

CHAPTER 1

The Problems of Zero Tolerance and the Problem for Democracy

A Critical Analysis

Introduction

Zero tolerance is a complex and dangerous phenomenon eating away at the democratic possibilities of public schools, the rights of students, and the autonomy of teachers. This is more than a political charge. It is a theoretical position that has been intensively researched by a number of authors concerned with zero tolerance policies. Various studies demonstrate how zero tolerance, as both an ideology and policy, reinforces the culture of fear in schools, uses schools to criminalize youth, creates antidemocratic forms of authority and atomizes discipline. Many studies have shown how zero tolerance permits schools to circumvent students' Fourth and Fourteenth Amendment rights, in addition to propelling primarily students of color into a despairing process that removes them from public purview by bouncing them between dangerous social situations in their communities and institutions of the criminal justice system. Yet, other studies have documented the many ways zero tolerance undermines teacher autonomy by providing an easy, quick, and irresponsible mechanism to deal with the disruptions embedded in unequal social and educational conditions. Thus, it is important to explain how zero tolerance works and to

review the research that substantiates how counterproductive the policy is for public education.

In this chapter, I review key studies of zero tolerance. I do so by considering the themes that emerge from these analyses and are pertinent to understanding its legal aspects, its impacts on educational opportunity, and its function in the changing social-cultural contexts of public schools. In part 2 of the chapter, I review a representative critical analysis of zero tolerance (Giroux, 2001a). Giroux's study considers the elements missing in other literature on zero tolerance (e.g., the political and economic), but his analysis omits the centrality of the perceived threat of violence in public schools as the motivating element in mobilizing support for zero tolerance, something that is addressed by other studies of zero tolerance. By interpreting the combined observations of all the studies reviewed here, the following approach to zero tolerance will help construct a more comprehensive picture of the phenomenon. From this more complete picture, politicized definitions of zero tolerance and violence can be devised and show the underlying tendencies of zero tolerance and violence, its foundational threat to youth, and the threat to democratic public life.¹

I also introduce an important background consideration that should be factored into responses to zero tolerance, namely the role schools must play in structuring and maintaining democratic social spheres capable of curtailing both school violence and the inordinate exclusion of students for behaviors that are primarily disruptive or might be the symptoms of antidemocratic social relationships and unequal material conditions in schools and their wider communities.

Zero Tolerance and the Law

Much can be learned about zero tolerance by looking at its direct and indirect legal implications: (a) Zero tolerance has been found to abridge certain student rights. Zero tolerance encourages other practices such as random searches that also threaten the integrity of constitutional rights. (b) The law, policy and practice of zero tolerance achieve greater power in relation to other policies (e.g., funding schemes; accountability). (c) Studies that demonstrate the legal aspects and implications of zero tolerance also point to diminished educational opportunity in general.² Before turning toward the key themes of zero tolerance

and law, it is necessary to understand the policy formation process of zero tolerance.

Policy Formulation

In part, the legislative process through which zero tolerance passed explains why zero tolerance continues to be practiced inconsistently, if not punitively. Zero tolerance, as explained in the introduction, was legislated under the Gun-Free Schools Act 1994. The federal law explicitly codified the stipulations that states (and local education agencies) had to follow in drafting their policies.³ While the federal government respects states' rights in allowing them to draft zero tolerance policies according to their perceived needs, states roundly expanded, if not disrespected, the letter of the federal law. This is what Jennifer Sughrue (2003) calls the first deviation (pp. 241–42) of GFSA 1994 from law to practice. Some states tailor their definitions in ways that merely replicate the federal law, whereas others extend the state law to include drugs, harassment, or in some cases, even forms of speech they deem threatening or disruptive. The first deviation can be seen in the juxtaposition of Pennsylvania's and Michigan's zero tolerance policies. In Pennsylvania, the zero tolerance policy states:

A school district . . . shall expel, for a period of not less than one year, a student who brought onto or is in possession of any weapon on any school property, at a school or a school-sponsored activity or onto any public conveyance providing transportation to a school or school-sponsored activity. (Safe Schools and Possession of Weapons, BEC 24 P.S. §13–1317.2, 2002)

While Pennsylvania's zero tolerance policy adheres closely to GFSA 1994, Michigan takes greater liberty with its definition. Michigan legislates zero tolerance for "assaults committed against other students at school (even if no weapon was involved) [and] verbal assaults committed against school employees or volunteers" (Institute for Public Policy and Social Research, 2002, p. 2). But it also implements zero tolerance policies in instances when:

A teacher in a public school has good reason to believe that a pupil's conduct in a class, subject, or activity constitutes conduct

for which the pupil may be suspended from a class, subject, or activity according to the local policy . . . [T]he teacher may [then] cause the pupil to be suspended from the class, subject, or activity for up to 1 full school day. (Michigan Compiled Laws 380.1309 2006)⁴

Sughrue's extensive research of school district and local school zero tolerance policies found that local education agencies repeatedly drafted distorted versions of GFSA 1994, resulting in the continued expansion and confusion over the intent and practice of the law at the classroom level. Christopher Dunbar and Francisco Villarruel (2002) demonstrate the ways by which school administrators and teachers further distort the law, which is not entirely their fault or an unpredictable outcome of the law, as it reached local school systems in versions quite different from the federal formulation of it.

