

ZERO TOLERANCE:
A POLICY IMPLEMENTATION STUDY

By

Janell Lynn Wood

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Approved:

Professor James W. Guthrie

Professor Claire Smrekar

Professor Deborah Rowe

Professor Michael McLendon

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In memory of Dorothy N. Davidson

My mother, my hero, my friend

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CHAPTER I

INTRODUCTION

Columbine, Colorado, Paducah, Kentucky, and Jonesboro, Arkansas – the mere mention of these cities evokes images of fearful students scrambling for safety and fleeing from the very institution that promised to be a “safe” haven – school. Despite research which suggests that the rate of school violence in the United States has continuously declined since 1993 and that “there exists less than one in a million chance of suffering school associated violent death” (U.S. Departments of Education and Justice, Annual Report on School Safety, 1998, p. 9), the public and students alike perceive that schools are unsafe (U.S. Departments of Education and Justice, Students’ Reports of School Crime: 1989 and 1995, 1998; Violence and Discipline Problems in the U.S. Public Schools: 1996-97, 1998). In fact, “... in each school year from July 1, 1992 through June 30, 2002 youth ages 5 -19 were over 70 times more likely to be murdered away from school than at school” (DeVoe et.al. 2005, iv). Yet, between 1993 and 1996, the percentage of students who reported feeling unsafe at school rose from 4 to 7 percent (Annual Report on School Safety, 1998). Similarly, between 1989 and 1995 the number of students who avoided particular areas of school for fear of being harmed also rose from 4 to 9 percent (Annual Report on School Safety, 1998). Students’ actions were associated with increased gang presence and illicit drug use at school (Students’ Reports of School Crime: 1989 and 1995, 1998). The first nationalized zero tolerance policy emerged out of this climate of fear.

The United States responded to the sentiment that schools are indeed vulnerable to violence, gangs, and drug use by adopting zero tolerance policies. In 1994, Congress passed the Gun-Free and Safe Schools Acts (GFSA and SSA, respectively) requiring states to develop zero tolerance laws. Initially, the policy defined zero tolerance as the prohibition of weapons in schools. Since the passage of GFSA and SSA, school districts have expanded the scope of zero tolerance violations to include the possession and/or use of alcohol, tobacco and other drugs, sexual harassment, and acts of discrimination (Jones, 1997).

Generally, what is known about how states have responded to GFSA has been generated from survey research. Surveys such as the University of Michigan's "(Johnston, et. al., 1996), The United States Department of Education's "Principal/School Disciplinarian Survey on School Violence" (1997), and the Department of Justice, Bureau of Justice Statistics' "School Crime Supplement" (1995) have consistently provided longitudinal data on the number and type of zero tolerance violations that occur in schools. For example, the Students' Reports of School Crime Survey (1995) found that 14.6% of surveyed schools reported some level of student victimization albeit violent (physical attacks, use of weapons, threats) or stolen property. The study also found that the reports of violent victimization were relatively consistent across students' places of residence -- central cities, suburbs, and nonmetropolitan areas (Students' Reports of School Crime Survey, 1995).

In spite of survey data, there is a lack of research that deals specifically with zero tolerance implementation. Therefore, the focus of this study was to expand our empirical understanding of zero tolerance implementation by answering two critical questions: (1) How and to what extent has a zero tolerance policy been implemented in schools? and (2) What is the relationship between policy, school, or student factors and implementation processes? The first

phase in addressing these two questions is to present a contextual backdrop for understanding how policy objectives have evolved since 1994. I begin with a definition of school violence.

School Violence Defined

School violence has been a catchall term used by the media, policy-makers, and school administrators alike to refer to student behaviors that may be of an aggressive or threatening nature. Flannery (1997) offers a more precise way of understanding school violence. He contends that “we need to consider violence along a continuum of behavior within a developmental framework. For example, violent behavior such as kicking, hitting, spitting or name-calling occurs more frequently among young students. As children grow older, behavior becomes more serious characterized by bullying, extortion, and physical fighting” (Flannery, 1997, p. 31). Flannery also maintains that during adolescence, students may begin to carry weapons to school, participate in gangs, and engage in physical and/or sexual assaults.

Crime victimization, defined as theft, vandalism and other non-violent offenses that occur on school property (including the school building, parking lots, and buses), is located at the other end of the school violence continuum (Flannery, 1997; Goldstein, Apter, and Hartoonuian, 1984). Less severe in nature, crime victimization is typically framed within the context of the student as both the victim and perpetrator. School personnel however, are not immune to the effects of violence and crime victimization as will be discussed later in the chapter.

Throughout the chapters, I will use the terms school violence and disturbance interchangeably. The term crime victimization will be used to refer to non-violent offenses that occur in schools. When reporting criminal incident rates, specific references to the type of crime committed such as theft or vandalism will be given.

School Violence –Historical Perspective

School violence has consistently been a topic of discussion in educational and policy circles. As a nation our concern with understanding and monitoring school disturbance officially began in 1974 when Congress commissioned a national survey on the prevalence of school violence (National Institute of Education [NIE], 1974). The resulting longitudinal Safe Schools Study (NIE, 1974) was the first comprehensive study to catalog the occurrence and contributing factors of school violence as well as the preventive efforts of states, districts, and schools. The study found that forty percent (40%) of thefts and thirty-six percent (36%) of assaults among adolescent victims occur at school (Rapp, Carrington, & Nicholson, 1986). Students were not the only identified victims of school violence in the study. Among surveyed schools, over 100,000 teachers reported being threatened by students. Five thousand teachers reported being physically attacked by students (NIE, 1974).

Since the first Congressional mandate for systematically studying and responding to school violence, additional studies have been implemented. The National Center for Education Statistics (NCES) and the Bureau of Justice Statistics (BJS) continuously, collect, analyze, and disseminate educational and criminal data, respectively. NCES and BJS data are derived from survey research conducted within the fifty states. Collectively, the databases maintained by these two agencies have been the primary data sources for studies examining school safety from national, student, and administrative perspectives (NCES & Chandler, et. al., 1998). In the following sections four joint BJS and NCES studies: (1) the Annual Report on School Safety (1998), (2) Students' Report of School Crime: 1989 and 1995 (1998), (3) Violence and Discipline Problems in the U.S. Public Schools: 1996-1997 (1998) and (4) Indicators of School

Crime and Safety: 2005 will be reviewed. The focus will be on understanding the trends in school violence and crime victimization in the United States since the passage of the Gun Free and Safe Schools Acts of 1994.

Annual Report on School Safety

The Annual Report on School Safety (1998) examines the nature and scope of school violence from a national perspective using survey data collected from the Centers for Disease Control (CDC), the National Centers for Health Statistics, the Survey Research Center of the University of Michigan, Bureau of Justice Statistics and National Center for Education Statistics.

The Report attempts to answer the following questions:

- How much crime is occurring in our nation's schools?
 - Are schools more or less safe than in the past?
 - Do students feel safe at school?
 - What kinds of crimes are occurring?
 - How likely is it that students or teachers will become victims of school crime?
 - What other conditions seem to be associated with an unsafe school environment?
- (Annual Report on School Safety, 1998, p. 9).

In terms of school safety, the 1998 Report found that students (both public and private alike) were less likely to be victims of violent crime while at school. Conversely, approximately 26 out of every 1,000 students were violent crime victims while away from school. In 1996, 10 out of every 1,000 students were victims of violent crimes while at school. Of the violent crimes committed at schools, homicides were extremely rare. Less than 1 percent of 7,000 children murdered between 1992 and 1993 were killed at school. "While the number of multiple homicide events at schools has increased, there exists less than one in a million chance of suffering school-associated violent death" (Annual Report on School Safety, 1998, p. 9).

Age, school environment, and urbanicity (i.e. urban, rural, suburban residency) were found to be contributing factors to student victimization. Older students were more vulnerable to violent crime than younger students. Students from larger schools (enrollments of 1,000 or more) experienced greater rates of crime victimization than students in smaller schools (enrollment of 1,000 or less). In terms of urbanicity, schools in cities were at least twice as likely to report serious violent crime as those in towns and in rural locations. Seventeen percent (17%) of city schools and eleven percent (11%) of schools in urban fringe areas reported at least one serious violent crime, while eight percent (8%) of rural schools and five percent (5%) of schools in towns reported any serious violent crime (Annual Report on School Safety, 1998, p. 10).

Theft was the most frequently reported crime among students and teachers alike. “In 1996, there were 79 thefts for every 1,000 students (age 12 to 18) at school. Theft accounted for about 62 percent of all crime against students for that year” (Annual Report on School Safety, 1998, p. 8). Teachers experience an annual theft rate of 46 for every 1,000 teachers, a combined total of 192,400 thefts between 1992 and 1996 (Annual Report, 1998).

Although the overall school crime rate declined between 1993 and 1996, the percentage of students who reported feeling unsafe at school rose from 4 to 7 percent during that time period. Similarly, between 1989 and 1995 the number of students who avoided particular areas of school for fear of being harmed also rose from 4 to 9 percent. The presence of gangs and illicit drugs was found to be a contributing factor in creating a climate of fear. In the same 1989 and 1995 span, the percentage of students reporting gangs at their schools increased from 15 to 28 percent. This increase in gang presence was attributed to an overall increase in communal gang activity particularly in urban areas (Annual Report, 1998). Despite the increase, fewer students

in grades 9 through 12 reported carrying a weapon to school within thirty-days. Between 1993 and 1996, the percentage of high school seniors who reported carrying a weapon at least one day within a four week period, declined from 8 to 16 percent, respectively (Annual Report, 1998).

Students' Reports of School Crime: 1989 and 1995

The Student Reports of School Crime: 1989 and 1995 (SRSC) (1998) is based on findings from the School Crime Supplement (SCS) to the National Crime Victimization survey (NCVS) conducted by the U.S. Department of Justice. Report findings were generated from the 1995 SCS as well as a re-analysis of the 1989 Supplement. Student's reports of crime victimization, substance abuse, gang presence, and weapon possession are the focal point of the study (Students Report of School Crime 1989 and 1995, 1998).

The Students' Reports found that during 1989 and 1995 that drug availability and gang occupancy were correlated to students' reports of violent victimization. "In both 1989 and 1995, students who reported they had experienced violent victimization at school were more likely to report that drugs were available at school than were student who reported they had not been violently victimized at school"(Students Reports of School Crime, 1998, n.p.). Looking solely at the students who reported victimization in 1989 and 1995, there was no significant difference between the percentages of students in both years that also reported that drugs were readily available at school. For both years, older students were more likely than younger students to report that drugs were present at school. According to the findings, students reported that marijuana was the easiest drug to obtain. In 1989, 30.5% of student reported that marijuana was easy to obtain at school. The percentage increased to 36.4% in 1995 (SRSC, 1998).

Additional findings pertaining to the relationship between drug availability and gangs are presented below. Among students reporting that street gangs were present at school, reports that drugs were available increased 6 percentage points between 1989 and 1995. Among students reporting that gangs were not present, reports that drugs were available are similar between the two years (SRSC, 1998).

In 1995, students who reported that street gangs were present at their schools were more likely to indicate that drugs were available (79.5%) than those who did not report that gangs were present (61.0%). The same results occurred in 1989. Of those reporting, “Hispanic students were more likely than either white or black students to report the existence of street gangs in their schools (49.5%, 23.0%, and 34.7%, respectively” (SRSC, 1998). Likewise, students in urban areas were more likely to report the presence of street gangs in their schools (40.7%) than suburban students (26.3) and students in non-urban areas (19.9%).

Gang presence and drug availability was also related to the number of students who reported knowing and or seeing a student with a gun at school. Older students were more likely than younger students to report that they knew someone who had brought a gun to school. Although 1995 data concluded that less than one-half percent of students carried a gun to school, 5.3% of the students reported seeing a gun at school and 12.7% stated that they knew someone who had brought a gun school (SRSC, 1998).

Consistent with the Annual Report on School Safety (1998), urbanicity and school environment were co-varying factors in students reports of gun presence. Student who lived in urban areas were more likely to know and to have seen a student who brought a gun to school than their counterparts in suburban and rural areas. Public school students were also more likely to have known or seen a student with a gun at school than private school students (SRSC, 1998).

Violence and Discipline Problems in the U.S. Public Schools: 1996-97

The NCES report (1998) -- Violence and Discipline Problems in the U.S. Public Schools: 1996-97-- is a compilation of data collected from the Principal/School Disciplinarian Survey on School Violence. The survey was conducted nationally in 1,234 public elementary, middle and high schools in the fifty states and the District of Columbia in the spring and summer of 1997. Results focused on four main topics: (1) incidence of crime victimization in public schools, (2) principals perceptions of disciplinary problems, (3) types of discipline problems, and (4) the kinds of security measures being taken to counter school violence (Violence and Discipline Problems in the U.S. Public Schools: 1996-97, 1998).

The Principal/School Disciplinarian Survey found that “more than half of the U.S. public schools reported experiencing at least one crime incident in school year 1997-97, and 1 and 10 schools reported at least one serious violent crime during that school year” (Violence and Discipline Problems in the U.S. Public Schools: 1996-97, 1998 <http://nces.ed.gov/pubs98/violence>). Reported crime incidents included murder, suicide, rape, assault/fight with or without a weapon, robbery, theft and vandalism. Among the elementary and secondary school principals surveyed, fifty-seven percent (57%) reported at least one incident to law enforcement officials during the school year. Consistent with other NCES reports, non-serious crimes (thefts, vandalism, fights without weapons) occurred more frequently than serious incidents (rapes, murders, fights with weapons). Fights without the use of weapons were cited by school administrators as the most frequently occurring crimes, with 190,000 such incidents occurring in 1996-1997 (Violence and Discipline Problems in the U.S. Public Schools: 1996-97, 1998).

Crime victimization was found to be more of a problem in middle and high schools than elementary schools. Only 45% of elementary schools reported one or more incidents compared to 74% of high schools. In terms of serious violent crime, 4% of elementary, 19% middle, and 21% high schools reported such crimes (Violence and Discipline Problems in the U.S. Public Schools: 1996-97, 1998).

Principals' perceptions of discipline problems were evaluated on individual rankings of discipline issues. These issues were based upon a continuum of problems ranging from tardiness to gang activity. In general, principals perceived discipline issues to be minor (43%) or moderate problems (41%) at their schools. Student tardiness, absenteeism, and fights (21%) "were the three discipline issues most often cited by public school principals as serious or moderate problems in their schools" (Violence and Discipline Problems in the U.S. Public Schools: 1996-97, 1998, <http://nces.ed.gov/pubs98/violence>). Principals in larger schools (enrollments of more than 1,000 students) were more likely to report these three issues as discipline problems than their colleagues at smaller schools (enrollment under 1,000).

Principals' perceptions of the severity of discipline problems (moderate or serious) also varied according to grade level, location of school, minority enrollment, and the percentage of students eligible for free or reduced lunch. Violent crimes were reported to be more prevalent in middle and high schools than elementary schools. Seventy-four percent (74%) of middle and 77% of high schools reported one or more violent crimes compared to only 45% of elementary schools. As for other discipline issues, elementary and middle school principals (particularly those from urban school districts) reported "physical conflicts among students as one of their top three serious or moderate discipline problems" (Violence and Discipline Problems in the U.S. Public Schools: 1996-97, 1998, <http://nces.ed.gov/pubs98/violence>). On the other hand, high

school principals in the study reported tobacco, drug and alcohol use as moderate or serious discipline problems among students. Principals with significant minority enrollments and a high percentage of students eligible for free or reduced lunch were more likely to report physical conflicts at moderate and severe levels than principals without such enrollment characteristics (Violence and Discipline Problems in the U.S. Public Schools: 1996-97, 1998).

Most principals reported that their schools had taken measures to respond to crime and violence. These measures included the establishment of zero tolerance policies, employment of security, and implementation of violence prevention programs. Eleven percent (11%) of schools employed both a full or part-time security guard and required restricted access to school buildings as security measures. Only two percent (2%) of the schools reported more stringent security actions such as the employment of a full-time guard and random metal detector checks ((Violence and Discipline Problems in the U.S. Public Schools: 1996-97, 1998).

Indicators of School Crime and Safety: 2005

The Indicators of School Crime and Safety 2005 report is more comprehensive than the previously discussed research in that it is a part of an on-going effort to monitor trends in school violence and crime victimization among youth. The 2005 report is based primarily upon survey data collected during the 2002-2003 school year; however, data from 1992 – 2002 is also analyzed. Survey respondents represented nearly 52 million students in pre-kindergarten through 12th grade and approximately 125,000 schools. Of the 52 million students, 150,000 were victims of serious violent crimes defined as rape, sexual assault, robbery, and aggravated assault. These crimes were committed at school. Likewise “in 1999-2000, 71 percent of public schools experienced one or more violent incidents” (DeVoe, et.al, 2005, v). While this percentage may

seem high, the reality is that violent crimes, specifically homicides and suicides are relative anomalies. “From July 1, 2001 through June 30, 2002, there were 17 homicides and 5 suicides of school aged youth (ages 5-19) at school. Combined this figure translates into less than 1 homicide or suicide of a school aged youth per million students enrolled during the 2001-2002 school year” (DeVoe, et.al., 2005, iv).

Not surprisingly, gangs, weapons, and drugs continue to be present in U.S. schools. “In 2003, 21 percent of students ages 12-18 reported that street gangs were present at their school during the previous 6 months” (DeVoe, et.al, 2005, v). This was a decline from the 1998 gang presence rate of 28 percent. The number of students who reported carrying a weapon to school also declined from 12 percent in 1992 to 6 percent in 2003. Subsequently the number of students who skipped school in order to avoid confrontations or attacks declined from 7 percent (1999) to 5 percent (2003). In terms of drug usage, marijuana and alcohol continue to be the drugs of choice among high school students. In 2003, 6 percent of students reported using marijuana at school and 5 percent reported having a drink of alcohol at school (DeVoe, et.al, 2005).

As the country has become more culturally diverse over the past decade, so have schools. Many schools are faced with the increasing problem of hate crimes. According to the Indicators of School Crime and Safety 2005 report, “in 2003, 12 percent of students ages 12-18 reported that someone at school had used hate-related words against them” (DeVoe, et.al, 2005, vi).

In summary, the NCES and BJS collaborative reports suggest that school violence is not as prevalent at the media and public purport. In fact, students are more likely to be victims of violent crime while away from school. Despite the recent violent outbreaks and mass-slayings, homicides are still quite rare in schools. This rarity is due in part to fewer students bringing guns and other weapons to school (in spite of the existence of gangs and hate crimes) as had been

previously reported. Likewise, the most common disciplinary problems at schools involve thefts, fights without weapons, absenteeism, and tardiness as opposed violent incidents involving weapons.

