

Redefining Zero Tolerance Make Punishment Fit the Crime

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As a result of narrowly defined zero tolerance policies there has been an abundant amount of suspensions and expulsions on minor behavior infractions. In other words the punishment did not always fit the crime. The question remains do zero tolerance policies actually deter school crime and violence and improve safety? The National Center for Education Statistics (NCES) says that no evidence exists that proves that zero-tolerance laws lower school crime rates nationwide (Education Reporter, 1997, May). In fact, after four years of implementation, the NCES found that schools that use zero-tolerance policies are still less safe than those are without such policies are (Peterson & Skiba, 1999, January).

A fourteen-year-old girl brings a twenty-ounce bottle of Cherry 7Up with a few drops of grain alcohol in it. A ten-year-old year girl brings a small knife in her lunch box to cut her apple. A seven-year-old boy brings his grandfather's watch for show and tell that had a one-inch pocketknife attached to it. A twelve-year-old student shared her inhaler with a student suffering an asthma attack on the bus. A six-year-old boy kissed a female classmate after she asked him to. All of these students received disciplinary action under zero tolerance policies. Did these students have to suffer harsh penalties, ranging from suspension to expulsion, even though some were seemingly harmless offenses?

The reality is that the interpretation of a zero tolerance policy has become narrowly defined. Instead of reviewing discipline infractions on a case-by-case basis, some administrators have declined to exercise this discretion (Peterson & Skiba, 1999, January). Inconsistencies exist on how zero tolerance policies are applied from district to district and state to state. Zero tolerance policies punish an offense to the severest extent no matter how minor the offense. Many of the policies have been attacked as inflexible, harsh and lacking in common sense (Cauchon, 1999, April). We agree. Many site administrators feel that they have no choice based upon the direction of the local school boards; other administrators fear lawsuits stemming from not treating all students the same in discipline issues.

Zero tolerance policies were intended to address specific problems associated with school safety and discipline (McAndrews, 2001, March). These policies were enacted to combat the seemingly overwhelming increase in school violence during the 1990s (McAndrews, 2001, March). These policies and rules were the response to "The Gun Free Schools Act" passed by Congress in 1994. States were at risk of losing federal funds if zero tolerance legislation was not passed. This law mandates an expulsion of one calendar year for possession of weapon and referral of students who violate the law to the criminal or juvenile justice system (Peterson & Skiba, 1999, January). It also provides that the chief administrative officer of each local school district on a case-by-case basis may modify the one-year expulsions (Peterson & Skiba, 1999, January).

Does this mean that the zero tolerance policies cannot be effective? Not necessarily. Zero tolerance simply means that all misbehavior will have some sanction. It doesn't mean you bring the maximum punishment for every transgression (Cauchon, 1999, April). It is imperative that board policy, on zero tolerance, includes flexibility, discretion, and common sense. The policy should allow officials to consider the special circumstances of a violation, such as:

- The age of the offender.
- The ability of the offender to comprehend the policy.
- The intent of the offender.
- The effect of the transgression on other students.
- The past disciplinary record of the offender (McAndrews, 2001, March).

Defining these characteristics in board policy will provide site administrators with the power to ensure that each infraction/student is reviewed on a case-by-case basis.

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