ALTERNATIVES TO ZERO TOLERANCE THAT BETTER SERVE OUR YOUTH

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ABSTRACT

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Several schools in Humboldt County have implemented a “zero tolerance” policy for many offenses committed by students while at school. Schools have discretion in administering disciplinary action for offenses such as possession or use of alcohol or other drugs, or in determining what qualifies as a concealed weapon. Additionally, there is freedom of choice in determining what exactly constitutes “willful defiance.” Although discretion exists in determining disciplinary action, often suspension or expulsion is used as the primary action in deciding the discipline. Indeed, many students are failing in their education due to overuse of zero tolerance policies by schools.

Many factors contribute to this including, but not necessarily limited to, bias aimed specifically at students because of their race, ethnicity, disability, sexual orientation, foster care, teen pregnancy, and teen parents. Much of the time the bias goes unnoticed by school officials and can even be initiated by officials due to long-standing inequities in social and economic standing.

This project explored whether any schools in Humboldt County were using disciplinary programs other than immediate suspension and expulsion for drugs and alcohol at school and perceptions on whether those programs are effective in reducing recidivism.
This project evaluated three alternative programs that are being utilized in Humboldt County to zero tolerance policy in order to show that alternatives to suspension and expulsion are reducing recidivism. It was discovered that applying alternative disciplinary actions in specific circumstances would be beneficial to students as well as help to maintain a safe and supportive school environment.
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INTRODUCTION

Many K-12 schools in California have implemented a “zero-tolerance” policy for alcohol and other drugs on school grounds, including possession, use, sale, or being intoxicated. Suspension and expulsion produce negative consequences for students impeding their educational process, placing a negative blemish on the student’s school record, demoralizing students and reducing their drive to return to school. Suspensions and expulsions also negatively impact schools by reducing the daily headcount of students which reduces the funding they receive while failing to curb the use of drugs and alcohol (Tate 2008) on school campuses. The utilization of Zero tolerance in schools for drug and alcohol possession or use, which leads to immediate suspension or expulsion, has been ineffective. Simultaneously, the practice of turning over students to law enforcement who have violated school drug and alcohol policies is a first step in an observed trend termed “the school to prison pipeline” (Singer, 2010; Tate, 2008).

The purpose of the research was to identify disciplinary policies that are more effective than zero tolerance policies that can be practiced in educational settings to reduce the number of suspensions and expulsions. The researcher wanted to identify the optimal disciplinary policy to fulfill schools’ need for students’ compliance with drug and alcohol policies and students’ needs to remain in a learning environment. The researcher did this by looking at prior research and interviewing local officials and nonprofit
agencies in Humboldt County, California that have been involved with alternative programs that are currently in use or have been used in the past.

The questions driving this research were “Are any schools in Humboldt County currently using disciplinary programs other than immediate suspension and expulsion for alcohol and drugs at school?” and “Are those programs effective in reducing recidivism?”

A transformation is required in the public educational system to decrease the number of suspensions and expulsions. What this new educational discipline system will look like is unclear, but there are several alternatives in practice today that could possibly be the start of a healthy thriving educational system where all students have equal opportunity for success. A more effective alternative will provide youth with necessary knowledge and better tools for abstaining from drug and alcohol consumption. This will produce more confident, better educated youth with greater and more abundant opportunities for success.
REVIEW OF LITERATURE

Zero tolerance was the title of a military program developed by US Attorney Peter Nunez of San Diego which received national attention for seizing vessels carrying any amount of drugs (Henault 2001; Skiba and Knesting, 2001). Zero tolerance imposed the same consequences for a gram of drugs as for a pound. The original goal of the zero tolerance policy was to eliminate drug trafficking. Within months the term and strategy was being applied to a wide range of issues and started to build popularity in educational institutions. The Clinton administration introduced this policy to school systems at the federal level with the passage of PL 103-382, “The Gun Free School Act,” in 1994.

