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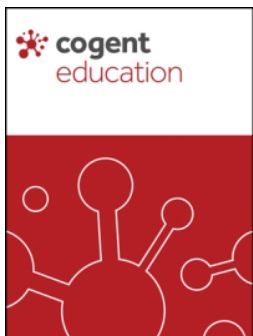


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EDUCATION POLICY | REVIEW ARTICLE

Zero Tolerance Policy Analysis: A Look at 30 Years of School-Based ZT Policies in Practice in the United States of America

Natasha N. Johnson^{1*} and Thaddeus L. Johnson¹

Abstract: Using the state of Georgia as a backdrop, this paper highlights the current state of the GFSA (Gun-Free Schools Act) in the United States of America, initially enacted in 1994, 30 years later. The progress of school-based ZTPs (Zero Tolerance Policies) in practice shows that progress remains slow a quarter of a century later. In response, this paper looks at the origins of school-level ZTPs, the intended and unintended consequences and identifies strategies for making substantial progress moving forward. Using Georgia law and the Fulton County school system as drivers toward change, this paper looks at State, County, and Regional-level implementation of School-based ZTPs, in alignment with the GA legal standard, to add to the existing knowledge base in this realm. By pointing to what has and has not been working, this paper seeks to bring efficacious strategies for improvement to the forefront (i.e., increasing the use of positive, collaborative behavior interventions and supports, using aggregate data to reduce the number of disciplinary actions that force students out of the classroom, creating reasonable limits on the use of law enforcement in public schools) to allow all students to learn in environments that are safe, non-punitive, and impartial.

Subjects: Education Policy; Education Policy & Politics; Education Policy; Education Politics

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Natasha N. Johnson is a Clinical Instructor and director of the M.I.S. program in Criminal Justice Administration at Georgia State University. A career educator since 2001, her research focuses on critical theory, equity, and social justice leadership, particularly within the K-20 sector. Her other research areas include intersectionality, educational law, policy and governance, and curriculum development. Dr. Johnson holds multi-state reciprocity and has previously worked as a teacher, guidance counselor, assistant dean, instructional leader, and curriculum developer domestically and abroad. She is a David L. Clark scholar, a CETLOE Faculty Teaching Fellow, and her work is published in SAGE, the Oxford Research Encyclopedia of Criminology and Criminal Justice, Taylor & Francis, the Routledge Focus series, Psychology of Violence, the popular press, and several highly acclaimed educational leadership journals.

Thaddeus L. Johnson, a former ranking law enforcement official in Memphis, TN, is an Assistant Professor of Criminal Justice & Criminology at the Andrew Young School of Policy Studies at Georgia State University. His current research focuses on police policy and innovations, urban violence, crime control, and racially disparate justice outcomes. He is the author or co-author of numerous articles and reports and a book entitled *Deviance among Physicians: Fraud, Violence, and the Power to Prescribe*. In addition to having his research featured in national media outlets, he has written on police reform issues for the popular press and appeared on numerous broadcast radio and TV news programs in the US and Europe. Thaddeus draws on his experience as a former ranking law enforcement official in Memphis, TN to examine topics related to police innovations, urban violence, corrections, and criminal justice policy.

Keywords: Education policy; GA DOE; Gun-Free Schools Act; Gun-Free School Zones; zero-tolerance policy

The label of zero tolerance commenced with the 1994 Gun-Free Schools Act when Congress authorized public school funding subject to the adoption of zero-tolerance (ZT) policies (Cerrone, 1999; Hirji, 2018; Sabol & Johnson, 2020). Its origins, rooted in national efforts to mitigate problematic behavior on a societal level, have now evolved to include “order-maintenance enforcement toward less serious public order behavior” (Reisig & Kane, 2014, p. 1). Evidence of its effectiveness is mixed—while some studies confirm the positive impact of zero tolerance policies (ZTPs) on society, there are just as many questioning the legitimacy and favorability of actions and practices concomitant with this approach. Although there is no disputing that schools must do all they can to ensure safe learning environments, controversy has arisen about the use of zero-tolerance policies and processes to achieve those aims (American Psychological Association Zero Tolerance Task Force, 2008).

As it relates to the school system, sentiments remain multifarious. Many believe this policy is too harsh or restrictive. Numerous occurrences, for example, involve students being suspended and even facing expulsion for bringing water guns to school^{1 2.3}. Other instances include nail clippers constituting as weapons⁴ and cough drops being classified as drugs.⁵ One student even received detention for sharing his lunch with a hungry student because of the school’s rules regarding food safety and liability.⁶ As recently as 2019, three high school students were administered corporal punishment on the grounds that they broke school rules when they took part in the national school walkout against violence.⁷

Critics contend that zero-tolerance policies create long-term problems through exclusion. Setting these policies in stone without any regard to the intrinsic ambiguities of human interaction, says Perlstein (2000), allows only for arbitrariness and exclusion and, as such, abandons the true educational mission of schools. Connectedly, school suspensions have consistently been determined to be moderate to strong predictors of a student’s eventual dropping out of school (Skiba & Noam, 2001; R. Skiba & Rausch, 2013). When students are not in the building, they are likely on the streets and, more often than not, getting into more serious trouble and are more vulnerable to victimization than they would be at school. Moreover, zero-tolerance policies have created numerous legal headaches for some school administrators. By significantly increasing the number of students considered for expulsion and removing the flexibility previously afforded to administrators, these policies have hindered their ability to address marginal and less serious infractions (Stader, 2000).

Zero-tolerance policies are applied uniformly and intended to help deter “bad behavior.” Break the rule and pay the consequences; there are no exceptions. Yet, there are instances in which a violation is not severe enough to merit suspension or expulsion. Everyone agrees that discipline, order, and safety are critical in the school environment, but the best way to create that environment is not always clear. The most significant problem with zero-tolerance policies is their inconsistent interpretation and application. David Day, general counsel for four Indiana school districts, says he expects lawsuits when board members suddenly announce they are imposing a zero-tolerance policy, leaving no room for administrators’ discretion or students’ due-process rights (Jones, 2000). This lack of clarity has resulted in a myriad of inconsistencies in the formulation (language), implementation (execution), and application (dissemination) of ZT policy and law. Clearly, the infusion of some common sense into ZTPs can go a long way in making schools safer while simultaneously keeping parents engaged and students in school (Johnson & Johnson, 2019; McAndrews, 2001). Using the state of Georgia as a backdrop, this paper examines the 30-year manifestation of school-based ZTPs in the United States of America.

1. A 30-year progression of school-based zero tolerance policies in practice in the United States of America

In response to the growing controversy around school-based zero-tolerance policies and to evaluate the extent to which existing practices benefit students and schools, the American Psychological Association (APA) assembled a task force to assess the evidence and make appropriate recommendations regarding zero-tolerance policies and practices. An extensive review of the extant literature found that, despite a long and growing history of implementation, surprisingly few data sources could be used to directly evaluate the assumptions of a zero-tolerance approach to school discipline, and the available data tend to contradict those assumptions (Henry et al., 2022; Huang & Cornell, 2021; Irby & Coney, 2021; Skiba & American Psychological Association Zero Tolerance Task Force, 2008).

