouse-to-jailhouse" trend that she asked the City of Chicago to fully fund the program by building dormitories for the students so that they would not have to return to their troubled neighborhoods at nights and on weekends (Catalyst Chicago, 2006).

What seemed like an advancement for educational leaders who wanted to avoid pushing suspended students onto the street was interpreted by a small group of parents as a racist attempt to force black males out of the general student population. Even though St. James was an African-American herself, her proposal was received in an unflattering environment, one that eventually led to the non-renewal of her contract one year after she had accepted her position. This last alternative option, although proven effective in raising graduation rates and lowering the percentage of students who eventually are incarcerated, is considered the most controversial

of all alternatives because of its stigma of being more a military camp or a detention center than an educational setting.

### **Student Codes of Conduct**

Discipline codes, “the heart of the legal approach to student discipline,” are outlined in each districts’ Student Code of Conduct, documents that are available to the public (Brown & Beckett, 2006, p. 241). These codes serve as guidelines for principals when enforcing district discipline policy. One criticism of Student Codes of Conduct is that they “serve the administrator’s purpose of being the authority to cite in support of disciplinary action” but they offer “little guidance to students in defining what conduct is prohibited and punishable” (Goldsmith, 1982, p. 188). Another criticism is that Student Codes of Conduct were often written more than 20 years ago without any input from the parents of current students who actually attended the schools (Brown & Beckett, 2006). Florida State Law requires that schools include a policy in their Student Codes of Conduct that mandates students be expelled for no less than 365 days if a gun is brought to school. This is known as the zero tolerance against guns clause. The State of Florida has given school districts the latitude to write their individual Student Codes of Conduct, and thus, their own zero tolerance policies. The result is that some districts have zero tolerance policies that mandate suspensions or expulsions for infractions such as the possession of knives and drugs, while other districts’ policies in Florida only include guns.

### **Elements of Zero Tolerance Discipline Policies**

Reasons for why school districts decide to include certain elements in their zero tolerance policies, while choosing to exclude other elements, are based on community values (Blumenson & Nilsen, 2003). Some experts suggest that local community values influence districts’ decisions to include, for example, the carrying of knives as something that will not result in an automatic suspension whereas other communities may demand that the school district has zero tolerance

for knives, thereby suspending or expelling a student who is found in the possession of one of campus (Blumenson & Nilsen, 2003). Whether it is because one community fosters an environment where sports involving knives are more widely practiced (hunting, fishing, etc.) versus another community where knives are more widely used in crimes (gang activity, drug dealing, etc.), the expectations and values of community members often reflect on which elements the school districts will decide to include when developing zero tolerance policies.

Other experts believe certain elements are included in zero tolerance policies as a result of communities and school districts reacting to traumatic events that occurred either within their districts or that occurred in other districts that were heavily reported by the national news (Skiba, et al., 2006). For example, when there is a school shooting or when bullying has led to the death or suicide of a student, community members call upon their local school districts to address how effectively or ineffectively their own policies on guns or bullying are working. Yet others believe that certain elements find their way into school districts' zero tolerance policies as a result of litigation in the court system. When judges approve million dollar lawsuits to families whose children have been affected by a discipline policy that the families believe was unfair or unjust, school districts are quick to change their policies so that they are not the next district being forced to pay millions in compensation.

An example of a judge's influence on policy is the June 2006 decision by a federal judge to award \$1.6 million to families of 140 students who were subjected to drug-sniffing dog searches in a South Carolina High School (Marek, 2006). The much-publicized story, whose images were taped using the school's own surveillance cameras and replayed on the nightly news in 2003, depicted police officers with their guns drawn rounding up scared and crying students, subjecting them to drug searches while the principal stood nearby and watched (Marek, 2006). The

principal resigned soon after the incident because not a single drug was found on any of the students, nor was an arrest made that day. Even though “no admission of wrong-doing was included in the settlement, both the school and police have revamped their student search policies” (Marek, 2006, p. 21).

In deciding which elements of zero tolerance to examine in this study, six variables emerged from the literature review that were commonly included in school districts’ discipline policies in regard to mandatory, or automatic, punishments: (a) an inclusion of the definition of the term *zero tolerance*, (b) the inclusion of a zero tolerance policy against guns, (c) the inclusion of a zero tolerance policy against knives, (d) the inclusion of a zero tolerance policy against drugs, (e) the inclusion of a zero tolerance policy against bullying, and (f) a description of a place where students who were suspended or expelled could still go to receive educational services, often called an alternative education setting. Each of these variables became their own research question, with their own subsequent literature review to support their inclusion in this study.

### **Defining the Term *Zero Tolerance***

Definitions reflect our language and understanding, acting as the common unifier between thoughts and words. Dr. Friedgan (2003), Director of Data Cartography, Incorporated, reiterated this belief in his publication titled, “Importance of Definitions” when he stated, “a government organization must provide information to the general public. . . With all the external scrutiny, the requirements on the quality of definitions are high”(¶ 9). For a person to simply learn a new word is not useful unless a corresponding definition of what that word means accompanies the proper annunciation of the word. Two individuals may say the same word, but associate two entirely different meanings to the word and apply the word in two circumstances that are irrelevant or inconsistent with the other meaning.

There are a number of ways that Friedgan (2003) believes it is possible to acquire an official definition for a new word. The most common is to find an influential sponsor of the new word and persuade them to adopt the new word. This is sometimes accomplished through celebrity status, with the new word becoming exclusively associated and attributed to that particular celebrity (i.e. Paris Hilton, rapper Lil' John, etc.). Another common method is by having an influential organization adopt the word, like a national non-profit organization or a federal organization (i.e. National Education Association, U.S. Department of Justice, etc.). The third is the "do-it-yourself" method, which usually entails an otherwise unknown individual publishing a book or article that becomes popular, and thereby, popularizing the word or phrase and the definition associated with its usage (The Tipping Point, Moving My Cheese, etc.)

School districts often use the same words in their Student Codes of Conduct but associate different meanings to the words. For example, what one district considers a weapon or drug may not be what another district would punish a student for possessing, even if both had policies against the possession of weapons or drugs. The same applies for school districts' application of the term *zero tolerance*. One district may apply the term loosely, stating that they have a zero tolerance against violence in their district, but never defining for the reader what exactly that means. Other districts may list specific offenses as "Zero Tolerance Offenses," but fail to provide specific consequences for those offenses. Still other districts may list specific offenses that result in suspension or expulsion, but choose not to categorize them as "Zero Tolerance Offenses."

Students are usually provided a hardcopy of their school's Student Code of Conduct at the beginning of every school year. In many school districts, their parents must sign a letter and return the letter to the school, signifying that they received a copy of the booklet and discussed it with their children. The Student Codes of Conduct contain rules and procedures by which

students are bound to obey if they want to attend school in that district. In reading the Student Code of Conduct, parents may read terms or phrases that they have heard used in the media and in their community (i.e. firearms, weapons, zero tolerance, etc.), but they may not know how the terms apply to the context of punishing their children. In order for terms used in policies to have meaning to them, Friedgan (2003) contends that the “consumer” of the words must understand the “overall constructs” that support the usage of the words (§ 12). Without understanding the constructs, the words themselves have little or no meaning, resulting in the reader not comprehending the text. Applying this logic to policies found in Student Codes of Conduct that fail to define the term *zero tolerance*, the policies themselves, as well as the deterrence factor that these policies are created to instill in students, have little meaning to the students or parents.

## **Guns**

Under the Gun-Free Schools Act of 1994, in order for school districts to receive federal education funds, their Student Codes of Conduct must have included a clause, usually referred to as a zero tolerance clause but also sometimes referred to as an automatic or mandatory punishment, which expelled students for no less than 365 days for having guns on campus. State legislatures and school districts were quick to adopt this policy, most of them welcoming a mandate that was uniform in nature. It removed potentially dangerous students from their schools and it removed racial disparities that some educational leaders believed were present in the dispensing of punishments (Skiba, 2003). Guns, however, still remain a concern for educational leaders because they are still being brought into the schools.

The U.S. Department of Education’s Office of Safe and Drug-Free Schools published its most recent report in February 2006 titled *Report on the Implementation of the Gun-Free Schools Act of 1994 in the States and Outlying Areas: School Year 2002-2003* which highlighted the fact that, even after eight years of nation-wide policies which require mandatory expulsions for gun

possession, “a total of 2,143 students were expelled from school for bringing a firearm to school or possessing a firearm at school” (p. 9). The report also stated that 58% of the expulsions were students in senior high school, 31% were in junior high, and 11% were in elementary school. The statistical proportions of expulsions by weapons found in America’s schools during the 2002–2003 school year were “55% of the expulsions were for bringing or possessing a handgun, 32% were for some other type of firearm or other destructive device, such as bombs, grenades, or starter pistols, and 13% of the expulsions were for bringing or possessing a rifle or shotgun to school” (p. 9).

The report provided a state-by-state breakdown of students who were found to have brought a firearm to school. In Florida there were 54 students that received expulsions during the 2002–2003 for carrying a gun to school, with one of those an elementary school student (U.S. Department of Education, Office of Safe and Drug-free Schools, 2006). The number of expulsions from the 2001–2002 school year was only 51. Therefore, despite eight years of zero tolerance policies in Florida, the February 2006 report represented an *increase* in the number of students bringing weapons to school in Florida, not a decrease like many proponents of zero tolerance policies had expected.

### **Knives**

In the 2002 survey conducted on 829 elementary and secondary education instructors, approximately 50% of the secondary teachers said they had personally seen a knife on at least one of their students within the past year while 17% of elementary teachers said they had personally seen a knife on at least one of their students (Education Publishing Company, 2006). These statistics only represent the knives that were on campus and actually seen by teachers, excluding all of those not seen by teachers. Another study conducted in 2000 and performed ancillary to the national School Crime and Safety Survey, focused exclusively on students who

brought weapons other than guns to school. This study revealed that knives were a bigger concern to teachers than were guns (Corvo, 2000).

## **Drugs**

The 2004 “Monitoring the Future” survey reported that drug usage is making a rebound, the first signs that there is a slight increase in drug usage following 30 years of drug decreases among America’s 8<sup>th</sup> graders (Chepesiuk, 2005). Even though this could result in some districts implementing harsher discipline policies, educational psychologist Cecil Reynolds of Texas A&M University promotes the belief that bringing aspirin to school is not the same as bringing cocaine (Elias, 2006). He notes that students should not be punished as if they had committed the same offense under the zero tolerance for drugs policies that are so prevalent across the nation, a viewpoint he shared with other panel members at the 2006 American Psychological Association’s (APA) August 2006 meeting (Elias, 2006). As a result of the conference, the American Psychological Association issued an official statement condemning U.S. schools for their zero tolerance drug and violence policies, claiming that the policies actually “may be promoting misbehavior and making students feel more anxious” (p. 6d). The APA called upon educational leaders to exercise “more flexibility and common sense in applying the policies, reserving zero tolerance for the most serious threats to school safety” (p. 6d).

The Office of National Drug Control Policy (ONDCP) reported in 2005 that students have at their disposal more than 1,000 readily available products that can be used as inhalants, all of which might result in students being suspended or expelled under some school districts’ zero tolerance policies (Chepesiuk, 2005). The definition of a *drug* is difficult to determine when anything from liquid correction fluid (commonly referred to as White-Out) or women’s menstrual pain relievers (like Midol) have been used to expel students under the premise of enforcing zero tolerance policies. While most districts have mandatory punishments for students

who possess heroin, cocaine, or other federally prohibited drugs, few districts actually define what they consider to be a drug in their Student Code of Conduct, leaving no choice for educational leaders to punish children when they find something such as an aspirin in students' backpacks.