California was one of the first states to adopt zero tolerance policies in its school districts. In the late 1980s, the philosophy of zero tolerance became popular to fight back against drugs in schools. By the late 1990s, when violence such as that of the shooting at Columbine occurred, zero tolerance had expanded and gained further popularity with the stated goal of keeping young people safe in school settings (Peebles-Wilkins, 2005; Sullivan, Dollard, Sellers, & Mayo, 2010). Some proponents of punishments believe that harsh consequences for those who are caught will deter other students from committing similar offenses. The “big four” consequences most commonly employed by schools are: Exclusion from extracurricular activities, transfer to another school, suspension, and expulsion (Skager, 2007).

While the idea of zero tolerance began as a method to diminish drug related offenses in the criminal justice system, the application of this policy to school discipline
shifted its spectrum of intolerance from drugs, weapons and violent behaviors to a wide array of adolescent behaviors. Zero tolerance policies have expanded from offenses related to violence and substance abuse to acts of “willful defiance” (Skiba & Peterson, 2000). “Willful defiance” is a term that refers to behaviors that are sometimes disruptive but could also be age appropriate. With the application of zero tolerance policies toward willful defiance, students can be suspended for being disrespectful to a teacher (Skiba & Peterson, 1999).

**The Failure of Zero Tolerance Policies in School**

Automatic suspension and expulsion are not the most efficient ways to handle disciplinary problems with students (Peebles-Wilkins, 2005). Punishments may not be effective deterrants to curb students’ use of alcohol and other drugs either. Too often, these punishments constitute the whole of prevention. Punitive measures often foster resentment and oppositional behavior (Skager, 2007). If zero tolerance policies were successful at deterring drug and alcohol use, we would expect to see a decrease in the number of student suspensions and expulsions since implementation. However, the opposite is the case. The number of suspensions and expulsions for alcohol and drug abuse has risen in the last 15 years and these numbers are expected to continue to rise (Graham Tebo, Margaret 2000).

Zero-tolerance policies toward alcohol and other drugs are a double-edged sword. They send a loud and clear “no-use” message. However, they can encourage parents and
students to remain silent about drug use because of fear of expulsion from school, often allowing a child to become more dependent on the drug (Center on Addiction and Substance Abuse, 2001). Moreover, too few schools with such policies work with the troubled students to get them into treatment; and even fewer offer the hope of return to school to help motivate expelled students to enter and complete treatment (CASA, 2001).

The problem is further compounded by individual states’ varying interpretations and definitions of what constitutes a drug. In some cases, children have been suspended or even expelled from school for sharing a cough drop or an asthma inhaler with an ailing fellow student (Shawn, 2005). A student in Fairfax, VA was disciplined for buying a capsule of a substance known as JWH-018, a synthetic compound with a marijuana-like effect. JWH-018 was legal, but the school’s policy was that the same standard is applied to all cases of possessing drugs, controlled substances or imitation substances. The student was kept out of school for seven weeks and not allowed on the school grounds to attend weekly Boy Scout meetings, sports events, or driver’s education sessions. The student killed himself on Jan. 20, 2011 (Strauss, 2011). These examples are just two of many that can be found throughout the country that serve as examples of how children in American schools are being harshly punished by disciplinary policy meant for the criminal justice system (Evans & Lester, 2012; Henault, 2001).

Researchers have recently begun focusing on the effectiveness of zero tolerance policies. They have discovered that zero tolerance is a failed educational policy. This is partly due to the morphing of the policy to include a wide spectrum of behaviors from weapons, violence and drugs, to the offenses of talking back or being insubordinate.
Under zero tolerance, all of these offenses could receive an equal punishment of suspension or expulsion. The lack of boundaries for where the policy begins and ends is one of the fundamental problems with the policy itself (Evans & Lester, 2012).

School disciplinary data at both the district (Skiba et al., 1997) and national (Heaviside et al., 1998) levels have shown that the serious infractions that are the primary target of zero tolerance (e.g., drugs, weapons, gangs) occur relatively infrequently. The most frequent disciplinary events are minor disruptive behaviors such as tardiness, class absence, disrespect, and noncompliance. A broad policy that seeks to punish both minor and major disciplinary events equally will result in the punishment of a small percentage of serious infractions, and a much larger percentage of relatively minor misbehavior (Skiba, 2000).