Moreover, zero tolerance policies may adversely impact the relationship between education and juvenile justice and appear to conflict, to a degree, with current knowledge about adolescent development. For example, although school officials generally view zero-tolerance policies as constructive, this approach disregards research on adolescent brain development that mischief, for example, is a foreseeable derivative of adolescence (Teske, 2011). To address schools' need to discipline and maintain school safety while maximizing student opportunity to learn, the report offers recommendations for reforming zero tolerance where its implementation is necessary and for alternative practices to replace zero tolerance where a more appropriate approach is indicated (American Psychological Association Zero Tolerance Task Force, 2008; Skiba & American Psychological Association Zero Tolerance Task Force, 2008).

2. The hidden side of zero tolerance policies: The African American perspective

Numerous scholars have documented the disproportionate representation of African Americans in school discipline and incarceration due to zero-tolerance policies (Bell, 2015; Sullivan, 2007). In 2009, a federal study of the Chicago Public School system found African American boys represented 23 percent of the school-age population, 44 percent of students who were suspended, and 61 percent of students who were expelled within the 2007 school year (Bell, 2015, p. 14). Twenty years after the implementation of the Anti-Drug Abuse Acts of 1986 and 1988, studies show African Americans comprised a startling 74 percent of those incarcerated for drug offenses despite being only 15 percent of America's drug users. Despite overwhelming evidence that suggests African Americans are adversely affected by zero-tolerance policies, African American perceptions of zero-tolerance policies remain relatively understudied and underemphasized. The current review seeks to explore a seemingly bidirectional process that involves how zero-tolerance impacts African Americans and how they perceive these policies (Bell, 2015, p. 14).

Zero-tolerance school discipline policies have been correlated with a national increase in suspensions, an approach that has negatively impacted Black students. Heilbrun et al. (2015) conducted a study investigating the association between principal sentiments toward zero tolerance and the rates of suspension for White and Black students in over 300 Virginia high schools. They found that Black suspension rates were more than double those of White students (Heilbrun et al., 2015, p. 489). Using regression analyses to control for student poverty and school enrollment, their findings indicated that principal endorsement of zero tolerance was abstemiously connected to suspension rates for White and Black students alike but was not linked to the size of the racial disparity (Heilbrun et al., 2015). Paired-sample *t*-tests showed statistically significant differences in the offenses that led to suspensions, with Black students being significantly more likely to be suspended for disruptive violations and White students more likely to be suspended for drug- and alcohol-related offenses (Heilbrun et al., 2015, p. 489).

3. School-based zero tolerance policy details in the US—The national level

The U.S. Department of Education, Office for Civil Rights (1998) defines ZT rules as “school district policies that mandate predetermined consequences or punishments for specific offenses” (p. 6). The American Psychological Association Zero Tolerance Task Force (2008) defines “zero-tolerance

policy” as “a school or district policy that mandates predetermined consequences or punishments for specific offenses that are intended to be applied regardless of the seriousness of the behavior, mitigating circumstances, or situational context” (p. 852). The earliest common use of the term “zero tolerance” was in the drug enforcement realm; a San Diego attorney first introduced it in the 1990s in reference to customs officials’ practice of impounding boats when drugs were found aboard (Welner & Chi, 2008, p. 193). Connectedly, this phrasing also came about as drug policy was moving toward alternatives to zero tolerance.

In response to growing calls to improve school safety, Congress passed the GFSA (Gun-Free Schools Act) of 1994 (Welner & Chi, 2008, pp. 192–193). The GFSA, in its original form, 20 U.S.C. §§ 7151,⁸ was never created to become a stand-alone, ultimatum response to school violence. Instead, the approach consisted of four key components (Welner & Chi, 2008):

- (1) A mandatory 1-year expulsion for students who brought firearms to school,
- (2) The school was obligated to refer students to the juvenile justice system if their behavior constitutes a criminal offense,
- (3) School administrators were given limited discretionary authority to mitigate the expulsion, depending upon the circumstances,⁹ and
- (4) Schools were required to report discipline statistics to the U.S. DOE. (p. 193)

Nationally, the U.S. Department of Education (2014), in conjunction with the GFSA, has effectively cracked down on tangible offenses, including possession of a weapon in school and possession of drug paraphernalia of any kind on school grounds. The intangibles, conversely, include but are not limited to: fighting, threats and perceived threats, insubordination, and any behavior deemed disruptive. These impalpable and highly subjective situations, left almost entirely up to the discretionary authority of school leaders, coupled with the language of ZT policy, remain worthy of investigation.

3.1. ZTP consistency with US Law: Post-GFSA intended and beneficial effects

The GFSA, established in 1994 as a component of the Improving America’s Schools Act (IASA), was preceded by the Gun-Free School Zones Act (GFSZA), 18 U.S.C. §§ 921,¹⁰ instituted in 1990. The GFSZA essentially prohibits any person from wittingly possessing a firearm of any kind in a school zone. It also prohibits anyone from knowingly or recklessly discharging a firearm of any type in a school zone (Law Center to Prevent Gun Violence—Federal Law on Guns in Schools, 2016). GFSZA was initially legislated in conjunction with the Crime Control Act of 1990; in 1994, under the Clinton administration, the GFSA emerged as its own stand-alone policy in response to growing gun violence in schools (Hanson, 2005).

In *Zero tolerance, zero evidence: An analysis of school disciplinary practice*, Skiba and Knesting (2002) analyzed a representative sampling of zero-tolerance suspensions and expulsions in response to school disruption to provide insight into the practice and controversy of zero tolerance (p. 17). Exploring the history, definition, and prevalence of zero tolerance in schools, the authors argue that as striking as some of the nationally publicized incidents are, they are less important than the outcomes of zero-tolerance policies. They focused on a consideration of research on the effects and side effects of disciplinary practices in schools. Specifically, the authors explored how strategies associated with zero tolerance did not actually work to change students’ behavior or guarantee school safety (Skiba & Knesting, 2002).

3.2. ZTP Inconsistency with US Law: Post-GFSA unintended consequences

GFSA’s direct impact on the national education system was evidenced through the implementation of national zero-tolerance policies. By 1993, ZTPs were adopted nationwide; these policies were often expanded to include mandatory expulsions for offenses such as school disruption and the like (Meek, 2009). The “take no prisoners” approach to discipline led to more than 3.1 million student suspensions and over 87,000 expulsions during the 1997–1998 school year (The Civil

Rights Project, 2000). National data compiled by the U.S. Department of Education, Office for Civil Rights (2014) during the 2011–2012 school year found the following:

Black students are suspended & expelled at a rate three times greater than White students. On average, 4.6% of White students are suspended, compared to 16.4% of Black students. Black boys and girls have higher suspension rates than any of their peers. 20% of Black boys and more than 12% of Black girls receive an out-of-school suspension. (p. 3)

Even as early as in preschool, Black students receive far more suspensions from school compared to their White counterparts. Compared to White children, U.S. DOE data from 2014 show that Black children in preschool were 3.6 times more likely to receive an out-of-school suspension. As a general rule of thumb, public schools with predominantly Black and Hispanic student populations tend to have higher discipline rates. This trend also holds true for charter schools (U.S. Department of Education, 2014).