After studying administrator and teacher responses to zero tolerance in urban schools in Michigan, Dunbar and Villarruel (2002) found gaps and distortions in the comprehension and interpretation of the law. In this study, the authors found large gaps in administrator comprehension, that is, what they remembered of the law, its intent, and conditions for its application. Furthermore, Dunbar and Villarruel agree that not only is Michigan's law on zero tolerance far reaching, but also that teachers and administrators broadly interpret the policy, and practice it inconsistently. Teachers have indiscriminately applied the law, such as in cases where "teachers made snap suspensions even if students [only] 'rolled their eyes' allegedly at [them]" (p. 96) and in situations where administrators overrode the teacher's decision either because the teacher's choice was rash or because out of school suspension wouldn't provide appropriate punishment to the student (p. 99).

Nonuniformity, however, should not be confused with the notion that GFSA 1994 is exercised in specific and deliberate ways that are mindful of both the policy and democratic sensibilities. But administrators and teachers generally hold differing views on what the original law states and how to interpret and practice GFSA 1994 according to their schools' policies. That teachers and administrators misinterpret the law itself might be a function of the degree to which they distort the perceived need for it, particularly around issues of weapons and drugs. In other words, teachers and administrators approach school relationships as a result of local community pressures attendant to changing

demographics. This latent feature of the law and the practice of zero tolerance comes with potentially dangerous consequences for students' constitutional rights.

Abridging Student Rights

While many urban public schools employed police officers before the legislation of zero tolerance, suburban schools have gradually employed police, school resource officers, and plainclothed agents since zero tolerance policies were implemented, especially in light of the Columbine tragedy. In recent years, both suburban and urban public schools have introduced security technologies such as cameras and closed-circuit television systems, free standing and hand held metal detectors and, in some instances, biometric scanning devices. Much of this enters schools relatively uncontested—uncontested because their intended purpose is to promote safety (Goldberg, 2003; Kennedy, 2004; Sansbury, 2003).⁵ But, as demonstrated by zero tolerance, the wider policy that frames the support for these incursions on public school environments, intended purpose and use are not the same as actual use and its actual consequences. Randall Beger (2002) provides three related caveats about the rise of security technologies in schools in the punishing climate of zero tolerance. On the one hand, security corporations provide special packages for schools to do trial runs of new devices. This has the effect of making students into “guinea pigs” in “learning prisons,” (p. 120). On the other hand, it comes as no small surprise that when these technologies are coupled with school resource officers, undercover cops and the framing of zero tolerance, students' Fourth amendment rights—to privacy and protection against unreasonable search and seizure—are reduced markedly, if not completely obliterated, for some students. Further, public schools have support for these “hidden” consequences of zero tolerance as state and federal courts define “police search conduct [in schools] as ‘minor’ or ‘incidental’ to justify application of the reasonable suspicion standard” (p. 126). Probable cause is a remote consideration, and the burden of proving the unreasonableness of the suspicion falls entirely upon the student. As another scholar notes, the success of students and families in proving the unreasonableness of a search is next to nil because state and federal courts defer to a public school's choice of actions to maintain safety and limit disruptions in the school environment. However, the abridgment of Fourth Amendment rights teaches

a more sweeping lesson, possibly showing that the abridging of certain student rights is based on the distortion of school needs for frequent searches and zero tolerance.

Joe Blankenau and Mark Leeper (2003) studied administrators' rationales for school searches in terms of what they call "morality policy." Morality policies such as zero tolerance and its related random school searches are simply used to "teach a lesson," regardless of the stated intent, the perceived need for them, and the policy's efficacy in reducing school violence. Their study found that administrators use searches not because they have been successful or they perceive a high degree of drug or weapon prevalence in their schools. On the contrary, administrators were found to employ random searches and sweeps because of pressure from local interest groups such as school boards and influential parents (p. 580. See also Bartlett, Frederick, Gulbrandsen, & Murillo, 2002). This tendency is problematic in other ways. One way random searches and threats to students' Fourth Amendment rights is questionable is that they are performed without a concern for efficacy; this lack of interest in whether or not a particular policy's practices and consequences match its intent is a primary feature of morality policies (p. 567). As Blankenau and Leeper suggest, another primary, possibly more powerful way this encroachment on Fourth Amendment rights is damaging, is that students have little autonomy to resist and question these searches due to their age and relatively low position in a school's hierarchy. This has the implicit effect of teaching students that not only are their rights tenuous and limited at best, but also that a purportedly democratic government and its institutions can "search without cause, individualized suspicion, or apparent purpose" and "waive privacy protections for many purposes (e.g., a war on drugs or a war on terror)" (p. 582) as well as, potentially, a war on youth since they are ultimately the targets and victims of school exclusions that result from the altercations these intrusive practices sometimes provoke.⁶

