

THE LIMITED CHARACTER EDUCATION OF ZERO TOLERANCE POLICIES An Alternative Moral Vision for Discipline

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During the past decade and a half, two separate legislative developments influenced the moral fabric of American public schools. Over the course of that time every state passed some form of zero tolerance legislation aimed at curbing violence in schools. In addition, half of those states also passed new or revised legislation mandating or encouraging character education. This article discusses the problematic disconnect between these two trends. Although numerous problems with pervasive zero tolerance legislation and policies have been identified by scholars, this article argues that one overlooked problem concerns the fact that zero tolerance policies have been implemented in schools without being connected to the character education of students and the larger moral vision of schools. A resolution to this problem is then proposed that draws on the principles of restorative justice and a broad vision of character education.

THE MORAL EDUCATION OF ZERO TOLERANCE PRACTICES: RETRIBUTIVE JUSTICE WITHOUT CHARACTER EDUCATION

Since the mid 1990s, two important, but separate legislative trends have swept state legislatures in America. The first one started when the U.S. government passed the Gun-Free Schools Act of 1994. The act required states to implement zero tolerance policies toward students possessing a handgun on school property in order to continue receiving federal funding.

It also mandated that students who brought a gun to school must be expelled for a 1-year period. To meet the requirements of this law, all states soon passed laws permitting student expulsion for the possession of firearms. This federal legislation also led to an interesting, and perhaps unintended, result. Various states often expanded the federal legislation to include expulsion of students for the possession of other weapons such as brass knuckles, daggers, knives with blades over three inches, pocketknives opened by a mechanical device, and so forth. Some states also included posses-

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sion of drugs or controlled substances in the list of reasons for expulsion. A few other states even added behaviors such as “open defiance of authority” and “continued disruptive or disorderly behavior” (Advancement Project & The Civil Rights Project, 2000). Furthermore, various school districts implementing the policies added additional behaviors or interpreted the specified behaviors in a broad fashion. Consequently, federal zero tolerance policies mushroomed from a particular disciplinary approach toward students who bring guns to campus to one of the primary methods schools would use to handle numerous discipline problems.

The second legislative trend began a year earlier. From 1993 until 2004, almost half of the states (24) either passed new laws requiring public schools to teach students particular character qualities or modified old laws. These state laws attempted to codify a secular approach to character education that specifies the particular virtues that children in public schools should be encouraged to acquire. Among the major virtues in these lists, one will find respect, responsibility and honesty as well as a variety of other character qualities (Glanzer & Milson, *in press*).

Interestingly, both these initiatives emerged as separate developments. Thus, while the state of Florida currently requires that all grades teach a character education program that stresses a variety of virtues, including tolerance, Florida also mandates that schools show zero tolerance to students for such things as violence against any school district personnel or school property, violation of school’s sexual harassment policies, possession of a firearm, willful disobedience, open defiance of authority, and unlawful possession or use of controlled dangerous substances.

Most educators would not see such policies as a contradiction. There are, after all, appropriate and inappropriate forms of tolerance. Nonetheless, the separate development of these two legislative trends provides one example of what commonly occurs at both the policy and practical level of school life. Mat-

ters of discipline are considered separate from the moral vision of the school. In other words, although scholars writing about character education and school discipline insist that a school’s discipline policy and regulations should not be separated from a school’s moral vision, the reality is that legislative trends have prevented such integration from occurring (Arum, 2003; Lickona, 1991; Ryan & Bohlin, 1999).

In the first part of this article, it is argued that although scholars have pointed to a whole menu of negative consequences of zero tolerance policies, the primary problem with zero tolerance policies, as they have developed and been implemented in schools, is the problem identified above. They are and continue to be implemented without regard to the character education of students and a larger moral vision for the school.¹ Instead of arising in response to a positive moral vision, they arose in response to a problem. As a result, schools administrators and teachers were not encouraged by the federal legislation to think through how their approach to discipline relates to their moral vision for their school. To adhere to zero tolerance policies many schools now apply a punitive model of justice without thinking through whether other models of discipline, such as the practices of restorative justice, might provide greater opportunity for both offending students and the community to demonstrate moral action. In the end, the practices of zero tolerance are at odds with many schools’ professed values to foster good citizens, critical thinking and a caring school community.

In the second part of the article a solution to this problem that sets forth a vision for discipline within a vision of character education that includes the ends of restorative justice is proposed. The solution draws largely on the suggestions of education scholars who offer alternatives to zero tolerance. It seeks to demonstrate how many of the alternative approaches to zero tolerance policies suggested by scholars, despite their often stated concerns with calls for “traditional morality,”

are actually calls for a particular moral vision to be implemented in a school's approach to discipline. In other words, it intends to show that although proponents of character education may sometimes be painted as conservatives (e.g., Kohn, 1997; Nash, 1997; Noddings, 2002;) and some critics of zero tolerance policies are critical of "moralists and traditionalists" (Casella, 2001, p. 178), they actually share a common concern that discipline be promoted from a coherent moral vision. Both would affirm the Character Education Partnership's claim that "a school committed to character strives to become a microcosm of a civil, caring, and just society" (eleven principles, principle 4). The final part of the section then outlines how the practice of restorative justice provides an example of a reform that would accomplish the ends advocated by critics of zero tolerance policies and character education proponents.