As stated above, students can be expelled for tardiness under a zero tolerance policy. For some low income, underprivileged students, repetitive tardiness can be unavoidable. Factors such as nutrition, parental supervision, adherence to “bedtimes,” and access to clean clothes, breakfast, and lunch ingredients can affect a child’s ability to arrive at school on time. Arguably, school administrators should be looking into the reasons why a child is chronically tardy before imposing a suspension (Fabelo, Thompson, Plotkin, Carmichael, Marchbanks, & Booth, 2011).

The idea that automatic suspension or expulsion is a fair means to discipline all students, regardless of race or ethnicity, has failed. Statistical studies have shown that zero tolerance policies have continued historic trends of discrimination with disproportionate numbers of children of color being disciplined under the policy.
(Harvard, 2000; Skiba & Peterson, 1999). Many students are failing in their education due to school bias. Tate (2008) identifies many biases against children such as race, ethnicity, disability, teen pregnancy or parenthood, sexual orientation, or foster care status. Students in these categories are demonstrably more likely to receive punishments under zero tolerance.

The School to Prison Pipeline

The school-to-prison pipeline is the product of the policies of school districts, law enforcement agencies, and courts that criminalize in-school misbehavior (Tuzzolo, 2006). Zero-tolerance policies push children out of schools into alternative schools, juvenile courts, juvenile detention, mental health facilities, and, too often, the adult correctional system (Singer, 2010). As the application of zero tolerance disciplinary policies have expanded, the number of American youth incarcerated has simultaneously risen (Lospennato, 2009). Although many factors contribute to the school-to-prison pipeline, zero-tolerance policies are primary among them (Grossman, 2013).

Without education reform, students caught up in the juvenile justice system are much less likely to obtain the services and skills they need upon returning to their communities. Socialization skills, and how to work within the community norms are a few of the skills they need when returning to their community. These necessary, yet unavailable, services and skills could prevent them from being funneled back into the pipeline again and, ultimately, into the adult correctional system (Singer, 2010).
Research has examined the relationship between inadequate school funding over the last few years and the increase in the prison population (Grossman, 2013). This research suggests that the decline in educational funding combined with the expansion of zero tolerance disciplinary policies are expanding the school to prison pipeline (Hatt, 2011).

Schools should be a safe and supportive environment to facilitate student’s ability to succeed to their fullest potential. A more effective alternative disciplinary policy could teach self-discipline, build self-respect in students, and instill respect for the student’s peers and other people in the community. This research investigated alternatives that encourage students to gain a sense of responsibility for their actions. The hope is to find an alternative that will effectively promote a change in student behavior and instill new values that enable students to relate to those in authority as well as their peers. The optimal school disciplinary program will provide youth with necessary knowledge and better tools for being responsible and communicating with others. A more effective disciplinary policy could encourage student responsibility for actions and maintenance of sobriety in school and at home. This could also produce more confident, better educated youth with greater and more abundant opportunities for success. Additionally, decreasing suspensions and expulsions could decrease the flow of the school to prison pipeline.
Alternatives to Zero Tolerance Policies

There is a new search for an effective alternative that will meet both the disciplinary needs of the educational system and the educational needs of America’s youth. Some of these possible solutions include new approaches to training staff for handling behavior that does not meet school behavior codes (Evans & Lester, 2012). With better equipped teachers, youth could experience the benefits of effective handling of behavioral issues by authorities (Zablocki, Leone, & Gonsoulin, 2012). Other alternatives include screening techniques for targeting youth with behavioral issues, identifying these youth at an early age and working with them to change their behavior. While it is still early in the practice and implementation of these alternative programs, they provide hope that a solution to the problem of zero tolerance is possible in the near future (Evans & Lester, 2012).

Non-punitive programs emphasize social, behavioral, and cognitive skill-building; character education; or targeted behavioral supports. Programs using a non-punitive approach to school discipline have had positive impacts on student behavior and academic achievement (Boccanfuso & Kuhfeld, 2011). Non-punitive approaches towards negative behavior have been shown to reduce misbehavior in school.

Boccanfuso & Kuhfeld (2011), have identified three categories of successful, non-punitive alternative programs. These include: Targeted Behavioral Supports for At-Risk Students, Character Education and Social-Emotional Learning Programs, and School-Wide Positive Behavioral Interventions and Support. Other alternatives to zero tolerance
that take a largely preventive approach to misbehavior—such as character education or social-emotional learning programs have also been shown to have significant, positive impacts on student behaviors, as well as on academic achievement. These approaches not only help to prevent or minimize negative behaviors, but also promote positive youth development and skills that will help students in the classroom and beyond (Boccanfuso & Kuhfeld, 2011).