### **Bullying and Harassment**

Educational leaders and teachers have the unique role of making personal connections and shaping young students' attitudes beyond the academic scope of the classroom. This role places them *in loco parentis*, a position that requires them to do everything in their power to prevent violent incidences on campus just as if they were the child's parents protecting them from violence outside of school. Violent incidences at school, however, can take many forms. Over the past 20 years, bullying has become one of the main impetuses for student violence and absenteeism from school. Between 1989 and 1995, "4% of high school students nationwide missed at least one day of class during the 30 days prior to the Youth Risk Behavior Surveillance Survey because they felt unsafe at or in route to or from school" (Young, Autry, Lee, Messemer, Roach, & Smit, 2002, p. 107). The 2003 report *Crime and Safety Surveys*, published by the National Center on Education Statistics (NCES), found that, during the 1999–2000 school year, 29% of schools reported having more difficulty with student bullying than with any other single discipline problem (U.S. Department of Education, National Center for Educational Statistics, 2000).

A similar 2005 NCES report, *Indicators of School Crime and Safety*, found that in 2003, students' grade levels were inversely related to the likelihood that they would be bullied, with 14% of sixth-graders, 7% of ninth-graders, and 2% of 12th-graders reporting being bullied at school (Christie, 2005). Overall, 7% of students between the ages of 12 and 18 reported that they had been bullied at school in the last six months, up from 5% in 1999. Parents are increasingly

demanding that educational leaders accept the challenge of creating school cultures that are void of bullying, a challenge that many districts across the nation have now accepted.

On September 13, 2006, Kimveer Gill walked onto the campus of Dawson College in Montreal, Canada and indiscriminately began shooting at students (Couvrette, 2006). The police investigation later discovered that Gill had acknowledged in his online blog that the bullying he received growing up as an Indian-born Canadian contributed to his belief that “the vast majority of people are worthless, no good, betraying, lying, and deceptive” (¶ 13). He continued in another blog posting with the message, “Stop bullying. It’s not only the bully’s fault you know,” adding that teachers and principals are also to blame for “turning a blind eye,” and police “for not doing anything when people complain” (¶ 20). Gill’s disassociation with society eventually led to him shooting one college student to death and hospitalizing 19 others in what police describe as a “Columbine-Style School Shooting” that occurred in the cafeteria (¶ 2). Gill was eventually shot dead by police in the college cafeteria while he was hiding behind a vending machine.

Exactly one year to the day earlier in Illinois, on September 13, 2005 a 16-year-old female student of Sandburg High School was beaten by other female students of Sandburg while being videotaped in one of their homes. Following the day that the video of the beating became public, the student was bullied daily because of the bad publicity the incident had given the school. She continued to go to school with a sense of fear because she perceived few students were sympathetic to her situation. The student’s parents pressed criminal charges against the students who carried out the videotaped beating (Greco, 2006).

Sandburg High School is one of three high schools in the Consolidated High School District 230, located in one of the affluent suburbs of Chicago, Illinois (School District Website, 2006). The student, her mother, and New York Times best-selling author Jodee Blanco, whose 2003 book, *Please Stop Laughing at Me: One Woman’s Inspirational Story* detailed her years of being bullied,

beaten, and tormented while she was a student at Sandburg high school in the 1980s, made impassioned pleas to the school board members on January 27, 2006 to enact an anti-bullying program immediately. Since the beating, “the girl has been ridiculed on blogs” and has to “deal with teachers being remiss” of her trauma (Greco, 2006). Blogs, on-line forums where students can type messages to one another, have become another place where students can bully other students and where threats, even to one’s life, have become more prevalent since 2004 (Greco, 2006). Even though the beating did not occur on school property, the district’s school board members addressed the issue by implementing a policy against bullying.

Educational leaders realize that, even when bullies make threats to other students outside of the school environment, often times those threats are acted out in the school hallways, locker rooms, cafeteria, or parking lots. Since the 1970s, the U.S. Department of Education (formerly the U.S. Department of Health, Education, and Welfare) has considered bullying problematic (Mooij, 2005). Bullying is not a new phenomenon. In fact, most adults can recall who the bullies were in their childhood days and who were the bullied. Unlike the bullied of the past that were intimidated by others for their lunch money and left with no recourse, today’s youth that are bullied are retaliating in sometimes violent and fatal ways. The total number of multiple-victim violent events occurring at schools is on the rise, with the killers usually leaving notes or videos behind saying that they were tired of being bullied (Young, et al., 2002). This creates new challenges for administrators when identifying likely aggressors on their campuses.

This trend is coupled with the fact that data indicates girls, while usually in less “attention-grabbing” ways, are as aggressive at bullying as boys (Dutton, 2003, p. 58). This is evident on blogs and other forms of cyber-bullying where girls are 74% more likely than boys to “inflict virtual abuse through instant messaging, online conversations, and e-mails” (Keith & Martin, 2005, p. 225). Data also indicate that people of both sexes tend to bully those of their same sex

(Sweeney, 2005). The Sandburg High School girls proved that female bullies are becoming a force that educational leaders need to pay close attention to, in addition to the male bullies. In order for educational leaders and school board members to effectively prevent violence at schools, many districts are adopting zero tolerance policies for bullying in order to cease bullying incidents both inside and outside of their schools.

### **Options for an Alternative Educational Setting**

Zero tolerance is often viewed by its proponents as a teaching tool, relaying the message to students and the community that students who misbehave will be removed from the regular classroom environment (Skiba, 2003). It is not uncommon for parents of non-violent children, as well as many teachers, to demand that violent children be removed from the regular classroom settings so as to protect the other children. The dilemma then becomes a question of where to place these children who could still benefit from an educational opportunity. Russell Skiba, presenting his research at the 2006 American Psychological Association conference, testified that, “there are growing signs that zero-tolerance policies are steering more teens into the juvenile justice system” (Elias, 2006, p. 6d). Many experts do not believe this is an effective way of modifying behavior (Noguera, 1995). In fact, research suggests that higher juvenile incarceration rates predict higher rates of future misbehavior as adults and perpetuate violence (Noguera, 1995), leading the panel of experts to believe that zero tolerance policies actually result in more harm to the overall society than good.

Many school districts have invested their money in creating alternative educational settings. These settings range from large facilities housed in once-condemned schools, to a few classrooms in a designated part of a building. The U.S. Department of Education’s Office of Safe and Drug-Free Schools (2006) reports that less than 35% of all expelled students have the opportunity to attend an alternative educational setting (U.S. Department of Education, 2006). In

Florida, the rate is 57%, due to Florida's state law that "encourages districts to provide educational services to expelled students in an alternative setting" as well as supporting "the implementation of educational services in alternative settings as it relates to students who have been expelled under the GFSA" (p. 36).

While Florida's rate of 57% is much higher than the national average of 35%, it still leaves approximately half of the students expelled with nowhere to go. The result of communities not funding alternative educational settings available to help change the misbehavior of these expelled students is that these students find themselves repeating the same misbehavior within those same communities, often times resulting in the students becoming incarcerated and the communities paying for them to live in juvenile detention centers or county prisons. This raises the question as to whether or not it would be more beneficial for communities to invest their resources in building alternative educational settings instead of continuing to expand their juvenile correction facilities or in building more prisons.

### **Summary**

The zero tolerance policies often implemented in schools today and mandated by the GFSA are meant to punish and expel rather than to educate children on how to make better choices (Verdugo & Glenn, 2002). Zero tolerance policies, originally meant to keep guns out of schools, have evolved into a series of broad, all-encompassing policies that now expel students as young as 5-years-old for having temper tantrums in their kindergarten classrooms or for bringing a toy axe to their kindergarten Halloween party. Schools, however, can have violent students attend them and few educational leaders would argue against removing truly dangerous students from their regular education settings in order to protect the teachers and the rest of the student population. The failure of zero tolerance policies to keep guns out of schools 13 years after the implementation of the Gun-Free Schools Act has led some educational leaders to

question their continued viability as more cases are exposed of non-violent children being expelled or sent to juvenile detention facilities.

## CHAPTER 3 THE STUDY

### **Overview of the Method**

The purpose of the study was to determine differences in the Student Codes of Conduct developed by Florida's large and small school districts in response to zero tolerance policies related to the implementation of the Gun-Free Schools Act of 1994. The 67 districts were divided into two categories based on student population, with the mathematically natural divide being those districts over 15,000 students in one category (33 districts) and those districts with fewer than 15,000 students in a second category (34 districts). Once the districts were classified into two categories based on student populations, their policies were analyzed to discover the similarities and differences. This study was designed to answer whether there are differences in the content of the policies between Florida's large and small districts as they pertain to zero tolerance for discipline guidelines found in the Student Codes of Conduct. This study also sought to develop elements of a model Student Code of Conduct that all school districts could implement. This chapter contains an overview of how the policy analysis was conducted and the methodology supporting the analysis.

### **Overview of the Study**

The data collected were used to conduct a policy analysis following the guidelines established by McMillian and Schumacher (2006) as well as Neuendorf (2002). McMillian and Schumacher stated that "policy analysis evaluates government policies to provide policy-makers with pragmatic, action-oriented recommendations" (p. 448). In conducting the analysis, numeric values were assigned to variables in the policies. These values were then used to help define the scope of the educational problem, formulate the research question, and develop policy alternatives and recommendations. Through this research and a comprehensive literature review,

elements of a model Student Code of Conduct were developed that incorporated the mandates of the Gun-Free School Act of 1994 and recommendations for school districts to reduce expulsions with the intent of keeping more students in an educational setting. In using public documents like Student Codes of Conduct, a focused synthesis of current zero tolerance policies was developed. With this goal as the objective, this study was intended to “enlighten decision makers about issues, problem definitions, or new ideas for alternative actions” (McMillian & Schumacher, p. 450).

Neuendorf (2002) suggested that a quantitative policy analysis must rely on the process of producing “*counts* of key categories, and measurements of the *amounts* of other variables” (p. 14). Counts are words or phrases that are then transformed into numbers for coding purposes. When the counts were coded in this study, comparisons between the large school districts and small school districts were made using the modes, means, and medians of the coded words

### **Overview of Policy Analysis**

Analyzing current policy, whether in the field of education or in the social sciences, requires a clear understanding of how the policy was derived, its original intentions, and its perceived outcomes. If those outcomes are not met, then the policy should be revisited and possibly revised. Much has been written about the process by which policies are analyzed. One of the field experts in methods for policy research, Ann Majchrzak (1984), viewed policy analysis as one method of discovering how policies have been adopted by members in the community. In this analysis, it is important to choose “variables that can be changed to improve the social problem” (p. 50). For example, a district cannot choose which types of children enter through its doors each day, but a district can choose how it treats those children. Policies should focus on these variables “since the objective of policy research is to provide policymakers [in

this case, district school board officials and members] with useful recommendations” (Majchrzak, p. 50).

One purpose of researching and writing a dissertation is to eventually have it used in a field of study (McMillan & Schumacher, 2006). Policy analysis that “uses diverse criteria for worth and contains more comprehensive information, such as program context and implementation,” is seen as more influential than a policy analysis incorporating only one variable (p. 450). This study incorporated six different research variables, each with its own significance as zero tolerance policies in Florida are compared. Through the analysis of these variables, similarities and differences emerged as to how Florida school districts implemented the mandates outlined by the Gun-Free Schools Act of 1994.

### **Theoretical Framework of the Study**

The epistemology, or philosophical theory of knowledge (Webster’s Dictionary, Inc., 2006), relied on a framework of objectivism supported by a theory of positivism. Relating objectivism to a study on zero tolerance policies implies that objective truths exist apart from imposing personal meaning to events or occurrences. Through the literature review, it was demonstrated that elements of a model Student Code of Conduct could be developed that would incorporate the Gun-Free School Act of 1994 mandates and options to remediate student behavior in an educational setting. The theory of positivism supports the idea that factual and actual experience, not opinions or hypothetical situations, were used to develop the model elements for the school districts to implement in their Student Codes of Conduct.

The policy analysis was designed to answer the following questions:

- Is there a difference in the Student Codes of Conduct of Florida’s small and large districts that include a definition of what the term *zero tolerance* means and how it relates to discipline?