The reports also point to a correlation between crime victimization and school environment (e.g. the presence of drugs and gangs, urbanicity, etc.). Public schools reported higher victimization rates than private schools. Schools with enrollments of 1,000 or more students also reported greater levels of victimization than smaller schools (fewer than 1,000 students). Schools where drugs and gangs were prevalent reported significantly more violent crime than schools without gang and drug activity. In terms of urbanicity, violent victimization rates were consistent across all three student places of residency – urban, suburban, and rural.

Notwithstanding contradictory findings, the public's perception is that school violence is occurring at epidemic proportions. As a result, schools are viewed as being less safe now than in previous years. In response to this perception, schools have implemented zero tolerance policies, violence prevention campaigns, and security measures. For the purpose of this study, attention will be given to the implementation of zero tolerance policies in schools. Implementation of violence prevention programs and security measures will only be discussed within the broader context of zero tolerance policy outputs.

Federal legislation and legal challenges to zero tolerance policies will be presented in the next section. The particulars of four essential pieces of legislation – Goals 2000: Educate America, Safe Schools and Gun Free Schools Acts and No Child Left Behind – as they pertain to zero tolerance will also be delineated. Finally, court cases and research studies challenging the merits of zero tolerance sanctions will be analyzed.

Federal Legislation

The 1994 passage of Goals 2000: Educate America Act marked the origin of zero tolerance for school violence on to the national educational agenda. The focus of the Congressional mandate was “to improve learning and teaching by providing a national framework for education reform” [Public Law 103-227: Goals 2000: Educate American Act (108 Stat.; Date: 1994)]. This framework was articulated in a set of national educational goals in which school safety was identified as a critical determinant in creating productive learning environments. Since then, two additional pieces of legislation -- Safe Schools Act 1994 and the Gun-Free Schools Act 1994 – were derived from Goals 2000 to provide clearer policy statements. The most recent piece of legislation dealing with the issue – the No Child Left Behind Act - ties school safety to school accountability and provides school choice options for parents of children who are attending “unsafe” schools. Each of these pieces of legislation will be treated in turn.

Safe Schools Act

Goal six of the National Education Goals states that by the year 2000 every school in America will be drug free and safe from the threat of violence [20 USC 5961: Safe Schools Act of 1994]. To achieve this goal, Congress issued the Safe Schools Act of 1994 (Title VII of the Goals 2000 Act) that authorized the establishment of Safe Schools Programs. Local education agencies (LEAs) (i.e. school districts) can apply for two-year grants to fund violence prevention programs. Awards are made to LEAs in both rural and urban areas provided they meet the following criteria:

- (1) serve and area in which there is a high rate of:
 - (A) homicides committed by persons between the ages of 5 to 18;
 - (B) referrals of youth to juvenile court;
 - (C) youth under the supervision of the courts;
 - (D) expulsions and suspensions of students from schools;
 - (E) referrals of youth for disciplinary reasons to alternative schools; or
 - (F) victimization of youth by violence, crime or other forms of abuse; and
- (2) has serious school crime, violence, and discipline problems as indicated by other appropriate data [20 USC 5963 (1994)].

The local school board must provide supporting documentation such as assessment data proving that crime and violence are problematic. Additionally, grant recipients must have written policies that address school safety, discipline issues and violence prevention efforts.

The Safe Schools Act provides some specifications as to how grant recipients may allocate funds. For example, an important component of the Act is that school safety and violence prevention programs are responsive to community needs. Grant recipients may use the funds to conduct a comprehensive need assessment involving law enforcement, juvenile justice, health, social services and other educational agencies. The information obtained from the assessment would in turn be used to develop community-based violence prevention programs. These programs may include training sessions for school staff, parents, and community leaders as well as conflict resolution, anger management, and peer mediation programs. Funds may also be used to produce program materials such as training manuals, videos, and pamphlets or to conduct a comprehensive evaluation of the program [20USC 5961: Safe Schools Act of 1994].

Gun-Free Schools Act (GFSA)

The Gun-Free Schools Act of 1994 is more punitive in nature than the Safe Schools Act. GFSA requires states receiving federal funds to have in place laws requiring school districts to expel for no less than one year students who bring weapons to school. The districts are permitted under GFSA to modify expulsion requirements on a case-by-case basis. The Act does not, however, prevent schools districts from providing alternative educational services to expelled students [20 USC 892 (1994): Gun Free Schools Act of 1994].

The parameters of zero tolerance policies are further defined by the 1990 Individuals with Disabilities Education Act (IDEA) [Public Law 102-119: Individuals with Disabilities Education Act 9105 Stat. 587)]. Under IDEA, states must provide equitable individualized educational services for students with disabilities. Students with disabilities, whenever possible, are to be mainstreamed into the larger educational community. The intent of IDEA is to ensure that student with and without disabilities be educated together in the classroom.

The inclusive and equitable rules of the Individuals with Disabilities Act are particularly problematic when school administrators must determine disciplinary actions to be taken against disabled students. For example, a school administrator must exercise discretion when a student with special needs (perhaps with emotional or behavioral problems) violates a zero tolerance policy. The disabled student may avoid suspension, expulsion or other punishments if doing so would mean that the he/she would receive less than equitable educational services. It is for this reason that alternative school placements for students with disabilities may not be a viable disciplinary option if the placement would result in fewer inclusion opportunities [Public Law 102-119: Individuals with Disabilities Education Act 9105 Stat. 587)].

No Child Left Behind Act (NCLB)

The No Child Left Behind Act 2001 (NCLB) changed the role of the federal government in monitoring the academic success of America's students. NCLB established federal accountability standards with the intent that states would devise their own plans towards reaching a lofty goal of indeed leaving "no child left behind". Under the Act, each school district is expected to meet annual yearly progress (AYP) in reading, math, and science. States define the benchmark from which to measure AYP and release an annual report card as to how school districts and individual schools are doing. The other tenets of NCLB focus on teacher competency, special populations' assistance (i.e. English Language Learners), and graduation rates and school safety. The latter two – graduation rates and school safety – are inextricably tied to the zero tolerance debate (U.S. Department of Education, 2006; Tennessee Department of Education, 2005).

Under No Child Left Behind, all students are expected to graduate from high school within a "reasonable" time frame. For example, the state of Tennessee gives students 4 years plus one summer to obtain the minimum number of credits to receive a regular education diploma (as opposed to a special education diploma or certificate). Meeting this requirement becomes problematic when students are expelled for one calendar year (180 days) for zero tolerance violations. Although zero tolerance violators may continue their education in an alternative school, they cannot graduate from these institutions. That is, at some point these students, particularly high school seniors, must physically return to their home school in order to receive their high school diploma. Students who do not attend the alternative school or some other private institution are considered drop outs; they count against the school's graduation rate which in turn affects annual yearly progress. The consequences for failing to meet annual yearly

progress range from corrective to punitive actions. On the corrective end of the continuum, “targeted schools” receive state assistance in developing a strategic plan to improve the dropout rate. After six or more years of failing to meet AYP, a school can be taken over by the state and reopened as a charter school (Tennessee Department of Education, 2005).

One could say that the fewer the zero tolerance incidences, the safer the school. The safer the school, the more likely annual yearly progress goals will be met. Therefore it is in the best interest of schools, not to mention their clientele – students – to promote safe school environments. The No Child Left Behind Act through a competitive grant process provides funding to school districts so that they may implement proven violence and drug prevention programs. Being deemed an unsafe school is costly. Whether it is for failing to meet AYP for being classified as an unsafe, parents may choose to remove students from their home school. The No Child Left Behind Act gives parents the choice to send children to a better performing or safer school. School districts are required to provide transportation for transferred students at no additional expense to parents (U.S. Department of Education, 2006).

In the following sections both the legal and theoretical challenges to zero tolerance policies will be examined. From a legal standpoint, we will look at court cases that bring into question the defining and enforcement of zero tolerance policies by school districts. Theoretically, consideration will be given to the arguments that contest the merits of suspensions and expulsions and questions whether or not these sanctions are equitably enforced.

Legal Challenges

The media in recent years has drawn our attention to the seemingly extreme actions taken by school districts to enforce zero tolerance policies. Students have been expelled for bringing

toy guns to school, brandishing plastic knives, and kissing classmates (Jones, 1997). From a school district perspective, these actions have been well within the boundaries of establishing safe school environments where weapons, drugs, and violence will not be tolerated. As will be communicated in the following sections, parents, students, and civil rights organizations are denouncing school districts' "absolute zero" stance.

Generally, what we know about how school districts have implemented zero tolerance policies has been conveyed through court decisions. The judicial system, since the inception of zero tolerance policies, has carved and shaped our understanding of how schools define violations and enforce sanctions within legal boundaries. The protection of two constitutional rights -- due process and freedom from unreasonable search and seizure -- has been at the forefront of legal challenges to zero tolerance. We will begin by looking at the due process argument.

Due Process

The courts (state, federal, and supreme) have upheld a school district's authority to expel students for zero tolerance violations without meeting the otherwise rigorous due process requirements of the Constitution. Under the Fourteenth Amendment, the accused is afforded the opportunity to cross-examine witnesses and to present his/her case in a court of law. In the schools, however, a student accused of violating a zero tolerance policy presents his/her case before school administrators and may not have the opportunity to cross-exam witnesses. For example, in *L.Q.A. v. Eberhart* (1996) a junior high school student was expelled for marijuana possession based upon a tip given to a teacher by another student. Initially the teacher shared the information with an on-campus sheriff's deputy who ushered L.Q.A. (alleged violator) to the

principal's office. After L.Q.A.'s removal from the classroom, the teacher searched the area where L.Q.A. had been seated and found plastic bag of what she believed to be marijuana. At the time of the incident, L.Q.A. refused to comment on the allegations. His parents were contacted and he was taken home the same day by his father. "After further investigation and review that same day, the principal suspended L.Q.A. for ten days" (Zirkel & Gluckman, 1997, p. 62) and recommended indefinite suspension for marijuana possession. An expulsion hearing was held with the superintendent and the school board's hearing panel. "At the hearing one student appeared and testified that L.Q.A. had shown her a bag of marijuana in school. In addition, signed statements from three other students were read into the record to the same effect" (Zirkel & Gluckman, 1997, p. 62). Three of the students did not appear at the hearing after being repeatedly summoned to do so. The hearing panel upheld the principal's recommendation of an indefinite expulsion. L.Q.A.'s attorney appealed the decision to the full school board that also voted in favor of the student's expulsion.

L.Q.A.'s parents filed suit in federal court stating that their son's constitutional right to due process had been violated because he was not allowed to confront and cross-exam the student witnesses. They also claimed that "the student behavior code was unconstitutionally vague for not defining the term [possession] or [indefinite]" (Zirkel & Gluckman, 1997, p. 62). Despite L.Q.A.'s appeal the court rejected their claim that due process had not been afforded and maintained the school board's decision. The court noted precedents *Nash v Auburn University*, 1987; *Craig v Selma City School Board*, 1992 where cross-examination of witnesses was not required during disciplinary hearings (Zirkel & Gluckman, 1997).

The due process argument has also been raised in cases where the severity of punishment for zero tolerance violations has been questioned. For example, the Decatur Illinois School

District is embroiled in a controversy over the expulsion of seven high school students (Flynn, 1999). The students were involved in a fistfight while attending a high school football game. According to district personnel, a mob-like melee broke out in the stands, placing hundreds of spectators in danger. Initially, the school board voted in favor of a two-year expulsion of the students. However, after negotiating with the state's governor and Reverend Jesse Jackson (who acted on behalf of the students) the Board reduced the expulsions to one year and allowed the student to enroll in alternative classes (McRoberts, 1999).

The Decatur School District was criticized by Jackson and other opponents of the expulsions for enforcing what they believed was an unduly harsh punishment given the circumstances. Noting that the fight did not involve weapons and that there were no reported injuries, opponents of the expulsions maintained that a one-year expulsion was too severe given the nature of the incident. Opponents also felt that at least two of the students who were athletes were being denied access to college opportunities because they would not be permitted to participate in their sports while expelled. On the other hand, the school district maintained that the expulsions were reasonable given its (the board's) responsibility to promote and maintain safe school environments.

Search and Seizure

A second criticism of zero tolerance policy enforcement involves the leniency in interpretation of Fourth Amendment search and seizure rights. School districts significantly rely on their authority to search student property and to seize items (i.e. weapons, guns, drugs, etc.) that may be in violation of a zero tolerance policy. The scope of this authority has been defined by the Constitution and through precedents established by the courts. Legally,

a search entails conduct by a government official (including public school employees) that involves an intrusion into a person's protected privacy interests by, for example, examining items or places that are not out in the open and exposed to public view. This is usually accomplished by "peeking," "poking" or "prying" into a place or item shielded from public view or a closed opaque container, such as a locker, desk, purse/handbag, knapsack, backpack, briefcase, folder, book or article of clothing (National Association of Attorneys General [NAAG] Presidential Youth Violence and School Safety Task Force, School Search Manual Staff Subcommittee, 1999, p.5).

"The term [seizure] is used to describe two distinct types of governmental action. A seizure occurs (1) when a government official interferes with an individual's freedom of movement (the seizure of a person), or (2) when a government official interferes with an individual's possessory interests in property (the seizure of an object)" (National Association of Attorneys General [NAAG] Presidential Youth Violence and School Safety Task Force, School Search Manual Staff Subcommittee, 1999, p.5).

In *New Jersey v T.L.O.* (1985), the U.S. Supreme Court ruled that students' rights were guaranteed Fourth Amendment protection against unreasonable searches and seizures. The case involved an assistant principal's search of a student's (T.L.O.) purse that had been suspected of smoking a cigarette while on school property. The assistant principal found a pack of cigarettes in T.L.O.'s purse (a violation of the school zero tolerance policy against tobacco use) as well as rolling papers, marijuana, plastic bags and large amounts of money. The assistant principal also found a list of student names who owed T.L.O. money and two letters describing her involvement with selling marijuana. T.L.O. was arrested on possession and trafficking charges. She claimed that the search conducted by the vice principal was illegal and that the evidence

(marijuana, drug paraphernalia, etc.) should be suppressed on the grounds that the initial purpose of the search was to confirm that she had been smoking while at school.

The Supreme Court ruled that school officials could legally authorize a warrantless search if there were “reasonable grounds for suspecting that the search [would] turn up evidence that the student [had] violated or is violating either the law or the rules of the school” (*New Jersey v T.L.O.*, 1985, p. 733). The case established a two-pronged test for establishing reasonableness: (1) reasonable in inception and (2) reasonable in scope. A search that is reasonable in inception is based on the suspicion of administrators, the student’s history and school record and the seriousness of the violation and/or crime. Searches that are reasonable in scope are not excessively invasive and are age appropriate. For example, a body cavity search would be deemed inappropriate for students of all ages (Beyer, 1996, 1997).

New Jersey v T.L.O also speaks to a school district’s or individual school’s authority to maintain order and to promote safe and healthy learning environments. Based on this landmark decision, school administrators, acting as pseudo-government officials have been deemed the protectors of the collective “good” of the school. They are not required to meet the same acrimonious probable cause requirements or to obtain a warrant before implementing a search or seizure.

On occasion federal courts have been required to address both the Fourth and Fourteenth Amendment issues surrounding zero tolerance policies. One such case involved a Knox County, Tennessee high student, Dustin Seal, who was expelled for having a knife in his car. An assistant principal, on a tip that Seal and another student had been drinking while attending a football game, searched the car and found the knife in the glove compartment. Seal claimed that the knife belonged to a friend and that he was unaware that the weapon was still in his car. The

friend was to have removed the knife from his car a few days before the incident. After his expulsion, Seal filed a civil suit against the school district claiming that the search had been unreasonable and that the expulsion was a denial of due process. A Tennessee federal court ruled in favor of the Knox County School District on the grounds that the search was reasonable and in favor of Seal on the due process claim. The Court stated that Seal had not actually “possessed” the knife and therefore was not in violation of the school district’s zero tolerance policy. The Court was particularly critical of the Knox County School District’s “zealous” enforcement of zero tolerance policies - a process they described as being inflexible and indiscretionary (Walsh, 1999).

Judiciaries have not been the only group of professionals to criticize the enforcement of zero tolerance sanctions. Psychologists and school counselors have been critical of school administrators' use of verbal and a physical punishment as well as suspension as punitive measures (Hyman & Perone, 1998; Constenbader & Markson, 1998; Baker, 1998). Critics suggest that such measures may actually contribute to continuous student misbehavior. Hyman and Perone (1998) argue that “harsh” verbal reprimands and corporal punishments (e.g. spankings, paddling) undermine a student’s confidence and self-esteem. Similarly, students who are punished in this manner may also lose their trust in the school administrators and/or teachers who inflict the punishment. Hyman and Perone maintain that this loss of trust coupled with the stress to behave appropriately promotes aggression among students. Students become more aggressive as a result of the aggression directed toward themselves by school personnel. They simply “act-out” with other students what has been experienced in student-administrator interactions (Hyman & Perone, 1998).

Opponents of student suspension point to an apparent causal relationship between physical aggression manifested outside the school environment and student removal from school. In a study of 620 internally (in school) and externally (outside the school) suspended students, Costenbader and Markson (1998) found that 2/3 of reported external suspensions were for student physical aggression. Sixteen percent (16%) of these suspensions were for weapons use. The study also found a connection between suspension and increased physical aggression. Costenbader and Markson (1998) maintain that suspension may promote misbehavior if the student is suspended to an area that is equally or more interesting than the regular classroom. That is, students may continue to misbehave in order to be suspended to an alternative, perhaps more relaxed environment.

The study also questioned the overall merit of suspension in curtailing and eliminating student misconduct. Thirty-two percent (32%) of student respondents felt that suspension had not helped their behavior and that they would probably be suspended again in the near future. Likewise (37%) felt that “suspension was of little use” (Costenbader & Markson, 1998, p. 76). Suspensions were also found to be related to poor student performance, drug use, and dropout rates. Students who had been suspended internally or externally were also more likely to be involved with the legal system (i.e. juvenile justice) than students who had not been suspended (Costenbader & Markson, 1998).

