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The Evolution of Zero-Tolerance Policies

Stephanie Stahl

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Professor Weis

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Most Americans today have a largely negative image of zero-tolerance policies (ZTP) enacted to stop and prevent violence in the United States school system. According to the U.S. Department of Education Office of Educational Research and Improvement, zero-tolerance procedures are policies that mandate predetermined consequences or punishments for specific offenses.¹ These policies specifically targeted actions considered violent and threatening, such as possession of a firearm or weapon. The concept of zero-tolerance policies was introduced into the education system during the 1980s as part of the failed War on Drugs as an attack on drug usage and violence in schools. Due to the alterations made to zero-tolerance policies in the recent past, most associate the harsh, one-size-fits-all procedures that have been used in public schools with the shooting at Columbine High School. This paper examines how Columbine was the specific event that changed the use of zero-tolerance policies in schools to severely restrict student rights in the United States school system.

The Columbine shooting occurred on April 20, 1999 in Littleton, Colorado when two students of the high school, Dylan Klebold and Eric Harris, opened fire on students and teachers during the school day, killing twelve students, one teacher, and eventually themselves. This incident brought a great deal of national attention to schools' current or lack thereof anti-violence policies and prevention procedures. This resulted in the increase of zero-tolerance policies usage, which produced negative consequences, such as school security being heightened and limitations to students' privileges. Zero-tolerance policies have been previously implemented formally into public schools' codes on a national level in 1994, and have evolved from the 1980s through the

¹Karen Walker and Principals' Partnership, *Zero tolerance: Advantages and disadvantages. Research brief.* (Principals' Partnership, 2009), <http://search.ebscohost.com.proxy.iwu.edu/login.aspx?direct=true&db=eric&AN=ED539007&site=eds-live&scope=site>.

1990s, but the Columbine shooting specifically altered the magnitude and severity of zero-tolerance policies, qualitatively changing how zero-tolerance policies were used, and negatively altering school environments and student treatment.

There are many studies that have looked at the zero-tolerance policy and its effects on school environments. Few, however, discuss in detail Columbine's direct effect on the implementation of zero-tolerance policies in the United States' school system. Many articles by a variety of authors describe the origins and a brief evolution of zero-tolerance policies in schools, but go on to mainly focus on the effects that zero-tolerance policies have had on school districts and students and do not mention the Columbine shootings. Within these studies though, all of the authors agreed on the negative effects zero-tolerance policies have had on the student population. Losinski, Katsiyannis, Ryan, and Baughan discuss how there is a large pool of data suggesting that zero-tolerance policies can lead to increased drop-out rates, delinquency, and negative effects on educational achievement among students.² The article also cites several examples of case studies where zero-tolerance rules were applied for suspending or expelling students, ranging from elementary to secondary. The authors further argue that many of the examples given are extreme cases where school administration broadly interpreted and misused zero-tolerance policies. Russell Skiba, a professor of Educational Psychology and the lead author of the American Psychological Association's Task Force on Zero Tolerance, has written several articles on zero-tolerance policies both before and after the Columbine shootings. He also only offers a brief history of zero-tolerance, and in his later articles Skiba still does not directly outline Columbine as a major component, but only references to the increased fear of school-based violence that was due to several school

² Mickey Losinski et. al., "Weapons in schools and zero-tolerance policies." *NASSP Bulletin* 98 (2) (2014): 126-41, <http://search.ebscohost.com.proxy.iwu.edu/login.aspx?direct=true&db=eric&AN=EJ1025529&site=eds-live&scope=site>; <http://dx.doi.org/10.1177/0192636514528747>.

shootings occurring in the 1990s, which created a greater acceptance for the use of zero-tolerance policies. In “Zero Tolerance: The Assumptions and the Facts,” Skiba concludes that the increased use of zero-tolerance policies have negative consequences for individual students and the environment of the school by studying common positive assumptions of zero-tolerance policies and stating the facts, which end up being the opposite of what zero-tolerance policies intended to accomplish.³

Two separate authors, Glenn W. Muschert, an associate professor at Miami University who specifically studies crime and social problems, and Lynn A. Addington, an associate professor of law and criminology at the American University who’s research includes the nature of violent crime and its impact on victims, measurement of crime, and utilization of U.S. crime statistics, do in fact credit the Columbine shootings for a change in school policy in relation to school violence. Muschert describes the term “Columbine effect,” in “The Columbine Effect and School Antiviolence Policy,” which refers to how rampage shootings change the way the public views school violence and school security. He mentions that Columbine was not the only event that caused this effect, but it was as violence peaked during the 1990s. Columbine caused this great upswing in schools implementing and expanding anti-violence policies beyond original intentions to lower the chances for another Columbine. Even though Muschert does not discuss Columbine as a historical event, but more as a “metaphorical ‘keyword for a complex set of emotions surrounding youth, fear, risk, and delinquency in 21st century America,’” he still sees Columbine as a problem-defining event.⁴ Addington also classified the Columbine shootings as an event that

³Russell Skiba, *Zero tolerance: The assumptions and the facts. Education policy briefs*. Center for Evaluation and Education Policy: Indiana University. Volume 2, Number 1, (Summer 2004), <http://search.ebscohost.com.proxy.iwu.edu/login.aspx?direct=true&db=eric&AN=ED488918&site=eds-live&scope=site>.

stimulated a wide variety of reactions, which led to schools increasing their usage of visible security measures, such as metal detectors and security cameras.⁵ Each study mentioned the negative effects zero-tolerance policies have had on students and school environments, concluding that broadening of anti-violence codes and increased security measures did not create conducive learning environments for all students as intended. Among these major works, there are discrepancies regarding the Columbine shootings' role in altering how zero-tolerance policies were used throughout the United States and that Columbine was in fact the event that created harsher zero-tolerance policies. This paper provides an extended history of zero-tolerance policies and proof that Columbine was a specific event that had a direct impact on the evolution of ZTP.

The United States government introduced zero-tolerance policies during the late 1980s during the war on drugs campaign. The U.S. Customs Agency implemented this type of policy to combat drug trafficking and drug lords.⁶ The term “zero-tolerance” received national recognition after San Diego Attorney Peter Nunez developed a program with the title of “Zero Tolerance” in 1986, which called for the impounding of seagoing vessels for drug offenses.⁷ The term zero-tolerance began to be applied to a variety of issues after Nunez introduced his program, such as environmental pollution and racial intolerance.⁸ By 1989, school districts in California, New York,

⁴Glenn W. Muschert and Anthony A. Peguero, “The columbine effect and school antiviolenace policy.” *Research in Social Problems & Public Policy*. 17 (2010): 120, <http://search.ebscohost.com.proxy.iwu.edu/login.aspx?direct=true&db=snh&AN=49477761&site=eds-live&scope=site>.