Threatening Students' Rights

Other constitutional rights of students have been threatened by zero tolerance and related school (discipline) practices.⁷ Another student right abbreviated by zero tolerance is due process as codified in the Fourteenth Amendment.⁸ The abbreviation of due process for students

occurs on two primary levels. As David Rubin (2004) effectively demonstrates in his exhaustive case study review, due process for students is rendered procedural at the level of the law itself. *Goss v. Lopez* (1975), the case from which education was deemed a property right and thus subject to due process, suggests how due process might be provided but it did not devise or implement a mechanism to guarantee that the right was operative in any substantive capacity. *Goss* only suggested that local schools provide a more formal hearing process for exclusions greater than ten days. For lesser exclusions, schools are only culpable for providing minimal due process.

Because due process is given only a procedural valence, the use of cross-interrogation and the viability of appeals are limited. For example, Rubin, in affiliation with the Student Advocacy Center in Ann Arbor, Michigan, represented a case in which a student was permanently expelled for an after-school altercation in which s/he allegedly threatened a bystander. When student witnesses were later questioned, it was found that the particular threat for which he was expelled was convoluted in hearsay. If the school allowed for cross-interrogation, the student could have been given a much lesser punishment. In another situation, a parent found out one year after a child's expulsion that it could have been appealed. The only problem in this instance was that the local statute on appeals was only operative for five days, something the district neglected to tell the parent. Consequently, as Rubin brilliantly notes

Due to the imbalance of knowledge between parents and school districts, failing to inform a parent of their right to appeal at the time of expulsion . . . often has the same practical effect as denying the parent that right altogether." (p. 10)

What's more, Rubin finds, similar to Beger (2002), that state and Federal courts consistently side with the school's decision, whether or not they agree with the severity of the punishment because, as they argue, " 'public confidence in the disciplinary authority of schools is bolstered when schools carefully adhere to their own written disciplinary policies if suspending students' " (Rubin, p. 23). Further, while all states must respect due process in protecting educational opportunity, some states (e.g., Michigan) fail to require local schools to find alternative placements for excluded students (Rubin, 2004; Zweifler & DeBeers, 2002).

But, in the case of zero tolerance exclusions, due process can be and is circumvented in other ways. This occurs through the increasing practice of *school-based arrest* (Browne, 2005; Mukharjee & Karpatkin, 2007), something not entirely unrelated to the increased presence of police in schools and the threats they pose to students' Fourth Amendment rights. If a student can be charged criminally for a perceived zero tolerance infraction such as resisting a search, due process is rendered beside the point. Judith Browne (2003, 2005) found that punishments such as *school-based arrest* are given regularly for behaviors that are not patently violent or criminal, and which were formerly handled within schools or between schools and parents. Additionally, Browne found that students with special needs are subjected to criminal charges for behaviors that are accommodated in their education plans or should be understood in terms of their specific disabilities (an infringement of educational rights legislated by Individuals with Disabilities Education Improvement Act 1990), because criminal charges allow schools to circumvent the right to the least restrictive environment for students with disabilities.⁹

Zero Tolerance, Other Laws and Policies, and Contexts

Like any other law and policy, zero tolerance cannot be understood outside of the variables of the contexts in which it is practiced. These include, but are not necessarily limited to: the demographics of a community; the resources allocated to a particular community; and the wide-ranging public and educational policies that structure and legitimate the relationships between demographics and resources. In this way, central questions must be asked not only of the perceived need for zero tolerance as a law, but also what factors contribute to the perceived need for zero tolerance as a practice. What are the most frequent behaviors punished by exclusion through zero tolerance? What students manifest these behaviors? Are the students who are most frequently subjected to zero tolerance exclusions already marginalized by class inequality, racial injustices, or both? Is this an intraschool or interschool (district) dynamic? If it's the former, what school structures influence certain student behaviors more so than others? If it's the latter, what interschool and community factors promote certain behaviors of students in one community, as opposed to another?