Robbins (2005) juxtaposes students’ expulsion for zero tolerance violations with their exposure to the juvenile justice system. He contends that zero tolerance sanctions that often lead to a student being criminally charged (for drug possession, distribution, etc.) only perpetuate a cycle in which students are excluded from educational opportunities and branded as malcontents. Robbins further suggests that expulsions are racialized and mirror the high incarceration rate of

minorities, specifically African American males. Citing a 2002 study on criminal sentencing, Robbins states, “As the prison population surpassed two million ... nearly 50% of the prisoners [were] African American, although African Americans [were] approximately 12% of the national population” (par. 6). Likewise “young African American males have a one in three (33%) chance of being under the auspices of some form of corrections system, whereas the prospects of White males serving time at any age are only one in 25 (4%)” (par. 6). Relative to suspensions and expulsions, nearly 30% of all such punishments are rendered to African Americans who make up approximately 17% of the total student population (Robbins, 2005). The subsequent missed educational opportunities have a profound impact on the number of African American students who participate in higher education. “Between 1980 and 2000 there were three times as many African Americans incarcerated as were admitted to universities” (Robbins, 2005, par. 7).

In conclusion, the concern for understanding and responding to student misconduct and violence has grown from the seminal 1974 National Institute of Education study into the current national studies sponsored by the Departments of Education and Justice. These studies and others served as the foundation for federal legislation and subsequent zero tolerance policies that require all schools to be safe and free from violence. The focus of this chapter has been on presenting a current as well as historical framework for these policies and to discuss possible disconnects between policy intent and policy implementation. In Chapter II, I will build on this historical grid and construct both conceptual and operational frameworks for understanding the implementation of zero tolerance. I begin by constructing a macro-view of implementation through the literature and conclude with a micro view as seen through the operational model of one school district’s zero tolerance policy.

CHAPTER II

REVIEW OF THE LITERATURE

There is limited research that specifically deals with zero tolerance policy implementation. Our understanding of zero tolerance implementation is indirectly derived from three sources: survey research, court cases, and legislation. These modes of interpretation primarily focus on the current state of school violence, the effects of zero tolerance sanctions, and the subsequent legislative mandates that were enacted.

Survey methodology has been used extensively to broaden our comprehension of school violence and student disciplinary problems. The National Center for Education Statistics' research merely provides a framework for understanding the overall problem of school violence (Annual Report on School Safety, 1998; Students' Reports of School Crime: 1989 and 1995, 1998, 2005; Violence and Discipline Problems in the U.S. Public Schools: 1996-97, 1998). These studies used self-reported measures that may be lacking in reliability and validity (Hedrick, Bickman, & Rog, 1993; Rossi, Freeman, & Lipsey, 1999). For example, the findings that suggest schools are relatively safe environments are inconsistent with students' perceptions and reported experiences of feeling unsafe (Annual Report on School Safety, 1998; Students' Reports of School Crime: 1989 and 1995, 1998).

The Student Advocacy Center (SAC) study is one of a few research projects tailored to investigate the effects of zero tolerance sanctions (Polakow-Suransky, 1999). The purpose of the study was to determine the effect zero tolerance policy sanctions had on individual students and on educational equity and opportunity. Suspension and expulsion data, disaggregated on the basis of race, gender, special education and free lunch status, was collected from a sample of one

hundred school districts in Michigan. From the sixty-four districts that responded, interviews were conducted with expelled students, their families, superintendents, mental health professionals, and law enforcement officials. The results indicate that school officials differentially enforced the policy. Students were often expelled for reasons that were not enumerated in state policies (Polakow-Suransky, 1999).

The SAC study results represent one portion (e.g. administrative action) of the rubric used to analyze zero tolerance policy sanctions. Since the inception of school zero tolerance policies, the courts have played an integral role in constructing the legal boundaries in which schools define violations and enforce sanctions. The protection of two constitutional rights – due process and freedom from unreasonable search and seizure – has been at the forefront of legal challenges to zero tolerance. The courts have upheld a school district’s authority to expel students for zero tolerance violations without meeting the rigorous due process requirements of the Constitution. Under the Fourteenth Amendment, the accused is afforded the opportunity to cross-examine witnesses and to present his/her case in a court of law. In schools, however, a student accused of violating a zero tolerance policy presents his/her case before school administrators and may not have the opportunity to cross-examine witnesses [*L.Q.A. v. Eberhart* (1996)]. In terms of search and seizure rights, case precedents have established a level of leniency in searching student property and seizing contraband (i.e. weapons, drugs, guns, etc.). The Supreme Court ruled that school officials could legally authorize a warrantless search if there were “reasonable grounds for suspecting that the search [would] turn up evidence that the student [had] violated or is violating either the law or the rules of the school” (*New Jersey v T.L.O.*, 1985, p. 733). The case established a two-pronged test for determining reasonableness: (1) reasonable in inception and (2) reasonable in scope. A search that is reasonable in inception

is based on the suspicion of administrators, the student's history and school record and the seriousness of the violation and/or crime (Walsh, 1999). Searches that are reasonable in scope are not excessively invasive and are age appropriate (Beyer, 1996, 1997).

One way to examine the policy interpretation and enforcement issues that emerge from zero tolerance literature is by critically reviewing the implementation research. Constructs from the implementation literature will be used to develop a conceptual framework for explaining variations in the way schools have interpreted, implemented, and enforced zero tolerance policies.

Policy Implementation Literature

The girth of the policy implementation literature was generated in the 1970s in response to the developing movement toward evaluating the Great Society programs of the 1960s (Rossi, Freeman, & Lipsey, 1999). Two dominant perspectives for assessing implementation outputs emerged. First, the top down approach takes a macro view of implementation by examining the process from the standpoint of the initial policy maker or the policy itself. The top down paradigm seeks to answer the following questions: To what extent do implementation procedures coincide with original policy objectives? and Has the policy been implemented as intended? (Pressman & Wildavsky, 1973). Accordingly, successful implementation from this approach occurs when implementation procedures are consistent with policy intent. Top down theorists like Sabatier and Mazmanian (1983) developed a scheme for gauging effective policy implementation. Sabatier and Mazmanian suggest that six factors must be present in order for successful implementation to occur. The first critical factor is the level of support for the policy within the implementing agency. Sabatier and Mazmanian maintain that internal support of

frontline staff responsible for conducting and monitoring implementation is of paramount importance. The organization's availability of resources is a similar support characteristic of the implementing agency. Sabatier and Mazmanian postulate that an organization with scant resources will be more likely to implement a policy, if implementation results in additional funds being added to the coffers. The second critical factor identified, is the level of cooperation between agencies involved in implementation. The number of veto or clearance points (authority held by multiple actors that either facilitate or impede implementation) can gauge the level of cooperation. Sabatier and others suggest that the more actors involved in essential implementation decision making the more complex and strained the cooperative relationship between agencies (Sabatier & Mazmanian, 1983; Bardach, 1977; Berman, 1978; Pressman & Wildavsky, 1973). This relationship is further hindered when a change in the environment (the third critical factor) in which the implementing organization(s) functions transpire. For example, changes in the social or political climate may cause particular issues to fall out of favor with policy makers and the public and subsequently affect funding sources. This scarcity in financial resources, the fourth factor, creates an environment in which cooperation among organizations is jaded by competitiveness for funds. According to Sabatier and Mazmanian (1983), what is needed in situations where: (1) resources (financial, human, and technical) are sparse; (2) there is a multiplicity of clearance points; and (3) where exogenous factors threaten implementation, is the support and skill of an adept leader (the fifth factor). Bardach (1977) refers to this individual as the "fixer". The fixer is the mediator between policy makers and implementers. He/she has control over resources and monitors the implementation process. The fixer bargains and negotiates with all parties, using resources as leverage points to achieve implementation goals (Bardach, 1977).

Sabatier and Mazmanian were not the only researchers to view implementation from the top. VanMeter and VanHorn (1976) also had their own laundry list of top-down factors believed to be crucial to predicting and ensuring successful implementation. These factors include: communication between actors/stakeholders, policy enforcement procedures, political, social and economic conditions, and the disposition of implementers (e.g. for or against the policy).

The second perspective – the bottom up – turns the top down system view on its head. Proponents of this approach assert that implementation should be viewed from the bottom-up or from the perspective of the implementers -- the street-level-bureaucrat (Weatherly & Lipsky, 1977; Lipsky, 1976; Berman, 1978; Elmore, 1979; Hjern & Hull, 1982). This perspective was articulated in the educational change literature.

Educational Change Literature

Hall (1992) states "the absence of shared paradigms, in combination with the intense needs for change, have led to intense pressure from policy makers for schools to change, and educators in schools feel that they are drinking out of a fire hose. This situation has accumulated to the current condition of gridlock" (p.899). Berman (1981) suggests that Hall's gridlock adversely affects the educational change process. He identifies five factors that affect the implementation of educational change:

- (1) local contextual conditions
- (2) primary attributes of change efforts
- (3) local policy choices
- (4) endogenous variables
- (5) external factors (outside variables subject to change during implementation) (p.279).

Berman's list is similar in content to the one developed by Sabatier and Mazmanian (1983) with the exception that the educational change list is from a bottom-up perspective as opposed to the top down view. In this respect, Berman's factors relate to educational policy implementation at the school and classroom levels. As stated previously, Wetherly and Lipsky (1977) refer to this as the street level. They maintain that it is at the street level where educational change and particularly the implementation of such changes can best be understood. Wetherly and Lipsky found in their implementation study of the 1972 Comprehensive Special Education Law of Massachusetts that the individual actions of street level bureaucrats and the overall institutional (e.g. state educational system) response to innovations were critical components of the implementation process. The degree of pressure and support for implementation, applied at the organizational level, was found to be most influential upon the actions of the street/frontline actors.

Fullan (1988) found similar effects of organizational characteristics in his study of change processes in secondary schools. Secondary schools with a record of accomplishment for consistent implementation of school improvement projects characteristically had supportive organizational environments. These schools possessed a sense of shared goals and vision, active and strong leadership, a capacity for implementing innovations, on-going monitoring and problem solving, and teacher commitment and skill (Fullan, 1988).

Perhaps the most comprehensive understanding of the organizational and policy factors influencing educational change was pronounced by Berman and McLaughlin (1976, 1980) in their findings from the RAND Change Agent Study of educational innovations. In their research of over two hundred educational innovations that were developed in part as a result of the Elementary and Secondary Education Act of 1965, Berman and McLaughlin found that there

were both project/policy and institutional characteristics that affected the implementation of innovations. Among the policy factors, resources (i.e. technical and financial), the level/scope of change mandated by the policy and implementation strategies (i.e. training, on-going monitoring) were found to be critical determinants of successful implementation. In terms of institutional characteristics, the overall organizational climate (e.g. relationships among teachers and administrators), the roles of the principal and project director, and the capacity and support of the school district affected the fulfillment of educational changes.

In reference to the RAND study findings McLaughlin (1976) stated that "implementation was a dynamic organizational process that was shaped over time by interactions between project goals and methods, and the institutional setting" (pp. 340-341). According to McLaughlin, this process is one of mutual adaptation, co-optation and/or non-implementation of educational change policies. Mutual adaptation involves the "modification of both the project design and changes in the institutional and individual participants during the course of implementation" (McLaughlin, 1976, p. 341). Co-optation is the adaptation of the project design "but no change on the part of participants or the institutional setting" (p. 341). Non-implementation occurs when the implementers fail to carry out any policy/project objectives.

Collectively, the implementation and educational change research is prescriptive and predictive in scope. That is, both genres suggest that there are factors that must be present in order for implementation to occur. These factors (i.e. organizational climate, resources, communication, etc.) define the context and environment in which policy implementation occurs. Environmental forces influencing the policy implementation process can be viewed from both macro and micro perspectives.

A Macro View of Environmental Influence on Policy Implementation

The macro perspective looks at environmental constraints from the surrounding political, social and economic climates in which the policy is being implemented (Berman, 1978). From a macro perspective, the type of government (i.e. republican totalitarian, fascist, etc.) in which the policy is being implemented is critical to an understanding of the political environmental influences. In a republic, like the United States, the electoral process, the existence of political parties, and the lobbying power of interest groups influence the implementation process. A republican governmental structure propels a collective belief that elected officials should be responsive to the needs of their constituents and that they have the ability to determine what policies are implemented, by whom, and for whom. These political vehicles are simultaneously influenced by economic and social environmental conditions such as periods of economic prosperity or depression as well as public opinion.

Berman (1978) suggests that there are forces or conditions (court orders, changes in governmental policies or personnel) that influence what he terms as the policy sector. The policy sector is comprised of multiple actors - governments, bureaucracies, interest groups, and implementing agencies, each of which are loosely coupled; “Each organization has its own problems perspectives, and purposes that reflect its particular structure and culture and each organization acts more or less autonomously within the overall macro-structure of the sector” (Berman, 1978, p. 165).

A Micro View of Environmental Influence on Policy Implementation

The micro perspective looks at the structural and cultural aspects of implementing agencies. Both the organizational environment surrounding the delivery agency and the internal mechanisms of the organization influence implementation. Each will be treated in turn.

First, Berman's (1978) systems view suggests that implementing organizations exist within a local setting (i.e. governmental agencies, municipalities, school districts, etc.) that requires interaction with and service delivery to that locality. The local environment is representative of a collection of governmental and civic agencies as well as citizens' opinions. Whether or not the community as a whole has "bought in" to the policy will impact implementation. Community members may question whether or not the policy is beneficial or detrimental to the collective good. The local setting in turn is entrenched in the larger environment or policy sector that influences the delivery of services by the implementers. Fluctuations in the social, political or economic climates directly and indirectly affect service delivery. But, in general, the implementing agency does not affect the functioning of the larger environment (Berman, 1978).

Second, implementation is influenced by the internal machinations of the organization at the agency level. Organizational structure contributes to the translation of the policy into action. One agency within a multi-organizational implementation process may have a stringent chain of command (as emphasized in an agency where the structural view is dominant). While another organization (with whom the first must work) may be guided by a human resource frame in which constant communication between internal actors is the norm (Bolman & Deal, 1997).

Elmore (1978) takes a systemic view of the micro-implementation process from the perspective of four organizational models: systems management, bureaucratic process,

organizational development, and conflict bargaining. The systems management approach view organizations as value maximizers and implementation as an orderly and goal-oriented process. The bureaucratic process emphasizes administrative discretion and routine. Successful implementation in this model will depend upon managing discretion and changing routines. The organizational development model focuses on the needs and commitments of individuals to both their organization and the policy. Implementation from an organizational development perspective, depends upon individual participation in shaping the implementation process in order to foster a sense of ownership on the part of implementers. In the conflict and bargaining perspective, organizations are arenas in which actors constantly negotiate (Elmore, 1978).

Policy implementation does not occur within a vacuum, uninfluenced by the political, social, environmental and organizational factors. Implementation is a process, a series of decisions, procedures, and actions endorsed by organizations and individual implementers. The process is neither a purely top-down nor bottom-up endeavor but rather a synthesis of both. This study attempts to merge the two perspectives into one conceptual framework for understanding zero tolerance policy implementation.

Conceptual Framework

Highly publicized school shootings and court challenges have led to a polarity in public expectations of educators to provide safe schools. Communities have supported stringent measures against drugs and weapons in schools while simultaneously criticizing school personnel for taking an absolute zero stance. Hence superintendents, principals, and other administrators are caught in the quagmire of protecting the masses while concurrently preserving students' rights. It is within this tenuous context that implementation of a zero tolerance policy occurs.

Policies are birthed within a context – a set of conditions or circumstances that establish the need for the policy and the structure for its implementation. The policy context includes the environmental and organizational influences upon implementations as well as policy clarity and resources. In terms of zero tolerance, macro level environmental influences may include the public perception (national, state, and local) of school violence. The perception may be that there is a state of emergency in communities regarding school violence. This sentiment is passed on as a mandate to districts and schools to respond. For example, the way a district or school responds to school violence, drug abuse, or other violations under the rubric of zero tolerance, is a reflection of what the larger community deems necessary. The fact that many states and districts have expanded the definition of zero tolerance to include acts of discrimination and sexual harassment points to the inherent link between environmental pressure and organizational response.

Micro level organizational influences are derived in part from the demands of the policy environment. Organizational structure and culture which includes leadership style and communication networks may be bureaucratically established in the form of hierarchies (top-down) or democratically (bottom-up and laterally). Policy clarity and resources influence these conditional factors. Clearly stated policy goals and procedures as well as adequate resources (i.e. human, training, financial, etc.) establish an organizational climate where implementation objectives will likely be achieved. In a school setting, it is hypothesized that implementation of zero tolerance objectives will occur when (1) disciplinary procedures are delineated in the policy; and (2) administrators receive adequate training in responding to violations.

Capacity is the collective ability of individuals within an organization to carryout implementation objectives (Lipskey, 1978). “Capacity establishes the extent to which and

individual can attend to, collect, and evaluate information; solve problems; formulate and adapt plans, and communicate” (Adams, 2000, p. 28). Likewise, capacity building is “the transfer of money for the purpose of investment in material, intellectual, or human resources” (McDonnell & Elmore, 1987, p. 158). Constraints to capacity may include limited resources, policy vagueness, and inflexible organizational rules and procedures that discourage implementer discretionary action. In contrast, support mechanisms include adequate resources, policy clarity, and organizational rules and procedures which allow for capacity building (Schneider, 1982).

The conceptual framework for understanding zero tolerance implementations is built upon the contention that the policy context either supports or impedes implementer capacity. This notion is consistent with the research that identifies contextual factors that affect implementation (Sabatier & Mazmanian, 1983; Hall, 1992; Fullan, 1988; Berman, 1978; McLaughlin, 1978). The model is a blending of the top down and bottom-up approaches to policy implementation as suggested by Sabatier and Mazmanian (1978, 1981, & 1983) and VanMeter and VanHorn (1976) and Weatherly and Lipskey (1977) respectively. A graphic representation of the conceptual framework can be seen in Figure 1.

Implicitly the model assumes that the policy context encompasses the interactions between environmental and organizational factors, policy clarity, and resources (Berman, 1978; Elmore, 1978; McLaughlin, 1976; Sabatier & Mazmanian, 1983). That is, environmental influences affect organizational climate, policy clarity, resources, and vice versa. Collectively, these exchanges influence implementer capacity (Schneider, 1982).

In the following chapter, I will discuss the research design selected for conducting a zero tolerance assessment. Embedded in this discussion is the presentation of the causal theory, operational model and definitions. From there, specific methodological considerations such as

site selection, data collection methods and sources will be presented. A critique of the strengths and limitations of the study concludes the chapter.