⁵ Lynn A. Addington, “Cops and cameras: Public school security as a policy response to columbine.” *American Behavioral Scientist* 52 (10) (06) (2009): 1426-46, <http://search.ebscohost.com.proxy.iwu.edu/login.aspx?direct=true&db=bsh&AN=38698351&site=eds-live&scope=site>.

⁶ Mickey Losinski et. al., “Weapons in schools and zero-tolerance policies.”

⁷ Russell Skiba, *Zero tolerance: The assumptions and the facts*.

⁸ Russell Skiba and Reece Peterson, *The dark side of zero tolerance: Can punishment lead to safe schools?* Phi Delta Kappa Inc, (2009), <http://search.ebscohost.com.proxy.iwu.edu/login.aspx?direct=true&db=edsjsr&AN=edsjsr.20439450&site=eds-live&scope=site>.

and Kentucky began implementing their own versions of zero-tolerance policies, specifically targeting drugs and weapons on school grounds. The same time that the U.S. Customs Service began to discontinue the use of zero-tolerance policies, in 1990, school districts across the United States began to implement their own zero-tolerance procedures. All policies generally included the use of drugs and weapons on school grounds, but the severity of punishments varied, and some schools included other offenses into zero-tolerance policies as well. The increase in use and creation of zero-tolerance policies was due to the fear of growing violence in schools. This fear was based on past events because according to FBI statistics, the juvenile crimes peaked in the mid-1970s, and youth arrests dropped from 26% in 1975 to 15% in 1990.⁹

By 1993 some school districts even expanded the rules to include school disruption, in order to try to eliminate violence in the schools because of disillusioned fears of increased student crimes.¹⁰ Congress originally passed a bill titled the “Gun-Free School Zones Act of 1990,” proposed by Senator Joseph Biden (D-DE), to prohibit the possession or discharge of a firearm in a public school zone. This bill stated that it would be unlawful of an individual to discharge or attempt to discharge a firearm in a public school zone, which referred to a distance of 1,000 feet from the property of a public school.¹¹ The Supreme Court declared this bill unconstitutional in *United States v. Lopez*.¹² The federal government once again stepped in when President Clinton

⁹ U.S. Department of Education, *Violence and Discipline Problems in U.S. Public Schools: 1996-97*. Report. (Washington D.C.: National Center for Education Statistics Office of Educational Research and Improvement, 1998), <http://nces.ed.gov/pub98/98030.pdf>.

¹⁰ Russell Skiba, *Zero tolerance: The assumptions and the facts*.

¹¹ Congress of the U.S., Washington, DC House Committee on, the Judiciary, *Gun-free school zones act of 1990*. Hearing on H.R. 3757 before the subcommittee on crime of the committee on the judiciary. House of Representatives, one hundred first congress, second session (1990), <http://search.ebscohost.com.proxy.iwu.edu/login.aspx?direct=true&db=eric&AN=ED333597&site=eds-live&scope=site>.

¹² William Celis, “Policies to Bar Guns in School Vary Widely.” *New York Times*, March 15, 1995. <http://www.nytimes.com/>.

signed the Gun-Free Schools Act of 1993, which took effect in 1994. This act required that schools implement the rule that a student be expelled from school for at least a year if he/she brings a gun, knife, or other weapon to school and then report the incident to the criminal or juvenile justice system, if the schools want to receive Federal funding under the Elementary and Secondary Education Act of 1965.¹³ The bill also called for an establishment of a grant for schools to use in order to buy security equipment and provide training to security personnel.

Another measure taken in 1989, by President George H. Bush, and again in 1994 by Clinton, was to create Goals 2000: Educate America Act. The Educate America Act set eight goals for the education system to achieve by 2000 in order to improve student achievement and realign education objectives. Goal Six, titled, “Safe, Disciplined, and Alcohol- and Drug-Free Schools,”¹⁴ specifically stated that, “by the year 2000, every school in the United States will be free of drugs, violence, and the unauthorized presence of firearms and alcohol and will offer a disciplined environment conducive to learning.”¹⁵ In order to support Goal Six, the Safe Schools Act of 1994 stated that the Secretary of Education will supply grants for schools in order to carry out projects designed to achieve Goal Six.¹⁶ These programs would help implement policies against the use and distribution of drugs, alcohol, weapons, create drug and alcohol prevention programs, and instill drug and alcohol curriculum into health education.

In response to the new Federal education law, school districts rushed to create zero-tolerance rules for weapons by October 1995, in order to keep Federal funding, which accounted

¹³ *Gun-Free Schools Act of 1994*, 20 U.S.C. Chapter 70, Sec. 8921 Gun-free requirements.

¹⁴ U.S. Congress. House. Education and Labor, *Goals 2000: Educate America Act: Conference Report (to Accompany H.R. 1804)*. 103 Cong. H. Bill. Washington, D.C.: U.S. G.P.O., (1994), <https://www.congress.gov/bill/103rd-congress/house-bill/1804>.

¹⁵ *Ibid.*

¹⁶ U.S. Congress, *Goals 2000: Educate America Act*.

for about 7% of a school district's annual budget.¹⁷ These new zero-tolerance rules needed only to apply to the possession or use of a firearm, but school systems across the United States reacted in a variety of ways to the anti-violence movement in the education system. In 1994, a report stated that a school in Corpus Christi, Texas would have police dogs in order to sniff out guns, schools in San Diego removed lockers from new school buildings, and in Charlotte, North Carolina, students would not be allowed to carry book bags from class to class.¹⁸ Even though some schools had policies already set in place, such as those compiling to the 1990 bill, by October 1995, forty-seven states and the District of Columbia, had set up procedures aligned with the Gun-Free Schools Act of 1993.¹⁹ There were still a variety of policies ranging from "mere gun-free-zone warning signs outside schools in some districts to outright expulsion of offenders in others," because of unclear provisions and frustrations.²⁰

Small cities, suburbs, and rural areas started to adapt rules that urban schools already implemented, such as in New York City that started in 1983. New York altered its own codes because this new legislation prompted school districts, even the many with no serious offense histories, to take measures.²¹ By 1996-1997, most schools had some type of zero-tolerance policy, but there was no standardization because the individual states were given the responsibility of how a school was to implement these policies.²² The lack of conformity among school districts across the United States caused discrepancies on the treatment of students. Some schools included new

¹⁷ Celis, "Policies to Bar Guns in School Vary Widely."

¹⁸ William Celis, "Schools Getting Tough on Guns in the Classroom." *New York Times*, (August 31, 1994), <http://www.nytimes.com/>.

¹⁹ Maria Newman, "Some Progress is Seen on Federal Initiative for Gun-Free Schools." *New York Times*, (October 27, 1995), <http://www.nytimes.com/>.