- Is there a difference in the Student Codes of Conduct of small and large districts that include guns in their zero tolerance policies?
- Is there a difference in the Student Codes of Conduct of small and large districts that include knives in their zero tolerance policies?
- Is there a difference in the Student Codes of Conduct of small and large districts that include drugs in their zero tolerance policies?
- Is there a difference in the Student Codes of Conduct of small and large districts that include bullying or harassment in their zero tolerance policies?
- Is there a difference in the Student Codes of Conduct of small and large districts that include provisions allowing for students to attend alternative educational settings if they violate a zero tolerance policy?

### **Data Sources**

The State of Florida is relatively unique in that it is comprised of 67 counties with each county having a single school district and school board that represents the people of that county. The largest district has a student population of over 250,000, while the smallest district has approximately 1,300 students. Florida's smallest district, however, is comparable to many medium-sized districts in other states (Wisconsin, Oklahoma, Michigan, etc.), where many of their districts sometimes have as few as 200 students.

The Florida legislature does not grant the right to a free public education to anyone in Florida; it offers the opportunity to its residents, an opportunity that can be denied if the residents are determined to be a threat to others. Florida school districts have a diverse student body demographic, with six urban districts and over 30% of the students of ethnic background other than that of Caucasian descent (Florida Department of Education, 2006). Combining both rural and urban cultures with those of ethnically diverse cultures, in school districts that span the entire width of the counties, creates school districts in Florida that are generally unique by nature.

Florida follows the federal mandate of zero tolerance school discipline policies. The Advancement Project (2006), in cooperation with the NAACP, selected Florida as the one state

to highlight when addressing the injustices that children face as a result of strict zero tolerance policies. The Advancement Project study highlighted the “rise of overly broad zero tolerance school discipline policies at both the state and local level” (p. 7) as well as the increasing costs that Florida taxpayers incur because school districts are paying sheriff deputies to ensure safety in their schools instead of relying on trained, educational leaders and professionals who already work in the schools. Even though the Advancement Project thoroughly examined Florida’s six largest school districts and their handling of discipline procedures, there has yet to be a comprehensive study comparing all 67 Florida school districts and how they implement zero tolerance policies. This study is the first of its kind to utilize the information from all 67 Student Codes of Conduct from Florida’s public county school districts.

### **Procedures**

The procedures utilized in this research were adapted from Neuendorf (2002) as they applied to this particular policy analysis. Her guide in analyzing the content of policies included the following steps and will be defined as they apply to the analysis of Student Codes of Conduct: (a) theory and rationale, (b) conceptualizations, (c) operationalizations, (d) coding schemes, (e) sampling, (f) coding, and (g) tabulation and reporting (Neuendorf, 2002, p. 51).

### **Theory and Rationale**

Defining what is going to be examined in the analysis and why it was chosen is necessary when explaining the theory and rationale behind a policy analysis (Neuendorf, 2002).

Traditionally the discipline policies of school districts are defined in booklets or handbooks that are distributed to the students at the beginning of every school year. These booklets have various names, such as “Student Conduct and Discipline Code,” “Student Code of Conduct,” and “Code of Student Conduct.” For the purpose of this policy analysis, all of these policies will be referred to as “Student Codes of Conduct.” The Student Codes of Conduct from all 67 public school

districts in the State of Florida were chosen because Florida has some of the most stringent zero tolerance policies in the nation (Advancement Project, 2006). These codes outlined the procedures that principals and educational leaders must follow when deciding how to discipline students.

The theory and rationale behind dividing the 67 school districts in Florida into two groups based on student population was to discover if any similarities and differences existed between the types of zero tolerance policies a district has and the number of students that attend the schools in that district. Studies and surveys published by the National Center for Educational Statistics (NCES) have concluded that larger school districts report a higher percentage of violent crimes committed in schools than smaller districts. No similar studies have reported similarities and differences between the types of discipline policies a school district has in relation to the number of students in that district (U.S. Department of Education, 2006). The Crime and Safety Surveys, a National Center for Educational Statistics study, provides data that indicate students are more likely to be victims of violent crimes as the number of students in the school district increases (U.S. Department of Education, 2000). In the present study, similarities and differences were made to compare the variables included in the Student Codes of Conduct in Florida's large and small school districts. Similarities and differences between the two groups were also compared to see if there were any trends found within and between the two categories.

The Crime and Safety Surveys database is one of many databases maintained by the National Center for Education Statistics. This annual survey collects information and publishes reports in the areas of school crime, violence, safety, and discipline (U.S. Department of Education, 2006). Additional data to support the similarities and differences between higher violent crime percentages and larger school districts is provided by the Bureau of Justice

Statistics, a program sponsored by the U.S. Department of Justice. The Bureau of Justice Statistics' annual report titled *Indicators of School Crime and Safety* collects "data on crime and safety at school from the perspectives of students, teachers, principals, and the general population" as well as data on crime "occurring on the way to and from school" (U.S. Department of Justice, 2005, ¶ 2). As in other reports, the data in this report reinforce the idea that violence in schools increases as the district's student body size increases.

### **Conceptualizations**

The prevailing concept in this research was to analyze the manner by which the school districts in the State of Florida chose to implement the zero tolerance mandates required by the Gun-Free Schools Act of 1994. The variables studied emerged from the literature review and were based on the fact that the zero tolerance school discipline policies vary from district to district. Florida school districts are required by Florida State law to only include guns in their zero tolerance policies. Choosing to include knives, drugs, and bullying in a zero tolerance policy is solely the decision of the school district, as is the decision to pay for alternative educational settings where children who are expelled or suspended over 10 days may attend (Florida Department of Education, 2006).

Conceptually, the decision to distinguish between Florida's large and small school districts in this policy analysis derives from the national research on urban school districts. Research indicates that districts with larger student populations have a larger percentage of zero tolerance violations than districts with smaller populations. Approximately 77% of the schools located in large districts report incidences that violate zero tolerance policies versus 70% of schools located in small districts (U.S. Department of Education, 2000). This study examines the ways in which districts chose to implement zero tolerance policies with the size of the student population of the school districts as the dividing factor between the two groups being compared.

## **Operationalizations**

The unit of data collection, or measures, must match the conceptualization (Neuendorf, 2002). The units of study in this research derived from the review of literature and national data sets, both of which highlighted the most frequently included aspects of zero tolerance policies such as guns, knives, bullying, and drugs (Skiba, et al., 2006). In addition, because some districts chose to fund alternative educational settings for their expelled students, such decisions to operate an alternative educational setting became another unit of study by this researcher.

## **Coding Schemes**

Once the variables for the policy analysis were determined, a codebook (Appendix A) was developed to coincide with the codes used on the coding form (Appendix B). A coding scheme was developed in order to record the specific information gathered and to place a corresponding value next to each variable found in the district's Student Code of Conduct. In addition, each school district was assigned a number so that the district's names could remain confidential, with the names of the school districts recorded in a separate, private codebook.

## **Sampling**

A non-random sampling process was utilized in this research. Processes for sampling the data for this policy analysis included:

- The Florida Department of Education's Safe and Healthy Schools Office was contacted in an attempt to acquire copies of all 67 district Student Codes of Conduct. In speaking with the director, it was discovered that she does not keep copies of discipline codes on file and that, if needed, she could contact the school district if she had any questions regarding a weapons policy.
- The Florida School Board Association was then contacted in an attempt to acquire copies of all 67 district Student Codes of Conduct. In speaking with their representative, it was discovered that she also does not keep copies of discipline codes on file and that, if needed, she could contact the school district if she had any questions regarding any school board policies.

- An Internet search of the Florida Department of Education’s website led to a page that contained links to all 67 Florida school districts. In viewing the first 10 websites, it was discovered that most school districts did not post Student Code of Conduct on the Internet.
- Permission was granted by the University of Florida Institutional Review Board (UFIRB) to contact the school districts and request use of public documents, in this case, access to the Student Codes of Conduct (Appendix C).
- All of the districts, even those that had their Student Codes of Conduct available online, were sent letters through U.S. Mail requesting assistance in this study by sending copies of the Student Code of Conduct to the enclosed address (Appendix D).
- School districts that did not respond to the initial request after a four–week period were sent a second request through U.S. Mail (Appendix E).
- Districts that still did not respond were contacted by telephone and email.

### **Coding**

The process of obtaining the Student Codes of Conduct concluded once all 67 Student Codes of Conduct were obtained by the researcher. At that point, the final data analysis occurred and coding proceeded as outlined:

- Each district’s Student Code of Conduct was assigned a number that coincided with the confidential number assigned to each of the 67 Florida school districts. Districts’ Student Codes of Conduct that were provided as PDF files or attachments were printed, bound, and also labeled so that hardcopies were available on which the researcher could write notes and highlight coded words.
- Each Student Code of Conduct was read by the researcher.
- Variables relating to the six research questions were coded onto the corresponding area on the coding form.

The total number of variables required on the coding form was eight: (a) the school district’s assigned number; (b) the district’s student population; (c) whether the district’s Student Code of Conduct included a definition of the term *zero tolerance*, whether the Student Code of Conduct included zero tolerance policies against (d) guns, (e) knives, (f) drugs, (g) bullying, and (h) whether the Student Code of Conduct indicated if the district had an alternative educational setting for those students who have been suspended or expelled.

The coding process required the researcher to decide which words or statements were appropriate and consistently recorded on the coding form. Even though the following issues were resolved in the coding process, they still emerged through the research process:

- When Student Codes of Conduct included discipline policies for knives, bullying, or drugs that did not result in a mandatory suspension or expulsion, those districts were not coded as having zero tolerance for those offenses. In order for the policy to be considered a zero tolerance policy, it must have defined the policy as one that had a mandatory or automatic punishment.
- A few Student Codes of Conduct did not use the actual term *zero tolerance* when referring to mandatory punishments, yet it was clear the policies and punishments reflected the essence of zero tolerance policies. In those cases where the term *zero tolerance* was not actually used, they were counted as having zero tolerance policies if the Student Codes of Conduct included mandatory punishments for guns, knives, drugs, or bullying. The researcher believed the integrity of the study was not marginalized because those districts were fulfilling, in their own vernacular, the zero tolerance requirements mandated by the Gun-Free Schools Act of 1994.
- Discipline policies that were specifically written for students who are protected under the law mandated by the Individuals with Disabilities Education Act were not included in the coding process or on the coding form. Only those policies that referred to general or regular education students were coded.
- Only those districts whose alternative educational settings were designed for students who were suspended or expelled from their regular educational settings were included in the coding form. Publicly funded magnet or charter schools, although sometimes used as an option for students who are suspended or expelled from their regular educational settings, were not counted as alternative educational settings because they also enroll students that did not violate zero tolerance policies.
- Although most districts had a single Student Code of Conduct for grades K–12, some districts had separate Student Codes of Conduct for grades K–5 grade, 6–8 grades, and 7–12 grades. If a district had more than one Student Code of Conduct, the researcher used only the Student Codes of Conduct that applied to the secondary schools in the district. This decision enabled the researcher to be consistent throughout the coding process. It also prevented some districts from having their elementary Student Code of Conduct coded while having other districts 9–12 grade Student Code of Conduct coded on another form.
- Some districts provided quite detailed and lengthy Student Codes of Conduct (up to 68 pages), providing a vast amount of information regarding how discipline policies related to specific offenses, while others were short and concise (as few as 6 pages). In the Student Codes of Conduct that were excessively long, only the chapters that outlined discipline were thoroughly evaluated.

All of the coding issues were addressed in a consistent manner so that they did not corrupt the final data analysis.

### **Tabulation and Reporting**

The tabulation and reporting of results involved counting the variables that were present in each district's Student Code of Conduct. The decision to tabulate was based on whether the variable appeared in relation to a zero tolerance discipline policy. For example, if there was a drug policy outlined in the Student Code of Conduct, but it did not result in the automatic suspension or expulsion of the student involved, it was not counted as a variable in this study.