Policy Context Interactions

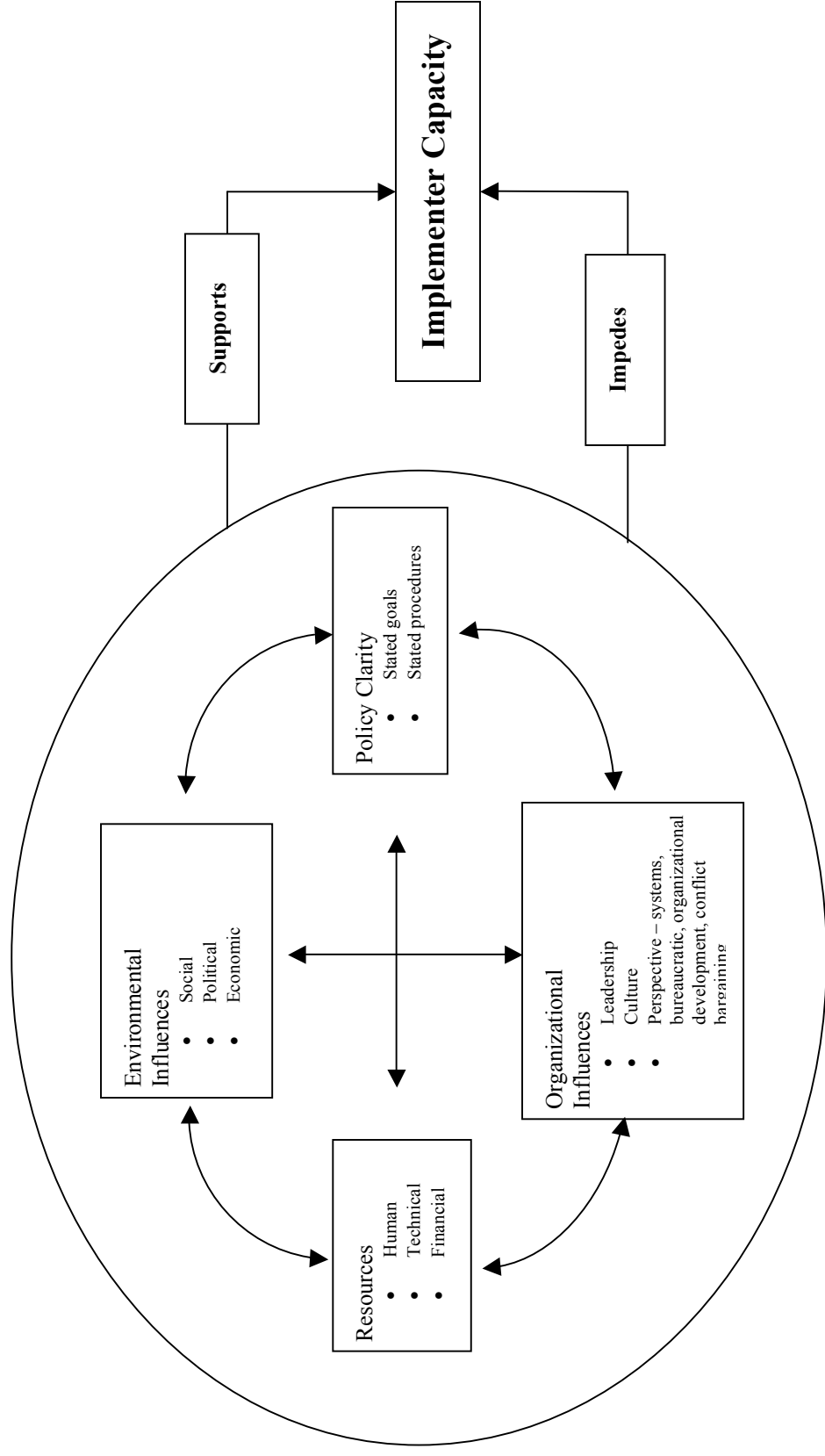


Figure 1

Conceptual Framework

CHAPTER III

METHODOLOGY

The general purpose of this study was to understand how zero tolerance policies have been implemented in schools. The first research question (How and to what extent has zero tolerance policies been implemented in schools?) provides a detailed operational description of the policy as implemented. For example, a critical component of most schools zero tolerance policies is the recognition of a violation. The assessment was designed to answer such questions as "Who determines a violation?"; "How are students and parents informed of a violation?" and "What resources, if any were employed to carry out this particular activity?". Exploring who, how, and what issues helped to explain variation in implementation regarding violation recognition. The assessment goal was to determine the extent to which the policy was been adopted or adapted during implementation. The second question (What is the relationship between policy, school, and student factors and implementation variability?) sought an explanation for variations in implementation processes.

Patton (1997) ascertains the necessity in addressing implementation issues prior to conducting summative evaluations of a program or policy. Favorable evaluations conclude that a policy was effective and yet neglect to answer the question – what was effective? Furthermore, outcome-based approaches pay diminutive attention to “how” the policy or program became effective. The focus of this assessment was to examine the “how” and “what” of zero tolerance implementation. To this end, policy versus practice and implementation variability was explored.

Case Study Approach

The exploratory nature of this research relegated a case study approach to answering the critical research questions. Yin (1994) maintains that case studies are preferred when answering how or why questions; when the investigator has little control over events; and when there is a contemporary focus with a “real-life context” (p.1). The assessment met Yin’s criteria in that the emphasis was on exploring how zero tolerance policies have been implemented. Likewise, zero tolerance violations and associated school violence, substance abuse, and student misconduct are contemporary issues that daily plague our educational system.

A critical case study approach also lends itself to an exploration of the causal linkages between theoretical assumptions and practice. Zero tolerance policies assume that identification, recognition, and punishment of incidents will impact student behavior (e.g. deter student misconduct) that in turn will reduce the number of zero tolerance violations and thereby create a safer school environment. To investigate this claim, an operational understanding of zero tolerance was examined.

Operational Model

The operational model presented in this section is derived from the zero tolerance policies identified in the *Rogers County School System Code of Behavior and Discipline 2000* (note: the name of the school district has been changed for confidentiality reasons). The zero tolerance policy objectives outlined in the handbook are consistent with measures taken by other school districts across the United States. These objectives provide a core structure for understanding what zero tolerance implementation should look like in practice. For the purpose of this assessment, only the policy statements pertaining to zero tolerance will be addressed.

These statements include violation recognition and response, disciplinary actions, search and seizure, and disabled student misconduct.

Zero Tolerance Violations

According to the *Code of Behavior*, zero tolerance violations include: assault upon school personnel, drugs and weapons. Weapons are defined as “any dangerous instrument or substance, which is capable of inflicting injury on any person” (p. 14). Dangerous weapons include “any firearm, explosive, explosive weapons, Bowie knife, hawk bill knife, ice pick, dagger, slingshot, leaded cane, switchblade knife, blackjack, knuckles, or any other weapon of like kind not used solely for instructional purposes “(p.14).

Although student harassment and discrimination has been identified as being intolerable, the behavior does fall into the category of zero tolerance offenses. The Rogers County School’s policy states “student discrimination/harassment will not be tolerated” (p. 8).

“Discrimination/harassment is defined as conduct, advances, gestures, or words either written or spoken of a sexual, racial, ethnic or religious nature which creates a “...hostile or offensive learning environment....” (p. 8). What distinguishes harassment/discrimination from specified zero tolerance infractions are the punishment rendered to students. A student who commits acts of harassment or discrimination may be suspended but not expelled for a calendar year.

Alcohol and other drugs violations are described under separate cover in the *Code of Behavior and Discipline*. The policy states that students are not permitted to possess, sell, solicit, or transfer any alcoholic beverages, narcotics or other controlled substances, and simulated drugs on school property, in school vehicles, or at school events. Tobacco in its various forms (cigarettes, smokeless, cigars) is also prohibited. Matches, lighters, and any other

paraphernalia associated with drug use are also forbidden on school premises and buses. The use of prescription drugs for medical purposes, however, is allowable under the policy with some restrictions. Parents must register prescribed drugs with a designated school staff member. This person may be a school nurse, secretary, or attendance clerk; staffing varies by school. The designated staff member administers the drug to the student according to parental instructions.

Disciplinary and Zero Tolerance Response Structure

The Rogers County zero tolerance policy provides a basic structure of response to student misconduct. The response structure consists of four levels representative of the severity of the violation. For example, Level I violations are considered to be minor infractions which may impede the orderly operation of the classroom or school. Examples of these violations include: classroom disturbances, tardiness, gambling, copying another student's work, failure to complete assignments, and minor instances of disrespect, harassment, and discrimination. Zero tolerance violations are considered to be Level IV violations and require immediate removal of the student from school premises (*RCS Code, 2000*).

Disciplinary actions as well as whom responds to policy violations are based upon the level of the incident. Teachers or staff members who observe the misbehavior are responsible for handling minor infractions. Zero tolerance violations require administrative response. With each disciplinary response taken, the staff member must maintain a record the offense and action taken. Table 1 is a consolidated representation of violation levels and associated disciplinary responses.

Zero tolerance adjudication follows a criminal justice model as opposed to a rehabilitative model. The model incorporates investigative procedures, a ruling, and an appeal

Table 1

Violation and Disciplinary Response Structure

Violations	Disciplinary Response	Person responsible for implementation
<p>Level I</p> <ul style="list-style-type: none"> ➤ Classroom disturbances ➤ Tardiness ➤ Minor instances of disrespect, harassment, and discrimination 	<ul style="list-style-type: none"> ➤ Verbal reprimand by staff member ➤ Withdrawal of classroom privileges ➤ Detention or supervised instruction 	<ul style="list-style-type: none"> ➤ Any staff member (i.e. teacher, guidance counselor, librarian, etc.)
<p>Level II</p> <ul style="list-style-type: none"> ➤ Continuance of Level I behaviors ➤ Forged notes ➤ Tobacco use ➤ Cell phone use 	<ul style="list-style-type: none"> ➤ Parent notification ➤ In School Suspension ➤ Detention 	<ul style="list-style-type: none"> ➤ School administrators
<p>Level III</p> <ul style="list-style-type: none"> ➤ Continuance of Levels I and II behaviors ➤ Vandalism ➤ Stealing ➤ Threats to others ➤ Harassment 	<ul style="list-style-type: none"> ➤ Level II disciplinary options and ➤ Out of School Suspension ➤ Alternative School placement 	<ul style="list-style-type: none"> ➤ School administrators
<p>Level IV</p> <ul style="list-style-type: none"> ➤ Continuance of Levels I, II, and III behaviors ➤ Bomb threat ➤ Extortion ➤ Vandalism ➤ Theft, sale, possession of stolen property ➤ Arson ➤ Under the influence of alcohol ➤ Unlawful possession, sale, and distribution of any drug or paraphernalia ➤ Harassment 	<ul style="list-style-type: none"> ➤ Immediate removal of the student from the school campus ➤ Expulsion ➤ Alternative school placement 	<ul style="list-style-type: none"> ➤ School administrators ➤ Superintendent (The superintendent modifies expulsion cases by referring students to the alternative school)

process, and penalty phase. Whereas in the criminal justice realm individuals are sentenced to prison, students who are found “guilty” of zero tolerance violations are sent to the alternative school. The only rehabilitative note in this process is that students are allowed to continue their education in an alternative school setting.

Suspension and Expulsion Procedures

Student suspension and expulsion follow due process procedures prescribed by the school district and pursuant to state law. According to the District Code, the offending student receives oral and written notice of the charges against him/her within 24 hours of the incident. He/she is given an explanation of the evidence of the charge(s) as well as an opportunity to explain his/her version of the incident. After reviewing the evidence and hearing the students’ testimony, the principal, or assistant principal may suspend the student for a maximum of ten days per incident.

Expulsion is defined as “removal from attendance for more than ten (10) consecutive days or more than fifteen (15) days in a month of school attendance. Multiple suspensions that occur consecutively shall constitute expulsion” (p. 32). Expulsions for zero tolerance violations are for one calendar year or 180 days. Prior to expulsion the student may appeal his/her case to a Disciplinary Hearing Board. The Disciplinary Board reviews the facts of the case and either upholds or overturns the recommendation for expulsion. The recommendation is forwarded to the superintendent who may modify the punishment by sending the student to an alternative school (*RCS Code, 2000*). Figure 2 provides a graphic representation of this process.

Due process is waived when immediate suspension is necessary for the protection of students and staff and for maintaining school order. In this case, due process will occur no later than three days after the suspension.

A student may be suspended for a maximum of ten days per incident with the recommendation of the superintendent. Prior to expulsion a hearing is held with the student, parents/guardians and the school board. "If the Board does not meet within those ten days to review the case and make a ruling, then the pupil is returned to school and placed in the in-house suspension program pending Board action" (*RCS Code, 2000*, p. 19). Figure 2 provides a graphic presentation of this process.

Search and Seizure. It is important now to mention the Rogers County School District's search and seizure policy. The procedures are an integral part of the school administrator's authority to investigate zero tolerance violations, particularly those infractions that involve drugs and weapons. As delineated in the *Code of Behavior* students are subject to searches of their lockers, desks, purses and backpacks if there is reasonable suspicion that the student may be harboring drugs, weapons, and other items deemed intolerable on school property. Personal searches (jackets, pockets, purses, etc.) may only be authorized by the principal, assistant principal or designated staff member and must be conducted in the presence of a witness. Law enforcement officials are granted the search and seizure parameters so long as the principal requests assistance. Any illegal items (e.g. weapons, drugs, etc.) found during the search are immediately seized by school officials and the police. Although strip searches are not allowed, middle and high school administrators may at with the approval of the superintendent conduct a canine search for drugs on school premises. In addition to this option, schools may install video cameras to monitor student behavior and to provide an accurate record of misconduct.

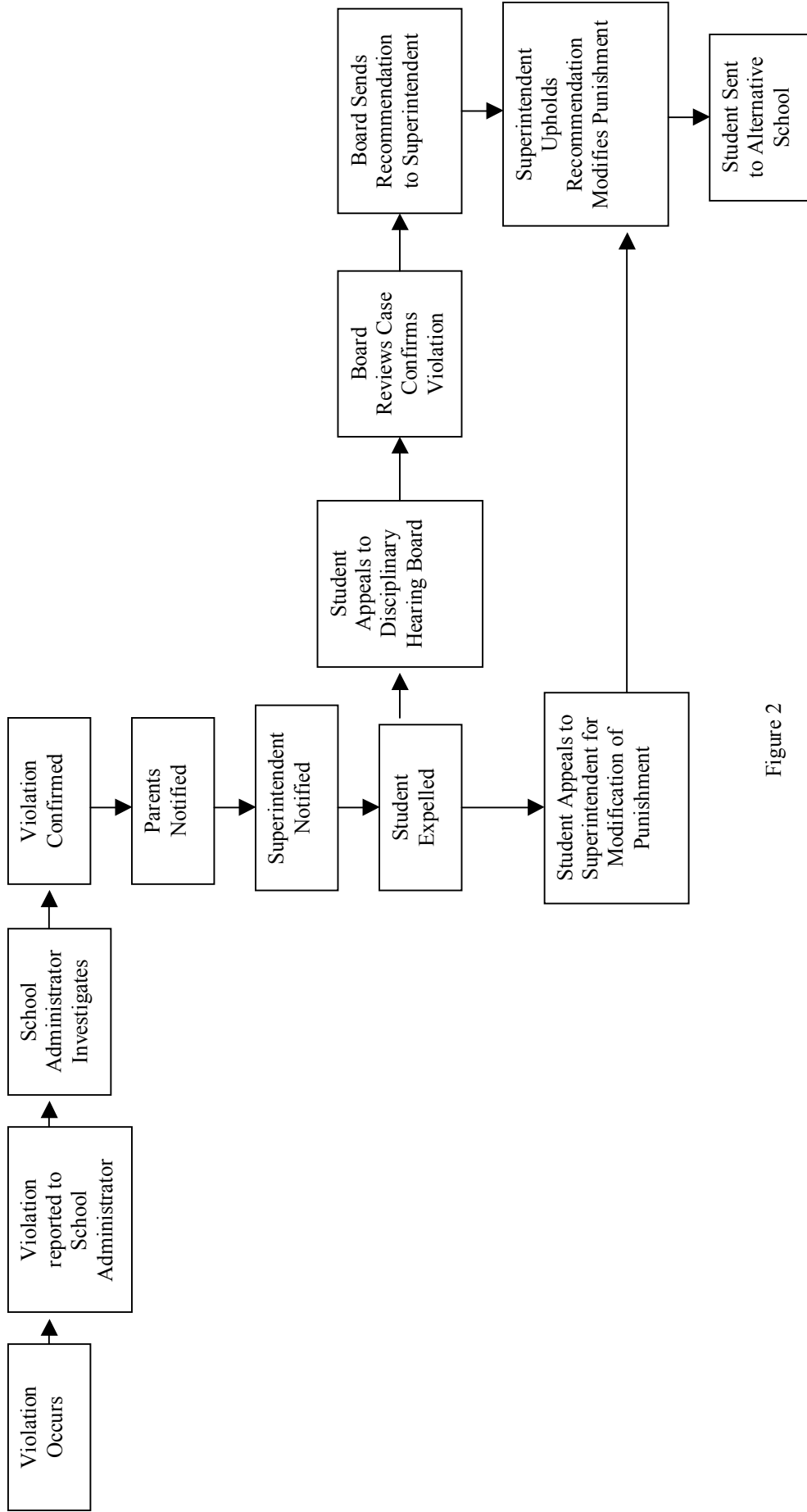


Figure 2
Zero Tolerance Violation
Adjudication

Students with Disabilities. Students with disabilities are afforded the rights identified in the Individuals with Disabilities Act (IDEA) and Section 504 of the Rehabilitation Act. As such, disciplinary actions follow the federal and state laws regarding treatment of persons with disabilities. Specific disciplinary actions and procedures for these students are not clearly delineated in the Rogers County Schools policy. The policy refers to the reauthorization of IDEA in 1997 and the U.S. Department of Education’s “federal regulations and their interpretations will be soon forthcoming” (p. 32). “The Superintendent shall develop procedures and guidelines consistent with the federal regulations and their interpretations regarding the discipline of special education students” (p. 32). However, since the 2000 publication of the district’s *Code of Behavior and Discipline*, there have been specific policies and procedures adopted for appropriate disciplinary procedure for students with special needs. Administrators who participated in this study explained these procedures in the course of an interview. Their discourse on disciplining special education students will be shared in subsequent chapters.