A transformation is clearly required in the public educational system to decrease the number of suspensions and expulsions. There are a variety of non-punitive models currently being utilized in Humboldt County and in other areas of the United States that more fully meet the educational needs of youth and are more responsive to cultural differences that exist in the student population. This project identifies and examines several of those alternatives.
CONCEPTUAL FRAMEWORK

The conceptual framework for this project can best be explained through the use of a “Systems Theory” perspective. Systems theory looks at humans as a system and also part of larger systems such as family and institutions and school. The theory looks at how these systems work together to maintain a homeostasis. Looking at the individual in a school system, the school provides the experience for students to learn and interact with others and assists in the socialization of an individual (Robbins, Chatteriee & Canda, 2006).

Children learn cognitive roles through school. Communication and judgment are some of the roles children learn through interactions within their family and other youths in the school and community systems (Robbins, Chatteriee, & Canda, 2006). When there is a change in the makeup of a person’s environment, homeostasis is interrupted and system needs change, including individual needs. Expulsion leads to a breakdown of the system. No longer able to reach homeostasis, students can experience extreme distress. Students do not have options in discipline for their behavior; there may be embedded racism in the system, which can cause negative reactions to people whose ethnicity differ from that in the educating system (Robbins, Chatteriee & Canda, 2006).

The literature has shown that zero tolerance is a failed policy system. The interaction between the educational system and individuals with varied cultural beliefs, experiences, values and practices has a significant impact on the application of zero tolerance policies. Systems theory, which seeks to explain and describe the complex
behaviors that occur when systems interact, proved to be a good model for understanding
the problems associated with the zero tolerance policy. Service and educational systems
that base their behavior and decisions on a belief system, communication style, and
personal experiences that differ dramatically from the individuals being served are likely
to promote oppressive conditions and significant discord.
METHOD

The research was conducted by interviewing school staff who work in organizations that use alternatives to expulsion and suspensions in their programs in Humboldt County. That data was then analyzed to identify which programs were more successful as alternatives to zero-tolerance policies from data collected in Humboldt County.

This study used a non-probability snowball sampling method. This researcher originally intended to conduct interviews with school personnel and staff from non-profit agencies who have been involved in alternative discipline or diversion programs. In actuality, I was able to contact only two schools and one non-profit that were willing to participate in the research. McKinleyville High has tried a youth court program and expressed interest in other alternative programs. Education Resource Center is also using an alternative strategy to zero tolerance that this researcher evaluated. Teen Court currently handles misdemeanor first time offenders.

Participants were program staff recruited by the researcher with assistance from the community partner. The researcher recruited participants with an oral explanation of what the community project was and how their input would be a critical component to the research. The researcher scheduled the individual interviews and provided copies of the “informational sheet” and the interview questions so the participant could be fully prepared for the interview.
Re-occurring themes were analyzed for effectiveness based on self-reporting by the interviewees. Common program design and outcomes were also analyzed. The collected information was used to determine the most effective alternatives to zero tolerance so that effective interventions and trainings for school staff could be established. This project may also inform future research.
RESULTS

Three different organizations which use alternative strategies to zero tolerance policies in Humboldt County were interviewed. The organizations that participated in this research were: McKinleyville High School (MHS), Teen Court of the Boys and Girls Club of the Redwoods, and Education Resource Center (ERC). These programs have been in place for over ten years. According to the interviewees, two of these three programs have had recidivism rates of less than 10%. These programs appear to be successful alternatives to zero tolerance in Humboldt County.

Education Resource Center uses a program that never suspends or expels youth as a punishment. Many of the students have been referred to this program by the schools, courts, and/or probation. When a child commits a school offense they are put on independent study in lieu of suspension or expulsion. One limitation of this approach is that students are filling out packets rather than engaging in higher level cognitive reasoning in a classroom setting. The students in independent study come in once each week for a progress check, to turn in homework, and to receive new assignments.