Michael Eskenazi, Gillian Eddins, and John M. Beam (2003) studied the relationships between demographics, resource allocation, and exclusion in New York City public schools. They found that mainly poor African American and Latino students are subjected to exclusion in New York State. This is partly the consequence of their high concentration in New York City public schools, as opposed to suburban districts. Their exclusions, however, are not only due to their concentrated populations in urban schools. African American and Latino concentration in urban schools is also propounded by unequal resource allocation between suburban and urban schools in New York. Suburban districts have lower student-competent teacher ratios, while urban schools have a dearth of competent teachers and indisputably larger student populations and class sizes. What's more, sound infrastructure and softer variables like quality libraries, functioning computer systems, and current and adequate curricular materials are wanting in New York City public schools and near givens in suburban districts, due to New York's school funding formula. These factors (e.g., the lack of engaging educational contexts) produce conditions in which disruptive behaviors not only occur more frequently, but also in which under-qualified school professionals have more difficulty in resolving the behaviors.¹⁰ For New York City students, the paucity of resources, both in terms of competent professionals and learning materials, is compounded by a school security force of over 4600 agents and a city-wide policy (Safe Schools Against Violence in Education Act 2000) that permits teachers and school officers to exclude students for up to four days without administrative oversight (Eskenazi, Eddins & Beam, p. 8)—which eliminates the prospects for due process—and it does nothing to resolve the conditions that are promoting disruptive student behaviors in the first place, if they are, in fact, even disruptive.

This is a legal concern, however broad it may be, if not for any other reason, than because the law of zero tolerance is made more sensible and logical by other laws, policies, the relationship between resource allocation and demographics, and the combined consequences of these factors that are manifested in the systemic denial of educational opportunity. Zero tolerance helps rationalize unequal school funding and its conditions of possibility—it not only reduces educational opportunity through promoting more exclusions; zero tolerance shifts the concerns from structural issues to those of behaviors allegedly endemic

to poor, urban African American and Latino youth, legitimating the general loss of educational opportunity that results from iniquitous funding schemes. Thus, zero tolerance remains federal law and local practice because it exists amidst a complex of social, political, and economic forces, and it helps justify the social and economic structure of those forces as schools and communities vie for resources.

Zero Tolerance and Educational Opportunity

Zero tolerance's impacts on educational opportunity can be approached in various ways. An insightful way of understanding the loss of educational opportunity through zero tolerance is to define both the behavior and the expulsion as moments in a process, rather than isolated events (Morrison, Anthony, Storino, Cheng, Furlong, & Morrison, 2002). The idea of expulsion-as-process clarifies the consistently disproportionate patterns of exclusion experienced by students with disabilities and students of color. As zero tolerance creates an objective link between schools and the juvenile and criminal justice system, the idea of expulsion as process also underscores the ways in which educational opportunity is further jeopardized and diminished long after the exclusion itself.

Loss of Educational Opportunity Does not Begin or End with Zero Tolerance

Rarely are mishaps in other areas of society perceived merely as accidents; extensive efforts are made to identify the conditions of the accident, the factors that might have contributed to it, and what could be done to ensure that those factors and precipitating conditions are mitigated to prevent future accidents.¹¹ When it comes to schools, however, a different approach is generally used (see Henry, 2000). Disruptive behaviors and the rare incidents of violence in schools are often considered discrete, aberrant events. This is not only an inadequate way of understanding school disruptions, but it is also a counterproductive method that professionals use as a basis for correcting inappropriate behavior while providing and protecting educational opportunity.

Morrison, Anthony, Storino, Cheng, Furlong, & Morrison (2002) suggest that educators and policy makers think of disruptive behavior and subsequent exclusion as a process. This comes with at least two important consequences for understanding the relationship between loss of educa-

tional opportunity and zero tolerance. The first is disruptive behaviors generally follow an identifiable pattern, or trajectory (p. 53). This is especially true for students with disabilities, diagnosed or undetected, or with other identifiable risk factors such as poverty, family upheaval, or other community strains to which particular students are subjected. A particular learning disability, if not accommodated environmentally, pedagogically, or with curricular modifications, might provoke student frustration and thus disruptive behavior. Or, for students of color and class minorities, White, middle-class teachers have been found to perceive—and punish—their communication styles as disruptive or threatening (Akorn, 2001; Noguera, 2001; Skiba, 2000). In both instances, educational opportunity is diminished by teacher failures to accommodate a student's learning need or cultural capital; frustration and alienation are sound bases for disruptive behaviors.¹² Simply, *disruptive behaviors in many instances are the symptoms of a process of denial of educational opportunity.*

The second insight of seeing behavior-exclusion as a process is that exclusion—temporary or permanent—continues the process of denial of educational opportunity. While some states do not require schools to find alternative placements for excluded students other states require the provision of alternative education settings but don't enforce it (Rubin, 2004; Zweifler & DeBeers, 2002), or alternative education settings are unsupervised or undersupervised, of poor quality, or simply nonexistent, depending on the type of institution in which the student is placed (Bell, 2001; Eskenazi, Eddins, & Beam, 2003; Blumenson & Nilson, 2002). Thus, *the loss of educational opportunity for some students continues long after the exclusion "event" ends.*¹⁶

Who Loses Educational Opportunity through Zero Tolerance?