The conceptual and operational models presented in this proposal work in tandem to answer the two guiding research questions – How and to what extent has zero tolerance policies been implemented in schools? and What is the relationship between policy, school, and student factors and implementation variability? The operational model lays the foundation for a descriptive account of implementation. The conceptual framework (policy context, pressure-support and capacity model) offers theoretically plausible explanations as to why particular implementation outputs may occur. The question that must be raised at this juncture is how are these conceptual factors manifested at each stage of the operational model? That is, how do contextual factors support or impede an administrator’s actions during the recognition of a violation, the disciplinary response, and sanction enforcement stages? Furthermore, what is the

collective effect of resources, environmental and organizational influences, and policy clarity on implementation? In the following section, the methodology for answering these questions will be presented, beginning with operationally defining constructs.

Operational Definitions

An operational definition of the two constructs – policy context and implementer capacity link conceptual ideas with the practical application of zero tolerance activities. These definitions are presented below.

Policy Context. From an operational standpoint, this assessment searched for evidence that either supported or refuted the claim that the policy context consists of environmental, organizational, clarity, and resource factors. For example, written policy statements, memos, and briefs were examined to determine if localities have “bought-in” to the contention that zero tolerance policies are necessary to maintain school safety. Was there a communal sense that school violence, substance abuse, or gang presence is a problem within the school? Was there documentation (i.e. student surveys, task force reports, etc.) of a “state of emergency”? In turn, this assessment looked at the organizational response to public sentiment. Which organizational perspective (systems, bureaucratic, organizational development, conflict bargaining) best fit the manner in which schools implemented the zero tolerance policy? From a systems perspective, were there prescribed decision making methods for identifying and adjudicating zero tolerance violations? Bureaucratically, was there evidence (i.e. memos, faculty and board meeting minutes) of top-down communication from district personnel to school administrators to building-level staff? Was there specialization of labor? That is, were only certain individuals

responsible for particular tasks such as maintaining a database of zero tolerance violations or contacting parents and board members concerning disciplinary actions?

The assessment also looked for indications that an organizational development or conflict bargaining framework was utilized in schools during the implementation process. Were implementers involved in writing policy objectives? Was there a forum where implementers, either collectively as a school or individually, could express concerns about zero tolerance policies? Was the school in a position to “bargain” with district policy makers its stance on zero tolerance enforcement?

Written zero tolerance policy statements were examined to determine policy clarity. I conducted document analyses to search for clearly identified procedures that tell who, what, when, where, and how zero tolerance violations were recognized and sanctioned. I was interested in the determining whether or not the policy was written in legalistic or layman’s terms. Furthermore, I investigated to see if all parties involved understood what was required of them to implement the policy.

The deployment of financial, technical and human resources throughout implementation was of importance to the assessment. Financial resources include funding for printing zero tolerance policy guides. Technical resources include management information systems and databases for maintaining zero tolerance incidence reports. The obvious human resources include not only school administrators and teaching staff but also those persons who maintain zero tolerance incidence reports, notify parents of disciplinary proceedings, and monitor the progress of suspended and expelled students.

Capacity. For this assessment, capacity was viewed from the implementer’s decision making ability, processing of information, and on-going professional development pertaining to

zero tolerance. Identifying the criteria implementers use for recognizing violations and issuing sanctions was of paramount importance. Do implementers refer to a policy and procedure manual when responding to zero tolerance violations or do they act instinctually? Does the policy permit discretionary interpretation and enforcement? Are professional development training opportunities available that increase the implementer's ability to recognize and respond to zero tolerance misconduct?

Support and Impedance. The purpose of support strategies is to insure implementation of policy objectives. Support for zero tolerance implementation is closely linked to resource allocation. Adequate technical, financial, and human resources are necessary to insure that each aspect of zero tolerance implementation is achieved. Additionally, the personal and professional support (i.e. collegial networks) implementers experience is also critical to the implementation process. The absence of support structures impedes implementation.

Methodology

Because of the implementation focus, qualitative research methods were used to investigate these issues. A qualitative approach is consistent with the King, Morris, and Fitz-Gibbon (1987) model for assessing implementation. The model suggests that interviews and document analysis will provide a comprehensive understanding of the implementation process. I used the King, Morris, and Fitz-Gibbon (1987) model in conjunction with the work of Hedrick, Bickman and Rog (1993) to determine the study site, data sources, questioning scheme, and data collection methods. The criterion for maintaining data fidelity was also derived from Hedrick, Bickman, and Rog's research design. Each of these methodological considerations will be discussed.

Site Selection

Since the passage of the Gun-Free and Safe Schools Acts of 1994, zero tolerance policies have been common place in schools. Understandably, it was beyond the scope and resources of this research to investigate zero tolerance in all schools. Rather the desire was to present a conceptual and operational understanding of implementation activities such as violation recognition, response, and disciplinary action. The study concentrated on describing these activities at the high school level.

The decision to conduct the study at one educational level was based on the research which suggests that differential enforcement of zero tolerance policies is required when punishing middle or high school misbehavior. That is, typical misconduct of elementary or middle school students (e.g. fighting without weapons, bullying, etc.) would require less stringent punitive measures than the more severe behaviors exhibited by older high school students (e.g. fights involving weapons, guns, etc.) Accordingly suspensions and expulsions are more prevalent at high schools than elementary or middle schools (Flannery, 1997).

Since the majority of high profile school shootings occurred in suburban area, this study was conducted at a suburban high school in Tennessee¹. Baldwin High School was purposely chosen because of its administrative reputation for fully enforcing school rules. Baldwin opened its doors in the fall of 2000 and was dubbed the “fresh start school”. Because of an open

¹ A suburban school district is defined as a district with 50-70% of the student population residing in urban and 30-50% residing in rural areas (Decennial Census School District 2000, 1999).

enrollment plan, students from any of the existing high schools could attend Baldwin High. Administrators interviewed for this study shared stories of students with disciplinary problems who were encouraged to transfer to Baldwin from their original high school in order to receive a “fresh start”. Needless to say, there were challenges in enforcing school rules the inaugural year and Baldwin gained the reputation of being strict or in the vernacular of students – a prison. School officials noted that the reputation came as a result of administrative and faculty buy- in to enforce the same rules that were deemed for all high schools in the school district. I will discuss the importance of stakeholder support of the policy in subsequent chapters.

Data Sources

Both primary and secondary data were collected during the implementation assessment. Primary sources of data included information obtained from key stakeholders involved with implementing the zero tolerance policy. At the school building level, these individuals included principals and their assistants, school resource officers (on-site law enforcement officials), and alternative learning center staff. School district personnel included a representative from the superintendent’s office. Additional primary data were collected from state mandated school and district records of disciplinary actions taken against students. Secondary data was collected from in-house administrative records maintained by each high school as well as state department of education reports.

Questioning Scheme

The first line of inquiry began with background questions for each stakeholder. These questions include: How long have you been an administrator, principal, school resource officer, etc.? and How long have you held the current position? Each participant was asked to describe

zero tolerance, to explain how he/she developed an understanding of the policy, and to discuss his/her implementation role. Asking these questions of all stakeholders allowed me to explore the consistency of policy interpretation. The complete interview protocol can be seen in Appendix A.

In addition to the protocol, a four-tiered questioning scheme was devised for further assessing implementation. The four areas of inquiry were (1) historical; (2) conceptual; (3) operational and (4) implementation outputs. With historical questions, the goal was to present a timeline of implementation activities from the passage of the Gun-Free and Safe Schools Acts to the present. Conceptual and operational questions focus on the who, what, how, and why of implementation. That is, who participated in implementation activities, what were these activities, how policy objectives implemented and why did particular outcomes occur? Likewise, the point of convergence for implementation output questions was to determine whether or not co-optation, mutual adaptation or non-implementation has occurred. Sample questions for each category are identified below.

- Historical

When was the policy first introduced in the school district?

When was the policy first implemented?

What state laws were passed in accordance to GFSA and SSA mandates?

- Operational

What activities occur at each stage of the implementation process?

Who is responsible for carrying out these activities?

What resources were used or needed to carry out particular objectives?

- Conceptual

What environmental and organizational factors influenced implementer capacity and motivation at each stage of implementation?

How does implementer motivation influence capacity?

How much pressure or support is there for implementing the policy?

How much training have stakeholders received in recognizing and responding to violations?

How much time is required to enforce policy objectives?

- Implementation Outputs

What evidence is there that as a result of implementation the policy has changed (i.e. co-optation)?

What evidence is there that there have been changes in the policy, institutional and individual implementer (i.e. mutual adaptation)?

What evidence is there that non-implementation has occurred?

Data Collection Methods

Data collection occurred during the months of June through August 2006. The collection methods for the assessment were of a qualitative nature. Primary and secondary data were collected using a combination of interview and document analyses techniques. Semi-structured interviews were conducted with the following stakeholders: two principals, two assistant principals, a school resource officer, the public relations officer for the school district, the director of the alternative school, and the assistant superintendent of attendance who presides over zero tolerance appeals hearings. These individuals were chosen based upon their role in implementing zero tolerance policies. Participants were recruited by letter, telephone, and in

some cases email using snowball-sampling techniques (Erlandson, Harrison, Skipper, and Allen, 1993). That is, a principal may have recommended that I interview a specific individual at the District level who in turn may recommend another colleague to be interviewed. School administrators were interviewed at their respective schools and in their own offices. The School Resource Officer was interviewed in my classroom. The interview with the school district public relations officer was conducted in his office at the Rogers County Board of Education. Each interview was audio taped with the exception of two interviews conducted via email. I also followed up with individual study participants to clarify comments made during course of the interview when necessary. Two additional impromptu interviews were held with the school resource officer to obtain additional information about how SROs are chosen and the depth of their training for the position. I transcribed each interview by hand and then prepared typed field notes with theoretical and methodological notations interspersed throughout. This process allowed me to experience each interview at least three times (in-person, via written notes and typed notes). Once the field notes were prepared, I used pattern coding techniques to explore emerging themes. I highlighted key sections of each interview and referred back to the zero tolerance adjudication process to see where individual responses to questions fit in the implementation process. For example, each school administrator shared personal sagas of investigating zero tolerance violations. Their accounts provided a better understanding of investigative procedures than what was delineated in the policy itself. What transpired was an implementation story derived from the individuals most responsible for enforcing zero tolerance policies.

To understand the conceptual issues in implementing zero tolerance policies, I focused on what was not said during the interview. That is, I examined interview content and particularly

key quotes that were not specifically about zero tolerance enforcement but more about the policy context. For example, school administrators were asked if they felt they had any discretion in implementing the policy; the general consensus was a resounding no. However, each told of multiple times when they in fact did use discretion in determining whether or not a zero tolerance violation had occurred. Accounts like this offered a conceptual understanding of how organizational influences such as decision making techniques played a critical, albeit unacknowledged role in policy implementation.

Document analyses were used to supplement and corroborate information gleaned from interviews. Analyses of school and district records were used to describe the student body characteristics (race, ethnicity, and socioeconomic status) as well as the frequency and type of zero tolerance violations.

Probes and open-ended questions were asked throughout interviewing to allow for flexibility in exploring unanticipated issues that arose.

Data Fidelity

To insure the fidelity of the data collected, particularly secondary and extant data such as administrative records, each datum were filtered through a set of questions established by Hedrick, Bickman, and Rog (1993). The following questions establish a criterion for reliable and valid data:

Are the records complete?

How were the data collected?

For what purpose were the data collected?

If computerized, are some data items periodically

purged or updated from the system?

Study Strengths

A primary strength of this study is the triangulation of data sources and collection methods. Both primary and secondary data were collected through a process of interviews and document analyses. This feature of the study enhanced the credibility of sources and assessment outcomes. To further insure accurate outcomes, interviews were audio taped and field notes recorded. A peer de-briefer was consulted during the analysis and coding of field notes.

Study Limitations

There were two primary limitations to this study. First, I had a collegial relationship with the school administrators and the resource officer interviewed during this study. At times it was difficult to get participants to move beyond a “textbook” explanation of zero tolerance implementation and respond more authentically rather than in a way that would be acceptable to me, the researcher. However, as the interviews progressed, my colleagues eventually felt comfortable to openly critique the zero tolerance policy. There was also the potential for bias in my analysis of interview data. I was careful to remain an objective participant in the process, separating the response (as much as possible) from the person answering the questions. Second, the transferability of results is restricted to the context in which the assessment was conducted, namely a single suburban high school. Additionally, the focal point of the assessment was on understanding zero tolerance implementation from an administrative standpoint. For this reason and confidentiality considerations, students and parents were excluded from the study. From a

theoretical standpoint, the conceptual framework limits the focus of implementation to policy context interactions and implementer capacity.

The focus of this chapter was to discuss the methodology used to investigate zero tolerance policy implementation. Operational definitions were presented and data collection methods critiqued. A four-tier questioning scheme was presented that identified historical, operational, conceptual, and implementation output concerns that were researched. In Chapter IV, I present the study results.

CHAPTER IV

RESULTS

What happens to a federal policy as it meanders through the implementation channels of state governments, school districts, and individual schools? Does it remain the same or is it subject to adaptation in the hands of implementers? Using data collected from primary source documents, I will discuss the variations in the original zero tolerance mandate of the Gun Free Schools Act from 1994 to the present. Relative to this research, the laws the state of Tennessee passed in order to implement this policy will be addressed. I will also examine subsequent implementation policies and procedures that were developed at the state's Board of Education and the Department of Education. The remainder of the chapter will be devoted to describing zero tolerance policy implementation at both the local school and district levels.

Timeline: Federal to Local Level Resource Deployment

The Gun Free Schools Act of 1994 (GFSA) requested that all states receiving federal funds develop laws requiring school districts to expel for one year students who brought weapons to school [20 USC 892 (1994): Gun Free Schools Act of 1994]. Over the course of four years the Tennessee state legislature, the General Assembly, passed additional laws that particularized the parameters of zero tolerance infractions. In 1995, the state law referred to as *Tennessee Code Annotated* (TCA) 49-6-3401 (g) was enacted. The law states:

Notwithstanding the foregoing or any other law to the contrary, a pupil determined to have brought to school or to be in unauthorized possession on school property of a firearm ... shall be expelled for a period of not less than one (1) year, except that the director or superintendent may modify this expulsion on a case-by-case basis. (p. 91)

The following year, the state enacted TCA 49-6-4018 that expanded the terms of expulsion to include battery and drug possession (Office of Education Accountability State of Tennessee, 2003). According to the *Tennessee Code Annotated* (TCA) 49-6-4018 (1996), a student committing battery upon any teacher, principal, administrator, or any other employee of a local education agency or unlawfully possessing any narcotic or stimulant drug shall be expelled for a period of not less than one (1) calendar year, except that the director or superintendent may modify this expulsion on a case-by-case basis. (p. 404)

Expulsion was defined as the removal of the student from his/her home school with the possibility of alternative school placement (*Tennessee Code Annotated*, 1996). Additional codes of law were passed to define the terms ‘weapons’, ‘drug’ and ‘drug paraphernalia’. A weapon means “any dangerous instrument or substance, which is capable of inflicting any injury on any person. Drug means any controlled substance, marijuana, alcohol, legend drug or any other substance whose possession or use is regulated in any manner by any governmental authority, including the school system” (TCA 49-6-4202). Drug paraphernalia includes any item used to create, sell, or distribute substances (TCA 49-6-4202).

As zero tolerance offenses were more narrowly defined the responsibilities of school districts and other state government offices broadened. A 1996 statute required school districts to submit written copies of their zero tolerance policy statements to the Tennessee Department of Education. These policies were also to be distributed to students and parents at the beginning of each school year. In a separate code of law (Public Chapter 988, Student and Employee Safe Environment Act) local school districts were granted permission to add other offenses to the list of zero tolerance activities. In 1997, the General Assembly requested the Comptroller of the Treasury, Office of Education Accountability (OEA) to conduct the state’s first zero tolerance

implementation study. The focus of this first study was descriptive in that the OEA chronicled the policies and procedures school districts had adopted and the process of reporting violations. The latter (reporting procedures) proved problematic. Until 1998, there was no consistent method of reporting zero tolerance incidences. At that time, the State Board of Education became responsible for developing uniform reporting measures that describe the race, gender, grade level of the student as well as the type of offense committed (Office of Education Accountability State of Tennessee, 2003, Office of Research and Education Accountability State of Tennessee 2006).

The most recent zero tolerance legislation was passed in 2000. Public Chapter 634 “reinforces the authority of the superintendent or director to modify zero tolerance expulsions on a case by case basis” (Office of Education Accountability, 2003, p. 3). See Figure 3 for a graphic representation of the legislative timeline. The extent to which superintendents use their authority to modify punishment will be addressed in the next segment of the chapter.

Zero Tolerance Policy Implementation at the School Level

The focus of this study was to examine zero tolerance policy implementation at the high school level. Key stakeholders in the implementation process were interviewed including administrators at Baldwin and Lancaster High Schools, a school resource officer, a representative from the Superintendent of Schools Office, and the principal of the alternative school. This chapter will focus on telling the story of zero tolerance policy implementation in practice as it appears in one suburban community, in one school district, in one high school.