In addition, if an alternative education setting was available to suspended or expelled students in the district, even if it was attached to or part of a juvenile detention center, it was counted as a variable as long as non-disciplined students were not attending the facility. The alternative education setting was not counted if it was a regularly zoned school, such as a trade, tech, or special magnet school. Once the codings were completed, the data were entered into a Microsoft Excel Spreadsheet and analyzed.

### **Summary**

This chapter provided an overview of the method used in this study as well as an overview of the study itself and the theory, rationale, and purposes of policy analysis as they contribute to society and lawmakers. The theoretical framework of the study was provided and a description of the procedures, data sources, and coding process. In addition, the tabulation and reporting process was described in detail as a preface to the reporting of data in Chapter 4.

## CHAPTER 4 RESEARCH FINDINGS

The purpose of the study was to determine differences in the Student Codes of Conduct developed by Florida's public school districts in response to zero tolerance policies related to the implementation of the Gun-Free Schools Act of 1994. The 67 public school districts in Florida were categorized into two groups according to the mathematical divide of their student populations: (a) 33 districts with a student body population of 15,000 or more were placed in the first group, defined as large school districts, (b) 34 districts with a student body population under 15,000 students were placed in the second group, defined as small districts.

Six indicators were used to determine these policy differences: (a) whether the Student Codes of Conduct included a definition of the term *zero tolerance*, (b) whether the Student Codes of Conduct included a zero tolerance policy against guns, (c) against knives, (d) against drugs, (e) against bullying, and (f) if there was an option of attending an alternative education setting for students who violated a zero tolerance policy. The data collected were compared through the use of the two categories, with the totals and percentages of the large districts compared to the totals and percentages of the small districts on all six indicators.

This chapter provides a profile of the individual data sources used in this study, including the method and rates of retrieval, as well as the results of the policy analysis. Details of the complete profile of Florida school districts are provided, followed by a description of the coding process used to gather information on each of the categories as they related to the corresponding indicator. This chapter also includes a summary of the patterns that were evident in the data processing, and concludes with a brief summary of the data collected.

## **Profile of Data Sources**

The data for this study was provided by the 67 public school districts in Florida. Florida was chosen as the state of interest because of the national publicity and criticism it has received regarding the ways its districts have chosen to implement zero tolerance policies as mandated by the Gun-Free Schools Act of 1994. The information was gathered using each district's Student Code of Conduct, a document that is published each year by the individual districts and is accessible to the public upon request. The process of requesting the Student Codes of Conduct from various public entities as well as each district was outlined in Chapter 3.

### **Method and Rates of Retrieval**

The researcher sought to obtain the actual booklet or hardcopy of each district's Student Code of Conduct from the district's Office of Student Services, rather than simply reading the document online, for two specific reasons. First, the researcher discovered that the integrity of the document was sometimes compromised by the district, inadvertently or purposefully, when the Student Code of Conduct was web-based because the web-based document did not always include the same amount of information found in the hardcopy that the district sent home with each student at the beginning of the year. For example, some Student Codes of Conduct contained letters from the superintendents that highlighted new changes to the Student Codes of Conduct, letters that were not available for the general public to view online. In addition, having a web-based Student Code of Conduct allowed the district office the ability to change or manipulate the document anytime throughout the course of the school year, whereas having the actual booklet that was sent home with the students at the beginning of the year provided the researcher with the same policies that were enacted since the previous fall semester.

The second reason the researcher sought to obtain the actual booklets that contained the Student Codes of Conduct was so that the researcher could physically code the pertinent data of

interest while reading them. This also allowed the researcher the ability to handle the documents in the same manner that the students and parents of the districts would handle the documents. This became a factor when the researcher was considering what a model policy should physically resemble, especially when several districts published their documents in fonts so small or with ink so faint that the researcher had difficulty reading them (Table 4–1).

Of the 67 school districts in Florida, 36 responded to the first request for a copy of the districts' Student Code of Conduct. This request was sent by U.S. Mail. Of the 31 that did not respond, 18 responded to the second request for a copy of the Student Code of Conduct, again sent by U.S. Mail. For the 13 districts that had still not responded, the researcher contacted each district by telephone, asking to speak to the Director of Student Services or the Assistant Superintendent. Of those contacted by telephone, 11 fulfilled the researcher's request. A fourth request was made with the two districts that had not yet provided the Student Codes of Conduct. The request included both emails to the districts' superintendents as well as phone calls to high school principals in the districts requesting someone fulfill the researcher's request for public documents. Eventually both districts fulfilled the request, completing the collection of data for all 67 of Florida's school districts (Table 4–2).

### **Description of Categories by School District Size**

The Florida Department of Education website indicated that there were 2,572,963 students attending public schools in Florida's 67 county school districts in 2006 (Florida Department of Education, 2006). These 67 school districts were divided into two categories with the mean number of students being 15,000. The first category had 33 school districts each containing 15,000 students or more; the second category had 34 districts each containing fewer than 15,000 students.

The first category had a total student population of 2,402,430, which accounted for 93.37% of Florida's public school population. The second category had a total student population of 170,533, which accounted for the remaining 6.63% of students in Florida's public schools. Of the 33 large districts, seven had a student population of over 100,000, with the largest district in Florida reporting a student population of 359,420 in 2006. Of the 34 small districts, five districts had student populations of less than 1,500, with the smallest district in Florida reporting a student population of 1,056 students in 2006 (Table 4–3).

### **District Size and Inclusion of a Zero Tolerance Definition**

A definition of the term *zero tolerance* was found in the Student Codes of Conduct in 29 (43.28%) of the 67 school districts in Florida. The remaining 38 (56.72%) either did not mention the term *zero tolerance* in the Student Codes of Conduct or did not define the term if it was included. Of the 29 school districts that included a definition of the term *zero tolerance* in the Student Codes of Conduct, 18 (54.54%) were categorized as large districts and 11 (32.35%) were categorized as small districts. Of Florida's 33 large districts, 15 (45.46%) either did not include the term *zero tolerance* or did not define the term if it was included. Of Florida's 34 small districts, 23 (32.35%) either did not include the term *zero tolerance* or did not define the term if it was included (Table 4–4).

### **District Size and Inclusion of Zero Tolerance against Guns**

Sixty-two (62) of the 67 school districts in Florida included a zero tolerance policy against guns in their Student Codes of Conduct. This equates to 92.53% of all school districts in Florida having a mandatory suspension or expulsion for students who bring a gun to school or to a school function. The remaining 7.46% either did not have a specific policy against the possession of guns or did not define the policy as one that has a mandatory punishment (Table 4–5).

Of the 62 school districts that included a zero tolerance policy against guns in their Student Codes of Conduct, 33 were large districts and 29 were small districts. All 33 of the large districts had a specific zero tolerance policy against the possession of guns in school or at a school function. Of Florida's 34 small districts, 29 (85.29%) had a zero tolerance against guns policy in their Student Codes of Conduct while five (14.71%) either did not include a zero tolerance against guns policy or did not specify that there was a mandatory punishment for bringing a gun to school or to a school function.

### **District Size and Inclusion of Zero Tolerance against Knives**

Forty-five (45) of the 67 school districts in Florida included a zero tolerance policy against knives in their Student Codes of Conduct. Thus, 67.16% of all school districts in Florida have a mandatory suspension or expulsion for students who bring a knife to school or to a school function. The remaining 32.84% either did not have a specific policy in their Student Codes of Conduct against the possession of knives in school or did not define the policy as one that has a mandatory punishment.

Of the 45 school districts that included a zero tolerance policy against knives, 29 were large districts and 16 were small districts. Within Florida's 33 large districts, 29 (87.87%) included a zero tolerance against knives policy while four (12.13%) did not include a zero tolerance against knives policy in their Student Codes of Conduct or did not specify that there was a mandatory punishment for bringing a knife to school or to a school function. Of Florida's 34 total small districts, 16 (47.06%) included a zero tolerance for knives policy in their Student Codes of Conduct. The other 18 (52.94%) either did not include a zero tolerance against knives policy or did not specify that there was a mandatory punishment for bringing a knife to school or to a school function (Table 4-6).

### **District Size and Inclusion of Zero Tolerance for Drugs**

Fifty-four (54) of the 67 school districts in Florida (80.59%) included a zero tolerance policy against drugs in their Student Codes of Conduct that results in a mandatory suspension or expulsion. The remaining 19.41% of districts either did not have a specific policy in their Student Codes of Conduct against the possession of drugs in school or did not define the policy as one that has a mandatory punishment. Of the 54 school districts that included a zero tolerance policy against drugs, 29 were large and 25 were small. Of Florida's 33 large districts, 29 included a zero tolerance against drugs policy (87.87%). The four other large districts (12.13%) either did not include a zero tolerance against drugs policy in their Student Codes of Conduct or did not specify that there was a mandatory punishment for bringing drugs to school or to a school function. Of Florida's 34 total small districts, 25 included a zero tolerance against drugs policy in their Student Codes of Conduct (73.52%). The four other small districts (26.47%) either did not include a zero tolerance for drugs policy or did not specify that there was a mandatory punishment for bringing drugs to school or to a school function (Table 4–7).

### **District Size and Inclusion of Zero Tolerance against Bullying and Harassment**

Fourteen (14) of the 67 school districts in Florida (20.89%) included a zero tolerance policy against bullying or harassing other students in school or at a school function in their Student Codes of Conduct. The remaining 53 (79.11%) either did not have a specific policy in their Student Codes of Conduct against bullying or did not define the policy as one that has a mandatory punishment. Of the 14 school districts that included a zero tolerance policy against bullying, nine were large districts and five were small districts. Of Florida's 33 large districts, nine districts (27.27%) included a zero tolerance against bullying policy while the other 24 (72.73%) either did not include a zero tolerance policy against bullying in their Student Codes of Conduct or did not specify that there was a mandatory punishment against bullying in school or

at a school function. Of Florida's 34 small districts, five (14.7%) included a zero tolerance policy against bullying in their Student Codes of Conduct. The other 29 small districts (85.3%) either did not include a zero tolerance policy against bullying or did not specify that there was a mandatory punishment for bullying in school or at a school function (Table 4–8).

### **District Size and Options for an Alternative Education Setting**

Forty-eight (48) of the 67 school districts in Florida (71.64%) included in their Student Codes of Conduct an option for an alternative education setting for students who were suspended or expelled as a result of violating a zero tolerance policy while in school or at a school function. Of these 48 school districts, 32 were large districts and 16 were small districts. Thirty-two (32) of the total 33 large districts (96.96%) included in their Student Codes of Conduct an option that students attend an alternative education setting if they violate a zero tolerance policy while in school or at a school function. Sixteen (16) of the 34 total small districts (47.05%) included an option for students to attend an alternative education setting. More than half of the small districts (52.95%) did not include an option for students to attend an alternative education setting if they violated a zero tolerance policy while in school or at a school function. Of the 67 school districts in Florida, 19 school districts (20.89%) did not indicate in their Student Codes of Conduct that there was an option for students to attend an alternative education setting if they violated a zero tolerance policy (Table 4–9)

### **Results of Coding by Categories**

Categories of district size were devised dividing the total student populations of the 67 Florida public school districts by two. This resulted in one group representing 33 districts with student body populations of 15,000 or more, and a second group of 34 districts representing student body populations under 15,000 students. Using these two sized categories, school district Student Codes of Conduct were collected and analyzed using six indicators. Indicators are coded

words or phrases that the researcher sought while analyzing the similarities and differences among the 67 school districts. These six indicators were: (a) *zero tolerance* is defined and the Student Codes of Conduct includes (b) a zero tolerance policy against guns, (c) a zero tolerance policy against knives, (d) a zero tolerance policy against drugs, (e) a zero tolerance policy against bullying, and whether students who violated a zero tolerance policy are provide an (f) option of attending an alternative education setting. The data analysis is reported by district size, frequency, and percentages of schools reporting each of the six indicators (Table 4–10).