Generally, all students lose educational opportunity through zero tolerance. This is because the absence of tolerance frames both purportedly disruptive behavior and resulting exclusion as isolated events. Zero tolerance explicitly conveys that there is no other way of understanding and addressing the contingencies of classroom and school life. This is another way of saying that zero tolerance limits or eliminates school capacities to become more human(e) by sharing in learning processes that could resolve at least some of the conditions and relations that provoke inappropriate behaviors. But, of course, this general observation ignores who suffers most from zero tolerance.

Since zero tolerance was legislated, students with disabilities and students with identifiable risk factors have been consistently and disproportionately excluded from educational opportunity, and primarily for nonviolent and previously noncriminal(ized) behaviors. These exclusions also follow age and race lines, and they are correlated with later school dropout rates. For example, during the school year 1999–2000, 71% of students in a study on expulsion in Michigan had either identified special needs or identifiable risk factors (Zweifler & DeBeers, 2002, p. 206). At the same time in Michigan, 83% of an estimated 3600 expulsions were for zero tolerance infractions unspecified in GFSA 1994, that is, these infractions involved no firearms or dangerous weapons. African American students were 66% of these expulsions (2.4 times their representative population), while White students were 28.5% of expulsions (a rate less than their representative population) (Michigan Public Policy Initiative, 2003, pp. 6, 7–8).¹⁴

Since GFSA 1994 was legislated, the general increases in suspension/expulsion are telling. The data are suggestive on both city and state levels. Chicago public schools had ten expulsions during the 1993–1994 school year, but 571 during the 1997–1998 school year (Gordon, Della Piana, & Keleher, 2000, p. 12). In Wisconsin, four hundred students were expelled statewide in the 1991–1992 school year, but 1299 were expelled during 1997–1998 (Zweifler & DeBeers, p. 203). Nationally, upwards of 3 million students have been suspended annually in recent years (Fuentes, 2003), and nearly another 1 million expelled. These numbers are purposefully scattershot, to demonstrate that zero tolerance has devastating consequences wherever it is used.

One major consequence of denying educational opportunity is the relationship between school exclusion and later school dropout rates. Most exclusions occur between the sixth and ninth grades and, again, predominantly for students of color (Skiba, 2000; Zweifler & DeBeers, 2002). African American and Latino youth drop out of school at a rate of two to three times that of Whites (Cross, 2001, pp. 6–7). Dropout and push-outs occur most often in tenth grade, following the most prevalent years (sixth to ninth grades) of school exclusion. While other factors such as high-stakes testing and overall climate of the school and community contribute to this trend (Madaus and Clarke, 2001), increased suspension and expulsion as a result of zero tolerance are also central factors. However, zero tolerance bears another conse-

quence, not entirely unrelated to school dropout, creating another process in the denial of educational opportunity.

Detaining Educational Opportunity

Zero tolerance created a direct link between public schools and the juvenile and criminal justice system. In fact, according to the Harvard Civil Rights Project (HCRP), “41 states require schools to report students to law enforcement agencies for various conduct committed in school” (2000, p. 13). Arguably, in some instances, such as knowingly possessing a firearm or large knife and intending to use it, police involvement might be an appropriate measure to take. Regardless, this school juvenile and criminal justice system link comes with consequences for educational opportunity. For example, as of 2000, Maryland state zero tolerance policy allowed for districts to “refer students to law enforcement agencies for the first incident of possession of a paging device; the second offense requires referral to law enforcement” (HCRP p. 13).¹⁵ Students have been taken into custody for wearing “inappropriate” clothes (see Rimer, 2004). Skiba and Knesting (2002) present the case where two second graders were charged criminally with making “terroristic threats” because they pointed paper folded like a gun at students and said, “I am going to kill you all” (p. 22). HCRP (2000) provides the incident where an African American male seventh grader won a bet, and his classmate accused the boy of “threatening him for payment.” The school skipped due process altogether, and the local law enforcement charged the boy with “felony extortion and [he was] expelled” (p. 4).¹⁶ This list could be continued ad infinitum.