²⁰ William, "Policies to Bar Guns in School Vary Widely."

²¹ Celis, "Schools Getting Tough on Guns in the Classroom."

²² Mickey Losinski et. al., "Weapons in schools and zero-tolerance policies."

additions under the zero-tolerance policies, such as drugs, which 87% of schools added, alcohol, added by 87% of schools, and fighting, added by 79% of schools.

Towards the end of the 1990s, zero-tolerance policies were widespread across the country. Up to this point in time, the school codes related to zero-tolerance mostly included the prohibition of weapons, drugs, gang-related activity, and fighting. The prescribed methods of the specific school punished the sources of disruption, with most of the punishments similar to suspension for at least one year or expulsion. The use and follow through of these punishments resulted in several court cases in which the courts typically sided with the school board on the decisions made, rather than with the affected students. Two specific state cases are *The People of the State of New York v. Tawana Dukes* (1992) and *Jane Doe v. Superintendent of Schools of Worcester* (1995).

In the case of *The People of the State of New York v. Tawana Dukes* (1992), Tawana Dukes, a student at Washington Irving High School in New York, was arrested and charged with criminal possession of a weapon in the fourth degree because police found a knife in her bag after scanning her and her belongings.²³ Washington Irving High School was one of several schools selected to undergo periodic scanning with the increased use of magnetometers and scanning devices occurring in public buildings during this time period. Students at the high school were told in advance the chances of undergoing scanning, but Tawana Dukes contested that her Fourth Amendment rights had been violated after her arrest. The court decided that the scanning followed the proper guidelines and was reasonable, therefore, siding against the student, Tawana Dukes, in favor of the school's policy because of the "compelling need for security in [our] schools."²⁴

²³ *The People of the State of New York v. Tawana Dukes*, 151 Misc.2d 295 (1992).

²⁴ *Ibid.*

Jane Doe v. Superintendent of Schools of Worcester (1995), Jane Doe, a student with a history of suicidal intentions, was expelled from school for at least one year for possession of a lipstick case that contained a one and one-quarter inch blade.²⁵ The judge made the decision based on the Worcester school district's "Policy on Possession of Use of Weapons," which stated that "...any student who is found on school premises or at school-sponsored or school-related events, including athletic games, in possession of a dangerous weapon, including, but not limited to, a gun or a knife may be subject to expulsion from the school by the principal regardless of the size of the knife."²⁶ The handbook stated the new policy, and each individual student, including Jane Doe, received and signed the handbook. In addition, the school placed warning signs around the school as an extra precaution. The principal decided to expel the student, because he believed that the student was a threat to the safety of the students and staff at the school, based on her personal history and the knife brought to school. The student argued that the school acted outside of its authority, violated her fundamental rights to education because the high school did not provide alternative schooling to students unless they have special needs, and that requirements for a "dangerous weapon" were vague, and therefore void. In the end, the court upheld Jane Doe's expulsion, proving that the student's claims were themselves a lesser priority.²⁷

Even though there were other school shootings during the 1990s before Columbine, such as at Frontier Middle School in Washington, Pearl High School in Mississippi, Heath High School in Kentucky, Westside Middle School in Arkansas, and Thurston High School in Oregon, the Columbine shooting was the specific instance that caused an increase in the use of zero-tolerance policies and school safety measures. At Heath High School in 1997, a fourteen-year-old boy,

²⁵ *Jane Doe v. Superintendent of Schools of Worcester & others*, 421 Mass. 117 (1995).

²⁶ *Ibid.*

²⁷ *Ibid.*

Michael Carneal, opened fire on a prayer group killing three. The random shooting showed no personal vendetta against any specific individuals, but has been premeditated according to comments from other students. One student commented how he had noticed Carneal loitering by the prayer group for about a week and other peers stated Carneal mentioned that ““something big’s going to happen.””²⁸

In 1998 at Westside Middle School, a thirteen-year-old boy and his eleven-year-old cousin shot at the students and faculty because the thirteen-year-old boy, identified as Andrew Golden, has supposedly vowed to kill the female peers who had broken up with him in the past. The boys pulled the fire alarm to force everyone in the building outside. When students and faculty were evacuating the building, the boys, who were hiding hid in a wooded area next to the school and fired from there, killing five people.²⁹ Golden displayed signs previous to the attack as having violent tendencies. According to his peers, Golden had bragged about being involved in gangs and had shown a knife he had brought to school the day before the attack. These instances had few victims and was seen as a local incident, whereas Columbine had the most fatalities in school shooting history up until this point and became a national tragedy.

After the Columbine shooting in 1999, school security increased significantly and zero-tolerance policies broadened, resulting in a limitation on students’ rights in the school system. Coined as the “Columbine Effect,” the phrase first appeared as the title of Dec. 6, 1999 article in *Time* magazine.³⁰ The “Columbine Effect” refers to, “the way public fear of school rampage shootings has changed how we think about school violence and has affected the types of policies

²⁸ Stephen Braun and Judy Pasternak, “Student Opens Fire on Prayer Group, Kills 3.” *Los Angeles Time*, (December 2, 1997), <http://www.latimes.com/>.

²⁹ Rick Bragg, “5 Are Killed at School; Boys, 11 and 13, Are Held.” *New York Times*, (March 25, 1998), <http://www.nytimes.com/>.

³⁰ Muschert and Peguero, “The columbine effect and school antiviolence policy.”

implemented in pursuit of school safety.”³¹ This was mainly due to the style and location of the shooting and the media attention the incident received. The shooting at Columbine high school was the largest massacre, leaving the most dead and wounded than any previous school shooting. Being classified as a rampage-type shooting, along with the shooting occurring in a predominantly white, suburban, middle-class area brought national attention to the massacre because this proved that incidents like this no longer just occurred in urban settings, but have the potential to occur anywhere.³²

The fear that this idea that this deadly of a shooting as Columbine can occur anywhere created was amplified by the amount of media attention that this specific school shooting received. Immediately after Columbine, 55% of parents stated that they were afraid for their child’s safety at school.³³ According to the Pew Research Center, the Columbine shooting was the third most closely followed stories of the late 1990s.³⁴ About more than two-thirds of Americans reported that they followed the Columbine High School shootings very closely, with a majority of the followers being under the age of thirty.³⁵ In the media coverage of the shootings, terror was a highlighted portrayal of the situation, causing the Columbine shooting to remain a powerful image of school violence.³⁶ The creation of the “Columbine Effect” resulted from the mass media hype, and acted as a catalyst and motivator to further implement and develop antiviolence policies in schools. The executive director of the Center for Prevention of School Violence in Raleigh, N.C.