Large Florida districts were found to have more indicators present than did the 34 small districts. The most obvious difference between large and small districts was the number of large districts that offered an option for an alternative education setting for students who were suspended or expelled for violating a zero tolerance policy listed in their districts Student Code of Conduct. Of the 33 large districts, 96% (32) had provisions for an alternative education setting versus 47% (16) of the small districts.

The indicator that represented the greatest similarity between large districts and small districts dealt with inclusion of a zero tolerance against guns policy in their Student Codes of Conduct. All 33 of the large districts (100%) indicated that they had policies mandating a suspension or expulsion for students who brought a gun to school. Of the 34 small districts, 85% (29) indicated they had such a policy.

### **Results of Coding by Indicators**

Once the two district size categories were established, analysis of the Student Codes of Conduct using the six coded indicators was conducted. Of the 67 Florida school districts, six districts (8.95%) were found to have two Student Codes of Conduct, one for elementary schools and a second one for junior high, middle, and high schools. One additional district (1.49%) had three separate Student Codes of Conduct, one for K–5<sup>th</sup> grades, a second one for 6<sup>th</sup>–8<sup>th</sup> grades,

and a third one for 9<sup>th</sup>–12<sup>th</sup> grades. In cases where there was more than one Student Code of Conduct in a district, the researcher used only the one that applied to the secondary school setting. This decision allowed for consistency in defining the following indicators.

### **Inclusion of a Definition for the Term Zero Tolerance**

The first indicator in this policy analysis entailed the researcher coding words or phrases that represented a definition of zero tolerance. The Student Codes of Conduct presented the researcher with a variety of ways to ascertain that the district enforced policies that had mandatory punishments. Some districts (43.28%) specifically used the term *zero tolerance* in defining that certain infractions of the Student Code of Conduct would result in suspension or expulsion (Table 4–10). Other districts (49.25%) never used the term *zero tolerance*, but through an analysis of the Student Codes of Conduct, the researcher discovered that the districts fulfilled the mandate by the Gun–Free Schools Act of 1994 by requiring mandatory punishments for certain offenses. In both cases, the districts were coded as having defined the term *zero tolerance*.

In the Student Codes of Conduct that used the term *zero tolerance* but never defined for the researcher that the policy associated with the infraction included a mandatory suspension or expulsion, the district was coded as not having defined the term. In establishing this standard, the researcher excluded some districts that, for example, had the term *Zero Tolerance Policies* in their table of contents, yet when the researcher investigated the policy, discovered that the consequence for violating the Student Code of Conduct did not require a suspension or expulsion. In those cases, the infraction usually involved a continuum of consequences, two of which may have been suspension or recommendation for expulsion, but if the Student Codes of Conduct did not specifically define the zero tolerance policy as having a mandatory punishment, then it was not counted for this study.

## **Guns**

The Gun-Free Schools Act of 1994 mandated that each school district receiving public funds for education have a policy included in their Student Code of Conduct requiring the expulsion of students who bring weapons to school or to a school function. According to the federal law, the word *weapon* “includes guns, bombs, grenades, rockets, and missiles (Pipho, 1998, p. 725). Each Student Code of Conduct that included the word *weapon* also included the word *gun* in its description of what constitutes a zero tolerance offense. The word *firearm* was also used in place of *weapon* when describing banned objects from schools.

Districts that specifically stated there was a zero tolerance policy for guns in their Student Codes of Conduct, but did not mandate a suspension or expulsion for bringing them onto campus, were listed as not having a zero tolerance policy for guns. All 67 districts in Florida included a policy on guns, but five districts, all of which were small, included the possession of a gun as an offense that *may result in suspension or expulsion*. The fact that those five districts did not list the possession of guns as an offense that includes a *mandatory* suspension or expulsion resulted in those districts not being coded by the researcher as having a zero tolerance policy against guns.

## **Knives**

The word knife is not mentioned in the Gun-Free Schools Act of 1994, but the Act does allow states and individual school districts to expand their use of zero tolerance policies so that their Student Codes of Conduct may include them among a list of weapons that are subject to mandatory punishments. The researcher coded districts as having zero tolerance policies against knives if the districts listed the possession of a knife as an offense that resulted in a suspension or expulsion, regardless of the fact that some districts had minimum requirements for the length of the knives in order for them to qualify for the mandated punishment. This decision by the

researcher was made to provide consistency in studying the indicator of *knives* and the question as to whether there were differences in large districts and small districts as to their decision to include knives as a weapon that results in a mandatory punishment. The researcher decided that, if the districts' Student Code of Conduct included a mandatory punishment for *any* sized knife (whether it was under 3 inches or not), then the district did, in fact, have a zero tolerance policy against knives. The district was coded to reflect the policy on zero tolerance against knives.

### **Drugs**

Coding whether districts included drugs in the Student Codes of Conduct did not entail the researcher establishing specific criteria to account for factors such as quantities of drugs or types of drugs because districts simply used the all-encompassing term *drugs* to include any drug of any quantity. The researcher did, however, make a distinction between policies regarding drugs and those regarding alcohol. Some districts specifically listed alcohol as a drug in the zero tolerance against drugs policies, while others listed alcohol under a separate policy. Districts that listed alcohol as a separate drug, with separate consequences, were still coded as having a zero tolerance policy against drugs if the Student Codes of Conduct mandated a suspension or expulsion for the possession of drugs (even if the possession of alcohol did not mandate such punishments). Therefore, there was no distinction made in the coding process for those districts that had zero tolerance against drugs, but not alcohol, as compared to those districts that had zero tolerance policies for drugs that included alcohol.

### **Bullying**

The word *harassment* and the term *bullying* were used interchangeably by most school districts in their Student Codes of Conduct. Both words were coded in this study as a form of intimidation of one person by another person, as long as the word *harassment* did not refer to sexual harassment policies. Sexual harassment policies were not specifically coded for this study.

The researcher did observe, though, that districts sometimes included sexual harassment policies in their Student Codes of Conduct even if they did not include bullying policies. It was also noted that districts often relied on consequences such as a conference with the guidance counselor or a conference with the students and parents of all those involved in the bullying incident instead of mandatory punishments such as suspensions or expulsions.

### **Options for an Alternative Educational Setting**

The process of coding whether districts included an option for an alternative educational setting for students who violated zero tolerance policies as outlined in their districts' Student Codes of Conduct was a difficult task due to the differences in describing and listing the alternative settings. Some districts had specific sections in the Student Codes of Conduct that outlined the process and qualifications for enrollment into the alternative education settings, describing the programs offered at the alternative education settings and its location. Other districts never provided a description of the alternative education settings, but listed an alternative education setting as an option for students who violated the zero tolerance policies.

The option for students to choose an alternative education setting was commonly described as an option *in lieu of* expulsion. Most Student Codes of Conduct, in those districts that included this as an option, would list the consequence of violating the zero tolerance policy as suspension or expulsion. Attending the alternative education setting was never a punishment in of itself for any district in Florida, but application to an alternative education setting often accompanied an expulsion hearing.

### **Summary of Patterns**

Six patterns emerged from the data gathering and coding process when determining if there were differences in the Student Codes of Conduct developed by large and small school districts

in response to zero tolerance policies related to the implementation of the Gun-Free Schools Act of 1994:

1. The student body populations of the districts signified that the overwhelming majority of students in Florida (95%) attended schools in districts larger than 15,000 students in 2006.
2. The Student Codes of Conduct from larger districts included a larger percentage of indicators than those of smaller districts.
3. Specifically, including a definition of the term *zero tolerance* was more common in larger districts' Student Codes of Conduct (55%) than it was in smaller districts' Student Codes of Conduct (32%).
4. Not every Student Code of Conduct had a policy mandating expulsion for guns, even though the Gun-Free Schools Act of 1994 mandated having this policy contingent on receiving federal funds. Each of the 33 large districts mandated suspension or expulsion for the possession of a gun, but only 29 of the 34 small districts mandated it. Smaller districts were more inclined to include suspension and expulsion on a continuum of possible disciplinary measures. The five districts that did not mandate it allowed for lesser punishments to be administered.
5. In this study, harassment and bullying were the least coded indicators of zero tolerance policies in Florida school districts.
6. All but 1 of the 33 large districts provided an option of an alternative education setting, while only 16 of the 34 small districts offered an option of an alternative education setting.

Table 4–1. Results by method for Florida school districts

Method of Retrieval	N=(67)	%
Retrieved via the internet	24	36.11%
Retrieved by hardcopy or booklet	43	63.89%
Total number of Student Codes of Conduct received	67	100.00%

Table 4–2. Results by rate of retrieval for Florida school districts

Rate of Retrieval	N=(67)	%
Retrieved upon the first request (researcher used U.S. Mail)	36	53.73%
Retrieved upon the second request (researcher used U.S. Mail)	18	26.86%
Retrieved upon the third request (researcher used the telephone)	11	16.41%
Retrieved upon the fourth request (researcher used the telephone and sent emails)	2	3.00%
Total number of Student Codes of Conduct received	67	100.00%

Table 4–3. Division of districts into categories by student body population

Category	Number of Districts	Total Student Population and %
First (Large Districts) 15,000 students and over	33	2,402,430 (93.37%)
Second (Small Districts) Under 15,000 students	34	170,533 (6.63%)
Total Number:	67	2,572,963 (100.00%)

Table 4–4. Results by district size and inclusion of a zero tolerance definition

Category	Number of Districts That Included a Zero Tolerance Definition	% of Districts That Included a Zero Tolerance Definition
Public School Districts In Florida (N=67)	29	43.28%
Large Districts with Enrollments of 15,000 or more students (n=33)	18	54.54%
Small Districts with Enrollments of Under 15,000 students (n=34)	11	32.35%

Table 4–5. Results by district size and zero tolerance for guns

Category	Number of Districts with a Zero Tolerance for Guns Policy	% of Districts with a Zero Tolerance for Guns
Public School Districts In Florida (N=67)	62	92.53%
Large Districts with Enrollments of 15,000 or more students (n=33)	33	100.00%
Small Districts with Enrollments of Under 15,000 students (n=34)	29	85.29%

Table 4–6. Results by district size and zero tolerance for knives

Category	Number of Districts with a Zero Tolerance for Knives	% of Districts with a Zero Tolerance for Knives
Public School Districts In Florida (N=67)	45	67.16%
Large Districts with Enrollments of 15,000 or more students (n=33)	29	87.87%
Small Districts with Enrollments of Under 15,000 students (n=34)	16	47.06%

Table 4–7. Results by district size and zero tolerance for drugs

Category	Number of Districts with a Zero Tolerance for Drugs	% of Districts with a Zero Tolerance for Drugs
Public School Districts In Florida (N=67)	54	80.59%
Large Districts with Enrollments of 15,000 or more students (n=33)	29	87.87%
Small Districts with Enrollments of Under 15,000 students (n=34)	25	73.52%

Table 4–8. Results by district size and zero tolerance for bullying

Category	Number of Districts with a Zero Tolerance for Bullying	% of Districts with a Zero Tolerance for Bullying
Public School Districts In Florida (N=67)	14	20.89%
Large Districts with Enrollments of 15,000 or more students (n=33)	9	27.27%
Small Districts with Enrollments of Under 15,000 students (n=34)	5	14.70%

Table 4–9. Results by district size and an alternative education setting

Category	Number of Districts with an Alternative Education Setting	% of Districts with an Alternative Education Setting
Public School Districts In Florida (N=67)	48	71.64%
Large Districts with Enrollments of 15,000 or more students (n=33)	32	96.96%
Small Districts with Enrollments of Under 15,000 students (n=34)	16	47.05%

Table 4–10. Comparison of categories to indicators

Indicators	Florida Total	Large Total	Small Total	Florida %	Large %	Small %
Definition of Zero Tolerance	29	18	11	43.28	54.55	32.35
Zero Tolerance against Guns	62	33	29	92.54	100.00	85.29
Zero Tolerance against Knives	45	29	16	67.16	87.88	47.06
Zero Tolerance against Drugs	54	29	25	80.60	87.88	73.53
Zero Tolerance against Bullying	14	9	5	20.90	27.27	14.71
Option for an Alternative Setting	48	32	16	71.64	96.97	47.06
District Student Population	2,572,963	2,402,430	170,533	100.00	93.37	6.63
Total # of Districts:		33	34		33	34

## CHAPTER 5 CONCLUSIONS AND IMPLICATIONS

The purpose of the study was to determine the differences in the Student Codes of Conduct developed by Florida's large and small school districts in response to zero tolerance policies related to the implementation of the Gun-Free Schools Act of 1994. The Gun-Free Schools Act of 1994 provided districts with the opportunity to expand the usage of mandatory punishments for virtually any misbehavior districts deemed unwanted. This policy analysis demonstrated that giving districts the ability to expand the usage of zero tolerance policies has resulted in the preponderance of districts including infractions that do not relate to the original intent of the Gun-Free Schools Act of 1994. This proved true more often in Florida's larger districts, those with over 15,000 students, than it did with Florida's smaller districts.