Resulting from these extensive research undertakings, conducted by The Civil Rights Project (2000) and in conjunction with the U.S. Department of Education, Office for Civil Rights (1998); U.S. Department of Education (2014), Secretary of Education Arne Duncan (2010) delivered a speech highlighting racial disparities in school suspension and expulsion, while simultaneously calling for more rigorous civil rights enforcement in education.

4. ZTP (In)consistency with US Law—school-based policy at the US State level

In the state of Georgia, law (O.G.C.A. §.20-2-735) requires all local boards of education to adopt a student code of conduct and include standards of student behavior and disciplinary action for those who violate this code (Georgia Department of Education State Education Rules, 2015). Georgia law also mandates school systems to provide opportunities for parental involvement in creating and updating student codes of conduct (Georgia Department of Education State Education Rules, 2015). Notably, Part F of the code includes the following designation: *It is the policy of this state that it is preferable to reassign disruptive students to alternative educational settings rather than to suspend or expel such students from school* (emphasis added).

4.1. O.C.G.A. Title 20, Chapter 2, Section 735a—Prior to 2000

The Official Georgia Code, before 2000 and in response to the Gun-Free Schools Act, stated the following:

No later than 1 July 2000, each local board of education shall adopt policies designed to improve the student learning environment by improving student behavior and discipline. These policies shall provide for the development of age-appropriate student codes of conduct containing standards of behavior, a student support process, a progressive discipline process, and a parental involvement process. The State Board of Education shall establish minimum standards for such local board policies. The Department of Education shall make available for utilization by each local board of education model student codes of conduct, a model student support process, a model progressive discipline process, and a model parental involvement process. (Georgia.gov, n.d.)

This code, *HB 31—Schools; safety policies; DPS; School Security Officer Division (5)*, enacted during the 1999–2000 legislation cycle, fell under the jurisdiction of then-Georgia House Representative Charles Nathan Poag (2000). Sanctioned before the implementation of specific language targeting ZTPs in education, HB 31 afforded local boards of education complete jurisdiction in adopting policies designed for “improving student behavior and discipline.” Still, it remained the state’s responsibility to “establish minimum standards” for said policies, and the DOE was charged with establishing models of appropriate and progressive procedures for schools to follow.

It would be another six years later, as states were utilizing the provided timeline to update their standards in accordance with nationally reconstructed ZTPs, before the O.C.G.A.’s new code

regarding education, students, and discipline would be restructured. This revamped version of the O.C.G.A. reflected an exhaustive and extensive set of regulations that would immediately go into effect in Georgia's public school system.

4.2. The local level—GA DOE 160-4-8-.15—student discipline

George Perdue III, the 81st Governor of Georgia, served for two terms, from 2003–2007, followed by a consecutive term as the incumbent from 2007–2011. During his tenure, the GA DOE 160-4-8-.15 code JD requirement regarding student discipline was initially established (2004). The standard is as follows: “each local board of education shall adopt policies designed to improve the student learning environment by improving student behavior and discipline. These policies shall provide for the development of age-appropriate student codes of conduct . . .” (2015). These, at minimum, include guidelines regarding student behavior, consequences for assault of any kind, disrespectful conduct, sexual harassment, compulsory attendance, all forms of property damage, illegal solicitation, weapon possession, drug possession, bullying, progressive discipline, and parental involvement in the disciplinary process.

The gubernatorial changing of the guard in Georgia occurred with the ending tenure of Georgia Perdue III in 2011. Since then, Nathan Deal (2011–2019) has served as the Governor of the state of Georgia. Under Nathan Deal's jurisdiction, effective 2016, the original GA DOE 160-4-8-.15 code JD was updated to include three additional sections:

- (1) Tribunal Training Course¹¹
- (2) Tribunal Training Provider¹²
- (3) Qualified Student Discipline Hearing Officer or Disciplinary Tribunal or Panel Member¹³

These elements are crucial in the ongoing effort to tangibly establish rules and regulations regarding student discipline.

State laws in Georgia mandate that zero-tolerance discipline policies, as a standard, be put into effect throughout the public school system. These policies include specific, tangible procedures for automatic suspension, expulsion, and referrals to alternative schools or law enforcement for specified school-based infractions. Additionally, the State mandates school districts to enforce certain ZTPs regarding behavior concerning possessing firearms, bullying, and committing physical violence. While all the districts have policies that abide by these minimum standards, most jurisdictions also have policies that include more behavior than the state demands. This finding is especially true of the larger districts that develop and execute more comprehensive discipline codes (Georgia Appleseed Center for Law & Justice—Effective Student Discipline: Keeping Kids in Class, 2011). Such policies continue to negatively impact the state's student academic achievement and overall economic health (The Georgia Coalition Working to End the School to Prison Pipeline, 2015).

5. ZTP (In)consistency with the Law—US school-based policy at the county & district levels

5.1. The county-level—Fulton county

Fulton County, the largest county in the state of Georgia, was chosen to examine the palpability of this phenomenon in greater detail. Fulton County, with a population of 920,581,¹⁴ houses over 95,000 students attending a total of 105 schools in the district, including 59 K-5, 19 6-8, 17 9-12, and 10 start-up charter schools (Fulton County Schools, 2016–17). Per the 2022–23 school year, there are 107 public schools serving 90,300 students in Fulton County School District. This district's average testing ranking is 9/10, which is in the top 20% of public schools in Georgia.

Public Schools in Fulton County School District have an average math proficiency score of 51% (versus the Georgia public school average of 44%) and a reading proficiency score of 53% (versus

the 45% statewide average). Minority enrollment is 74% of the student body (majority Black), above the public school average of 62% (majority Black) in Georgia (Public School Review, 2022). The following is the manifestation of O.C.G.A. 20-2-16 under state-based post-GFSA mandates.

5.1.1. Fulton County: student removal from class

A teacher has the authority, consistent with Board policy and applicable law (Fulton County Schools Student Code of Conduct & Discipline Handbook, 2015), to:

Manage his or her classroom, discipline students, and refer a student to the principal or designee to maintain discipline in the classroom. Any teacher who has knowledge that a student has exhibited behavior which violates the student code of conduct and repeatedly or substantially interferes with the teacher's ability to communicate effectively with the students in the class or with the ability of such student's classmates to learn should file a report of such behavior with the principal or designee. (p. 5)

Additionally, the principal and teacher should follow the processes consistent with Georgia law, specifically O.C.G.A. 20-2-737-738 (Fulton County Schools Student Code of Conduct & Discipline Handbook, 2015). Student behavior in violation of state or federal laws, "as specified in O.C.G.A. 20-2-1184, will result in a report being filed with the police and district attorney. The Superintendent and/or designee shall develop procedures and guidelines as necessary for implementation of this policy and law" (p. 5).

5.2. The district level—Fulton County

According to The Georgia Coalition Working to End the School to Prison Pipeline (2015), during the 2011–2012 school year, approximately 40 percent of students were suspended from school for infractions categorized as "Other Discipline Incidents," which administrators use to discipline students for an array of minor incidents such as "misbehavior" and "running down the hallway" (p. 3). Schools can suspend or expel students for disruptive or dangerous behavior in Georgia. Students, their parents, or their guardians can appeal a suspension to the school district. If the suspension is upheld, the student can appeal the decision to the Georgia Department of Education. Statewide, Black students make up 37% of Georgia's public school students and represent 66% of all students suspended or expelled¹⁵ (Georgia Department of Education State Education Rules, 2015). In Fulton County, Black American students comprise 42% of the students enrolled in the county's public school system and 81% of school suspensions countywide (Georgia Department of Education State Education Rules, 2015). This information, albeit alarming on several levels, offers many opportunities for social justice and policy lawmakers to actively engage in the necessary dialogue required to impart large-scale change.