³¹ Glenn W. Muschert et al., *Responding to school violence: Confronting the columbine effect*. (Boulder, Colorado : Lynne Rienner Publishers, 2014), 2, <http://search.ebscohost.com.proxy.iwu.edu/login.aspx?direct=true&db=cab00161a&AN=iwu.401329&site=eds-live&scope=site>.

³² Ibid.

³³ Addington, “Cops and cameras: Public school security as a policy response to columbine.”

³⁴ Pew Research Center for the People and the Press, “Columbine shooting biggest news draw of 1999,” (Pew Research Center for the People and the Press, 1999), <http://people-press.org/reports/display.php3?ReportID=48>.

³⁵ Ibid.

³⁶ Muschert and Peguero, “The columbine effect and school antiviolence policy.”

commented that “Columbine is the Pearl Harbor of school shootings,” and forced school administrations to focus on school security.³⁷

The Columbine shootings were a lesson to be learned by school administration in dealing with security and school safety. Administration at the time assumed that the probability of another event of similar magnitude as Columbine reoccurring was low, but it was a very severe case that left multiple individuals dead and those who witnessed the assault traumatized.³⁸ Due to the severity of the case and the fear it produced, schools across the nation experienced sweeping changes in the forms of implementation of risk and threat assessment procedures and an increase in various forms of punitive disciplinary policy and school security. Schools began to be run in a more regimented way than in previous years with an increase of metal detectors, new school crisis plans, increased surveillance, and the presence of community law enforcement in the schools across the United States. Harsher penalties for misbehavior, mandatory school exclusions such as suspension or expulsion for a variety of offenses, greater presence of security personnel, and greater use of surveillance technologies were implemented following the Columbine shootings.³⁹

By 1999 schools already started to include swearing, truancy, insubordination, disrespect, and dress-code violations under the zero-tolerance policy umbrella.⁴⁰ After Columbine, schools also expanded the definition zero-tolerance policies and classification of the following offenses: possession of anything that could be perceived as a weapon; possession and or use of drugs and or

³⁷ Jeff Kass, “Post-Littleton bid to revamp schools.” *The Christian Science Monitor*, (June 24, 1999), 1, file:///C:/Users/User/Documents/Honors%20History/Part%202/Post-Littleton%20bid%20to%20revamp%20schools%20-%20CSMonitor_com.htm.

³⁸ H.R., 107 Cong., *No Child Left Behind Act of 2001*. U.S. G.P.O. (2001) (enacted).

³⁹ Muschert et al., *Responding to school violence: Confronting the columbine effect*.

⁴⁰ Stephanie Martinez, *A system gone berserk: How are zero-tolerance policies really affecting schools? Preventing School Failure* 53 (3) (2009): 153-8, <http://search.ebscohost.com.proxy.iwu.edu/login.aspx?direct=true&db=eric&AN=EJ832467&site=eds-live&scope=site>; <http://heldref.metapress.com/openurl.asp?genre=article&id=doi:10.3200/PSFL.53.3.153-158>.

alcohol on the site; sexual harassing/suggestive comments and or situations; threats of violence; possession and or use of laser pointers (for fear that people are being targeted by weapons).⁴¹ Students would be punished for incidents such as students sharing over-the-counter medicine, bringing utensils and toy weapons (some made out of paper or plastic), making questionable gestures or comments that had been deemed violent or threatening with equal consequences as more severe zero-tolerance violations.⁴² The pervasiveness of zero-tolerance policies increased significantly since Columbine and included both violent and non-violent misbehaviors such as gambling, spitting, and obscene language.⁴³ As a result of Post-Columbine ZTP, there has been a large increase in the number of expelled or suspended students.⁴⁴

Joseph Gust studied the response from schools throughout the United States to Columbine. His study focused on twelve Blue Ribbon Award winning schools, which are schools deemed exceptional according to the Department of Education's standards, in different regions of the United States to answer the following questions: "with regards to safety, what patterns emerged in the policies, procedures, practices, and programs in twelve select Blue Award winning schools since the Columbine tragedy," and "what is the lasting legacy of the Columbine tragedy?"⁴⁵ In regards to question one, the data that Gust collected from phone interviews with the schools' principals, and the policies, practices, and programs of each school from 1999 to 2009, indicated that there were several additions made to the schools' Discipline Codes: bullying (58%), cyber

⁴¹ Walker, *Zero tolerance: Advantages and disadvantages*.

⁴² Muschert et al., *Responding to school violence: Confronting the columbine effect*.

⁴³ Muschert and Peguero, "The columbine effect and school antiviolence policy."

⁴⁴ Ibid.

⁴⁵ Joseph Gust, *Safety changes in blue ribbon schools since the attack on columbine high school*. (ProQuest LLC, 2009), <http://search.ebscohost.com.proxy.iwu.edu/login.aspx?direct=true&db=eric&AN=ED527031&site=eds-live&scope=site>; http://gateway.proquest.com.proxy.iwu.edu/openurl?url_ver=Z39.88-2004&rft_val_fmt=info:ofi/fmt:kev:mtx:dissertation&res_dat=xri:pqdiss&rft_dat=xri:pqdiss:3440475.

bullying (58%), harassment (25%), hate violence (8%), and hazing (16%).⁴⁶ Other changes that were made include: implementing a lock down procedure (67% increase); creating a safety or security committee (50% increase); and, adding zero-tolerance violations beyond those mandated by the law (25%). From these statistics, one can infer similar results in schools in different regions and settings in the United States depending on the characteristics of the school and different student factors.

Muschert and Peguero note that school characteristics such as, size, locale, region, demographics, and economic influence, and student factors, such as, race, ethnicity, gender, and socioeconomic status, influence the implementation, utilization, and enforcement of antiviolence policies.⁴⁷ For example, the larger the school is, the number of school antiviolence policies increases, and schools who have high proportions of racial and ethnic minority students have more zero-tolerance policies. The National Center for Education Statistics studied the 2003-2004 school year and outlined two approaches schools used to prevent and reduce violence. Within this study, the National Center for Education Statistics reported data by school characteristics to illustrate the different approaches taken. The data collected showed that high schools were more likely to put into place safety and security procedures such as performing random sweeps for contraband than elementary schools (28% compared to 5% respectively), or have security or police officers present on a regular basis (72% to 34% respectively).⁴⁸ Elementary schools are more likely than high

⁴⁶ Ibid.

⁴⁷ Muschert and Peguero, "The columbine effect and school antiviolence policy."

