

THE APPLICATION, CONSEQUENCES, AND ALTERNATIVES TO
ZERO TOLERANCE POLICIES IN FLORIDA SCHOOLS

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ABSTRACT

ZERO TOLERANCE POLICIES IN FLORIDA SCHOOL DISTRICTS

By

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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.

THE FORMATION AND BACKGROUND OF ZERO TOLERANCE POLICIES

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, www.ztnightmares.com, 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 policy 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 6th 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 (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)

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). 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 State Legislature, Florida Safe and Healthy Schools Act, 1006.13, 2005). The policies in Florida, however, 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.

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). For example, 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).

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. 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.

In addition, 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.

Zero Tolerance and 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. (U.S. Department of Ed., Office of Special Education and Rehabilitative Services, 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).

Alternatives and Changes in Zero Tolerance Policies

One alternative to expelling students out onto the streets through the use of zero tolerance policies involves accepting the belief that not all kids are suited for the same, traditional learning environment. The Florida Youth Challenge (FYC) program accepts children from Florida's regular education settings and attempts to keep more children in learning environments and fewer children in the juvenile justice systems or simply off the streets. FYC 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 residential academies have become viable alternatives to simply expelling children from regular education settings, teaching 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 (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.

Changes in zero tolerance policies can be found in states like Texas. Texas recently reformed the way in which zero tolerance policies would be enforced, yet still abiding by the federal guidelines that mandate someone who brings a gun to school be expelled for no less than 365 school days (Crowley, 2007). 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.

METHODOLOGY OF THE STUDY

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)

While the Advancement Project study only looked at the six largest school districts in Florida, the study at hand examined the zero tolerance policies of all 67 Florida school districts' Student Codes of Conduct in an attempt 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.

RESEARCH FINDINGS

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.

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). 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.

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 (Table 4-1):

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. 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

CONCLUSIONS AND IMPLICATIONS

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.

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.

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. Through the literature review, data collection, and findings of 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.

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 or not 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 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 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 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).

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. However, in order to truly decrease the “Schoolhouse-to-Jailhouse” trend in Florida and throughout the nation, school boards should work at eliminating expulsion from every Student Code of Conduct. Expulsions 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).

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

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.

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

SUMMARY

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.

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