The ERC does not keep students from doing certain activities that most students would not be allowed to do under zero tolerance, such as field trips. One interviewee believes that “one act of kindness can set the ball in motion for a child to turn down a different path.” The ERC strives to bring out the good in all children, because children still need to know that their voices are heard and are important, even after they have made poor choices that have landed them in trouble.
After reviewing the data that was collected from the interviews, this researcher has found several common themes. These themes were: youth being held accountable for their actions, avoiding deeper penetration into the criminal justice system, restorative justice, and improving family relationships. All three of these programs also have alcohol and other drug education incorporated into the curriculum.

Teaching youth accountability is an essential component in all of the alternative programs. McKinleyville High School relies on the youth themselves to incorporate this teaching into practice. MHS believes there is power in positive peer pressure. The idea is that peers can best understand another peer as their developmental plane is the same. Utilizing peers in a variety of support roles throughout these programs help the youth to learn accountability for their actions and decisions. Additionally the programs allow youth to progress into different roles by allowing them to practice what they have learned by assisting their peers.

Teen Court uses this idea of relying on peers to teach accountability and have the youth go through the court proceeding processes to a final resolution in their restorative justice model. The restorative justice component of Teen Court is to intervene positively for first time offenders and help avoid deeper penetration into the criminal justice system. This can help combat the stigma and stresses associated with criminal justice system involvement. Teen Court provides them with the experience of going through the court process while allowing them another chance to avoid getting further into the justice system. This approach creates opportunities for all persons involved to tell their story of the offense which allows the offender to take responsibility, be accountable and show
remorse for their crime. Restorative justice focuses on repairing relationships that were
damaged because of the offense committed. Both the youth offender and the victims
actively participate in developing an appropriate consequence as a solution for the
offense that meets the needs of the victim and community.

McKinleyville High School also allows youth offenders the opportunity to avoid
suspension and expulsion through utilization of a contract that serves as enrollment into
the program. MHS focuses on avoiding deeper penetration into the criminal justice
system by allowing youth the opportunity to stay in school while offering support to
make better choices in the future. The Student Assistance Program (SAP) at MHS relies
less on peer involvement but focuses more on improving family relationships. The
offending youth and the family, together with school personnel, meet to come up with a
plan that holds the student accountable for their actions, while allowing them to remain in
school. Additionally, the SAP assists in removing learning barriers and focuses on
promoting student success in the school and community. The student and family is
encouraged to become involved in the larger community by utilizing community based
services and activities. This can help the family regain mental and physical help.

All of the programs include alcohol and drug intervention and prevention
components. As alcohol and drugs use and abuse are the root of a majority of these youth
offense, one program even has two alcohol and drug counselors on staff to ensure these
issues are addressed and resolved with each student to ensure student success after
program completion. All of these programs are considered successful alternatives to zero
tolerance by respondents who noted their rates of enrollment, suspension, and penetration
into the criminal justice system seem to have decreased with the incorporation and practice of the programs.
DISCUSSION

This project was informative and it was relieving to hear that kids have a voice and are given a choice and the opportunity to learn tools that will enable their success in school and into adulthood. ERC does not believe that all bad behaviors deserve a punishment nor do they exclude the youth from school activities. The youth is not excluded from school field trips because of one bad choice. Instead the program believes in every child and provides them not only a second chance but the support the child needs to make better choices in the future. ERC provides two alcohol and other drug counselors on site that work with the kids. It is important to recognize that even youth who are not in the appropriate grade level for the school to receive funding are able to receive services. A student in the fifth grade was able to receive services even though the school was ineligible to receive funding for this youth. ERC does not believe in turning any youth away if they can help them by using these alternative methods.

The interview process was exciting because I was able to connect with individuals and organizations that really care about the health, success, and well-being of local youth. This excitement, care and compassion from individuals like the ones I interviewed gives me hope that more programs could seek alternative methods to zero tolerance policies throughout the country. It is important to realize that not all of the youth may be pushed out of the conventional system. There are alternative places for youth to go where they are wanted and where staff will work with them in whatever way
is necessary to insure that they get the education they deserve. It is important to insure that these youth get the tools they need to lead a healthy, productive, successful life.