⁴⁸ Susan Jekielek et al., *Public school practices for violence prevention and reduction: 2003-04*. Issue brief. NCES 2007-010. (National Center for Education Statistics, 2007), <http://search.ebscohost.com.proxy.iwu.edu/login.aspx?direct=true&db=eric&AN=ED498357&site=eds-live&scope=site>.

schools to promote training for parents to deal with students' problem behaviors (55% to 38% respectively).⁴⁹

Gust discovered different themes in his interviewees' responses on Columbine's legacy. The major themes that emerged were to "focus on safety and security" (50%), "take all threats seriously" (25%), "keeping students safe" (50%), "it can happen anywhere" (50%), and "bully awareness" (42%).⁵⁰ These themes reflect that lessons that school administration learned from the Columbine tragedy and influence the type of policies that the schools implement and the harsh enforcement of specific zero-tolerance rules.

In order to support ZTP and to create a safe and proactive learning environment schools also increased security measures. By 2001, 95% of students ages twelve to eighteen reported that their school had a code of student conduct regarding safety measures.⁵¹ Metal detectors, video recording, internet tracking, biometrics, transparent lockers and book bags, and security and drug dogs are some of the examples of the security measures taken as a result of school antiviolence policy changes in order to increase social control.⁵² Schools had a variety of security measures prior to Columbine, limited mostly to troubled schools in urban districts, but post-Columbine different security devices expanded to suburban and rural school districts.⁵³

One year after Columbine, 70% of parents across the United States reported that their child's school had taken steps to prevent violence, and 37% of parents noted that their child's school had upgraded security. The categories of security that schools focused on were: limiting

⁴⁹ Ibid.

⁵⁰ Gust, *Safety changes in blue ribbon schools since the attack on columbine high school*.

⁵¹ U.S. Department of Education. *School crime and safety, 2007*. (Washington, DC: National Center for Education Statistics, 2007)

⁵² Muschert and Peguero, "The columbine effect and school antiviolence policy."

⁵³ Addington, "Cops and cameras: Public school security as a policy response to columbine."

access to school buildings, which could be done with IDs or visitor sign-ins; limiting weapons on campus, some examples are random sweeps for contraband, removal of student lockers, or metal detectors; increasing school surveillance of students, which could be done with the use of security cameras or private security guards; and reacting to a crisis or violent incident, which can be done by allowing telephones in classrooms.⁵⁴ New technologies also started to be tested such as the installation of Web-cams and using radio frequency identification. Between 1999 and 2008, schools reports an increase in controlling access to school buildings (from 75% to 90%), the use of IDs for students (from 4%-8%) and faculty (from 25% to 58%), and the use of security cameras (from 19% to 55%).⁵⁵ An alternative method to increase visible security measures was to implement Crime Prevention through Environmental Design, which entailed changing the structure of schools so that obstructions were eliminated. Ways to use this method could be to install more windows, creating a more visible area or creating a more open floor plan.⁵⁶ Of course this plan was more costly and difficult to implement in schools already constructed. Still, just after Columbine, in June 1999, Metro School District of Wayne Township in Indianapolis considered these types of alternations to existing school buildings.⁵⁷

As a result of the expansion and increased use of zero-tolerance policies and security measures in schools, there has been an increase of students being expelled or suspended, leading to court cases where students would attempt to fight for their individual rights. In the 2005-2006 school year alone, 48% of schools took at least one serious disciplinary action against a student.⁵⁸ Columbine and the reactions to Columbine gave administrators support on limiting the rights of

⁵⁴ Ibid.

⁵⁵ Mickey Losinski et. al., "Weapons in schools and zero-tolerance policies."

⁵⁶ Muschert et al., *Responding to school violence: Confronting the columbine effect*.

⁵⁷ Kass, "Post-Littleton bid to revamp schools."

⁵⁸ U.S. Department of Education, *School crime and safety, 2007*.

students' First Amendment rights in order to prevent violence by the use of zero-tolerance policies.⁵⁹ Specifically between 2002 and 2003, there was an increase in court cases between the schools and students.⁶⁰ The majority of these cases resulted with the courts siding with the schools.

Prior to Columbine, there were already court cases dealing with the invasiveness of zero-tolerance policies, but post-Columbine cases included schools and administration expelling or suspending students based on vague accusations because of the freedom school administration had to determine what was considered violent or threatening. Between 1995 and 2014, there have been 428 reports on students being suspended or expelled from school for the possession of a weapon.⁶¹ Twenty-nine of those reports concluded that there had been the apparent misuse of zero-tolerance policy by school districts. An example of a school board's reconsideration on zero-tolerance policy dealt with Marie Marrow, an honors student and member of the Douglas County Young Marines. Marrow faced expulsion for bringing fake rifles in her car to practice for a competition after school.⁶² After a hearing conducted by an independent hearing officer, which included several community members vouching for Marrow's character, the school superintendent decided to shorten Marrow's expulsion because it was reevaluated and determined to not be a severe case.

Before Columbine, court cases generally involved students being caught with some type of weapon, such as a gun or knife. Post-Columbine cases included cases similar to pre-Columbine, involving weapons or drugs, but also instances that could were broadly inferred as potentially

⁵⁹ Robert D. Richards, "Columbine fallout: The long-term effects on free expression take hold in public schools." *Boston University Law Review* 83 (5) (12) (2003): 1089, <http://search.ebscohost.com.proxy.iwu.edu/login.aspx?direct=true&db=edb&AN=11976680&site=eds-live&scope=site>.

⁶⁰ *Ibid.*

⁶¹ Mickey Losinski et. al., "Weapons in schools and zero-tolerance policies."

⁶² Valerie Richardson, "Fake-rifle student returning to school." *The Washington Post*. (February 14, 2009), <https://www.washingtonpost.com/>.

threatening. Some examples of extreme application of zero-tolerance policies include an elementary student being suspended for pointing a chicken nugget at another individual and saying “Bang. Bang.” and another elementary student pointed his finger like a gun at a classmate, both occurring in 2002.⁶³ These two examples display the extent to what schools would consider a threat, and some schools would include that to be considered a replication of a weapon, which were not allowed. In 2000, a sixth-grader was suspended because her Tweety-Bird wallet had a chain on it, and the chain was considered a weapon according to the school’s zero-tolerance policies. Also in 2000 a six year-old girl was suspended for bringing a nail clipper that had a cuticle knife attachment to school. The chain and cuticle knife are examples of the broad definition some schools had on what could be considered a weapon.⁶⁴

Not only did individual school districts continue to implement zero-tolerance policies, but also anti-violence policies continued to be included at the national level. Specifically, the No Child Left Act of 2001, which required schools to have a safety plan and fund programs intended to prevent and reduce violence in schools.⁶⁵ The No Child Left Behind Act (NCLB) included the establishment of the “Safe and Drug-Free Schools and Communities Advisory Committee,” whose job is to “coordinate Federal school- and community-based substance abuse and violence prevention programs,” “develop core data sets and evaluation protocols” for such programs, provide assistance and training for such programs, etc.⁶⁶ This public law also included the Gun-Free Schools Act, passed in 1994. The impact of Columbine caused for the continuation of not

⁶³ Mickey Losinski et. al., “Weapons in schools and zero-tolerance policies.”

