A Culture of Care:
Moving on From
Zero Tolerance Policies in Schools

Library Research Assignment, EDU 300

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Zero tolerance policies (herein *ZTPs*) specify harsh, predetermined punishments for violations of certain school rules regardless of details, situational context or other mitigating circumstances (Welch & Payne, 2018). The punishment is typically the removal of the student from school, either through suspension or expulsion. Such punishments are meted out for breaking rules that are considered "serious" enough such as bullying, violence or the possession of drugs or weapons among others. Administrators believe that the certainty and severity of the punishments (e.g. 5 day suspension for possession of a knife) will deter students from problem behaviours. But do these policies *work*? Research going back decades suggests that they not only don't work, but that ZTPs actively *exacerbate* problem behaviours and make schools less safe. This paper will summarize the research on the effectiveness and outcomes of ZTPs, as well as suggest alternatives rooted in rehabilitative methods, not punitive ones. Though most educational institutions in Canada have recognized the failure of these policies and eliminated their use, many still enact them in one form or another to the detriment of students, teachers and the greater community (Monpetit, 2016).

The origin of zero tolerance can be traced to 1980s criminal justice reform in the US, where the government dealt uncompromising punishment for even slight violations of the drug laws ("A Brief History of the Drug War", 2021). Based on this, similar policies in education were developed. Notably, the US enacted the Federal Gun-Free Schools Act in 1994, seeking to increase school safety by mandating a 1-year expulsion and referral to law enforcement for possession of a firearm at school (Welch & Payne, 2018). Following suit, provinces in Canada enacted ZTPs in various forms in the 90s, starting with the first Canadian ZTP in Ontario in 1993 (Macdonald, 2021).

The overarching motivation for enacting policies of zero tolerance was to increase school safety by deterring bad-actors from breaking rules and removing them so that the school does not have to deal with their behaviour any longer. Interestingly, proponents of ZTPs argue they also

make schools more equitable (Perrodin, 2019). By mandating a consistent punishment for everyone, education boards could ensure that no student would be unfairly punished due to factors like their race, gender, etc. In theory, this is well-intentioned and admirable - after all, one of the three big issues in education is stopping the perpetuation of inequality in schools. Combined with motivation to increase school safety, and the assumption that severe consequences deter students from bad behaviour, ZTPs seem like a sensible and efficient solution to problem behaviour.

But do ZTPs really deter students from bad behaviour, increase school safety, or make schools more equitable? Based on all research to date, the overwhelming consensus is an emphatic *no* to all of these. Studies find that, at best, ZTPs have no deterrent effect on students and at worst exacerbate the behaviors eliciting punishment in the first place (Welch & Payne, 2018). Longitudinal studies show that students who were suspended once were far more likely to be suspended again, indicating that the initial punishment *increased* the likelihood of future misbehavior and/or suspensions, without evidence of any deterrent effect (e.g. Heilbrun et al., 2015). Relatedly, those impacted by ZTPs also have higher rates of future contact with law enforcement. This point is known as the *school-to-prison pipeline*, a trend where students are "criminalized" via harsh punitive policies and funnelled from schools to the prison system (American Civil Liberties Union, 2020). Students who are suspended/expelled have lower grade retention, graduation rates, professional opportunities (Welch & Payne, 2018), and more negative attitudes towards school (Skiba and Rausch, 2006). ZTPs also perpetuate the labelling of students, facilitating self-fulfilling prophecies of failure. With respect to equity, multiple analyses show that schools with higher proportions of racial minorities have significantly higher rates of ZTP implementation and subsequent suspensions/expulsions (Cassidy, 2005). In this way, ZTPs can actually *increase* inequality in educational systems despite their best intentions.

Zero tolerance frameworks also erode students' trust in authority and hamper open communication between students and teachers, a vital component to school safety (Perrodin, 2019). When students' rights and freedoms are impacted, their experiences of civic socialization can diminish their expectations of democracy (Taylor and Rooney, 2017). Further, without discretion or context, absurd and unjust punishments can occur - just ask the 7-year old boy who was suspended for chewing a Pop Tart into the shape of a gun (Fitzpatrick, 2015), or 16-year old Shawn Soucy, a straight-A Quebec student who was *expelled* from school in 2016 for having a pocket knife he used for farm chores in his school bag (Monpetit, 2016). Clearly, policies of absolute intolerance are short-sighted and only intensify the very problems they seek to solve.

ZTPs are ineffective in achieving their goals for two fundamental reasons. First, they assume that harsh punishments deter people from doing bad things (*deterrence theory*, Kelly, 2018). This is not borne out in reality - crimes still happen every day, and the biggest punishment of all (the death penalty) does not reduce murders (Cassidy, 2005). The US enacts harsh punishments for even benign, non-violent crimes yet has one of the highest prison recidivism rates in the world at a staggering ~70% (Kelly, 2018). Even our judicial system is explicitly built on discretional analysis by a judge - why shouldn't it be the same for students? In places where legal ZTPs have been present (i.e. mandatory minimums), they've been abject failures, with judges *themselves* widely and openly criticizing the laws (Families Against Mandatory Minimums, 2018). The second reason ZTPs are ineffective is that they don't actually address *root causes* of violations. Students do not seek to be problematic, but act in this way as a result of factors like depression, family violence or abuse, economic circumstances, etc. Vicki Mather, director of the ATA's Safe and Caring School project put it perfectly when she said, "Excluding [problematic] students from an education is no more moral than forcing the most critical patients from an emergency room" (Macdonald, 2021).

In summary, research is clear that zero tolerance laws in education perpetuate problem behaviours and inequality in schools. Zero tolerance policies "[...] counteract what we hope to cultivate in schools: caring for one another, applauding differences, and creating community" (Cassidy, 2005, p. 3). Instead of ZTPs, we should implement alternatives that are shown to reduce problem behaviour and/or increase school safety - *restorative justice*, *rehabilitation* and *student-success services*. Restorative justice focuses on reconciliation and community building, striving to repair harm caused and prevent further offenses. This requires facilitation of sessions with offenders and victims and a nuanced approach that intends to reconcile rather than simply punish. Rehabilitative practices seek to directly help offenders through therapy, probation and after-care. This has found massive success in reducing criminal prison recidivism in Scandinavian countries (less than 20% versus the US at ~70%). Student-success services are proactive and address root causes by addressing personal improvement and learning in a holistic manner. A prominent Canadian success is in Ontario, who greatly improved its graduation rates by expanding co-op learning, credit recovery and apprenticeship programs which aid students in both academic and personal success. In a 2012 research study, feedback from Ontario teachers indicated that they perceived this program had a greater influence on student behavior and suspension/expulsion rates than other punitive-based policy changes Ontario had recently made (Winton, 2012).

Following these leads, we as educators have a responsibility to create a culture that embraces rather than excludes, and one that emphasizes a growth mindset not only academically but personally and emotionally too. Our class environment should be open, where students feel safe to come to teachers and communicate problems that originate both inside and outside of the school. Just as education emphasizes believing in each student's academic potential, we must extend this same empathetic grace to their potential to learn and change, basing our disciplinary policies on the ethics of care, rehabilitation and restoration rather than revenge and punishment.

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