5.2.1. The student disciplinary process—a look at the numbers

The FCS Student Discipline Prevention and Intervention Department (SDPI) has been charged with upholding the following initiatives:

- (1) Implementing Positive Behavior Interventions and Supports (PBIS)
- (2) Utilizing Restorative Practices to support positive school culture and climate
- (3) Proactive, ongoing professional development
- (4) Interventions and programs supporting social and emotional learning
- (5) Discipline enforcement as both a process and an outcome. More specifically, enacting discipline as a "process of imposing appropriate consequences to address problem behavior" (FCS SDPI, n.d.).

The most recent iteration of the *Fulton County Schools Code of Conduct & Discipline Handbook* (2022) reflects the updates that have been made since the beginning of the pandemic. It is pertinent to reaffirm that it remains the State of Georgia's longstanding stance that "it is

preferable to reassign disruptive students to alternative educational settings rather than to expel such students from school” (Georgia House of Representatives Committees, 2006).

6. US school-based zero tolerance policy implications

Zero-tolerance rules should continue to be enforced for the students posing real danger to other students and staff members. Most people would agree that there is no place for unauthorized weapons or drugs in or near any school or its surrounding zone. However, the argument here is this: “Although there is little ambiguity regarding the expulsion of truly dangerous students, some school district applications of zero-tolerance policies cast doubt on the wisdom of school administrators” (Stader, 2004, p. 64). Johnson et al. (2005) pose the very pertinent question, “when do actions to promote school safety transcend common sense and, rather than make schools safer, promote a kind of distrust that deters future reporting?” (p. 64). Put simply, there must be a way to find and strike the right balance so that students are not pushed out of school for reasons that are less than egregious. The U.S. DOE, in response to the variegation that continues to exist regarding the implementation of ZTPs, kicked off a “Rethinking Discipline” campaign in the summer of 2013 to bring attention to “restorative practices” (Acosta et al., 2015), an alternative to the standard ZTPs that are still practiced in many schools nationwide. These restorative practices serve as “a more tailored approach than mandating prescribed punishments for specific misbehaviors” (Acosta et al., 2015, p. 2).

It is Schneider and Ingram’s (1993) contention “that the social construction of target populations has a powerful influence on public officials and shapes both the policy agenda and the actual design of policy” (p. 334). Constructions become incorporated into policy as messages that citizens absorb, affecting their orientations and participation. This construction is then further imbued into the policymaking and analysis processes as citizens consume the messages imparted by the creators of policy; this, in turn, is bound to influence the viewpoints and the ensuing participation of the message recipients. The theory is critical because it offers insight into why some groups are historically more advantaged than others and how policy designs and political power reinforce or alter such advantages.

6.1. Changing policy, changing implementation

Since 2011, there has been a growing consensus among educators, educational researchers, and other education shareholders that overreliance on exclusionary discipline practices resulting from the “zero tolerance” movement initiated in the 1990s is a failed experiment. In April 2013, for example, the National School Boards Association (NSBA) issued the following guidance to its members: “School disciplinary measures should not be used to exclude students from school or otherwise deprive them of an education and should be used as a last resort in schools to preserve the safety of students and staff” (National School Boards Association, 2013, p. 6).

As it relates directly to policy change, Johnson et al. (2005) alert stakeholders to consider that the courts in Georgia, similar to several other states, determine the meaning of a statute by “referring to its actual language ... The courts must diligently look for the intention of the General Assembly in passing the law, ‘keeping in view at all times the old law, the evil, and the remedy’” (p. 397). One response to this was the passing of Georgia’s “A plus Education Reform Act” (Meek, 2009). Established as an official alternative education system, local school boards must “adopt discipline processes that would help support students and provide services to address behavioral problems” (p. 162). Additionally, it is Georgia’s policy preference to “reassign disruptive students to alternative educational settings rather than to suspend or expel such students from school” (Meek, 2009, p. 162).

Moreover, the National School Boards Association’s (2013) declaration that to tackle the out-of-school suspension crisis, school boards, and stakeholders should:

Figure 1. Fulton County Tiered Discipline Levels¹⁶

The County Level – Fulton County	
<p><u>Tier I: Minor Acts of Misconduct</u></p> <p>Tier I offenses are minor acts of misconduct that interfere with the orderly operation of the classroom, a school function. Extracurricular program or approved transportation. The school district employee involved should intervene in the misconduct. If further action is necessary, the school district employee should refer the student to the school administrator for disciplinary action. After hearing the student's explanation, consulting with staff members as needed and doing other investigation deemed necessary, the administrator will decide on disciplinary action.</p>	<p><u>Tier I: Minor Acts of Misconduct</u></p> <p>Tier I offenses are minor acts of misconduct that interfere with the orderly operation of the classroom, a school function. Extracurricular program or approved transportation. The school district employee involved should intervene in the misconduct. If further action is necessary, the school district employee should refer the student to the school administrator for disciplinary action. After hearing the student's explanation, consulting with staff members as needed and doing other investigation deemed necessary, the administrator will decide on disciplinary action.</p>
<p><u>Tier II: Intermediate Acts of Misconduct</u></p> <p>Tier II infractions are intermediate acts of misconduct. They include repeated acts; serious disruptions of school order, threats to health, safety, and property of others; and other acts of intermediate or repeated misconduct. Depending on the severity, the consequence can include a disciplinary hearing referral for long-term suspension/expulsion/alternative school.</p>	<p><u>Tier II: Intermediate Acts of Misconduct</u></p> <p>Tier II infractions are intermediate acts of misconduct that may include repeated acts of misconduct from Tier I, acts directed against people or property that do not seriously endanger the health or safety of others and serious disruptions of school order. Unique, serious, or multiple offenses may result in the offense being considered a Tier III offense.</p>
<p><u>Tier III: Serious Acts of Misconduct</u></p> <p>Tier III acts of misconduct are the most serious. These acts may be grounds for expulsion and will result in a mandatory 10-day suspension with consideration for recommendation for long-term suspension, expulsion and/or assignment to an alternative education program.</p>	<p><u>Tier III: Moderate Acts of Misconduct</u></p> <p>Tier III offenses are moderate acts of misconduct that place students or staff at serious risk of emotional or physical harm which may include threats to the health, safety, and/or property of others; and other acts of moderate or repeated misconduct. Depending on the severity, the consequence can include a disciplinary hearing referral for long-term suspension/expulsion/alternative school (except for students in grades K-2).</p>
	<p><u>Tier IV: Serious Acts of Misconduct</u></p> <p>Tier IV acts of misconduct are the most serious. These acts may be grounds for expulsion and will result in a mandatory 10-day suspension with consideration for a recommendation for long-term suspension, expulsion and/or assignment to an alternative education program.</p>

Establish alternative school discipline policies that promote safe and supportive learning environments that: (1) eliminate out-of-school time to the extent possible without compromising the need to keep all students safe, (2) provide better support to school staff and administrators in addressing disciplinary challenges, and (3) engage parents, students, and neighboring communities in the enactment and implementation of more educationally sound and equitable policies and practices. (p. 10)

In tandem with this declaration, the state of Georgia restructured its existing policies to keep in line with the push to change the current standards. For example, Fulton County recently updated its tiered discipline system (see, Figure 1). Previously set at three tiers, minor, intermediate, and severe acts of misconduct, the new 4-tiered scale, updated as of the 2016–2017 school year, now includes moderate (level 3) acts of misconduct:

Fulton County Schools Student Code of Conduct and Discipline—Prior to 2016; 2016–Present

This has proven to be a significant step towards better identifying minor, intermediate, moderate, and severe incidences. Recent data reports indicate that student suspensions for minor and intermediate acts of misconduct began declining soon after the 2016–2017 school year (Fulton County Schools, 2016–17, 2022–23).