⁶⁴ Ibid

⁶⁵ Jekielek et al., *Public school practices for violence prevention and reduction: 2003-04*.

⁶⁶ H.R., 107 Cong., *No Child Left Behind Act of 2001*.

only zero-tolerance policies within the school system, but also the continuation of the national government focusing on school safety.

The No Child Left Behind Act has had negative impacts on school climate. This legislation created a regimented environment where teachers became more focused on test scores than on the students' well-being.⁶⁷ With the implementation of NCLB, there was stress to use interventions that are based on research evidence, so Skiba explored the support for zero-tolerance policies. Similar to results of the No Child Left Behind Act, zero-tolerance policies based on specific assumptions and the procedures in fact had negative effects on specific students as well as the entire school environment. Some of the major assumptions that were dispelled include: “zero-tolerance increases the consistency of school discipline and thereby sends an important message to students;” the approach of ZTP leads to improved school climate; zero tolerance improves school safety and student behavior; and, “zero tolerance is more equitable for minorities, since it treats everyone the same.”⁶⁸ Even though there is no substantial evidence that zero-tolerance policies are effective for creating safer school environments and improving the education of students, there are many consequences such as increased drop-out rates, delinquency, repeat offending, adverse effects on student achievement, and less overall safety.⁶⁹

Zero-tolerance policies lack consistency among schools in the same state and beyond. The only consistent factor is the Gun-Free Schools Act of 1994 federal policy. Schools have extended zero-tolerance policies to encompass a variety of infractions. Indiana records categorized 95% of incidents that lead to out-of-school suspension as “Disruptive Behavior” and “Other” for the

⁶⁷ Margaret McKenna and David Haselkorn. “NLCB and the lessons of columbine.” USA Today Magazine 133 (2005): 20-2, <http://search.ebscohost.com.proxy.iwu.edu/login.aspx?direct=true&db=ofs&AN=504035868&site=eds-live&scope=site>.

⁶⁸ Russell Skiba, *Zero tolerance: The assumptions and the facts*, 2-4.

⁶⁹ Mickey Losinski et. al., “Weapons in schools and zero-tolerance policies.”

reasoning, compared to the use of alcohol (0%), drugs (2%), tobacco (2%), and weapons (1%). These two categories also make up a majority (70%) of the reasons students are expelled.⁷⁰ Urban areas also have a trend of implementing zero-tolerance policies more than other areas, and account for a disproportionate share of zero-tolerance violations. This trend emerged from Tennessee school records and showed that in 2000-2001 about half (46%) of zero tolerance offenses were committed by five urban districts compared to all of the other districts in the state (54%).⁷¹ Due to the lack of consistency of implementation, the policies are therefore less effective in improving school climate, which is one of the code's major functions. Students do not need to change their behavior, but simply transfer to a new school that has a lower suspension rate in order to avoid punishment.⁷² School administrators have abused their power and have punished minor incidents that were not meant to be covered under zero-tolerance policy as a zero-tolerance offense. Students who have not demonstrated previous behavioral problems, and generally considered "good kids" have been punished and labeled threatening to the school staff or students for incidents including, a student using a plastic knife to cut chicken at lunch and students possessing Midol.⁷³

The assumption that school safety and student behavior has improved due to the use of zero-tolerance policies has no concrete evidence. The only evidence that could potentially support the effectiveness of these policies is the increase in the numbers of students who have been

⁷⁰ M.K. Rausch, Russell Skiba, and Bloomington Indiana Univ, *Unplanned outcomes: Suspensions and expulsions in Indiana*. Education policy briefs. Indiana University: Center for Evaluation and Education Policy. V. 2, no. 2 (Summer 2004), <http://search.ebscohost.com.proxy.iwu.edu/login.aspx?direct=true&db=eric&AN=ED488917&site=eds-live&scope=site>.

⁷¹ Kim Potts et al., *Zero tolerance in Tennessee schools: An update*. (2003), <http://search.ebscohost.com.proxy.iwu.edu/login.aspx?direct=true&db=eric&AN=ED481971&site=eds-live&scope=site>.

⁷² Russell Skiba, *Zero tolerance: The assumptions and the facts*.

⁷³ Martinez, "A system gone berserk: How are zero-tolerance policies really affecting schools?"

suspended from school.⁷⁴ In Tennessee alone there was a 10.85% increase in zero-tolerance offenses over a three-year period.⁷⁵ These large amounts of suspensions have no benefits for the students or the schools though. Those suspended or expelled have also been denied the opportunity to receive an education and those who return to school often displaying the same behavior as before, which causes the same students to be suspended multiple times.⁷⁶ The increased use of suspensions negatively affects student achievement and motivation for learning. School records from across Indiana confirm that schools that have high usage of zero-tolerance policies have fewer students who pass the Indiana State Test of Educational Progress.⁷⁷ Students who possess little motivation, have been reprimanded several times and continue to have little academic progress, are students who are more likely to drop out of school and potentially end up in juvenile delinquency facilities.⁷⁸ Due to the increase of in-school offenses handled by local authorities, rather than school officials, there is an increase of youths in the juvenile justice system.⁷⁹ These new offenders entering the system funnel into the “school-to-prison pipeline.” This phrase describes the complex of large amounts of students, specifically minorities, going from the classroom straight into the adult prison system. Students who enter into this complex struggle to re-enter the traditional school system and experience high-dropout rates.

After analyzing school and juvenile justice records in Texas, the discovery of several key findings explained who was suspended and expelled from public schools and how those removals

⁷⁴ Ibid.

⁷⁵ Potts et al., *Zero tolerance in Tennessee schools: An update*.

⁷⁶ Martinez, “A system gone berserk: How are zero-tolerance policies really affecting schools?”

⁷⁷ Rausch, Skiba, and Bloomington Indiana Uni., *Unplanned outcomes: Suspensions and expulsions in Indiana*.

⁷⁸ Martinez, “A system gone berserk: How are zero-tolerance policies really affecting schools?”