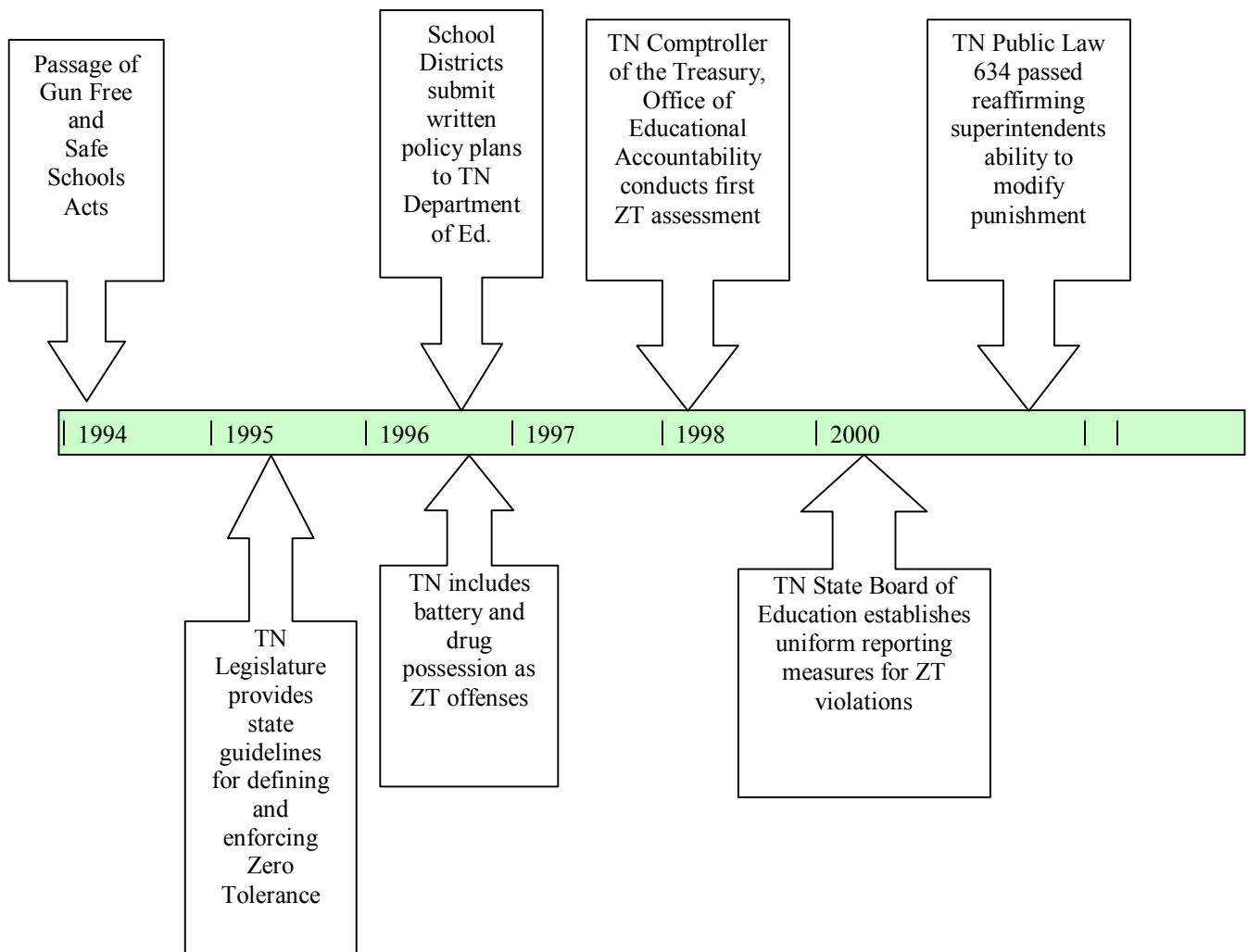


Figure 3

Zero Tolerance Policy Legislative Timeline

Sources: *Tennessee Code Annotated, 1996* & Office of Education Accountability, 2003

The High School – Community At Large

Rogers County Public Schools experienced tremendous growth over a ten year period. According to the County's Chamber of Commerce Data (2006), the area represents the fastest growing zip code in the country (U.S. Census Data 2006). This rapid growth has spilled over into the county's student population.

In 1996 when zero tolerance policies were established as federal policy the Rogers County student population was 22,831. By the year 2000, the student population had increased to 24,991. The most recent data available at the time of this study indicated that the student population had grown to 31,002 students in 2005 (Tennessee Report Card 1997, 2005). Cumulatively, there has been a 36% increase in the number of students attending Rogers County Schools since 1996.

At the time this study was conducted, Baldwin High School's student enrollment was 1,641. Over 85% of the student population was white, 8.8% African American, 2.4% Hispanic, and 2.8% Asian. There were 190 student suspensions and only 22 expulsions. In comparison to the five other high schools in the school district, Baldwin High ranked first in the total number of expulsions and fifth in the total number of suspensions. 16.2% of the student population was declared economically disadvantaged, the smallest proportion of all high school students in the district (Tennessee Report Card 2005).

The percentage of African American students expelled is pertinent to the discussion of zero tolerance implementation because research suggests that African American students are disproportionately expelled at higher rates than their white peers (Robbins 2005). At Baldwin, 13.6% of the expulsions were attributed to African American students.

Table 2 provides a composite of expulsion data relative to the percentage of disadvantaged students and the number of African American students expelled.

Demographic data alone only tells a portion of the story of policy implementation. Behind the numbers are real students with real adolescent problems that can occasionally translate into serious misconduct.

The High School – Baldwin Community

Nestled in a near bucolic setting that in less than five years since the school's opening has become littered with single-family dwellings, Baldwin appears to be anything but a prison. Quite the contrary, the warm brick façade and open-glassed areas are more akin to suburban shopping malls than detention facilities. Sunlight spills in from the rotunda as students routinely file into the over 350,000 square foot building.

The sense of community and common goals is evident in the main lobby of Baldwin High. A wall of recognition features pictures of students of the week and faculty and staff persons of the month. Beneath each picture are teacher recommendation forms detailing why students were chosen to be recognized. Students nominate faculty and staff members and provide their own explanation as to why the persons are worthy of the attention. It is evident from reading the nomination forms that both students and staff alike are commended for the intangibles – a kind gesture, an outstanding work ethic, an attentive ear.

Walking through the hallways at Baldwin one gets the sense that administrators and teachers actually know something more about their students than their academic record.

Teachers stand outside their doors in between class changes not only to encourage students to be on time to but also to be available to carry on a casual conversation.

Table 2
Rogers County High Schools
Expulsion Data

School	Expulsions	% of students who were Economically Disadvantaged	% of student population that was African American	% of all expulsions attributed to African American Students
Riverview	15	22.8	15.4	40
Lakeview	12	29.8	19.2	8.3
Sam Houston	20	23.4	11.9	30
Sycamore	14	27.8	12.2	7.1
Baldwin	22	16.2	8.8	13.6
Oak Grove	13	41.5	22.8	23.1

Source: Tennessee Report Card (2005)

Administrators including the principal also stand in the hallways during this time cajoling students. Visibility is important to the Baldwin community. Teachers and administrators see students and students hopefully see their advocates.

From the beginning, the Baldwin High School set itself apart from other area high schools by participating in the High Schools That Work (HSTW) program. HSTW is a school development model that focuses on preparing students for postsecondary educational or job opportunities. Students choose a university, technical, or dual (both university and technical) path of study. With a university path of study the student enrolls in college preparatory courses with a minimum of 20 credits for graduation. The technical path prepares the student for an additional year of postsecondary education. The student selects a major in one of the following areas: business, health science, computer technology, culinary arts, and childcare or landscape management. The dual path allows the student to take a combination of college preparatory and technical classes related to one's major. Students are not required to "major" in one particular area of study under the university path (BHS Student Handbook, 2006).

There are a myriad of activities in which students are involved at Baldwin High School. The traditional sports are available –football, baseball, basketball – as well as track, golf, and hockey. There is Pep Club, Beta Club, National Honor Society, Art Honor Society and even a Dance Dance Revolution Club. There appears to be a club for every possible student interest. Students at Baldwin High are busy, but not too busy to be suspended or expelled for zero tolerance violations.

The following sections of this chapter give voice to the school personnel who were interviewed for this study. There were two principals one from Baldwin High School and another from Lancaster High who participated in the study. Prior to their ascent to the principalship both

of these individuals served together as assistant principals at Baldwin. Their colleagues – two assistant principals were also interviewed. To gain an understanding of the role of law enforcement plays in the implementation of the zero tolerance policy, Baldwin’s longest tenured school resource officer was also interviewed. I begin in the principal’s office.

The Principal’s Office

Gloria Vandiver is a veteran educator with more than 30 years of experience, 18 as an administrator. At the time of the study she was completing her first full year as principal of BHS after serving as an assistant principal for 6 years. Vandiver strives to be accessible to faculty and students. In her first year she established regular lunch meetings with randomly selected students each grading period so that they could share their concerns. Similarly she each month she invite faculty to an in-school luncheon to talk about various school improvement plans (i.e. scheduling, credit recovery for failing students, and parent outreach). As open to constructive dialogue as Vandiver may be, she is very austere when it comes to enforcing school rules particularly zero tolerance policy mandates. She is a self described “black and white person”. Zero tolerance enforcement in her opinion is “cut and dry”. It is what it is. But not really.

In the course of our conversation Vandiver revealed her frustration with the fact that most students who have committed a zero tolerance infraction do not spend 180 days out of school. In her words “It’s a joke”. She felt that zero tolerance is less of a deterrent because students know they will eventually be back at their home school, assuming the superintendent of schools permits them to attend an alternative school.

Truthfully, not every situation is black and white. Vandiver acknowledged that incidences where a student comes to school under the influence of some drug or has a pocket

knife in his possession may not be considered zero tolerance offenses. She referred to an incident in which a parent placed medicine in a student's backpack, unbeknownst to the student. The medication was seen in the student's possession and he was officially "zero tolerated" (a term coined by administrators). When asked how much discretion she had in situations such as these, Principal Vandiver stated "I don't feel like I have that discretion. And I've never been told that I have that discretion".

If the principal is not directly involved in the investigation of a zero tolerance incident, then an assistant principal will inform him/her when a violation has occurred. The principal then confirms that the necessary paperwork has been properly completed. In the gray areas of policy enforcement, it is the principal who makes the decision whether an infraction has occurred. If a student is forthcoming about say, accidentally bring medication or a pocket knife to school, then the principal decides whether or not a true zero tolerance violation occurred. The two principals interviewed concurred that these type situations would not merit a student's expulsion.

While principals do exercise discretion in determining zero tolerance violations, the two principals interviewed for this study felt there was no flexibility in implementing the policy. Lancaster High's Principal Michael Dodd, a 30 year veteran educator stated and former Baldwin assistant principal, "Zero tolerance is cut and dry. I don't have any leeway whatsoever". At work here is the paradigm of perceived versus real authority. Principals' perceived authority comes from the top down, from the superintendent's office down to building level administrators. However, principals exert real clout in the decision-making process. Principal Dodd noted that on occasion the superintendent will call and ask his opinion about a student's behavior before modifying the punishment. Shared communication becomes an important aspect of zero

tolerance policy implementation. The superintendent depends upon the principal to provide information that he is not privy to based on his position in the organizational hierarchy.

Investigating a potential zero tolerance incident takes a considerable amount of time. A conservative estimate of the time it takes to investigate an incident is 2 to 3 hours. In reality, Gloria Vandiver said that investigations could take all day. “As an assistant principal and I know my assistants have said they have gotten a tip first thing in the morning and spent nearly all day on it” (Vandiver). Assistant principals spend the greater part of their time corroborating stories. Suspected students are pulled from class and interrogated by the school resource officer and the assistant principal assigned to the student. If multiple students are involved in the same zero tolerance incident such as possession of drugs on campus, then each student is interviewed separately. Principal Vandiver explained that it is very important to get to the student as soon as reasonable suspicion is established so that he/she will not have an opportunity to get rid of drugs or weapons before being searched.

The same rules of investigation apply even if a student commits a zero tolerance violation off campus. For example, if a student is caught with a weapon while attending a basketball game at another school, then the school resource officer at the student’s home school takes the lead in investigating the incident. In general, once the administrators at the student’s home school is made aware of an off campus violation, it is their responsibility to complete the inquiry and to inform parents.

Parent notification as a rule occurs once the fact has been established that the student has participated in some zero tolerance activity. The administrator’s interviewed for this study indicated that parents are usually notified towards the end of the investigation. Vandiver noted:

When the suspicion is there we don’t contact them immediately. Let’s say we have been given information that a student has something but we don’t find anything. We also

contact the parent then and let them know ... look this information was given to us. They're clean right now but we thought you need to be aware that we did check and we did have a reasonable suspicion.

Principal Vandiver explained that few of the zero tolerance cases that were appealed to the school district's disciplinary hearing board get overturned. She attributed the low turnover rate to the thoroughness of the investigation.

The appeals process allows the accused student to have his case heard before a disciplinary hearing committee. The committee consists of a district representative, a principal from another school, and the district's attendance supervisor who heads the committee. Students are allowed to present their side of the story. On occasion some students bring character witnesses to these hearings. Principal Gloria Vandiver stated that usually these character witnesses have no bearing on the outcome of the hearing. She stated, "the purpose of the hearing committee is not to modify punishment.... The only purpose of the disciplinary hearing committee is to determine if it truly was a zero tolerance offense or not". If the committee determines that a zero tolerance offense did occur, then the case is sent to the Superintendent of Schools for modification.

Modification of a zero tolerance infraction bears the similitude of the sentencing phase in the criminal court system. Students who commit zero tolerance violations are supposed to be removed from the school setting for one school year. For the school district referenced in this study one school year is the equivalent of 180 days. Tennessee state law requires students to be in some type of educational setting within 10 days of an expulsion (*T.C.A. 49-6-3401*). The student has the option of transferring to a private school, being home schooled, or attending an alternative school. Alternative school placement is granted through the Superintendent of Schools, hence the punishment is modified.

The adjudication process is nearly the same for special education students who are involved in zero tolerance violations. However, before being placed in an alternative school, special education students must have a manifestation hearing. The manifestation hearing is conducted with the student, parents, school administrators, and the student's case worker. These are the same individuals who would participate in the student's individual education plan (IEP) meeting. Sans the student and parents, the hearing members determine whether the student's action was a manifestation of his/her disability. If the outcome of the hearing is such that the student was found to have committed a zero tolerance violation and the action was not attributed to his/her disability, then the student is referred to the Superintendent for modification. The maximum amount of time a special education student may attend an alternative school is 45 days as opposed to the prescribed 180 day expulsion for "regular" students.

The Assistant Principal's Role

From an implementation perspective, the assistant principal assumes the role of the "street level bureaucrat". In fact, the principal's role in identifying zero tolerance violations is very minor. It is the assistant principals who exercise the greatest authority and assume a significant level of responsibility in identifying and enforcing the policy.

There were two Baldwin assistant principals who were interviewed in this study – Marilyn Dangerfield who had been an educator for at least 30 years and John Sutton a former biology teacher and basketball and football coach who became assistant principal in 2005. Their perspectives on zero tolerance as a disciplinary policy were unique to their experiences in education with points of convergence and divergence. As much as possible their own words are

presented with limited analysis to give authentic voice to the challenges assistant principals face when implementing a zero tolerance policy. I begin with Marilyn Dangerfield's account.

Teenagers are typically bad about not seeing each other as individuals and not respecting differences. They are cliquish.... There's always been the jocks, the brainy kids, the geeks, and the middle of the road group who went to school and just did what they were supposed to do (Marilyn Dangerfield)

Assistant Principal Marilyn Dangerfield was deliberative in her thinking about the teenagers she worked with and the social context in which they reside. Admittedly, she only has interactions with a minority of the Baldwin student population, specifically those students cited for misconduct. "From a disciplinary issue I usually see between 5 to 8 percent of the population. I'm seeing the bottom of the pool. I'm not seeing the ones on a daily basis who are doing what they are supposed to do...." (Dangerfield). Even with interacting with a small section of the student population, Dangerfield explains that the tenor of the times is palpable.

As our society becomes...I don't know if advanced is the word...as we become more worldly, we have a whole lot more worldly problems in families, in kids, in any type of working situation...

The more "worldly" problems Dangerfield referred to included violence, alcoholism, and other forms of substance abuse. In her opinion, the school community is merely a microcosm of the "outside" world reflecting society's tastes and subsequent ills.

School just really mirrors what's going on in society out there in homes and neighborhoods anyway [Students are] not born thinking it's okay to buy drugs...thinking it's okay to carry a weapon with them. They've seen that somewhere.

If Marilyn Dangerfield's contention is true, then parents play a consequential role in either transferring or downplaying societal expectations.

I think there's been a couple of generations where parents have done everything they can to make their kid be happy which is not a bad thing. But kids have to understand and

know failure and unhappy and how you deal with that. They're always trying to fix things, Band-Aid things to make things be okay. To know failure, to know disappointment is not something this generation is familiar with or as familiar with as other generations.

From Dangerfield's perspective, parents are by proxy buffers who shield their children from the harsh reality of consequences for one's actions including zero tolerance infractions. Rather than allow students to reap the fruit of their misdeeds, parents become negotiators in the disciplinary process. This creates a taut relationship between the administrator and parent.

The conflict between administrator and parent is first displayed in determining whether or not a zero tolerance violation has occurred. As stated previously, the assistant principal typically assumes the lead in investigating a potential zero tolerance violation. Therefore, how this individual defines zero tolerance colors the policy enforcement process. For example, Marilyn Dangerfield defined zero tolerance as including harassment, physical assault as well as student possession of drugs and weapons. Threats, harassment, and assault were identified as either student-to-student or student-to-teacher interactions. She stated, "You can't have a student making a murder threat toward a teacher. That would be zero tolerance. You can't have students doing that to each other". Dangerfield's definition of zero tolerance is a departure from the Rogers County School system's policy in that she sees threats, harassment, and assaults as zero tolerable offenses. Theoretically, these activities are intolerable in any educational setting but they are not punishable by a 180 day calendar suspension as the more narrowly defined weapons and drug offenses the school system has identified. Nevertheless, there is pressure from the parent community to both minimize and to punish student acts of intimidation. From the standpoint of minimization, Dangerfield noted that some parents defend fighting as an act of self-defense rather than assault. However, she stated, "Verbal altercations can be considered assault. You don't have to hit somebody to have an assault. The way we have it written in our

handbook if it's a fight they're going to get suspend[ed]". The punishment for fighting is indicative of parental pressure to curb bullying. Marilyn Dangerfield stated, "Society in general is a lot less tolerant of bullying. There's always been bullies in school but it seems like bullying activity and technique are so much more degrading and [of] a threatening nature". There is a fine line between bullying and an assault. As Dangerfield indicated, bullying and assaults can involve verbally abusive behavior. The demarcation between the two events often depends upon the victim's perspective. Student victims may pursue legal recourse against an offending classmate.

On occasion, students are taken to a juvenile detention center when they are involved in a fight. According to Dangerfield students are taken to jail when a teacher or school administrator has seen them initiate a fight. Parents are notified that they must come by the school or meet the School Resource Officer (SRO) and student at the detention facility. At this point in the disciplinary process the assistant principal temporarily relinquishes authority to punish the student and allows the juvenile justice system to prevail. Dangerfield explained:

There's a police report that's got to be filled out by the SROs. There's a suspension/zero tolerance report that has to be sent to the superintendent or director of schools. The student will be taken to juvenile detention and then we'll counsel with the parents....It does get the situation out of the school for just a minute.

Assistant Principal Dangerfield admitted there are gray areas in enforcing the zero tolerance policy particularly when prescription drugs are involved. She stated, "A lot of kids are on medication ... there's diabetic medication, seizure medication ... a lot of depression medication...." Parents are required to register their child's prescription with the school nurse or as was the case at Baldwin High the attendance office. When it is time for a dose, the student comes to the nurse or in her absence the attendance clerk to take his/her medicine. However, if a student comes to school with a prescription drug that has not been properly registered, then this becomes a rule violation. According to Dangerfield, "If they brought their prescription for pain

relievers and we see them taking one ... we would have to notify the parent. We probably wouldn't penalize the kid for that". Arguably the line between zero tolerance and rule violation is blurry. Dangerfield explained, "Now if they come in with their prescription bottle but somebody's different kind of medication in the bottle, then that would be more of a zero tolerance type thing".