Further, the Georgia Supreme Court, effective August 2017, ruled in favor of a student who was previously expelled by Henry County Schools several years earlier for fighting. The local Superior Court initially sided with the student, determining that she acted in self-defense and that the school district failed to consider this. The Supreme Court opinion, issued in August of 2017,¹⁷ was such that under state law, it is not illegal to fight as long it can be determined that it was in self-defense. The Supreme Court “observed that state law applies even in schools. Georgia’s self-defense law does not require a person to retreat when the person reasonably believes she is at risk of harm from another’s imminent use of unlawful force” (Tagami, 2017, p. 1). The ACLU of Georgia et al., in connection with this and 17 other connected cases, submitted a document to the Supreme Court of Georgia that concluded with the following statement:

For the reasons presented above and in the Brief of Appellee, *Amici Curiae* requests that this Court affirm the decision of the Court of Appeals. Students in Georgia public schools are entitled to due process, including the right to raise the affirmative defense of self-defense and to equal protection in the school disciplinary process. (Henry County Board of Education v. the Supreme Court of Georgia – S16G1700, 2017)

In 2019, two years later, Georgia Governor Brian Kemp (January 2019–present) passed the “Keeping Georgia’s Schools Safe Act” per Senate Bill 15. The bill was an amendment to Article 27 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated,¹⁸ and states the following:

Every public school shall prepare, and review and update annually as necessary, a school safety plan to help curb the growing incidence of violence in schools, to respond effectively to such incidents, and to provide a safe learning environment for Georgia’s children, teachers, and other school personnel (Section 2).

A growing number of studies show that “zero-tolerance policies increase the rate of suspensions and expulsions, altering the lives of still-developing children and disproportionately affecting minorities (Tagami, 2017, p. 3). Considering that ZTPs can alter the life trajectories of expelled students (particularly those who were punished for engaging in unavoidable fights), these bills and precedent cases can undoubtedly be deemed a step in the right direction.

7. Post-COVID-19 changes, considerations, and implications

7.1. Global considerations and implications

The COVID-19 pandemic was referred to as the great equalizer because everyone globally, both rich and poor, young and old, was directly impacted by it. We also quickly learned that the pandemic only exacerbated extant societal and educational inequities. While education prides itself on being social justice-oriented, COVID-19 and the ensuing transitions showed the world that we all have assumptions about the resources and skills that our students bring to the classroom environment. When meeting with students face-to-face, we did not have to consider that some students may not have technical resources such as personal laptops because they had access to computer labs and other supplies in school. We did not have to wonder if they had enough wi-fi bandwidth or cell phone data to engage in and out of class in a meaningful manner (Gelles et al., 2020).

The physical and social divides between faculty, staff, and students required everyone to pay more attention to their students' personal lives. This is something that, for many, can be profoundly uncomfortable, yet it is vital to setting students up for success—and keeping them out of trouble—in times of crisis. Educators are uniquely oriented towards social justice; as such, we aspire to be more aware of what assumptions we are unintentionally making about our students and act to make the classroom more equitable and accessible to all. As technology and education continue to merge and improve, so must the practices we integrate into our programs and, in particular, our classrooms. Care and compassion in education should not only apply to situations of extreme urgency but should become the new norm if we strive to make our classrooms more inclusive (Gelles et al., 2020).

7.2. National considerations and implications

"These are not numbers. These are souls. These are lives being lost," said Orson Burton, Jr., an African-American pastor in Albany, Georgia, as he reflected on the impact of a rapid local COVID-19 outbreak (Engelbrecht & Reneau, 2020). His remarks were captured in a video that opens with footage of Black mourners at a graveside funeral service following yet another COVID-related death. As Pastor Burton visits with community members, he describes the pandemic as a tornado. To fully understand how the COVID-19 pandemic has and continues to impact the residents of Dougherty County, GA, and beyond, geographers need to confront the structural factors affecting individual and community vulnerability and resilience. We argue that intersectional analyses of the pandemic will generate better research, scholarship, and policies addressing how a public health crisis shapes communities differently across scale and space (Eaves & Al-Hindi, 2020).

In this same vein, researchers and scholars are encouraged to engage and lead with theories and methods of intersectionality thoughtfully, "ethically, and with care" (Mollett & Faria, 2018). The concept of intersectionality originates from the experiences of women of color within the U.S. empire, especially from African-Americans' experiences in specific places (Reis et al., 2000). It foregrounds the lives of those humans most oppressed by structures that cement White supremacy, masculine privilege, and heteronormativity. The current pandemic includes those facing gaps in appropriate access to resources, those most disadvantaged in economies heading into recession, and those whose identities and living conditions intensify their vulnerabilities. Intersectionality engages the simultaneity of oppressions in the lives of individuals and communities and "is best thought of as an analytic sensibility" (Cho et al., 2013, p. 795). As we advance, we provide additional recommendations for educators to consider regarding the novel coronavirus' overlapping household, personal health, community, and broader societal impacts (Cho et al., 2013; Reis et al., 2000).

7.3. Additional recommendations for successful implementation of restorative practices

Additional recommendations for the successful implementation of restorative practices include:

1. Increasing the use of positive, collaborative behavior interventions and supports. This includes the following:

- Instituting an ongoing series of professional development opportunities in which teachers—and all school personnel, for that matter—receive specific training on utilizing positive behavior supports for at-risk students.
- Ensure fairness by providing straightforward explanations of infractions and recommended responses in the student code of conduct—in articulable language that all stakeholders can understand.

Ebbe (2011) and Moreno and Scaletta (2018) found Schoolwide Positive Behavior Interventions and Supports (SWPBIS) to be systemic, proactive approaches to discipline that promote positive, systemwide changes in student behaviors. Incorporating quantitative analyses, their studies identified successful tier-one SWPBIS strategies that were efficient while maximizing outcomes across

elementary, middle, and high school levels. Preliminary pre-implementation and post-implementation SWPBIS data, including school suspension, attendance, and achievement data, and Schoolwide Evaluation Tool (SET) data were collected and analyzed (Ebbe, 2011; Mollett & Faria, 2018), and an analysis of variance (ANOVA) was used to determine the implications of the results. These studies ultimately found that student achievement scores increased significantly in the initial stages of SWPBIS implementation. Further, the authors' main conclusions were that SWPBIS implementation positively affected student behavior and achievement at all targeted schools.