The findings reported in this chapter can be used for future study on the inclusion and implementation of zero tolerance policies in public school districts. Elements for a model Student Code of Conduct, based on the literature review provided in Chapter 2 and the data gathered and reported in Chapter 4, were developed to provide school districts in Florida with ways in which they can continue to operate within the parameters of the Gun-Free Schools Act of 1994 but also implement safeguards so that non-violent children are not suspended or expelled as a result of over-zealous or all-encompassing zero tolerance policies. In addition, the findings of this policy analysis contribute to the knowledge base of zero tolerance research, providing a foundation and platform for future researchers to question the practices of school districts and their decisions to include or exclude certain elements in their Student Codes of Conduct.

## **Discussion of the Findings**

The findings of this study were based on an analysis of policies found in Florida's public school district Student Codes of Conduct. Utilizing Florida's entire collection of 2005–2006 Student Codes of Conduct allowed the researcher to establish a foundation on which findings could be reported as complete and current. The literature review and theoretical framework outlined in Chapter 2 provided the foundation for this policy analysis. Using the data gathered by this research as a basis for discussion, four major findings were summarized and analyzed within the parameters of this study: (a) Student Codes of Conduct from large school districts in Florida are more vigilant at defining the term *zero tolerance* than those found in small districts, (b) Florida's large school districts' Student Codes of Conduct are more often in compliance with the Gun-Free Schools Act of 1994 than small school districts, (c) small school districts in Florida are less likely than large districts to expand the use of zero tolerance policies in their Student Codes of Conduct, (d) large school districts in Florida are more likely to provide an option in their Student Codes of Conduct that allows for students to attend an alternative education setting.

### **Defining Zero Tolerance**

The literature review in Chapter 2 outlined the importance of providing definitions of words so that the “consumers,” or readers, understand the “overall constructs” that support the usage of the words (Friedgan, 2003, ¶ 12). Without understanding the constructs, words and phrases have little or no meaning, resulting in confusion among the readers. The researcher sought to answer whether there was a difference in the Student Codes of Conduct of Florida's small and large public school districts that include a definition of what the term *zero tolerance* means as it relates to discipline. When analyzed, the data collected in this study indicate

differences between Florida's large and small districts: more than half (55%) of the large districts included such a definition; only one-third (32%) of the small districts included a definition.

Applying the philosophy that appropriate definitions to words and phrases help eliminate confusion in the meaning of the policy by consumers, districts that fail to define the term *zero tolerance* in the Student Codes of Conduct essentially fail to create the deterrence factor that these policies are supposed to instill in students. If the mandatory punishments associated with zero tolerance policies are intended to scare students into not disobeying the Student Codes of Conduct, then they need to know exactly what breaking a zero tolerance policy means for them. This education occurs by providing appropriate definitions in districts' Student Codes of Conduct so that the codes can be used as an educational tool by the teachers, parents, and educational leaders that work with students.

The lack of a definition of the term *zero tolerance* in Student Codes of Conduct is not cause for an increase in students' misbehavior. However, a common understanding for the term *zero tolerance* should be clearly defined by each district so that parents and students understand the consequences of their actions. In addition, only 1 of 3 students attending school in small districts in Florida has a Student Code of Conduct that includes definitions of the school's zero tolerance policies. This is compared to 1 of every 2 students in Florida's large districts. Considering that the consequences of violating a zero tolerance policy results in either suspension or expulsion, neither ratio is very impressive. The findings suggest that Florida's school districts, both large and small, inadequately define zero tolerance.

#### **Compliance with the Gun-Free Schools Act of 1994**

The federal Gun-Free Schools Act of 1994 mandated that students who brought guns to school or to a school function be expelled for no less than 356 days. The second research question sought to answer whether there was a difference in the Student Codes of Conduct of

Florida's small and large districts that include guns in their zero tolerance policies. It was anticipated that all 67 schools in Florida, at the risk of losing federal funds for non-compliance, would include policies in the Student Codes of Conduct that articulated this mandate. Instead it was discovered through this study that, while 100% of large districts complied with the law, only 85% of small districts in Florida were in compliance.

There are multiple ways to interpret the findings from the second research question. The first would be to assume that Florida's large school districts are better at defining the consequences of bringing a gun to school because the Student Codes of Conduct outline mandatory punishments. This would place officials in large districts in the position to claim that they are more serious about school safety than officials in small districts because their policies outline that no guns will be tolerated, reinforcing the *tough-on-crime* mentality that was one of the underlying deterrent philosophies of the Gun-Free Schools Act of 1994.

A second possible way to interpret the findings associated with the six research questions would be to consider that larger districts have more funds available to hire outside consultants to assist in the development of their Student Codes of Conducts than smaller districts. Large districts sometimes utilize the services of consulting firms that examine settled lawsuits and pending litigation, finding ways to shield districts from expensive lawsuits. The result is that many large districts find it economically sensible to include more indicators in their Student Codes of Conduct, and especially in their Zero Tolerance policies, which results in longer, more inclusive Student Codes of Conduct.

A third possible way to interpret the findings associated with the second research question (as well as those of the third, fourth, and fifth research questions that addressed the inclusion of knives, drugs, and bullying in zero tolerance policies) would be to assume that small districts

have reserved for themselves the option of looking at the intent of the violation, the circumstances surrounding the violation, and have a continuum of consequences other than expulsion. The fact that 5 of 67 school districts in Florida (7.47%) failed to *mandate* expulsion should not be interpreted as failure to implement policies that are consistent with having a safe school environment. What this research demonstrated was that the five small districts that did not mandate expulsion still had the *option* for expulsion, allowing educational administrators to make appropriate decisions on whether the offense deemed an expulsion. These districts may have wanted to steer away from the mentality that zero tolerance equals zero options, thus providing their building administrators with more options when addressing guns, knives, drugs, and bullying. Although the researcher cannot confirm such intent, these findings suggest that these five small districts in Florida have more opportunity to offer alternatives to expulsion than do the other 62 districts, regardless of size.

### **Expanding Zero Tolerance Policies**

Just as the percentage of students attending schools in Florida's large districts (95%) is considerably more than small districts (5%), so are the percentages of what large districts chose to include as zero tolerance policies in their Student Codes of Conduct. This research study found that large school districts in Florida have overly-broad definitions of zero tolerance policies compared to small school districts, including many more things in their policies than just guns (i.e., knives, drugs, and bullying). The inclusion of guns in zero tolerance policies by both large and small school districts is understandable because federal tax dollars are attached to such policies; the reasons for a higher rate of including weapons other than guns in Student Codes of Conduct of large districts is less clear.

The literature review in Chapter 2 outlined the problems that knives, drugs, and bullying pose on schools and their safety, but the current research and literature does not provide

significant evidence as to why Florida’s large districts would want to mandate suspensions or expulsions of their students at a greater rate than small districts. One reason may be that larger school districts are commonly associated with larger cities and higher crime rates (U.S. Department of Education, 2006). Measuring the tolerance level of educational leaders for violence and drugs in schools located in large school districts is difficult to quantify, but given the increased awareness of violence and drug-related crimes in large cities, it may be that the higher percentage of what is included in zero tolerance policies is a reflection of the communities’ lower tolerance for deviant behaviors in students. Although such a conclusion cannot be verified by this study, the data collected in this study verifies that the preponderance of large districts included several infractions (i.e., knives, drugs, and bullying) in the Student Codes of Conduct that did not relate to the Gun-Free Schools Act of 1994.

### **Providing the Option of an Alternative Education Setting**

The literature review and research presented in Chapter 2 (National Guard Camps, etc.) provide evidence that students who are expelled from their regular education setting can still find academic success if they are given the opportunity to attend an alternative education setting. Although a wide variety of alternative education programs are currently available across the country, students who attend schools in one of Florida’s small districts have less than a 50% likelihood of attending such an alternative school because their districts do not offer it as an option. Conversely, 97% of Florida’s large school district Student Codes of Conduct currently provide students who are suspended or expelled for violating a zero tolerance policy the option of attending an alternative education setting

### **Conclusions**

The purpose of this study was to determine differences in the Student Codes of Conduct developed by Florida’s large and small school districts in response to zero tolerance policies

related to the implementation of the Gun-Free Schools Act of 1994. Through the literature review, data collection, and findings reported in this policy analysis, the researcher developed four conclusions.

**Conclusion 1: Student Codes of Conduct Should Include a Definition of the Term Zero Tolerance**

The Gun-Free Schools Act of 1994 requires that every school district receiving federal education funds include a mandatory punishment, or zero tolerance policy, for students who bring a gun to school or a school function. Agreement or disagreement with the law should not be the deciding factor whether the district includes a definition of the term *zero tolerance*. A comprehensive definition of the term zero tolerance should be included in a district's Student Code of Conduct in order to provide the members of their communities with the appropriate information to make educated decisions.

Even though providing a definition does not ensure that everyone will read the Student Codes of Conduct and fully comprehend the ramifications of violating zero tolerance policies, it does create a framework by which educational leaders in each district can inform their students, parents, and community that some student behaviors will result in mandatory punishments. A definition for zero tolerance also allows the educational leaders and community to engage in discussion about the application of that definition. Without a definition, this discussion could not occur.

**Conclusion 2: Limit What Constitutes a Zero Tolerance Offense**

Parents must feel confident that their children are in a safe environment when they send them to school each day. This belief sometimes leads parents to conclude that all children who perform deviant behaviors must be removed from school in order to ensure the safety of the other students and improve the climate of the school. There is little data to support the belief that

removing deviant children actually improves the climate of the school or that school becomes safer after deviant children are removed. Children are sent to school to learn. Sometimes the lessons learned come from classroom experiences; other times the lessons learned come from the mistakes they make and the compassionate educators that guide them into making better choices. If zero tolerance policies are allowed to further proliferate into every element of the Student Codes of Conduct, it is likely that the number of students who violate zero tolerance policies sometime throughout the course of their K–12 education will increase, forcing more students out of their regular educational settings.

Few people question the philosophy that truly violent students must be separated from the rest of the student body in order to protect the well-being and safety of the entire student population. This same mentality (i.e., separating violent individuals from the rest of society) is the impetus of the adult prison system. Even though some citizens would like to see more zero tolerance policies for crimes committed by adults, the justice system realizes that not every broken law justifies a mandatory prison sentence. Just as the adult prison system has limits and parameters on what crimes constitute a prison sentence, so too should school districts demonstrate restraint as to which violations of their Student Codes of Conduct should result in a mandatory punishment. Zero tolerance policies should balance modifying unwanted student behavior and separating students that pose a real threat to school safety from their regular education setting. Increasing the number of zero tolerance violations in Student Codes of Conduct decreases the ability of school administrators to use good judgment when deciding if the infraction was malicious, intentional, and a danger to school safety.