Punishing a student for coming to school under the influence of a drug is also murky territory. Dangerfield told of a student who came to the school drunk.

He must have had morning cocktails all the way in [to school]. He was suspended for nine days. If somebody comes under the influence of a drug... now that is something that we can't really [prove] unless we do a blood test

Like most school districts, Rogers County Public Schools does not have the resources to be able to conduct blood tests for substance abusers. Instead the school district relies on the expertise of administrators to make judgment calls in these difficult cases. Dangerfield acknowledged that most of her expertise was developed on the job. "You quickly figure out what's serious and what's not so serious". She stated that the county's written code of discipline serves as a guidepost for determining whether or not a zero tolerance violation has occurred. However, there are times when in Dangerfield's words "You see something that doesn't fit neatly into a cubicle. So you make the best judgment that you can in light of the safety of the school and the educational well being of the student's that's involved".

The conversation with assistant principal John Sutton was peppered with case studies that helped paint a picture of the zero tolerance policy implementation process at the high school level. At the time of the interview, John Sutton was completing his second year as assistant principal at Baldwin High. He served two additional years as an assistant principal at a K-8

school prior to coming to Baldwin and 19 total years as an educator. In comparison to his colleague Marilyn Dangerfield, Sutton provided a nearly textbook definition of zero tolerance.

Zero tolerance is a mandated policy that provides that any student who has been in possession of drugs, being prescription or non-prescription, that is unlawful[ly] in possession of ... would be zero tolerance. Any student who attacks a school official...is subject to zero tolerance. Possession of a weapon would be a zero tolerance offense. The sale or transfer of weapons would also be a zero tolerable offense.

Unlike Mrs. Dangerfield, Mr. Sutton did not identify harassment as a zero tolerance offense perhaps because most of his experience was with drugs or weapons possession cases. Sutton shared his experiences through a series of case studies of his participation in enforcing the zero tolerance policy. The first set of cases presented in this section involves search and seizure procedures. The second set of stories provides examples of differential policy enforcement within the Rogers County School District.

Search and Seizure Procedures in Practice

Before school administrators can search a student's car, locker, or person there must be reasonable suspicion that the student has violated a school policy. As stated previously, administrators usually receive a tip that a student is involved in some questionable activity. Both the school administrator and the school resource officer (SRO) are involved in the investigation that often leads to some type of search. John Sutton described three different incidents in which students were searched for drugs. In the first incident Sutton stated that he had monitored a student's behavior for almost an entire school year without any proof of drug possession or distribution.

I got information at the beginning of the school year about someone selling drugs. We caught him a month and a half left in the school year. But we...caught him going to his car without permission. [We] searched and found half a bag of marijuana, about \$300 worth....

The second scenario Sutton described also involved a car search but three students were implicated in the investigation. One student had been selling drugs but riding to school with two other young men. Sutton stated, “We actually wanted to know who had the drugs”. The driver of the vehicle consented to a search of his car and stated that the drugs that were found belonged to the student suspected of drug distribution. Both the driver and the student selling the drugs were expelled for zero tolerance violation. Sutton explained the rationale behind expelling the student driver, “Because they were in his car he also was zero toleranced”. The third student passenger was not punished because according to his testimony he had no prior knowledge of drugs being in the car. “We had no basis to prove otherwise... so we he was let go” (John Sutton).

The third situation was in Sutton’s opinion the most bizarre incident he had experienced. He received an anonymous call from a parent stating that her daughter’s friend had brought drugs to school. She told Sutton that the drugs could be found in a notebook “between the pages of a clear holder and behind some drawings” (Sutton). Sutton thought it was unusual that the parent had such detailed information about the placement of the drugs. Nevertheless he and the school resource officer searched the student’s bag and found the drugs exactly where the parent suggested they were located. The student admitted to being a former drug user but stated that she had never brought drugs to school. She believed that her stepmother planted the drugs in the notebook. John Sutton was inclined to believe the student after tracing the anonymous phone call he received back to the girl’s home. However, “the girl was zero toleranced because even though her [step] mother planted it she was still in possession. She was an admitted drug user and the school board upheld it even though her [step] mother set her up”.

In each of the three situation presented it becomes obvious that the process of investigating a zero tolerance case can be quite lengthy – even expanding an entire school year.

What also becomes apparent is the discretion school administrators have in determining the outcome of an investigation. Has the student committed a zero tolerance violation? Will he or she be “zero tolerated”? “Zero tolerated” is a term administrators in this study used to indicate that some disciplinary action was applied. But the question remains as to whether or not such discipline is equitably administered.

Differential Policy Enforcement

Assistant Principal Sutton provided three separate examples of administrators at other schools differentially enforced the zero tolerance policy. The first situation occurred when a student from another school came to Baldwin High and attempted to assault John Sutton and the head custodian.

We had to forcibly and physically remove [the student]. But that school [the student’s home school] chose not to zero tolerance him. I thought it was a mistake on their part.

The second scenario Sutton described involved a student athlete from another school and drug possession.

We had a case where a[n] athlete came in here [from another school], left a bag of marijuana about \$150 worth....He was one of their star athletes and so he got a 2 game suspension...which was a violation.... [The student] admitted that it was his drugs but he got a two game suspension which was a violation of county policy. He was supposed to be zero tolerated.

Sutton explained that school officials justified not treating this case as a zero tolerance violation because the student in question was not culpable.

Their [school administrators’] logic was that he admitted to it and that it wasn’t his. He was just holding it for someone else. But the rules don’t... that’s not how the rule reads. But they [school administrators] interpreted it to benefit themselves.

The third case demonstrated how another school handled a weapons possession incident.

[Stewart High] had a student that took a knife to a [Roosevelt High] basketball game. It was a knife he used at his job. He [the student] had gone home, gone to work, came home, changed clothes ... had the knife in one of those things ... that attaches to your belt...went to the basketball game....The assistant principal [of Roosevelt High] saw him there [and] called the SRO down who was working the ballgame. They took the knife and turned it over to [Stewart High]. [Stewart High] did zero tolerance that child.

The Common Sense Approach

After sharing the six case studies presented in this section, Sutton stated, “I think common sense has to come into place.... You have to use a little common sense in looking at each case”. For example, Baldwin High has several students whose families operate farms for a living. Therefore, it is quite natural for those students to carry pocket knives because they are used for cutting ropes on bales of hay. In light of the agrarian lifestyle of some students, administrators must look at a student’s intent to cause harm if he or she comes to school with a pocket knife. Hence John Sutton’s common sense criteria would be applied to such instances.

School Resource Officers

The notion of using discretion or common sense when enforcing zero tolerance policies was reiterated in the interview with Baldwin’s School Resource Officer – Michael Marciano. At the time of the interview, Officer Marciano had completed four and a half years as a school resource officer at Baldwin High. He explained that his official title at the school was School Resource Officer; however, because he was employed by the Rogers County Sheriff’s Office, he was a deputy. Indeed he is a deputy equipped with a fully loaded and holstered gun.

School Resources Officers are trained law enforcement personnel who are employed by a local police department but whose assignment or “beat” is a school. Schools like Baldwin often have two officers as a result of a federal push for community oriented policing that began in

1997. At that time local law enforcement agencies were eligible to apply for federal grant monies to initiate SRO programs in their communities. Since 1997, the number of SROs in schools has steadily increased (Beger, 2002).

In Tennessee, Public Law 302 tersely outlined the parameters for establishing a school resource officer program. In general, the police department or sheriff's office reaches an agreement with the school district to place an officer in the school. The same requirements for becoming an officer or deputy applies to SRO's with additional training required for individuals working in school settings – 40 in-service hours. In 2007, the Tennessee General Assembly commissioned a study of the SRO program and “established minimum expectations for School Resource Officers” (Tennessee Department of Education, Office of School Safety and Support, 2007). I asked Officer Marciano why he thought the General Assembly would establish standards nearly ten years after the inception of the program. He said that it was to make a distinction between regular security officers that school districts can hire and SROs. For example, security officers do not have to meet the same requirements as law enforcement employees who follow the Peace Officers Standard Training (POST) guidelines (Tennessee Department of Education, Office of School Safety and Support, 2007). Likewise the hiring of security officers for school patrol is less stringent. Officer Marciano explained that his employer the Rogers County Sheriff's Department requires at least two years of “street” experience and preferably a two or four year college degree. The educational requirement can be waived depending upon one's experience. During the application process the candidate interviews with department and division leaders within the Sheriff's Department. Interviews are also held with the principal of the school where the officer will be placed or with any school principal. Marciano explained that this insures the candidate will be able to work with his superiors at the

Sheriff's Department and with school administrators. He notes that success as an SRO depends heavily upon working with principals, faculty, parents, and students. This what the Rogers County SRO program refers to as the triad approach – family, school, and law enforcement.

Among the other minimum expectations is an understanding that a school resource officer is yet another positive role model for students and another adult who can help enforce school law (not school rules – a distinction Officer Marciano describes in subsequent paragraphs) including zero tolerance policies.

Officer Marciano defined zero tolerance as “drugs, weapons, weapons, as defined by the school system ... and assault on a teacher”. Marciano noted that there is a difference between what law enforcement officials and school districts identify as weapons with pocket knives being a particularly contentious item.

A lot of students have brought pocket knives to school [and] have not been arrested because they have not actually broken a law because there was no intent to harm.

Marciano stated that being in possession of a pocket knife on school grounds is not enough to arrest the student, but it is enough for the student to be expelled for zero tolerance. It is not the school's responsibility to determine whether or not the intent to cause harm was present.

Marciano agreed with assistant principal John Sutton that administrators should use discretion in deciding whether or not a zero tolerance violation has occurred but admitted that “school policy does not give principals that gray area”.

A Neutral Observer

Because while I work on their property, I am not employed by them. In a perfect world I am a neutral objective observer and I deal strictly with law enforcement issues and not school rules (Officer Marciano).

There is an ambiguous area in which school resource officers operate. They serve as quasi-administrators within the school even though they may not view themselves in this capacity. Officer Marciano stated, “We don’t enforce school policy; we only enforce the law”. However, administrators interviewed in this study expressed what a critical role school resource officers play in enforcing the zero tolerance policy. As stated previously, SROs are generally involved in investigating an incident and are usually present during search and seizure proceedings. While administrators may engage in warrantless searches, school resources officers must adhere to the student’s fourth amendment rights. Officer Marciano explained that he must have a warrant to search and seize student property especially if drugs are involved. Furthermore, he must actually see a student in possession of drugs before making an arrest. If an administrator takes drugs from a student during a search in which an SRO is not present, then the officer cannot make an arrest because the administrator not the student is in possession of the drug. Marciano clarified this situation:

When I get there he’s [the student] not in possession of it [the drugs]. It’s on a desk. I didn’t see him [the student] with it. I can’t arrest him.

In cases like these Marciano explained that it is best for an administrator to wait until the SRO is present before conducting a search particularly if criminal charges may be filed.

The school resource officer’s knowledge of general investigative procedures is critical to insuring that the school district and its agents are not subject to lawsuits for violating a student’s constitutional rights. Marciano explained that when a general inquiry about a school rule violation evolves into an accusation of say drug possession then a student must be read his/her Miranda rights. “The moment this goes from a general inquisitive investigation to I am basically accusing [a student] of [having] pot, he has to be mirandized”. Any confession of guilt on a student’s part is always tempered by the presence of evidence.

To take your confession in my office and charge you with simple possession... probably ...technically could charge you but there is this testy little thing called evidence other than your own admission which a good lawyer is going to beat me out of.

The truth is Officer Marciano often gets students to confess because he works very hard to establish a rapport with young, potential miscreants. He presents himself not as the hard nose administrator but as the wisecracking sage who is genuinely interested in the wellbeing of his charges. Marciano can be seen and heard in the hallways of Baldwin encouraging students to get to class on time. Standing on a chair with a bullhorn in hand, he warns students of impending “lockouts” (literally locking classroom doors so that students who are tardy cannot enter). If there are murmurings or rumors of a fight, students are more likely to talk to Officer Marciano about the problem rather than go to teachers or even administrators for help. He admits that he spends much of his day on non-law enforcement issues and more on establishing relationships with students so that they will come to him before conflicts escalate. His accessibility is often the first line of defense in maintaining a safe learning environment.

The dance between school safety and educational equity becomes even more convoluted when viewed from the school district level. The implementation of the zero tolerance policy from the Superintendent’s office to the alternative school will be addressed in the remainder of the chapter.

The Superintendent’s Office

Ninety-nine percent of the time he [the superintendent] let them go to the alternative school because he would rather see them in school than out of school for a year. (John Elkins)

Although the Superintendent of Rogers County Schools was contacted to participate in this study, the district’s protocol dictated that I interview John Elkins the School and Community

Liaison. Mr. Elkins handles all parent relations from zone exemption requests to zero tolerance offenses particularly when parents are seeking modification to the punishment. As with other interviewees, Elkins was asked to articulate the definition of zero tolerance:

We have three main areas: violence against teachers, any drugs or paraphernalia on campus and any weapons on campus. Those are the three main categories. Now with weapons there are some specifics on what constitutes a weapon....

His definition is similar to the phrasing in the *Rogers County Code of Conduct* and is delivered in a rehearsed manner. Perhaps his textbook tone is due to the fact that parents work with Mr. Elkins as opposed to directly with the superintendent after a zero tolerance violation. Elkins receives the notification of student suspension form that the principal or assistant principal completes at the time of expulsion. He holds onto the form until the parents contact the superintendent's office for a request of modification or a disciplinary hearing. Although the form indicates that the parents must contact the superintendent's office in writing within five school days of the expulsion, it is unclear whether verbal requests from parents are initially accepted and written verification obtained at a later time. In cases where the parents are asking for the student to be sent to one of the district's two alternative schools, Elkins gathers the student's file, researching past behavioral issues. This information is conveyed to the superintendent who informs Elkins of his decision to modify the punishment. It is Elkins who contacts the parents about their son or daughter's fate. If parents believe their child is innocent, then Elkins refers them to the disciplinary hearing board. As noted earlier, the hearing board determines whether or not a zero tolerance violation has occurred not whether modification of punishment is to be given. Elkins insisted that at any time during the adjudication process parents can come and speak with the superintendent in person. However, it has been his experience that the superintendent allows the hearing board to function autonomously. If the parents are not happy

with the outcome of the disciplinary hearing, then they may appeal to the school board. Elkins stated, "...what the school board will do is look at the case and decide ... basically it's like an appeal...do they want to grant him a new hearing or not". Accordingly, "typically the board upholds whatever the hearing board decides" (Elkins). Rob Mackie, an Assistant Superintendent of Instruction who presides at these hearings confirmed that very few of the zero tolerance cases are actually appealed. He estimated that less than 33% of cases are appealed and only 10% are overturned. Disgruntled parents may also seek legal recourse as a final option. Elkins said that in his tenure he did not know if any parents who have filed lawsuits and from that point the school district's attorney takes over the case.

It is worth noting at this juncture that as a liaison John Elkins plays a critical role in the implementation process. The Rogers County zero tolerance policy statement does not iterate that parents will be contacted by a school and community liaison; there is no reference to this position in the handbook. However, whether or not a violation is modified, depends upon the liaison's gathering of facts and communication with parents and the superintendent. Although Elkins stated that the Superintendent of Schools has the last say in modifying zero tolerance cases, this decision is based upon the data collected by what amounts to a public relations officer.

The Alternative School

The final phase of zero tolerance implementation is that the student is sent to the alternative school for "180 days". The process for enrolling in the alternative school is laden with paperwork. For an understanding of how students matriculate through the alternative school an interview with Karen Daniels the principal of Sycamore West Alternative School was conducted. Ms. Daniels was unavailable for a face-to-face interview but agreed to respond to a series of

questions via email. Daniels has been an educator for 28 years, serving the past five years as Sycamore West's principal. She was asked to explain the intake process for students attending her school.

Intake at SWA is on Tuesdays and Thursdays. Parent and student must attend an hour intake where they are asked to sign papers agreeing to participate in all aspects of our program. Students are given a copy of the student handbook to carry with them at all times. (Daniels)

Each middle and high school in district receives a checklist of information that must be sent to the alternative school prior to a student's enrollment. Required documents include: a copy of the student's current grades, transcript, disciplinary report, and long term suspension notice and/or remandment form. The remandment form is yet another checklist that the principal at the student's home school must complete identifying the process which led to the expulsion. The principal must indicate that parents were informed of a student's misbehavior, counseling was provided, and behavior modification attempts were made prior to the student's removal from school. In the event of a zero tolerance incidence, behavior modifications are not required as the nature of these occurrences such as weapons on campus requires immediate expulsion. If the student in question receives special education services, then documentation must be present showing that behavior modifications were attempted and a manifestation hearing completed. Once these forms are received at Sycamore West and the intake process is completed, counselors develop an educational plan for each student. Ms. Daniels stated that educational plans are determined by "pre-assessments, [the] instructional form filled out by their sending school teachers, and their records". Teachers complete the instructional form by writing in the content covered in each subject and the student's current average in the class.

Based on anecdotal information acquired during the course of this study and observations, Sycamore West is run much like a detention facility for juveniles. Students are

required to wear uniforms – standard khaki pants and collared, tucked-in shirts. According to school personnel interviewed in this study, students are searched at the beginning of the school day and are subject to random drug tests. Good behavior at school can translate into an “early release” from the school. Karen Daniels explained, “Students work through a level system to receive Return Level Status by earning daily points”. Earn enough points and a student who has been “zero tolerated” will be back at his or her home school in less than 180 days.

The 180 Days Debate

The general consensus among the school personnel interviewed is that enforcement of the 180 day sanction for zero tolerance violations is null and void. To use Principal Vandiver’s words “It’s a joke”. “But truly a calendar year ...is just truly a joke. It doesn’t happen. There really [is] not zero tolerance”. The school administrators understood that students are rarely out of their school for 180 days. The frustration of implementing the policy at the school level only to see the full weight of sanctions unravel at the district level is apparent when administrators discuss the system wide enforcement of zero tolerance policies. The question becomes how does a student who carried a weapon to school maneuver his/her way back to the home school in less than a year? The problem is space. There are two alternative schools that serve students who have been expelled from the 40 schools in the district. As one administrator noted,

Sometimes I think ... especially in the spring of the year when all of the schools from elementary to high school have worked with these kids from August to February and there’s no change in behavior... It kinda gets a back log and with two alternative schools that we have ...we just can’t hold them. So those kids who have been there, who have exemplified... who’ve been keeping their nose clean and doing the right thing then they’re back early. (Michael Dodd)

Each study participant recognized the difficulty in enforcing the policy as written. On the one hand it is important to create a safe learning environment for all students far removed from

zero tolerance violators. On the other hand there is a democratic need to educate everyone.