2. Currently, districts are required to compile annual aggregate reports on the total number of disciplinary actions that push students out of the classroom based on students' gender, race, and ability. This includes identifying the schools within the district with the highest suspension rates. In the effort to utilize this information as an impetus to change, more elucidation of this information is necessary. Throughout the course of this review of district data, the following questions must be raised and addressed:

- Based on the data, are there systemic issues throughout the district?
- Based on the data, are there systemic issues at particular schools or grade levels?
- Based on the data, are there isolated problems extant within specific schools?

McAndrews (2001) states that sound policies allow administrators some degree of discretion in responding to infractions. The policy should permit officials to consider the unique circumstances of a violation, such as the age of the offender, the ability of the offender to comprehend the procedure, the intent of the offender, the effect of the transgression on other students (both directly and vicariously), and, finally, the past disciplinary record of the offender (McAndrews, 2001, p. 2). Special circumstances can be used to consider alternatives that may be more appropriate than expulsion. Additionally, this information must be made more accessible to family and community stakeholders as part of the ongoing dialogue regarding restorative practices.

3. Research demonstrates that police officers on school campuses are positively associated with student referrals to juvenile courts (Teske, 2011). Since the goal is to keep students in school, appropriate limits should be established for the use of law enforcement in the public school system. This includes creating agreements with court systems and police departments to limit arrests and the overuse of restraints at school. This agreement, drafted between law enforcement officials and school personnel, must include, in articulable terms, the following tenets (Skiba & Noam, 2001; Skiba & Rausch, 2013):

- A plan to restrict zero-tolerance removals for only the most severe behaviors,
- Comprehensive definitions for all infractions, major and minor,
- An expansion of the array of options available for dealing with disruptive behavior,
- The implementation of preventative measures,
- A plan for ongoing collaboration & communication between school personnel, parents, juvenile justice entities, mental health agencies, and other relevant stakeholders, and
- A plan to evaluate the effectiveness of implemented interventions.

Additionally, affirm Eaves and Al-Hindi (2020) and Engelbrecht and Reneau (2020), the advent of COVID-19 means that the time is now for educators to proactively prioritize the lives and needs of those who are most vulnerable and susceptible. Although we have framed this conversation in the context of Georgia, USA, we argue that the COVID-19 era provides us with an unprecedented opportunity to move beyond single-axis thinking to generate better research that centers anti-oppression in practice, in and beyond the school system.

Transitions of this nature, whether large or small, can undoubtedly be difficult; it can be equally problematic to garner the buy-in from all involved shareholders. Moreover, addressing policy changes—including those related to implicit bias—is bound to raise more questions than answers. Nevertheless, the path to promoting positive approaches to school discipline, including the continued manifestation of ZTPs nationwide, is far too important to neglect any longer.

8. Conclusion

This paper explored the history, philosophy, and efficacy of zero-tolerance school disciplinary strategies. Despite the controversies it has created in school jurisdictions throughout the country, zero tolerance continues to be a broadly used response to school disruption and violence in the United States. Growing out of the Reagan-Bush-era drug-enforcement policies of the 1980s and early 1990s, zero-tolerance discipline attempts to send a message by severely punishing both major and minor incidents (Moreno & Scaletta, 2018; Sabol & Johnson, 2020). There is still little to no evidence that the strategies typically associated with zero tolerance positively impact student behavior or overall school safety.

Research on the effectiveness of school-security measures remains sparse. At the same time, data on suspensions and expulsions raise serious concerns about the equity and efficacy of school exclusion as an educational intervention. Growing community response has led numerous districts to implement alternatives to zero tolerance, stressing a tiered system to match consequences, offenses, and preventive strategies, including early identification, bullying prevention, and enhanced classroom management. Building a research base on these alternatives is critical to assist schools in developing more effective, less intrusive methods for school discipline (Johnson & Johnson, 2019; R. Skiba & Rausch, 2013).

Encouragingly, more US states are changing their current laws to curtail the overuse of exclusionary discipline in their school systems as of late. For “only judicially enforced rights can bring justice and fairness ... Even if policy could eventually resolve the problem, courts should not ask students to wait on states and schools to respect their rights” (Hirji, 2018). This increasingly imminent change in national standards serves as a monumental step towards allowing all students to learn in school environments that are safe, non-punitive, and impartial.

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Notes

1. 14 June 2016: A 7-year-old 2nd grader in Portsmouth, VA, already suspended for 10 days in May for bringing a water gun to school, now faces

expulsion for this, the 2nd offense. <http://wavy.com/2016/06/14/portsmouth-7-year-old-faces-expulsion-for-bringing-toy-guns-to-school/>

2. 17 May 2016: A 5-year-old girl in kindergarten was suspended for bringing a gun to Southeast Elementary School. <http://kdvr.com/2016/05/17/kindergartner-suspended-for-bringing-bubble-gun-to-class/>
3. 17 April 2014: A 10th-grader at Lewiston High School in Lewiston, Maine was suspended for 10 days for allegedly bringing a water gun to school. <http://downtrend.com/james/student-suspended-10-days-for-bringing-water-gun-to-school>
4. 19 July 1999: Tawana Dawson, a 15-year-old student at Pensacola High School in Florida, was expelled for the 1999–2000 school year for bringing nail clippers to class. https://www.rutherford.org/publications_resources/john_whiteheads_commentary/student_sentenced_to_one-year_expulsion_for_possession_of_nail_clippers
5. 8 December 2008: Nine-year-old Khalin Rivenbark, a 4th grade student in Clay County, FL, was accused of selling drugs after giving out Halls Defense Vitamin C drops to other fellow students at her school. <http://www.infowars.com/girl-handing-out-cough-drops-accused-of-selling-drugs-at-school/>
6. 20 September 2014: Thirteen-year-old Kyle Bradford of Weaverville Elementary in California