⁷⁹ IV, E. Aull, “Zero tolerance, frivolous juvenile court referrals, and the school-to-prison pipeline: Using arbitration as a screening-out method to help plug the pipeline.” *Ohio State Journal on Dispute Resolution* 27 (1) (03) (2012): 179-206, <http://search.ebscohost.com.proxy.iwu.edu/login.aspx?direct=true&db=a9h&AN=72954653&site=eds-live&scope=site>.

impact students' academic performance and juvenile justice system involvement.⁸⁰ One of the major findings was that about six in ten students studied had either been suspended or expelled at least once between seventh and twelfth grade. Also, 15% of the one million students studied were assigned to an alternate education program at least once between seventh and twelfth grade, and about 8% had been placed at least once in a juvenile justice alternative education program. Of the students who were suspended or expelled, about 31% had to repeat a grade at least once compared to the 5% of students who have to repeat a grade but were never suspended or expelled; and, ten percent of students suspended or expelled dropped out of school. Another prominent trend that the data indicated was when a student was either suspended or expelled, the student's probability of becoming involved in the juvenile justice system increased drastically. Students punished along zero-tolerance guidelines were nearly three times as likely to come in contact with the juvenile justice system the next year. In fact, more than one in seven students studied were in contact with the juvenile justice system at least once.⁸¹

The idea that zero-tolerance policies improve school environments is hard to believe due to the fact that these disciplinary codes lead to higher drop-out rates and lower achievement among the student body.⁸² The use of zero-tolerance policies and accompanying security measures can create a prison-like feeling in the school.⁸³ School security can potentially infringe on student civil liberties through intrusive searches and disregard student privacy rights. The Fourth Amendment

⁸⁰ Counsel of State Governments Justice Center and the Public Policy Research Institute, *Breaking schools' rules: A statewide study on how school discipline relates to students' success and juvenile justice involvement*. (July 19, 2011), <http://search.ebscohost.com.proxy.iwu.edu/login.aspx?direct=true&db=edsoai&AN=edsoai.824789391&site=eds-live&scope=site>; <http://www.issueab.org/permalink/resource/12615>; http://www.issueab.org/application/images/cover_graphics/300x385/12615.png.

⁸¹ Ibid.

⁸² Russell Skiba, *Zero tolerance: The assumptions and the facts*.

⁸³ Addington, "Cops and cameras: Public school security as a policy response to columbine."

requires a reason for suspicion before a search can be conducted, but zero-tolerance policies permit suspicionless searches. The U.S. Supreme Court extended schools' ability to conduct suspicionless searches at school by allowing urinalysis drug testing of students involved in any type of extracurricular activity. This was a decision made by the U.S. Supreme Court after the Columbine shootings. Even though students do not have absolute privacy at school, the increased security measures continues to take away what little privacy the students do have and creates resentment among the study body. When cases appear in court with a student going against the school in regards to zero-tolerance policies, the courts are "highly deferential when it comes to the authority of schools to discipline students."⁸⁴

Even though events like Columbine are rare, they are extremely high-profile cases, so many judges are very willing to factor in events such as Columbine into their judgements. After Columbine, more cases involved different forms of student expression, such as, offensive-but-non-violent speech, derogatory language, and controversial symbols that were seen violent and threatening by school administration. This could have occurred because authorities used Columbine as an excuse to eliminate all types of disagreeable student expression. In 2002, constitutional law scholar Erwin Chemerinsky commented that "courts have very much overacted in deferring to schools in situations where there's really no justification for restricting speech... First Amendment rights of students have been tremendously compromised."⁸⁵

Students' rights being compromised can be seen in *Doe ex re. Doe v. Pulaski County Special School District*. A student (J.M.) faced expulsion for drafting a letter to a female peer (an ex-girlfriend) at home during summer break how he wanted to rape, sodomize, and murder her.

⁸⁴ Aull, "Zero tolerance, frivolous juvenile court referrals, and the school-to-prison pipeline: Using arbitration as a screening-out method to help plug the pipeline," 189.

⁸⁵ Richards, "Columbine fallout: The long-term effects on free expression take hold in public schools," 3.

J.M. never personally gave or intended to give his female peer the note, but his friend took the letter from J.M.'s home without J.M.'s knowledge and delivered it to the female peer. The school officials then heard of the letter and expelled J.M. even though the letter was drafted outside of school because the school saw him as a threat due to the contents of the letter. The Court of Appeals for the Eight Circuit decided in 2002 that the school did not violate J.M.'s First Amendment free speech rights and that the letter did constitute as a threat. Columbine played a major role in the court's final decision. Judge David R. Hansen stated that a reasonable school official would take the same action in the "wake of Columbine..."⁸⁶ The American Civil Liberties Union attorney who represented J.M., Morgan Welch, observed that the case was "haunted by the specter of Columbine."⁸⁷

There is evidence that a disproportionate amount of zero-tolerance code offenders are students of color and special education, even though the rules were meant to treat all students equally. Another predictor of school exclusion is when students are low-achieving and have poor academic skills.⁸⁸ Students with disabilities have a high chance of being punished under zero-tolerance policies because of the inflexibility for zero-tolerance policies, which does not allow students' behavior to be considered on an individual basis. In 2006-2007, 552,161 students with disabilities were suspended from school for ten days or less, and 75,864 were suspended for more than ten days.⁸⁹ Students with emotional and behavioral disorders are the highest subgroup of students with disabilities to be punished under zero-tolerances policies, and account for one fifth of students with disabilities suspended for ten days or less, and 25% of students with disabilities

⁸⁶ Richards, "Columbine fallout: The long-term effects on free expression take hold in public schools," 2.

⁸⁷ Ibid.

⁸⁸ Skiba and Peterson, *The dark side of zero tolerance: Can punishment lead to safe schools?*

⁸⁹ Mickey Losinski et. al., "Weapons in schools and zero-tolerance policies."

suspended for more than ten days. In Tennessee between 1999 and 2002 there was an average of 16%-17% of the total student population being special education, but special education students committed between 23% and 25% of total zero tolerance offenses reported.⁹⁰ The study conducted in Texas involving the school systems and the juvenile justice systems suspended or expelled about three-quarters of special education population at least once, and also showed a trend of students having emotional behavior disorder as being especially likely to be punished under zero-tolerance guidelines.⁹¹

Minority students also make up a large percentage of those students receiving suspensions, especially African Americans males.⁹² African Americans generally make up about 22.63% of students suspended, followed by Hispanic students (13.72%), American Indian/Alaskan (15.21%), Caucasian (10.32%), and Asian/ Pacific Islander (6.09%).⁹³ African Americans are often overrepresented in the use of harsh punishments such as expulsion, and underrepresented in the use of milder punishments.⁹⁴ Previous studies have also shown that students of color are given harsher punishments than white students for the same actions.⁹⁵ In Indiana specifically, the rate of out-of-school suspensions for African Americans was four times higher than for Caucasian students, and Hispanics had a two times the amount than Caucasians in 2002-2003.⁹⁶ The state of Tennessee reported similar results as Indiana in that African Americans had high numbers of zero-tolerance policy infractions. In 2002-2002, the student population consisted of 25% African

⁹⁰ Potts et al., *Zero tolerance in Tennessee schools: An update*.

⁹¹ Counsel of State Governments Justice Center and the Public Policy Research Institute, *Breaking schools' rules: A statewide study on how school discipline relates to students' success and juvenile justice involvement*.