### **Conclusion 3: Districts Should Fund Alternative Education Settings**

Disagreements arise among educational leaders, policy makers, and youth advocates when trying to decide what to do with children who have demonstrated truly violent tendencies.

Suspension and expulsion are two common practices, but when the students are suspended for long periods of time, or expelled from school, then the question surfaces of who should be responsible for them. The struggle involves deciding whether children, some as young as 6–years–old, should to be treated like prisoners and taken by youth resource officers to detention centers to be punished, or whether educational leaders and professional teachers should attempt to reform school–age children so that they might lead productive and fulfilling lives. If the decision is to rely on educators, the question becomes where this can best be accomplished: in the regular education setting or in an alternative education setting.

Every public school district in Florida should provide students with the option of attending an alternative educational setting within or outside the district. Such provision would eliminate the current disparity of less than 50% of students who are expelled from small school districts in Florida having an opportunity to attend an alternative education setting compared to nearly 100% of students in large districts having this opportunity. The manner by which districts structure alternative education settings does not have to be identical, but they should at least provide adequate academic instruction combined with behavior modification components that teach students how to learn from their mistakes. The alternative education settings should be viewed *in lieu of* expulsion, providing students the education they need while also removing them from their regular educational setting until they have demonstrated they are no longer a threat to the safety of other students.

### **Implications for Policy and Practice**

#### **Revisit Current Student Codes of Conduct**

Educational leaders in Florida should revisit and re–evaluate the zero tolerance policies currently defined in their districts’ Student Codes of Conduct. Do the infractions currently included as Zero Tolerance Offenses truly represent a serious breach of student conduct that

threatens the safety of other individuals in the school? Prior to revisiting their Student Codes of Conduct, it is recommended that educational leaders convene committees in their communities that can assist in defining the purpose and function of their Student Code of Conduct.

The purpose of Student Codes of Conduct should not be to make it is easier to push students out of their regular education setting. Rather, the purpose should reflect an emphasis on educating as many students as possible in their regularly zoned public school while simultaneously maintaining high standards of safety and healthy learning environments.

Educational leaders are encouraged to work with community members to create a Student Code of Conduct that reflects community values and work to create policies that are fair, yet sensible.

### **Adopt a Model Student Code of Conduct**

By encouraging educational leaders to work with community members to create a Student Code of Conduct that reflects their values but still retains fairness and sensibility, seven model elements are offered that every district should incorporate in their Student Codes of Conduct.

The model elements are based on a review of research literature, the data from the 67 Student Codes of Conduct found in Florida's public school districts, and insights the researcher gained during analysis of Student Codes of Conduct from both small and large districts (Figure 5–1).

The first element that every Student Code of Conduct should include is a clear and concise definition of the term *zero tolerance*. The definition should reflect the philosophy that a zero tolerance offense is one where the student is guilty of a very serious breach of conduct, an act that is evident that the student's intent was to threaten the safety of those at school. Such a breach shall result in the removal of the student from his or her current education setting to an alternative education setting. Notice that the term *removed* is used instead of *expelled*.

The second element that every Student Code of Conduct should include is a system of safeguards that provide, prior to administering any consequence, individual consideration for all

students by considering their maturity level, past infractions and an examination of the intent of their actions. The safeguard is modeled after the manifestation hearings that students with disabilities are entitled to if they are accused of violating a zero tolerance policy. This assures that due process is followed in every occasion.

The third element that every Student Code of Conduct should include is a matrix of all possible discipline infractions (possession of guns, knives, or drugs, as well as bullying, stealing, fighting, sexual harassment, etc). The matrix should reflect Florida State Law that says “no student shall be suspended for unexcused tardiness, lateness, absences, or truancy” as well as stating that “written notification, with 24 hours by U.S. Mail, must be provided to parents explaining why their student was suspended” (Florida State Legislature, 2005, 1006.09(1)(b)). The matrix should identify the zero tolerance offenses determined by the educational leaders and community representatives, accompanied by written explanations and consequences.

Supporting the notion that zero tolerance policies should be reserved for those offenses that pose a very serious breach of conduct with the intent of threatening the safety of those at school, the fourth element that every Student Code of Conduct should include is a clear statement that possession of weapons in school or at a school function is the only zero tolerance offense. Even with the possession of a gun, knife, or other sharp object, the educational leadership of the district must assure the implementation of safeguards so that due process hearings are guaranteed to every individual student.

The fifth element that every Student Code of Conduct should include is an explanation that the alternative schools are an option for any student who violates the Student Code of Conduct. Those reading the policy should be made aware that the alternative education settings are not just for students who have brought knives to schools or who have already sold drugs, but also for the

chronically disruptive and at-risk students that have not found success in abiding by their regular school's Student Code of Conduct.

The sixth element that every Student Code of Conduct should include is an Amnesty Clause. This is a clause that specifically states that, should a student discover he or she has unknowingly brought a weapon on campus or a school bus, and if they immediately and personally notify school personnel upon such a discovery, that the zero tolerance punishment will not apply. The Student Code of Conduct needs to include, however, that under Florida State Law, both the local law enforcement and State Attorney's office must be notified that a weapon was on campus.

The seventh element is that every Student Code of Conduct should be printed using an easily readable format. This format should include a table of contents, page numbers, a font no smaller than 12-point, and printed using ink that is neither faint nor one that smudges. This element may seem trite, but much difficulty was experienced in gathering the data for this policy analysis as a result of the absence of one or all of the above basics when publishing their Student Codes of Conduct. Along with an easily readable format, the Student Code of Conduct should be easily available, distributed to each student in hardcopy form as well as accessible online.

### **Create and Implement a Three CHANCE System of Educational Settings**

The seven model elements proposed provide Florida's public schools with a Student Code of Conduct that upholds zero tolerance mandates as outlined in the Gun-Free Schools Act of 1994. It also supports the philosophical belief of the Individuals with Disabilities Education Act (IDEA) that, in a democratic society, the notion of individual consideration must be awarded to all students.

The short-term outcome of this dissertation was to provide Florida's school districts with the tools to construct well-written, concise, and fair Student Codes of Conduct. An additional,

long-term outcome was to address the “Schoolhouse-to-Jailhouse” trend in Florida by eliminating expulsion from every Student Code of Conduct. Expulsions in Florida would instead be replaced with safeguards and options that allow students to move within a Three-CHANCE system of educational settings until they obtain their high school diploma (Figure 5-2).

CHANCE represents the acronym Changing Habits After New Character Education. The First-CHANCE all students get is at their regularly zoned educational setting. This is the presumptive placement for all students. If the students are being continually suspended because they cannot successfully abide by the Student Codes of Conduct in the First-CHANCE schools, students are then given a second opportunity to prove themselves at the Second-CHANCE alternative school. Second-CHANCE schools could also be used for chronically disruptive students, chronically truant students, and at-risk students.

Ideally each county would have their own Second-CHANCE school, but smaller counties may combine their funds to create one shared facility. Second-CHANCE alternative schools could be facilitated in one of two ways. One way would be to resemble the successful residential alternative education settings for at-risk or chronically disruptive students currently facilitated by the National Guard Youth Challenge Academies program discussed in Chapter 2. The second way would be a day program that would closely resemble the First-CHANCE school with more restrictions, less students, and less electives. The Second-CHANCE schools would also serve as the setting for students who have violated zero tolerance policies (excluding those who were convicted of felonies).

If students still cannot find success in their Second-CHANCE schools, or have been convicted of a felony, then their final educational opportunity would be a Third-CHANCE educational setting located at the residential juvenile correction facility. By providing three

levels of educational settings in Florida, all students in Florida would be required to attend school in one of the three CHANCE schools, even if they had violated a zero tolerance policy in their regular educational setting and were not allowed back for one calendar year. The CHANCE program would essentially eliminate children from ever being expelled from public education; instead, children would simply move between the three CHANCE schools until they have completed the requirements for graduation or a high school equivalent certification program.

### **Recommendations for Future Research**

It is the hope of all educational leaders that the number of students who commit violent acts in schools will decrease in the future. Resorting to violence to remedy problems is nothing new to schools, however, and the days of “taking it outside” and fighting with fists have been replaced with more extreme acts of retaliation. Bringing guns or knives into schools and killing students in their own cafeterias and libraries has become a method of revenge for many of today’s troubled students.

While some state and federal reports indicate that schools have less violence today compared to when the Gun-Free Schools Act was originally implemented in 1994, others contend that those reports are fundamentally flawed because they rely on self-reporting mechanisms that are dependant on the respondent being honest when completing the survey. School administrators are not inclined to present their schools as being unsafe because it might reflect poorly on the administration’s capability to ensure the safety of their students. This pressures many of today’s administrators, aided by their districts, to conceal and purposefully underreport as many violent acts as possible. The question still exists as to whether zero tolerance policies are effective in either reducing acts of violence or creating a safer school climate, resulting in seven recommendations as to how this question can be addressed:

1. Investigate the percentage of public school districts that implemented zero tolerance policies against guns in their Student Codes of Conduct and whether having those zero tolerance policies actually reduced violence in those districts.
2. Examine whether the inclusion of more than just guns in zero tolerance policies has reduced the crime rates in schools.
3. Study the effectiveness of educating at-risk students in their regular education setting compared to educating them at an alternative education setting.
4. Study the effectiveness of the programs offered at juvenile correction facilities, highlighting what the best facilities are for educating at-risk students and possibly recommending ways in which to increase the effectiveness of educating at-risk pupils prior to them committing more serious offenses in their childhoods.
5. Examine the physical settings and institutions where chronically disruptive students attend school once they are suspended or removed for violating a zero tolerance policy, relating the physical setting to the developmental continuum of students found in elementary, middle, and high school settings.
6. Examine the best pedagogy for working with chronically disruptive students in relation to their grade level, searching for ways to best meet the needs of students who are placed in alternative education settings. While Florida law stipulates that, if districts operate alternative education settings, then the setting must meet the educational, emotional, and social needs of the students, the Florida Department of Education offers no guidelines on how to monitor the effectiveness of reaching these goals. Examining how to do this would be greatly beneficial.
7. Examine the social and financial ramifications that zero tolerance policies have on the likelihood of success later as adults for children who lost their opportunity to an education as a result of violating a zero tolerance policy. Include an examination of what eventually happened to these children and what the costs have been to society in terms of financial investments in constructing prisons, their actual incarceration rates, murder rates, and other societal indicators that demonstrate a lack of success since childhood.

### **Summary**

When analyzing the differences in the Student Codes of Conduct developed by large and small school districts in response to zero tolerance policies related to the implementation of the Gun-Free Schools Act of 1994, the first research question examined differences according to whether the districts included a definition of the term *zero tolerance*. Based on the data gathered during this study, students in larger districts are more likely to attend schools where their Student

Codes of Conduct specifically define what a zero tolerance policy is and what it means to have a mandatory punishment associated with violating one of those policies.

The second research question examined differences among Florida's large and small school districts according to whether the districts included a zero tolerance policy against guns. All of the large districts (100%) had mandatory punishments for the possession of guns while only 85% of Florida's small districts mandated a suspension or expulsion. The results indicate that students who live in small districts are less likely to attend schools that have mandatory suspensions or expulsions for the possession of guns than students who live in large school districts.

The third research question examined differences among Florida's large and small school districts regarding whether the districts included a zero tolerance policy against knives. The data revealed that 88% of the large districts had mandatory punishments for the possession of knives while only 47% of Florida's small districts mandated a suspension or expulsion. The results indicate that students who live in small districts are less likely to attend schools that have mandatory suspensions or expulsions for the possession of knives than students who live in large school districts.

The fourth research question examined differences among Florida's large and small school districts according to whether the districts included a zero tolerance policy against drugs. The data revealed that 88% of the large districts had mandatory suspensions or expulsions for the possession of drugs while only 74% of Florida's small districts mandated such punishments. The results indicate that students who live in small districts are less likely to attend schools that have mandatory suspensions or expulsions for the possession of drugs than students who live in large school districts.