- was given detention for sharing his chicken burrito with a hungry friend. Said the local superintendent, “because of safety and liability we cannot allow students to actually exchange meals.” <http://www.usatoday.com/story/news/nation/2014/09/20/detention-share-lunch-school/15950629/>
7. 14 March 2018: Three HS students in Arkansas were punished for breaking school rules when they walked out to join a nationwide protest by children against gun violence in schools. They were given two options: In-school suspension, or a paddling by their teacher as punishment. All three chose corporal punishment. <https://www.newsweek.com/paddling-legal-arkansas-students-paddled-taking-part-national-school-walkout-847438>
 8. The extent to which schools exercised this discretionary authority was and remains mixed.
 9. Each State receiving Federal funds under any subchapter of this chapter shall have in effect a State law requiring local educational agencies to expel from school for a period of not less than 1 year a student who is determined to have brought a firearm to a school, or to have possessed a firearm at a school, under the jurisdiction of local educational agencies in that State . . .
 10. The Gun-Free School Zones Act (GFSZA) prohibits any person from knowingly possessing a firearm that has moved in or otherwise affects interstate or foreign commerce at a place the individual knows, or has reasonable cause to believe, is a school zone.
 11. Tribunal Training Course—a course of at least five (5) hours duration which 1. includes instruction on: (i) all student disciplinary provisions in Title 20 of the Official Code of Georgia Annotated, (ii) due process requirements under federal and state law, (iii) applicable rules of evidence, (iv) leading federal and state judicial and administrative decisions, and (v) applicable ethical standards and the role of the hearing officer and panel member as an independent, neutral arbiter; and 2. follows a training course outline that is annually approved by the Local Board of Education.
 12. Tribunal Training Provider—one who has expertise and/or knowledge of: 1. all student disciplinary provisions in Title 20 of the Official Code of Georgia Annotated, 2. due process requirements under federal and state law, 3. applicable rules of evidence, 4. leading federal and state judicial and administrative decisions, and 5. applicable ethical standards and the role of the hearing officer and panel member as an independent, neutral arbiter.
 13. Qualified Student Discipline Hearing Officer or Disciplinary Tribunal or Panel Member—an individual selected by the local school system who is: 1. in good standing with the State Bar of Georgia, or 2. has experience as a teacher, counselor, or administrator in a public school system, or 3. is actively serving as a hearing officer under an existing contract/agreement with a Georgia school system provided that such individual completes the tribunal training course within 6 months of 1 July 2016.
 14. This information is based on 2010 U.S. Census estimates.
 15. These statistics are based on data retrieved from the 2013–2014 school calendar year.
 16. Fulton County Tiered Discipline—2015–2016 (3-Tiered) & 2016–present (4-Tiered).
 17. Supreme Court of Georgia–Henry County Board of Education v. S.G.; S16G1700; Decided: August 28, 2017
 18. <https://gov.Georgia.gov/executive-action/legislation/vetoed-legislation/2019-vetoed-legislation>
- ## References
- Acosta, J., Chinman, M., Engberg, J., & Augustine, C. (2015). Rethinking student discipline and zero tolerance. *Education Week*, 25(8), 24. <https://www.edweek.org/leadership/opinion-rethinking-student-discipline-and-zero-tolerance/2015/10>
- American Psychological Association Zero Tolerance Task Force. (2008). Are zero tolerance policies effective in the schools? An evidentiary review and recommendations. *The American Psychologist*, 63(9), 852–862. <https://doi.org/10.1037/0003-066X.63.9.852>
- Bell, C. (2015). The hidden side of zero tolerance policies: The African American perspective. *Sociology Compass*, 9(1), 14–22. <https://doi.org/10.1111/soc4.12230>
- Cerrone, K. M. (1999). The gun-free schools act of 1994: Zero tolerance takes AIM at procedural due process. *Pace Law Review*, 20(1), 131. https://heinonline.org/HOL/Page?handle=hein.journals/pace20&div=12&g_sent=1&casa_token=&collection=journalsCerrone
- Cho, S., Crenshaw, K. W., & McCall, L. (2013). Toward a field of intersectionality studies: Theory, applications, and praxis. *Signs: Journal of Women in Culture and Society*, 38(4), 785–810. <https://doi.org/10.1086/669608>
- The Civil Rights Project. (2000, June 15). *Opportunities suspended: The devastating consequences of zero tolerance and school discipline*. UCLA: The Civil Rights Project. <http://escholarship.org/uc/item/99v051v1.pdf>
- Duncan, A. (March 8, 2010). Crossing the Next Bridge, Remarks of the U.S. Secretary of Education, U.S. Department of Education. Retrieved from <http://www2.ed.gov/news/speeches/2010/03/03082010.html>
- Eaves, L., & Al-Hindi, K. F. (2020). Intersectional geographies and COVID-19. *Dialogues in Human Geography*, 10(2), 132–136. <https://doi.org/10.1177/2043820620935247>
- Ebbe, A. R. (2011). *Implementing successful middle school and elementary school tier one positive behavior intervention support strategies in a high school*. Edgewood College.
- Engelbrecht, C., & Reneau, N. (2020). These are not numbers, these are souls. Georgia pastors say no to reopening. *New York Times*, 12. <https://www.nytimes.com/video/us/100000007113691/albany-georgia-churches-closed-coronavirus.html>
- Fulton County Schools. (2016–17). *Facts-at-a-glance*. <http://www.fultonschools.org/en/divisions/sup/comm/Documents/FCS%20FactsAtGlance%202016-2017.pdf>
- Fulton County Schools 2022–23 Student Code of Conduct & Discipline Handbook. (2022, August). https://www.fultonschools.org/cms/lib/GA50000114/Centricity/Domain/8748/FY_2023_Final_Code_of_Conduct.pdf
- Fulton County Schools Student Code of Conduct & Discipline Handbook. (2015, August). <https://www.fultonschools.org/en/divisions/acd/supportserv/Documents/2015-2016%20Student%20Code%20of%20Conduct%20-%20English.pdf>
- Fulton County Schools Student Discipline Prevention and Intervention Department. (n.d.). <http://www.fultonschools.org/en/divisions/sup/comm/Pages/2015%20SDPI%20Fact%20Sheet.pdf>
- Gelles, L. A., Lord, S. M., Hoople, G. D., Chen, D. A., & Mejia, J. A. (2020). Compassionate flexibility and self-discipline: Student adaptation to emergency