The general point here is that public schools can and do subject students of all races and classes to these bizarre and devastating punishments. The specific point, however, is that students of color are subjected far more frequently than White students to these “unintended consequences” of GFSA 1994. Importantly, if students of color and White students were all provided these heinous punishments, their consequences are not nearly the same. Brown et al. (2003) found in their study of the intersection of race and crime that youth of color (despite class location or family stability) are more than twice as likely than White youth to be referred to a juvenile (or, in some cases, adult) detention center, whereas White youth are returned to parental custody—

and this is for similar “crimes.” Further, this trend also has racial and gender dynamics, where girls of color are directed to crowded public facilities with older detainees and White girls generally receive placements in private institutions (Dohrn, 2001, pp. 104–105). In both instances, youth of color are propelled into crowded systems with older detainees and presented with despairing safety threats (e.g., isolation, harassment, physical abuse, and even rape) (Abramsky, 2001; see also Olson, 2003). If students are directed to a juvenile facility, their education is not closely monitored (Bell, 2001). When students are directed to an adult facility as a result of a zero tolerance infraction, they don’t receive any education, as the facility is not equipped for their needs, if it has any educational services at all (Blumenson & Nilsen, 2002). What’s more, placement in detention centers for noncriminal offenses generally positions youth with individuals who have committed more serious and sometimes violent crimes and, as noted above, subjects them to a potential wrath of psychological and physical trauma. Educational opportunity is truly suspended in these ways, as rates of recidivism increase with each stint in a facility (See Olson, 2003), and as youth have increasing difficulty in readjusting to school and community demands after these experiences in juvenile and adult detention centers. Most of this educational opportunity is suspended as a result of proverbial youth behaviors that were formerly handled by school staff and parents.

The loss of educational opportunity through the increased suspensions/expulsions that have occurred since GFSA 1994 does not stop at the time of exclusion. It is a cumulative process that obviously impacts the students directly subjected to it. Less obviously, schools and society in general lose out, if they are not fundamentally changed, as public schoolings’ central objective of providing at least minimal academic or vocational and civic competencies is transformed into an explicit partnership with the criminal justice system.

Zero Tolerance and the Social and Cultural Contexts of and in Public Schools

Zero tolerance operates inside and outside of public schools. This means that zero tolerance plays a role not only in the social relations and cultural practices *in* schools but also in the social relations and cultural

practices of the larger society in which schools exist—the contexts of schools. A number of studies have addressed this aspect of zero tolerance. The questions they ask about zero tolerance can be posed roughly as follows: How do the images and discourses constructed about youth and schools in the broader society inform punitive policies like zero tolerance, and how does this impact schools and ultimately youth? What is the relationship between zero tolerance in schools and wider social relations and cultural practices concerning youth? The studies argue that a relationship exists between media representations of youth and violence and their concomitant political discourses. This relationship is one of the primary factors involved in the production of draconian policies that criminalize youth, zero tolerance being just one of them. These studies also demonstrate clearly that zero tolerance is imposed on preexisting modes of school organization that already impede constructive teacher-student relationships. Importantly, these studies also consider the potential reality of violence in schools.

Criminal Images of Youth Help Create Policies that Criminalize Youth

In 1997, former Princeton political scientist John DiIulio announced again the formerly unspeakable but, evidently, not unthinkable. He stated in the *Wall Street Journal* that urban youth were “super-predators” who were “more savage than salvageable young criminals” (DiIulio, 1997, A.23; see also DiIulio, 1995). Of course, savage pronouncements like this carried and still carry a large cache for mostly suburbanized whites of all classes, especially after seeing nearly a decade of gangsta videos, *Cops*, and nightly news reports on the war on drugs, all of which portrayed urban African Americans as the primary perpetrators of violence and the drug trade. Shortly after DiIulio’s offensive and misleading pronouncement, Senator McCollum (R-FL) proposed the Super-predator Incapacitation Act of 1997 that was renamed the Juvenile Crime Control Act of 1997, calling for the automatic transfer of youth to adult courts for certain crimes (see Ayers, 1997/1998). This position became routinized in developing policy to respond to youth and crime. In fact, by 2001, 48 states had drafted social policies that allow youth—sometimes as young as 12—to be tried as adults in adult courts of law. While these policies came after GFSA 1994, they certainly reinforced in the public mind the popularity of zero tolerance in schools.