The fifth research question examined differences among Florida's large and small school districts according to whether the districts included a zero tolerance policy against bullying. The data revealed that 27% of the large districts had mandatory punishments for those who bully other students while only 15% of Florida's small districts mandated a suspension or expulsion. The results indicate that students who live in small districts are less likely to attend schools that have mandatory suspensions or expulsions for bullying than students who live in large school districts.

The sixth research question examined differences among Florida's large and small school districts regarding whether the districts included an option of an alternative education setting for students who violated a zero tolerance policy. The data revealed that 97% of the large districts had this option while only 47% of Florida's small districts provided an option of an alternative education setting. The results indicate that students who live in small districts are less likely to have an option to attend an alternative education setting than students who live in large school districts.

Student Codes of Conduct are "the heart of the legal approach to student discipline" (Brown & Beckett, 2006, p. 241). Following the mandates of the Gun-Free Schools Act of 1994 and to create safe learning environments for their students, Florida's 67 school districts have each implemented their own versions of zero tolerance policies in their Student Codes of Conduct. It is the responsibility of educational leaders and community members to evaluate whether their district's Student Code of Conduct is designed with the intention of maintaining safe schools or if they are focused on pushing students out of their regular educational setting. This study analyzed these Codes of Conduct in Florida and, as a result of that analysis and a

review of current literature, provided recommended guidelines for a model Student Code of Conduct and a three CHANCE alternative to expulsion from school.

Table 5–1. Seven elements to include in a model student code of conduct

- Element 1: A definition of the term *zero tolerance* that reflects the philosophy that a zero tolerance offense is one where a student is guilty of a very serious breach of conduct, a breach where it is clear that the student had the intent of threatening the safety of others at school.
- Element 2: A system of safeguards that provides, prior to administering any consequences, individual consideration for all students by considering their maturity level, past infractions and examining the intent of their actions.
- Element 3: A matrix of all possible discipline infractions (possession of guns, knives, or drugs, as well as bullying, stealing, fighting, sexual harassment, etc).
- Element 4: A restriction that includes the possession of weapons (both guns and knives) as the only zero tolerance offenses since they could threaten the safety of those at school.
- Element 5: An explanation that the alternative schools are a part of the district schools and are an option for any student who violates the Student Code of Conduct.
- Element 6: An Amnesty Clause that specifically states that should a student discover he or she has unknowingly brought a weapon on campus or a school bus, and if they immediately and personally notify school personnel upon such a discovery, that the zero tolerance punishment will not apply.
- Element 7: The Student Code of Conduct should use an easily readable format that includes a table of contents, page numbers, a font no smaller than 12–point, and the use of ink that is neither faint nor one that smudges. It should be distributed to each student in hardcopy form as well as accessible online.
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Table 5–2. Changing habits after new character education (CHANCE) schools

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First–CHANCE:	All students get a chance to attend their regularly zoned educational setting. If they find they cannot successfully abide by the Student Codes of Conduct in their First–CHANCE schools, then the students are given a second opportunity to prove themselves at the Second–CHANCE school.
Second–CHANCE:	Either a day school similar to the First-CHANCE school with less students and less electives, or a residential alternative education setting for at–risk or chronically disruptive students, as well as a school for students who have violated zero tolerance policies (excluding those students who were convicted of felonies).
Third–CHANCE:	If students still cannot find success in their Second–CHANCE school, or have been convicted of a felony, their final educational opportunity would be the Third–CHANCE educational setting located at a residential juvenile correction facility.

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Students would remain in one of the three CHANCE schools until they complete the requirements for graduation or a high school equivalent certification program.

APPENDIX A  
ANALYSIS OF ZERO TOLERANCE POLICIES IN FL SCHOOL DISTRICTS CODEBOOK

The school districts under consideration provided their Student Codes of Conduct to the researcher. The researcher read the Student Codes of Conduct in order to categorize the variables. All variables were marked onto the coding form by one coder, the researcher.

The total number of variables (V) recorded on the coding form were eight:

- (V1) The school district's assigned number.
- (V2) The district's student population (0=Small, 1=Medium/Large).
- (V3) Does the district's Student Code of Conduct include a definition of the term *zero tolerance* (0=No, 1=Yes)?
- (V4) Does the district's Student Code of Conduct include guns (0=No, 1=Yes)?
- (V5) Does the district's Student Code of Conduct include knives (0=No, 1=Yes)?
- (V6) Does the district's Student Code of Conduct include drugs (0=No, 1=Yes)?
- (V7) Does the district's Student Code of Conduct include bullying (0=No, 1=Yes)?
- (V8) Does the district's Student Code of Conduct include an alternative educational setting for those students who have been suspended or expelled (0=No, 1=Yes)?

APPENDIX B  
ANALYSIS OF ZERO TOLERANCE POLICIES IN FLORIDA SCHOOL DISTRICTS  
CODING FORM

(V1) The school district's assigned number: \_\_\_\_\_

(V2) The district's student population (0=Small, 1=Medium/Large): \_\_\_\_\_

In reviewing the district's Student Code of Conduct (SCC), the following variables were categorized with a 1 if the SCC included the variable as related to zero tolerance policies and with a 0 if the SCC did not include the variable as related to zero tolerance policies:

(V3) Does the district's Student Code of Conduct include a definition of the term *zero tolerance*: \_\_\_\_\_

(V4) Does the district's SCC include guns: \_\_\_\_\_

(V5) Does the district's SCC include knives: \_\_\_\_\_

(V6) Does the district's SCC include drugs: \_\_\_\_\_

(V7) Does the district's SCC include bullying: \_\_\_\_\_

(V8) Does the district's SCC include an alternative educational setting for those students who have been suspended or expelled: \_\_\_\_\_

Comments:

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APPENDIX C  
UNIVERSITY OF FLORIDA INSTITUTIONAL REVIEW BOARD APPROVAL LETTER



**Institutional Review Board**

98A Psychology Bldg.  
PO Box 112250  
Gainesville, FL 32611-2250  
Phone: (352) 392-0433  
Fax: (352) 392-9234  
E-mail: [irb2@ufl.edu](mailto:irb2@ufl.edu)  
<http://irb.ufl.edu>

June 23, 2006

TO: Brian Schoonover  
6549 Madison Street  
St. Augustine, FL 32080

FROM: Ira S. Fischler, PhD, Chair *ISF/dl*  
University of Florida Institutional Review Board 02

SUBJECT: UFIRB Protocol #2006-U-0594  
Request for Public Documents (Student Codes of Conduct from all 67 Florida  
Public School Districts)

FUNDING: None

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Because this protocol does not involve the use of human participants in research, it is exempt from further review by this Board in accordance with 45 CFR 46. Human participants are defined by the Federal Regulations as living individual(s) about whom an investigator conducting research obtains (1) data through intervention or interaction with the individual; or (2) identifiable private information.

Should the nature of your study change or you need to revise this protocol in any manner, please contact this office before implementing the changes.

IF/dl

An Equal Opportunity Institution

APPENDIX D  
INITIAL LETTER OF REQUEST FOR PUBLIC DOCUMENTS

June 28, 2006

Brian J. Schoonover  
6549 Madison Street  
St. Augustine, FL 32080  
904-461-3367  
brian2337@yahoo.com

Dear Director of Student Services:

My name is Brian Schoonover and I am a doctoral student at the University of Florida. I am gathering information for the purpose of conducting a policy analysis that compares the student discipline policies and procedures from all 67 school districts in Florida. As a result of this analysis, I hope to develop a model policy that might be helpful to school districts throughout Florida.

To make my study as complete as possible, I would appreciate you sending me a copy of the student code of conduct or similar student discipline guidelines or matrixes that are currently enacted in your school district. I am not interested in collecting from you any data relating to particular incidences nor in collecting information on specific infractions; I simply plan on comparing the wording of all 67 district policies as they relate to school discipline. The name of your district will remain confidential throughout my report.

Thank you for your cooperation. Should assistance in interpreting or clarifying any of your district policies be necessary, please indicate your willingness to be contacted and interviewed by telephone by signing and returning the enclosed card to me. According to the University of Florida guidelines, I cannot offer you any monetary compensation for your assistance. I would, however, like to provide you with an executive summary of my findings, including suggested policy recommendations for behavior guidelines. If you have any questions regarding the purpose of my research, please contact me at 904-461-3367. Please send all materials to 6549 Madison Street; St. Augustine, FL 32080.

Sincerely,

Brian Schoonover  
University of Florida

CC: UF Institutional Review Board  
Jim Doud, Dissertation Chairperson  
Jean Crockett, Dissertation Committee Member  
David Honeyman, Dissertation Committee Member  
David Quinn, Dissertation Committee Member

APPENDIX E  
SECOND LETTER OF REQUEST FOR PUBLIC DOCUMENTS

July 28, 2006

Brian J. Schoonover  
6549 Madison Street  
St. Augustine, FL 32080  
904-461-3367  
brian2337@yahoo.com

Dear Director of Student Services:

My name is Brian Schoonover and I am a doctoral student at the University of Florida. Earlier this month I sent your office a letter asking for your assistance on my doctoral research. I am gathering information for the purpose of conducting a policy analysis that compares the student discipline policies and procedures from all 67 school districts in Florida. As a result of this analysis, I hope to develop a model policy that might be helpful to school districts throughout Florida.

To make my study as complete as possible, I would appreciate you sending me a copy of the student code of conduct or similar student discipline guidelines or matrixes that are currently enacted in your school district. I am not interested in collecting from you any data relating to particular incidences nor in collecting information on specific infractions; I simply plan on comparing the wording of all 67 district policies as they relate to school discipline. The name of your district will remain confidential throughout my report.

Should assistance in interpreting or clarifying any of your district policies be necessary, please indicate your willingness to be contacted and interviewed by telephone by signing and returning the enclosed card to me. According to the University of Florida guidelines, I cannot offer you any monetary compensation for your assistance. I would, however, like to provide you with an executive summary of my findings. If you have any questions regarding the purpose of my research, please contact me at 904-461-3367. Please send all materials to 6549 Madison Street; St. Augustine, FL 32080.

Sincerely,

Brian Schoonover

CC: UF Institutional Review Board  
Jim Doud, Dissertation Chairperson  
Jean Crockett, Dissertation Committee Member  
David Honeyman, Dissertation Committee Member  
David Quinn, Dissertation Committee Member

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## BIOGRAPHICAL SKETCH

Brian James Schoonover graduated from Notre Dame Catholic High School in Chattanooga, Tennessee in 1993. He graduated from Loyola University Chicago with honors in 1997, receiving a Bachelor of Arts in political science and minors in English and secondary education. After working for an educational non-profit in Washington, D.C. in 1997, he moved to Tokyo, Japan and taught in the Tokyo Public Schools for eighteen months. Upon his return to the United States in 1999, Brian worked for the *Chicago Tribune* newspaper as well as InterChurch Refuge Ministries, where he taught English to newly arrived immigrants.

In the fall of 1999, Brian accepted a teaching and coaching position at Loyola Academy College Preparatory School in Wilmette, Illinois, where he worked for three years while he obtained his Master in Education degree from Loyola University Chicago. Brian accepted his first administrative position as the Athletic Director for The Schools of St. Benedict in Chicago in 2002. After his marriage to Heather Anne Green in 2003, they moved to Saint Augustine, Florida and have lived there ever since. Brian is in his fourth year of employment with St. Johns County School District and is currently the Assistant Principal at South Woods Elementary School located in Elkton, Florida.

Brian is the second of three sons of Michael and Diane Schoonover of Chattanooga, Tennessee. His older brother, Todd, resides in Memphis, Tennessee with his family and his younger brother, Curtis, resides in Neenah, Wisconsin with his family. When he has a moment of free time, Brian enjoys surfing, going to the beach with his wife, and playing with his dogs.