School administrators are caught in a quagmire of trying to reconcile these two competing

interests. Assistant Principal Dangerfield summarized the inconsistency this way:

You don't want to be so strict that the kid feels strangled and their educational opportunities are getting washed down the drain. Sometimes society thinks that we are not caring but we are. If they could see that you're caring for 150 everyday and almost in the same way for every single one... There's not a secret agenda to be mean or harmful to anybody...

CHAPTER V

DISCUSSION

The two guiding research questions for this study were: (1) how and to what extent has zero tolerance policies been implemented in schools and (2) what is the relationship between policy, school, and student factors and implementation variability? The simplistic answer to both questions is yes, some type of zero tolerance policy is being implemented in schools and policy, school, and student factors do contribute to variations in implementation. However to fully understand the ramifications of such a parsimonious response, it is necessary to return to the conceptual framework for this study. A conceptual understanding of the implementation process will be revisited in light of the study results and implementation outputs presented. I conclude the chapter with recommendations for further research.

Conceptual Framework Revisited

The conceptual framework presented in Chapter II suggests that public policy is fashioned within a context. The policy context is an amalgam of interactions between environmental and organizational influences, resources, and policy clarity. These interactions in turn either support or impede implementer capacity (see Figure 1).

Policy Context

At the beginning of Chapter IV, I raised the issue of what happens to federal policy as it trickles down into the hands of individual implementers. What I discovered in the course of this

study on zero tolerance is that the role of the federal government in implementing such policies diminishes and gives way to greater state control. The passage of the Gun Free and Safe Schools Acts in 1994 and the requirement that school districts establish zero tolerance policies is a classic example of federalism at work. Although the mandates for safe and drug free schools were issued at the federal level, the responsibility of executing such lofty goals rested squarely on the states' shoulders (Jones 1997). It is as if the federal government by-passed the states and went directly to the school districts by requiring zero tolerance policies and then returned to the states and said "go enforce our policy".

What we see in this case study of Baldwin High is the overarching influence of state policy in the way zero tolerance policies are enforced. Referring back to Figure 3 the Legislative Timeline, it is apparent that as state requirements for policy implementation were issued school districts were forced to adapt to the changes. For example, in 1996 when battery and drug possession were added as zero tolerance offenses, school administrators were expected have some knowledge of identifying these offenses and then thoroughly investigate a claim of misconduct. School administrators needed more time and training for enforcing the policy amendment; they received neither. Additionally, in 1998 when the Tennessee State Board of Education required uniform reporting measures for zero tolerance cases, school districts changed their methods of tallying offenses. This meant that schools had to collect demographic data for violators and regularly submit this information to the district office. Again additional resources of time and human capital were considered necessary but not allocated.

One of the more prominent examples of the conflict between state and national policy demands and expected outcomes involves the 180 day expulsion requisite for zero tolerance violations as was the case at Baldwin, students were rarely out for the prescribed time period

because there was no space available at the alternative schools. There was no allocation of funds at the state level to create additional alternative schools; therefore this aspect of the policy was not fully implemented.

State policies also influence the professional expectations of school resource officers. As mentioned previously, the Tennessee General Assembly established minimum requirements for being a school resource officer as well as guidelines for having community policing programs in schools (Tennessee Department of Education, Office of School Safety and Support, 2007).

Environmental Influences

This study found that public perception of the threat of school violence often prompted school administrators to respond by increasing security measures and scheduling more emergency drills (i.e. school shooting scenarios, hostage situations). For example, Baldwin High experienced a bomb threat during the first week of the 2006-2007 school year. Students were forced to evacuate the building; the local bomb squad and teachers searched the school. In response, Principal Vandiver with the assistance of the School and Community Liaison, John Elkins drafted a letter to be sent home with students explaining that the situation was a false alarm and that measures were taken to ensure school safety. Subsequently, there were faculty debriefings and follow up emergency drills in which faculty, administrators, and law enforcement officials simulated school shooting scenarios. This threat prompted an immediate organizational response.

The response to threats and other zero tolerance violations points to the prevailing and judiciously supported doctrine that school personnel operate in loco parentis (Conte, 2000). The immediacy of such situations requires administrators to respond quickly by removing offending

individuals rather than waiting on parental consultation. With over 1600 students to serve and to protect, Baldwin administrators and their colleagues must act in such a way that the general well being of every student is preserved. Parental surrogacy is simply a part of the job.

Organizational Influences –Parental Buffers

Assistant Principals and the School and Community Relations Liaison assumed the role of parental buffer. Assistant Principals led investigations, completed the necessary paperwork and then contacted parents. They were the first line of communication with parents about their son/daughter's zero tolerance offense. Assistants were also the first to inform the principal of violations. On a similar note, the school district liaison served as a buffer between the superintendent, parents, and the school principal. Like assistant principals, the liaison was responsible for compiling information about disciplinary actions taken against students and reporting back to a superior - the superintendent. The liaison was also responsible for informing parents about the superintendent's decision to modify punishment.

The influence Assistant Principals and the School and Community Relations Liaison had on the implementation of zero tolerance policies at Baldwin High is significant. The fact that these positions are not mentioned in the policy as either a principal's or superintendent's designee responsible for various parts of implementation is confounding. Sutton, Dangerfield, and Elkins all served in the capacity of "in loco administrator".

Organizational Influences-Perspectives

Of the four organizational perspectives mentioned in Chapter III – systems, bureaucratic, organizational development, and conflict bargaining – only two systems and bureaucratic were

apparent in the implementation process. From a systems perspective, there were prescribed decision making procedures for handling zero tolerance offenses in the *Rogers County Code of Behavior and Discipline* but only from a student's perspective. The *Code* describes the adjudication process relative to students' rights. Bureaucratically, the infamous "blue form" noted by study participants served as the guidepost for implementing the policy. Administrators used the form to document the type of violation that occurred, methods of informing students and parents of their rights, and the recommendation for expulsion. At the alternative school, the level of bureaucracy employed was evident in the three-page intake form that students and parents were to complete. Numerous documents – transcripts, discipline records and educational plans – were all required upon remandment to Sycamore West Alternative School. Although there was no per se specialization of labor, assistant principals assumed the role of not only lead investigator in zero tolerance incidences but also lead informant – informing parents, students, and the principal. They also served as chief liaison for the three aforementioned stakeholders and the alternative school.

There was no evidence that an organizational development or conflict bargaining framework was utilized in schools during the implementation process. Implementers from school administrators to the superintendent were not involved in writing zero tolerance policy objectives and were in no position to "bargain" with a federally mandated objective. It is worth noting that each study participant with the exception of the superintendent's representative was asked to offer suggestions for improving implementation of the policy. The responses ranged from building another alternative school to providing intensive counseling to troubled students. Undoubtedly, these suggestions would require additional funding, a rare commodity in most school districts.

Resources

Some level of financial, technical and human resources were deployed during the implementation process. Each year the school district prints and distributes the student code of conduct throughout the system. Each school maintains its own database of student information including suspension and expulsion data. This data is submitted annually to the school district and is then forwarded to the State Department of Education for inclusion in the school's report card.

Beyond the obvious school personnel, additional human resources required for the implementation of zero tolerance policies included School Resource Officers (SROs) and members of the Disciplinary Hearing Board. SROs were critical to the investigative end of policy enforcement and spent as much time on zero tolerance incidences as school administrators. The SRO interviewed for this study expressed the degree to which time constraints affected implementation. There are only so many hours in a school day to conduct an investigation; and if multiple students are involved in an incident, then the entire day is spent. Likewise, members of the Disciplinary Hearing Board are principals, assistant principals, and school district personnel who are drawn away from their regular responsibilities to hear appeals cases. Additional time is expended in the documentation and storage of hearing proceedings as well as in parent and student notification.

Students were also a critical resource for the enforcement of zero tolerance policies. School personnel depended on students to give them tips of drug trafficking or if weapons had been brought to school. The investigative end of zero tolerance enforcement relied solely on the testimony of students. Baldwin High School administrators as well as the school's resource

officer made establishing relationships with students a priority in fostering a safe school environment.

What is missing in the deployment of resources for implementing the zero tolerance policy is training. Baldwin High School Principal, Gloria Vandiver stated that “assistant principals are some of the least trained individuals in the county”. All administrators interviewed for this study were either current or former assistant principals. Each person expressed that what they knew about zero tolerance policy enforcement came from on the job training. Assistant Principal Marilyn Dangerfield noted that she frequently pulled out the policy manual to make sure she followed the proverbial rules. However she was quick to mention that not every situation fits neatly into the categories prescribed in the policy. When parents are thrown into the equation the job of enforcing the policy as intended becomes even murkier.

A basic assumption in the implementation of zero tolerance policies is that parents and students must be reminded of a school district’s right to maintain safe learning communities. Students receive copies of the *Code of Behavior and Discipline* and are to return a signed statement saying that both they and their parents understand behavior expectations and the consequences of misdeeds including zero tolerance violations. However, a parent signature is not the equivalent of an endorsement or understanding of the policy.

Policy Clarity

Document analyses were initially conducted to determine if the zero tolerance policy implemented in the school system was clearly defined. As stated previously, the policy is delineated in the *Rogers County Code of Behavior and Discipline* and reiterated verbatim in the Baldwin High School student and faculty handbooks. The policy language is legalistic and

identifies zero tolerance violations as assault on school personnel, the unlawful possession of drugs on campus and the possession of weapons. There was a general muddle of ideas in interpreting the term “unlawful possession of drugs”. School administrators spoke of situations where students were in possession of prescription drugs that had not been registered with the school nurse. Depending on the circumstances, that is whether or not the student was distributing or selling the medication to others, the punishment for such actions varied. In terms of weapons, the policy defines weapons as “any dangerous instrument or substance, which is capable of inflicting injury on any person” (*RCS Code of Behavior and Discipline*, p. 14). Dangerous weapons include “any firearm, explosive, explosive weapons, Bowie knife, hawk bill knife, ice pick, dagger, slingshot, leaded cane, switchblade knife, blackjack, knuckles, or any other weapon of like kind not used solely for instructional purposes “(p.14). From the definitions presented it is clear that pocket knives are considered to be weapons. However, school administrators and the school resource officer interviewed for this study added a caveat to the definition – the intent to cause harm. The consensus among school personnel was that if a student was found in possession of a pocket knife, his intent was not to cause harm, and if said student was forthcoming about having the knife, then he would not be “zero tolerated”. These foregone conclusions came from the same individuals who could cite the definition of zero tolerance chapter and verse but who simultaneously felt they had no discretion in implementing the policy.

There were other offenses such as harassment, discrimination, and the development of gangs or secret societies that were identified in the policy as intolerable. However, implication in these incidences would not merit a 180 day calendar expulsion thus distinguishing these cases from zero tolerance infractions.

The process for appealing a zero tolerance case was defined in the policy manual and displayed on the notification of student suspension form. Likewise, school administrators and the superintendent's designee stated that parents and students receive counsel about their right to appeal during each step of the adjudication process. Students whose punishment is modified must attend (with parents in tow) the intake sessions at the alternative school. During the intake students receive yet another handbook outlining the school's rules and procedures.

Implementer Capacity

Capacity was operationalized to mean the collective ability of individuals within an organization to carry out implementation objectives (Lipsky, 1978). In spite of no formal training from the school district, Baldwin High School administrators were able to implement the zero tolerance policy with a degree of internal consistency. That is, each administrator knew the protocol for identifying and investigating zero tolerance cases. Administrators were also intuitively aware that depending on the circumstances protocol could take a back seat to common sense and vice versa. This is evident in the discussion of what to do about students who are caught in the middle of a zero tolerance investigation but who are not participants in any misconduct (i.e. the drugs in the car scenario John Sutton describes). Conversely, media reports suggest that common sense is frequently suspended in zero tolerance cases like the assault of a student with a plastic kitchen utensil.

The capacity is also present for school administrators to misuse discretion. Case in point is the examples of differential policy enforcement interviewees discussed. According to study participants, the rules for expulsion were occasionally waved if the perpetrator was a student

athlete. Baldwin High School staff alluded to the possibility that other schools in the district were not as diligent in their enforcement of zero tolerance policies.

Based on the conceptual framework, the position was held that policy context interactions either supported or impeded implementer capacity. In this study of zero tolerance policy implementation, it was not a matter of “either or” but rather “and”. Policy context interactions provided mechanisms of support and impediment. For example, inadequate training for school administrators forced these individuals to rely on each other for support in carrying out policy objectives. When Vandiver was an assistant principal, she expressed how much she relied on the expertise of Assistant Principal Dangerfield in enforcing zero tolerance policy mandates. Both Dangerfield and John Sutton spoke of the need to collaborate when less than cut and dry cases developed. Because of their own experiences, Vandiver, Dangerfield, and Sutton established informal mentoring networks with Baldwin’s new administrators. Sutton explained that new assistant principals shadow the veterans to gain an understanding of the practical aspects of enforcing the policy. New hires sit in on zero tolerance investigations to familiarize themselves with the adjudication process and legal constraints. They are encouraged to confer with experienced assistant principals when handling their first zero tolerance case.

The school resource officer serves as an additional source of support for principals and their assistants. The SRO’s knowledge of search and seizure procedures and general understanding of the law is invaluable to ensuring that both the school and the student are legally protected. As a technical “outsider” to the school system, the resource officer serves as law enforcer in every aspect of the term. It would be reasonable to postulate that there would be a degree of bureaucratic competition between school district expectations and the expectations law enforcement superiors place on school resource officers. Such was not the case in this study.

Officer Marciano stated that his job was to enforce the law and saw no conflict between what he was expected to do as a deputy with the county sheriff's office and his responsibilities as a member of the school community. Officer Marciano referred to this predicament as "being on the pole" but not polarizing. He explained that there were things that as a law enforcer he could do that school administrators could not do like arrest students. Likewise, there were things administrators could do like searching a student without a warrant that he could not do. Somewhere between these two paradigms safe schools emerge. Cooperation, collaboration, and as Officer Marciano stated "sometimes collusion" with school administrators and students actually makes for a safe learning environment.

Implementation Outputs

Based on document analyses and the interviews with key stakeholders, there is evidence to suggest that mutual adaptation of the zero tolerance policy has occurred. There have been changes in both the policy and the implementer since the inception of zero tolerance. The zero tolerance policy clearly states that students shall be expelled from school for 180 days for a violation. However, expulsion for this length of time rarely occurs in the Rogers County School District because there is no space at the alternative schools to house these students for extended periods of time. The full calendar year expulsion was intended to be a deterrent to prevent wayward students from bringing drugs or weapons to school. However, students still bring these items to school, and when they are caught principals face the difficulty of only partially enforcing the policy. Administrators in this study spoke of the frustration of investing significant amounts of time investigating and documenting zero tolerance cases only to have the offending students return to school in a matter of months. In spite of the dissatisfaction, principals and

assistant principals reported following the letter of the law and railed their colleagues from other schools who were less conscientious.

Recommendations for Further Research

There are three broad areas that are worthy of further investigation in order to understand the impact zero tolerance policies have on student's educational experiences. First, issues of educational equity as it relates to alternative school placement should be addressed. This study ends at the door of the alternative school; however further research is needed to examine whether or not the curriculum is as rigorous and relevant as what is taught at the student's home school. Administrators in this study alluded to the fact that many students who are sent to the alternative school for zero tolerance violations return with good grades. They attribute this to smaller class size at the alternative school and removal of the student from the negative influence of peers. Conversely, Assistant Principal Dangerfield, felt that students needed some type of counseling before making the transition back to their home schools to avoid repeated misbehavior. This issue of equity leads to the second area of research - the impact of zero tolerance on No Child Left Behind standards. As mentioned previously, students are expected to graduate within a particular time period under NCLB guidelines. Remandment to the alternative school can prevent a student from graduating with his/her cohort particularly if the placement is for an entire school year. The question remains as to how many students do not graduate on time or perhaps at all after being sent to the alternative school. Furthermore how likely is it that these students will pass required benchmark tests after being removed from the "regular" classroom setting? Since African American students are expelled at higher rates than their peers how are these students fairing in the alternative setting. Much research has been conducted on closing the achievement

gap between white and African American students. In order to close the gap, African American students must actually be present in the classroom and not exiled to the alternative school. The third and final suggestion is for future research is to determine if the zero tolerance policy is indeed a deterrent to school violence as originally intended.

Conclusion

The focus of this study was to describe how schools have implemented zero tolerance policies since the passage of the Gun Free and Safe Schools Act in 1996. Specifically this study articulates how one school district employs its resources to ensure that federal and state mandates are met. The results are limiting in that the study was conducted in a suburban school district with particular emphasis on the implementation process at the high school level. Therefore any generalizations ascribed on the basis of study outputs to other school settings would be restrictive. This research does contribute to the understanding of the complexities and nuances involved in implementing a federal policy at the district and school levels. Furthermore, the research provides a contemporary framework for investigating policy implementation procedures.

The question was posed in a previous chapter as to what happens to a federal policy when it meanders through the channels of state governments, school districts, and into the school house doors. The language of the policy remains immutable, but the individual and institutions responsible for implementing the particulars change, because their students change. In the words of Assistant Principal Marilyn Dangerfield,

Kids want safe schools.... I think it was our governing body's idea that schools should be free of guns and violence and weapons. And we do everything we can to make sure it is that.... We know there's more [sic drugs, weapons] out there. I think it will continue to be more. And that's a little scary.

APPENDIX A

Zero Tolerance Assessment

Interview Protocol

1. Age _____ 2. Sex: _____
3. Job Title/Position: _____
4. Number of years at current position: _____
5. Number of years as an educator/administrator: _____
6. In your own words describe the current zero tolerance policy for your school or district?
7. In your opinion what is the most prevalent disciplinary problem in your school or district?
8. How frequently during a week, month, or school year do you respond to zero tolerance violations?
9. How much time do you spend on reporting or responding to violations?
10. Have you received specific training in recognizing and responding to zero tolerance infractions?
11. Have there been any changes since your tenure as a (n) (administrator or school resource officer) in the way zero tolerance is viewed and enforced? If so, describe the changes?

12. Has your opinion, perceptions, or the way you respond to zero tolerance changed over time? If so, describe?
13. In your opinion, what impact (if any) has high profile school violence incidents have on the enforcement of zero tolerance policies in your school or district?

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