This example is demonstrative of a theme prevalent in the work of Dohrn (2001), Ladson-Billings (2001), and Schiraldi & Ziedenberg (2001): the relationship between the media, beliefs about youth, and social policy.¹⁷

The media has been instrumental in changing the discourse on youth, as Dohrn (2001) notes, from “innocence to guilt, from possibility to punishment, from protection to fear” (p. 92). Central to this transformation of the definition of youth is the repeated warnings presented in the news media and popular culture about the threats that youth pose to society. These threats are seen in the mass reporting on the extremely rare “hyperviolent” acts “presented out of context” such as the Columbine and West Paduchah tragedies (Schiraldi & Ziedenberg, 2001, p. 114) and in popular movies like *187* and television dramas such as *Boston High*. In these reports and representations, it is innocent and impotent but well-intentioned adults in “inefficient” public bureaucracies that are held under a persistent state of siege by rudderless “thugs.”

Two interrelated features underpin this construction of youth as a threat over the last fifteen years. One, the threat itself is racially coded. The crimes allegedly committed by Black youth are presented as the consequences of biological pathologies or cultural deficits, whereas those allegedly perpetrated by White youth are typically framed as responses to middle-class alienation or the consequences of proverbial teen angst gone mad. For example, the reports on Kliebold and Harris, the Columbine shooters, framed them as a good kids and students who were subjected to bullying and harassment, whose frustrations resulted in a horrific tragedy. Meanwhile, urban and generally Black and Latino youth have been described repeatedly as super-predators and other animal-like beings (Dohrn, 2001, p. 91). Ladson-Billings argues that this dual conception of youth allows zero tolerance to be used irrespective of the broader social and economic conditions of most Black and White youth (p. 82). A subtle racialized definition of youth is operative, in which African American youth are perceived to be inured, hardened to their life situations, and thus supposedly grow up more quickly and should be held completely responsible for their actions, while White youth are constructed as innocent, in need of protection from the dangers that lurk out there.

Two, racialized representation of youth violence is made all the more powerful by a widening gap between data on the actuality of

violence and the social policies devised to counter it (Schiraldi & Ziedenberg, 2001, p. 115). As Dohrn (2001) notes, the criminalization of youth “makes full use of racial, ethnic, and gender stereotyping” (p. 90), the result being the creation of conditions in which fear instead of facts guides social policy. For example, 66% “of Americans think juvenile crime is on the increase, while there has been a 68% decline in violent juvenile crime since 1993” (Schiraldi & Ziedenberg, 2001, p. 118). Schiraldi and Ziedenberg also note that while students had a “one in three million chance of being killed in school” during the 1997–1998 school year, “71 percent of respondents to a *Wall Street Journal* poll believed that such a killing was likely in their school” (p. 118). Of course, with the media repeatedly framing African-American youth as criminal and violent, most people believe that Black youth are the perpetrators of violent school crime, when under like circumstances rates of reported violence for Black youth are not significantly higher than those of White youth (Eitle & Eitle, 2003). Thus, morality policies such as zero tolerance are devised a priori more on suspicion than substance, more on racist beliefs than racial realities.

What happens when these social constructions of youth and ill-conceived policy responses to violence meet the traditional grammar of public schooling and the changing youth cultures that participate in schools? In other words, what can be learned about the efficacy of zero tolerance when the social and cultural context *in* schools is considered?

Zero Tolerance and School Contexts

Pedro Noguera (1995) and Ronnie Casella (2001) provide similar analyses of the long-embedded modes and codes of public school organization.¹⁸ Both authors claim that zero tolerance must be seen in relation to the trajectory or inertia of public school administration, the role of teachers, and the cultures that youth now produce and inhabit.¹⁹ Analyzing zero tolerance from this perspective provides insights as to why zero tolerance has been so readily embraced by school professionals, and how zero tolerance allays adults’ fears about school violence, while reproducing the very school relations that influence or promote school violence when it does occur.

Noguera (1995) and Casella (2001) turn to the rise of public schooling in the late 1800s, in order to demonstrate the guiding rationale

for public schools, its concomitant organizational vision, and the remnants of that vision that still persist today in schools. While public schools were always believed to provide at least a modicum of the skills central to citizenship, public schools rose to prominence in the late 1800s as a way to reduce tensions between rivaling ethnic groups and to fill a suspected void left by poverty and the fragments of their home cultures. Casella positions this objective within the child-saving missions of the nascent helping professions (pp. 45–48), while Noguera suggests explicitly that child-saving in the late 1800s and early 1900s was about social control, the need to baptize immigrants in American values, and to produce future workers (p. 194). Consequently, both authors are correct in noting that school organization and administrative and teacher duties were concerned with efficiency and routinization of the school day. Efficiency and routinization can be produced and enforced best by fragmenting school time, space, and labor for both students and school personnel. Work periods were split into distinct units, a process over which neither teachers nor students had or have control, and school space was divided in a cellular fashion—separate offices for executive and vice principals, separate lounges for faculty and custodial staff, separate classrooms for groups of students, and separate work areas for students. Obviously, these were models lifted directly from industrial organizational forms, and they were to serve the same purpose in schools: to reinforce a hierarchy of governance, so that the power to and over discipline would be as far removed from those who were to benefit from it—students and future workers. It goes without saying: This organizational form still predominates in public schools.