- remote teaching in an integrated engineering energy course during COVID-19. *Education Sciences*, 10(11), 304. <https://doi.org/10.3390/educsci10110304>
- Georgia Appleseed Center for Law & Justice – Effective Student Discipline: Keeping Kids in Class. (2011). <https://gaappleseed.org/initiatives/esd/keepingkidsinclass/appendix-b.pdf>
- The Georgia Coalition Working to End the School to Prison Pipeline. (2015, February). *Securing the education pipeline for Georgia's children through community-empowered local school councils*. <http://www.gwinnettstopp.org/wp-content/uploads/LSC-Securing-the-Education-Pipeline-Report.pdf>
- Georgia Department of Education State Education Rules. (2015). <http://www.gadoe.org/External-Affairs-and-Policy/State-Board-of-Education/Pages/PEABoardRules.aspx>
- Georgia House of Representatives. (2000). *HB 31 – Poag, Judy N (6th)*. <http://www.legis.ga.gov/Legislation/Archives/19992000/leg/sum/hb31.htm>
- Georgia House of Representatives Committees. (2006). <http://www.house.ga.gov/Committees/en-US/committee.aspx?Committee=102&Session=14>
- Hanson, A. L. (2005). Have Zero Tolerance School Discipline Policies Turned into a Nightmare-The American Dream's Promise of Equal Educational Opportunity Grounded in Brown v. Board of Education. *UC Davis J. Juv. L. & Policy*, 9, 289. https://heinonline.org/HOL/Page?handle=hein.journals/ucda_julp9&div=16&q_sent=1&casa_token=&collection=journals
- Heilbrun, A., Cornell, D., & Lovegrove, P. (2015). Principal attitudes regarding zero tolerance and racial disparities in school suspensions. *Psychology in the Schools*, 52(5), 489–499. <https://doi.org/10.1002/pits.21838>
- Henry, K. A. K., Catagnus, R. M., Griffith, A. K., & Garcia, Y. A. (2022). Ending the school-to-prison pipeline: Perception and experience with zero-tolerance policies and interventions to address racial inequality. *Behavior Analysis in Practice*, 15(4), 1254–1263. <https://link.springer.com/article/10.1007/s40617-021-00634-z>
- Henry County Board of Education v. the Supreme Court of Georgia – \$16G1700. (2017, August 28). <https://case.law.findlaw.com/ga-supreme-court/1872167.html>
- Hirji, R. K. (2018). 20 years of policy advocacy against zero tolerance: A critical review. American Bar Association. <https://www.americanbar.org/groups/litigation/committees/childrens-rights/articles/2018/winter2018-20-years-policy-advocacy-against-zero-tolerance-critical-review.html>
- Huang, F. L., & Cornell, D. G. (2021). Teacher support for zero tolerance is associated with higher suspension rates and lower feelings of safety. *School Psychology Review*, 50(2–3), 388–405. <https://doi.org/10.1080/2372966X.2020.1832865>
- Irby, D. J., & Coney, K. (2021). The 1994 Gun-Free Schools Act: Its Effects 25 Years Later and How to Undo Them. *Peabody Journal of Education*, 96(5), 494–507. <https://doi.org/10.1080/0161956X.2021.1991690>
- Johnson, N. P., Adams, N. J., & Adelman, E. G. (2005). Researching Georgia Law (2006 Edition). *Ga. St. UL Rev*, 22, 381–462. https://heinonline.org/HOL/Page?collection=journals&handle=hein.journals/gslr22&id=398&men_tab=srchresults
- Johnson, N. N., & Johnson, T. L. (2019). Zero Tolerance (ZT) Policy Analysis: A Look at 20 Years of School-Based ZT Policies in Practice. <https://doi.org/10.3102/1438385>
- Jones, R. (2000). Schools and the Law: Legal Trouble Spots and How to Avoid Them. *The American School Board Journal*, 187(4), 24–30. <https://eric.ed.gov/?id=EJ603262>
- Law Center to Prevent Gun Violence – Federal Law on Guns in Schools. (2016). <http://smartgunlaws.org/gun-laws/federal-law/firearms-in-public-places/guns-in-schools/>
- McAndrews, T. (2001). Zero-tolerancepolicies. ERIC Digest Number 146. <https://scholarsbank.uoregon.edu/xmlui/bitstream/handle/1794/3369/digest146.pdf?sequence=1>
- Meek, A. P. (2009). School discipline “as part of the teaching process”: Alternative and compensatory education required by the state’s interest in keeping children in school. *Yale Law & Policy Review*, 28(1), 155–185. <https://www.jstor.org/stable/pdf/27871290.pdf>
- Mollett, S., & Faria, C. (2018). The spatialities of intersectional thinking: Fashioning feminist geographic futures. *Gender, Place & Culture*, 25(4), 565–577. <https://doi.org/10.1080/0966369X.2018.1454404>
- Moreno, G., & Scaletta, M. (2018). Moving away from zero tolerance policies: Examination of Illinois educator preparedness in addressing student behavior. *International Journal of Emotional Education*, 10(2), 93–110. <https://files.eric.ed.gov/fulltext/EJ1198052.pdf>
- National School Boards Association. (2013). *Addressing the out-of-school suspension crisis: A policy guide for school board members*. <https://www.nsba.org/sites/default/files/0413NSBA-Out-Of-School-Suspension-School-Board-Policy-Guide.pdf>
- Perlstein, D. (2000). Failing at Kindness: Why Fear of Violence Endangers Children. *Educational Leadership*, 57(6), 76–79. <https://eric.ed.gov/?id=EJ609632>
- Public School Review. (2022). *Fulton County School District*. <https://www.publicschoolreview.com/georgia/fulton-county-school-district/1302280-school-district>
- Reis, H. T., Collins, W. A., & Berscheid, E. (2000). The relationship context of human behavior and development. *Psychological Bulletin*, 126(6), 844. <https://doi.org/10.1037/0033-2909.126.6.844>
- Reisig, M. D., & Kane, R. J. (Eds.). (2014). *The Oxford handbook of police and policing*. Oxford University Press.
- Sabol, W. J., & Johnson, T. L. (2020). The 1994 Crime Bill: Legacy and lessons—impacts on prison populations. *Federal Sentencing Reporter*, 32(3), 153–156. <https://doi.org/10.1525/fsr.2020.32.3.153>
- Schneider, A., & Ingram, H. (1993). Social construction of target populations: Implications for politics and policy. *The American Political Science Review*, 87(2), 334–347. <https://doi.org/10.2307/2939044>
- Skiba, R. J.; American Psychological Association Zero Tolerance Task Force. (2008). Are zero tolerance policies effective in the schools?: An evidentiary review and recommendations. *American Psychologist*, 63(9), 852–862. <https://www.apa.org/pubs/reports/zero-tolerance.pdf>
- Skiba, R. J., & Knesting, K. (2002). Zero tolerance, zero evidence: An analysis of school disciplinary practice. In R. J. Skiba & G. G. Noam (Eds.), *Zero tolerance: Can suspension and expulsion keep school safe?* (pp. 17–43). Jossey-Bass/Wiley.
- Skiba, R. J., & Noam, G. G. (2001). *Zero tolerance: Can suspension and expulsion keep schools safe?* Jossey-Bass. https://www.goodreads.com/book/show/1742068.Zero_Tolerance

- Skiba, R. J., & Rausch, M. K. (2013). Zero tolerance, suspension, and expulsion: Questions of equity and effectiveness. In *Handbook of classroom management* (pp. 1073–1100). Routledge.
- Stader, D. L. (2000). Preempting threats with a sound school policy. *NASSP Bulletin*, 84(617), 68–72. <https://doi.org/10.1177/019263650008461709>
- Stader, D. L. (2004). Zero tolerance as public policy: The good, the bad, and the ugly. *The Clearing House: A Journal of Educational Strategies, Issues and Ideas*, 78(2), 62–66. <https://doi.org/10.3200/TCHS.78.2.62-66>
- Sullivan, E. L. (2007). *A critical policy analysis: The impact of zero tolerance on out-of-school suspensions and expulsions of students of color in the State of Texas by gender and school level*. Texas A&M University.
- Tagami, T. (2017, August 20). *Georgia Supreme Court: Schools can't expel for fighting in self-defense*. The Atlanta Journal-Constitution. <https://www.myajc.com/news/local-education/georgia-supreme-court-schools-can-expel-for-fighting-self-defense/wkNekdN2Tce51nseC66d4M/policies/gt89VV56gwutEZhc26JneI/>
- Teske, S. C. (2011). A study of zero tolerance policies in schools: A multi-integrated systems approach to improve outcomes for adolescents. *Journal of Child and Adolescent Psychiatric Nursing*, 24(2), 88–97. <https://doi.org/10.1111/j.1744-6171.2011.00273.x>
- U.S. Department of Education. (2014, January). *Guiding principles: A resource guide for improving school climate and discipline*. <http://www2.ed.gov/policy/gen/guid/school-discipline/guiding-principles.pdf>
- U.S. Department of Education, Office for Civil Rights. (1998). *Elementary and secondary school civil rights compliance report: National and state projections*. June 2000. Fall
- U.S. Department of Education, Office for Civil Rights. (2014, March). *Civil rights data collection – Data snapshot: School discipline*. <http://ocrdata.ed.gov/Downloads/CRDC-School-Discipline-Snapshot.pdf>
- Welner, K. G., & Chi, W. C. (2008). *Current issues in education policy and the law*. Information Age Publishing, Inc.



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