⁹² Mickey Losinski et. al., "Weapons in schools and zero-tolerance policies."

⁹³ Ibid.

⁹⁴ Skiba and Peterson, *The dark side of zero tolerance: Can punishment lead to safe schools?*

⁹⁵ Aull, "Zero tolerance, frivolous juvenile court referrals, and the school-to-prison pipeline: Using arbitration as a screening-out method to help plug the pipeline."

⁹⁶ Rausch, Skiba, and Bloomington Indiana Uni., *Unplanned outcomes: Suspensions and expulsions in Indiana*.

American students and 72% Caucasian students, but African Americans committed 37% of zero-tolerance violations compared to the 60% committed by Caucasian students.⁹⁷ Texas school records show similar results to previous trends in that African American males make up the majority of violations occurring. More than three quarters (83%) of all African American male students have committed one offense compared to Hispanic (74%) and Caucasian (59%) males.⁹⁸ The study done in Texas also found parallel results with the female student population.

The majority of evidence that is used to support the use of zero-tolerance policies come from testimonials from schools and school administrators who advocate for the continued use of ZTP.⁹⁹ A survey taken across the state of Indiana asked 326 principals on their position on the use and effectiveness of zero-tolerance policies. The principals were evenly divided on the subject and the idea that zero-tolerance policies send a clear warning message to all other students.¹⁰⁰ The Education Law Center also surveyed key national education stakeholder groups on their positions on zero-tolerance discipline in 2002.¹⁰¹ National groups representing school governance, school administration, parents, teachers, student service personnel, and law enforcement were all surveyed by telephone interviews and each groups' websites were checked for an official written policy on zero-tolerance. Results from this study include several findings. One of the findings was that four organizations supported zero-tolerance, but there was also a consensus that there are major problems with the writing and the implementation of the rules, and should only be used for

⁹⁷ Potts et al., *Zero tolerance in Tennessee schools: An update*.

⁹⁸ Counsel of State Governments Justice Center and the Public Policy Research Institute, *Breaking schools' rules: A statewide study on how school discipline relates to students' success and juvenile justice involvement*.

⁹⁹ Muschert and Peguero, "The columbine effect and school antiviolence policy."

¹⁰⁰ Rausch, Skiba, and Bloomington Indiana Uni., *Unplanned outcomes: Suspensions and expulsions in Indiana*.

¹⁰¹ Ellen M. Boylan, Jennifer Weiser, and Law Center Education, *Survey of key education stakeholders on zero tolerance student discipline policies*. (Education Law Center, 2002), <http://search.ebscohost.com.proxy.iwu.edu/login.aspx?direct=true&db=eric&AN=ED504920&site=eds-live&scope=site>.

serious offenses. Another notable finding was that teachers were the biggest supporters of zero tolerance because it is believed that ZTP send a strong message to students and outlines what behaviors will not be tolerated in school. Teacher organizations, such as the American Federation of Teachers (AFT) do recognize that it is problematic that zero-tolerance policies have an overbroad definition and these policies are only a fraction of a broader school discipline policy. This finding indicates that this result could potentially derive from the teachers' lack of training and professional knowledge on how to manage their classrooms and teach students with a wide range of behavioral needs without relying on exclusion of troubling students.

Schools and education organizations began to notice the lack of liable evidence for this disciplinary method and took action against zero-tolerance. In 2001 the American Bar Association posted its statement on zero-tolerance policies. This statement outlined the principles on school discipline with which ABA agree with as: "schools should be safe places for students to learn and develop; in cases involving alleged student misbehavior school officials should exercise sound discretion that is consistent with principles of due process and considers the individual student and the particular circumstances of misconduct; and, alternatives to expulsion or referral for prosecution should be developed that will improve student behavior and climate without making should dangerous."¹⁰² The statement also ended by ABA affirming that the organization opposes zero-tolerance policies that require expulsion or referral of students to local authorities and that do not allow for events to be judged individually.

The State of Michigan Department of Education also created a new resolution to address zero tolerance policies. The resolution urges schools throughout the state to adopt discipline codes

¹⁰² American Bar Association. *School Discipline "Zero Tolerance" Policies*. (February 2001), file:///C:/Users/User/Documents/Honors%20History/Part%203/School%20Discipline%20Zero%20Tolerance%20Policies%20%20Center%20on%20Children%20and%20the%20Law.htm

that do not require suspensions or expulsions for issues not involving the use of weapons.¹⁰³ The official statement by the State Board of Education recognized that Michigan, as well as other states, has adopted additional legislation that mandates suspension for offenses that are not related to weapons and that this goes beyond the original intended law. The Michigan Department of Education continues on by pointing out how zero-tolerance policies cause an increase of later criminal misconduct and isolates students from learning due to subjective enforcement. Knox County in Tennessee previously made a similar change to their zero-tolerance policy in 2003.¹⁰⁴ Knox County decreased the amount of offenses deemed zero-tolerance and punishments would be determined on an individual basis.

Zero-tolerance policies that started as a way decrease drug use and violence in schools in 1989 has evolved into school codes that are detrimental to students' constitutional rights and privacy that are used today. The introduction of Zero-tolerance policies developed because of the War on Drugs, and later officially implemented into federal law by the Gun-Free Schools Act of 1993. Prior to 1999, the use of zero-tolerance policies primarily focused on the possession and use of weapons, drugs, and alcohol on school grounds. After the Columbine shootings took place, school administration had an increase in pressure to further implement school safety measures and policies across the United States. The fear that caused this pressure was due to the significantly high media attention Columbine received and the image of terror that was associated with it from the beginning. School shootings and school violence was no longer an isolated event, but a threat that could occur anywhere. This fear that Columbine produced cause school administration to attempt to eliminate as much school disruption as possible to try to eliminate the chances of an

¹⁰³ Michigan State Board of Education. *Resolution to Address School Discipline Issues Impacting Student Outcomes*. (June, 12, 2012).

¹⁰⁴Potts et al., *Zero tolerance in Tennessee schools: An update*.

incident the magnitude of Columbine. More infractions were included under zero-tolerance policies and school officials took advantage of their own discretionary power in deciding who and what was a threat. After Columbine, schools experienced an increase in suspensions and expulsions, the use of security equipment and personnel, and a decrease in student rights.

As a result of post-Columbine school codes, school environments have become hostile and prison-like. Students facing punishments are subjected to increased possibilities of dropping-out or being pushed into the school-to-prison pipeline. The policy created to promote equality among student discipline caused minorities and special education students to have increased chances of experiencing zero-tolerance punishment. Columbine was meant to be used as a lesson in how to effectively protect students, but turned into a catalyst for suppression of student rights under zero-tolerance policies.

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