Though Noguera (1995) and Casella (2001) give different names to an immediate consequence of this form of governance, the conclusions are relatively similar. Noguera is concerned with how students are *alienated* from processes of learning and governance in schools, especially in light of the traditional organization of schools. For Noguera, this alienation is produced on two levels: (1) the cellular organization of schools, as it splits professionals from professionals, students from students, and professionals from students; and (2) the traditional role of teachers, coupled with class and racial backgrounds that differ from students, as these factors create desolate stretches of social distance between teachers and their students. These two primary levels of alienation leave students feeling (sometimes correctly enough) that they are

misunderstood, disrespected and often feared and unwanted in all of their cultural and racial complexity (pp. 203–204). For Casella (2001), the alienation produced by traditional school organization as it butts up against changing youth cultures and social demands can be renamed as “emotional distance.” As teachers are “pull[ed] away from the emotional life of students,” emotional and behavioral problems are directed to “guards, police, and the courts” (p. 121). Despite the different names these authors give to the fragmentation of school life, the consequences are the same: Teachers are removed further from the most pressing and meaningful aspects of students’ lives, laying the grounds for the cycle of fear, mistrust, and alienation. Of great importance, both authors justly note that zero tolerance rationalizes this destructive cycle by leaving fear untouched as both the structure and substance of student–teacher relationships, not to mention by also ignoring the material conditions such as poverty that magnify teacher–student and student–student tensions (Casella, pp. 72–73). Only intensified by zero tolerance practices, this condition is totally counterproductive to both safety and educational goals, as Noguera (1995) notes: “[W]hen fear is at the center of student–teacher interactions, teaching becomes almost impossible, and concerns about safety and control take precedence over concerns about teaching” (p. 204).²⁰

When zero tolerance is observed in the trajectory or inertia of traditional public school organization and disciplinary objectives, it is a quite rational, though obviously not necessarily effective, approach to school violence. Beyond providing a quick and fragile solution to school disruptions, whether violent or nonviolent, zero tolerance reinforces the hierarchy of power endemic to the predominant model of school governance. And it does so by disregarding the varied racial and ethnic cultures that students bring to schools and by dealing with school violence as if it were a problem unrelated to the violence that pervades the rest of society (Casella, 2001, p. 2; Noguera, 1995, p. 189).

Violence in Society

Casella (2001) calls attention to the following features of American history and culture, which are important for understanding how school violence is only one point on a continuum of social violence. U.S. culture is steeped in the alleged glories of military might, and citizens

learn repeatedly how the United States has become great due to the violent interventions of the U.S. military in founding the country, in creating its wealth by using paramilitary groups to protect the slave system, in expanding the nation's boundaries through the mass removal and killing of Native Americans, and in using its military prowess around the world throughout the twentieth century and into the 21st century. This long history of violence, Casella suggestively notes, also includes the incursion of JROTC programs in middle schools and high schools during the 1990s, where students were trained in the virtues of military culture while also learning a certain form of discipline, and the power of a sizable gun culture, where influential gun lobbies headed by the National Rifle Association saturate the media and policy initiatives with the belief that individuals, not guns or their manufacturers, are the root of violence (pp. 2–3, 141–168). School violence can and should be approached in its specificity, but it certainly cannot be bracketed entirely from these albeit contradictory celebrations of violence in the broader society. This is potentially one reason why zero tolerance was so readily embraced by politicians, school administrators, teachers, and parents who had not yet dealt with its implications vis-à-vis their children's experience with it: Zero tolerance is an easy response to what Dohrn (2001) calls the "hackneyed mantra to 'do something' " (p. 94), since it subjects a relatively powerless group to punishment, while carefully avoiding the difficult challenge of questioning and transforming U.S. cultural priorities that support violence in many facets of society outside of schools.

Clearly, the authors of studies on media representation of youth and crime, public discourse, and policy, and the authors of representative studies of zero tolerance and the social context in and of schools, provide momentous insights on the social mooring and consequences of zero tolerance. But most of the studies of zero tolerance are beset by the failure to address the underlying causes of how and why the United States came to a point where having zero tolerance for youth was even thinkable. Nor do they provide a critical analysis of the conditions in the broader society that make violence so prevalent in the United States at this point in time. In part, this is due to the lack of a discourse on inclusive democracy and a programmatic concern with how the cultural politics of our contemporary economy, neoliberal global capitalism, provides the frames through which zero tolerance is