

Zero-Tolerance Policies at U.S. Schools Are Unnecessary

Violence, 2008

"The time has come to break the cycle of hijacking the memories of violent school tragedies to defend zero-tolerance injustice."

While school shootings are tragic, zero-tolerance policies are not the solution, claim Trent England and Steve Muscatello in the following viewpoint. Although students who bring firearms to school should be expelled, some zero-tolerance policies have been unnecessarily expanded to include expulsion for fighting and disruptive behavior, the authors assert. Some schools have even sent young children to jail, the authors stress. Absurd zero-tolerance policies should be abandoned and replaced with policies that consider a student's intent and require probable cause, the authors conclude. England is a legal policy analyst and Muscatello is a researcher at the Heritage Foundation, a conservative think tank.

As you read, consider the following questions:

1. What do England and Muscatello claim has been one legacy of the tragic school shootings in Columbine, Colorado, and Red Lake, Minnesota?
2. What are some of the examples the authors provide of normal kids who find themselves in jail?
3. What did the Texas Education Agency find was true of a third of all students prosecuted under the state's zero-tolerance statutes?

Years have passed since Eric Harris and Dylan Klebold murdered 12 students and a teacher at Columbine High School in Littleton, Colo [in April 1999]. Barely six weeks have passed since the latest schoolhouse massacre left nine people dead at Red Lake High in Red Lake, Minn. [on March 21, 2005].

Unfortunately, one legacy of these tragedies has been the well-meaning efforts of lawmakers and school administrators to prevent "the next Columbine" or "the next Red Lake" by adopting zero-tolerance—one-strike-and-you're-out—disciplinary policies. The problem is that one strike doesn't work in baseball, and it certainly doesn't work in school.

The Guns-Free School Act of 1994 required states—and thus schools—to expel automatically students who bring firearms on to school property. Since then, zero-tolerance policies have expanded to include automatic suspensions or expulsions, even in elementary schools, for fighting, disobedience and disruptive behavior.

Even worse, some schools now skip sending kids to the principal's office and instead send them straight to jail. "Zero tolerance" has come to mean that normal kids who pull normal school pranks find themselves not on suspension but in jail.

Absurd Outcomes

[In August 2004], police in Espanola, N.M., arrested Jerry Trujillo, 8, because he hit a classmate with a

basketball and yelled at his teacher. When he was referred to the school counselor, Jerry, who had just begun the third grade, started crying and refused to return to class. The counselor then called the police who, she said, would confine him "until [he] changes his attitude." Thus a sobbing 8-year-old entered the criminal-justice system.

Florida is full of such "criminals." Johnnie Lee Morris, 7, of Monticello, Fla., was arrested for hitting and scratching a classmate and a teacher. In St. Petersburg, a 5-year-old girl was arrested for classroom disobedience, including kicking a teacher in the shin and breaking a candy dish. The 40-pound girl was so small, police had to use plastic ties on her wrists and chained her ankles with their handcuffs. What exactly they feared a 5-year-old might do that justified such restraints is an open question.

Tate Hobart of Visalia, Calif., seemed like your average 11-year-old. According to his mother, Dana, he was a typical sixth-grader with a few minor behavioral problems but nothing serious. He even won second place in the most recent school science fair. But on March 15, he moved into the world of big-time crime—he threatened another student with a pencil.

Tate claims he threw the pencil across the room in disgust after being threatened by the other student, then said, "You have no idea how much I wanted to use that [pencil to hurt you]." But according to Liberty Elementary School principal Rosemary Spencer, Tate held the pencil "like a shank" and threatened to harm his classmate.

We'll never know the whole story because the teacher had stepped out of the classroom. But school officials thought they knew enough. And besides, even though both sides agree that no violence transpired, the California Education Code permits serious punishment even for such a "threat" of violence. And, as principal Spencer said, "We had to do something or we could've had another Columbine or what happened in Minnesota on our hands."

Thus did Tate Hobart, a normal 11-year-old and runner-up in the science fair, spend six hours in his local jail.

Time for Common Sense

It's high time for common sense to make a comeback and for there to be zero tolerance for zero-tolerance policies. If a kid brandishes a real weapon and starts making threats, by all means leap into action. But when kids are being kids, treat them as such.

That's the idea behind a bill proposed [in 2005] in the Texas legislature by state Sen. Jon Lindsay. The bill would require administrators to consider a "student's intent or lack of intent at the time the student engaged in [forbidden] conduct." His effort has gained bipartisan support in the wake of a Texas Education Agency finding that "no probable cause" for criminal charges existed for about a third of all students prosecuted under the state's existing zero-tolerance statutes.

The answer to school violence is not to transform schools into totalitarian police states and lock up every naughty child. Zero-tolerance policies rob the rule of law of its moral authority by focusing on punishment

rather than justice. Six years after Columbine, the time has come to break the cycle of hijacking the memories of violent school tragedies to defend zero-tolerance injustice.

Further Readings

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