While researching alternatives to suspension and expulsions, I was further relieved and found hope when I discovered the California State Legislature was taking measures to promote alternatives to zero tolerance through the recent passing of several school discipline reform bills. There are five new laws enacted to help reduce the number of youth being expelled from school.

Senate Bill 1088 is designed to help speed re-enrollment and prohibits schools from negating re-enrollment. Assembly Bill 2537 will give school officials’ further discretion to not expel in certain situations and clarifies which mandatory offenses require suspension or expulsion. Assembly Bill 2616 identifies specific reasons that constitute a valid excuse for which a student may be absent from school for purposes of being classified as a truant. This bill correlates truancy laws with best practices by giving schools options in determining truancy and when a suspected truant is reported to probation. Additionally, this law would provide referrals be given to parents instead of directly to the police. Assembly Bill 1909 guarantees that foster youth that are at risk of being expelled, the youth’s social worker, and lawyer are invited to all school disciplinary meetings involving the at-risk student.

Assembly Bill 1729 is the bill that is most related to this research. This legislation lays out that expulsion should be avoided and that alternative forms of discipline should be utilized. AB1729 furthermore entails that other methods of discipline should be used and proven to have failed previous to implementing suspension, and that
all means of correction need to be documented in the student’s permanent file. In addition to these requirements, the new law provides an ample list of alternatives to zero tolerance policies in use today. Such alternatives include school positive behavior support and the utilization of restorative justice practices as a means to provide assistance to schools.

These are all good bills to be implemented in the educational system, but unfortunately these new bills do not provide funding. The educational system is left to figure out how to provide the funding to acquire the resources and staff to successfully implement the new legislation.

As stated above, Teen Court is a peer run program. One possible solution is for Teen Court and the office of Humboldt County of Education to form a partnership for a youth run program at the schools. This is one way to have the resources needed to implement new programs.

**Limitations**

In addition to the interviews mentioned above, there were anticipated interviews with individuals who helped create or apply alternatives to zero tolerance policies in Humboldt County in the past. Unfortunately, when contacted by the researcher, these persons declined to be interviewed. There were a few limiting factors in this interview process. There was a small sample size, which included only three organizations where people were able to be interviewed. This rural area does not have as many programs for children so I was limited to the ones that I could reach out to request interviews from and
who responded. One reason that schools possibly declined to be interviewed is that negative implications from using the zero tolerance policies could reflect badly on their institution. Another limitation is that two of the programs only allow the children one time to attend that program. I would have liked to interview members of the community, families of offenders as well as victims of the offenses to gain their perspective on their experience with the alternatives to zero tolerance policies.

This research was able to fill a gap in the existing literature, as I was unable to find any local research on the topic of using alternative methods to the zero tolerance policy. Another way that information could be collected would be to interview youth who have gone through both alternative and zero tolerance policy institutions to gain their perspective and effectiveness of each method. Possible research questions to consider would be: “How did you feel this method gave you a voice? What are the affects you see from positive peer pressure?” These questions could have a positive outcome for future research, by providing the viewpoint directly from the population affected by the zero tolerance policy.

One of the reasons why I researched the zero tolerance policy is because of my own personal interactions with local schools and the way zero tolerance policies have negatively affected my child educationally, socially, emotionally as well as greatly impacted our family and community as a whole. I wanted to learn what strategies were being utilized and what laws were mandated for expulsion and for which offenses other than the five offenses that are mandatory expulsions. I wanted to know what prohibits schools from being able to use policies other than expulsion or suspension for minor
infractions. From this research, I learned that alternatives are able to reduce recidivism.
This is encouraging to me because my child is currently utilizing one alternative method which may prevent further negative education despair.

Conclusions

Although there was a small sample size, the research has shown that there seems to be reduction in recidivism using the alternatives already being utilized in Humboldt County Schools and programs. Additional support will be needed to assist schools in transitioning from zero tolerance policies to alternative methods. Such support may have to be developed locally or at the state level and this will need to be researched.

The alternative programs explored here include substance abuse programs, positive peer pressure, and peer court. When training and alternatives are presented in a non-intrusive manner students are more likely to succeed. With recent legislation schools will be mandated to at least attempt some other alternative prior to suspending or expelling students.
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