THE CRITICAL SCHOLARSHIP ON ZERO TOLERANCE

The history of zero tolerance policies begins with the federal government's entry into public school funding with the passage of the 1965 Elementary and Secondary Education Act. The beginning of the federal funding of education meant that the federal government could attach conditions to states receiving those funds. In the specific arena of school violence and school discipline, the federal government initially provided financial aid without extensive legislative restrictions. Thus, through the 1986 Safe and Drug-Free Schools and Communities Act, the federal government authorized more federal money for violence prevention programs in schools with few regulatory restrictions (Casella, 2001). The federal government, however, soon linked further legal regulations to such funds. As mentioned above Congress passed the Gun-Free Schools Act in 1994 and the federal mandate then became impetus for a wide range of zero tolerance policies. Interestingly, the scholars critical of zero tolerance

have not criticized the increasing federal role in education as the major problem with zero tolerance policies even though it provided the means for zero tolerance policies to be implemented with such speed and breadth. Instead, scholars, various professional groups, and education policymakers have leveled four other major critiques at zero tolerance policies.

1. *The interpretation of what should invoke zero tolerance.* The major critique directed at zero tolerance policies is their problematic interpretation of what sort of action should invoke zero tolerance. Numerous stories have circulated giving examples of what clearly appear to be overzealous application of the laws. Below are merely a few of the stories taken from various sources:

- In Palm Beach, Florida, a 14-year-old disabled student was referred to the principals' office for allegedly stealing \$2 from another student. The principal referred the child to the police, where he was charged with strong-armed robbery, and held for 6 weeks in an adult jail, for this, his first arrest (American Bar Association, p. 2)
- A North Carolina boy was expelled for having a cardboard cutout of a rifle in his car window (Ayers, Dohrn, & Ayers, 2001, pp. 128-129)
- A 6-year-old boy in western Pennsylvania was suspended for having a plastic axe attached to his first grade fireman's costume (Ayers et al., 2001, p. 129).
- A 6-year-old African American child was suspended for 10 days for bringing a toenail clipper to school. A school board member said, "This is not about a toenail clipper! This is about the attachments on the toenail clipper!" (Advancement Project & The Civil Rights Project, 2000)
- A 14-year-old boy mistakenly left a pocketknife in his book bag after a Boy Scout camping trip. At the hearing, the boy's Scout Master testified on the boy's behalf. The student was expelled

under the district's Zero Tolerance Policy, which requires expulsion for possession of knives. As a result of an appeal by the Legal Aid Society of Greater Cincinnati, the student was readmitted to school, but had already missed 80 days of school (Advancement Project & The Civil Rights Project, 2000).

Other examples could also be listed (see Advancement Project & The Civil Rights Project, 2000, Appendix I). In light of cases such as these, the American Bar Association passed a resolution (2001) opposing zero tolerance policies that "mandate either expulsion or referral of students to juvenile or criminal court, without regard to the circumstances or nature of the offense or the student's history" (p. 1). Ironically, this type of pervasive zero tolerance approach to discipline was certainly not required by the federal law. In fact, the federal legislation allowed for some degree of local control. It stated, "State law shall allow the chief administering offices or such local educational agency to modify such expulsion requirement for a student on a case-by-case basis" (Gun-Free Schools Act of 1994, 1994). Yet, the clear result of what many would consider reasonable federal legislation is that it produced expansive applications in the states and expansive interpretations by educators.

2. *Racial and ethnic inconsistencies in application.* Scholars also critique the unjust application of zero tolerance policies, particularly with regard to race. For example, various studies have noted that they are disproportionately applied to students of color, such as African Americans and Latinos (Advancement Project & Civil Rights Project, 2000; Ayers et al., 2001; Carledge, Tillman, & Johnson, 2001; Skiba, Peterson, & Williams, 1997). Problematic applications have also been observed in urban school contexts (Dunbar & Villarruel, 2002), and with special education students (Advancement Project & Civil Rights Project, 2000; Morrison and D'Incau, 1997). The underlying critique of many of these works is

that zero tolerance policies exacerbate discriminatory practices.

3. *Impact on kids, teachers and schools.* Moreover, scholars have argued that zero tolerance policies are actually counterproductive. Schools do not become safer. Instead, the relationship between teachers and students is corrupted and the students are criminalized (Advancement Project & Civil Rights Project, 2000; Ayers et al., 2001; Casella, 2001). Furthermore, Casella (2001) contended, zero tolerance policies do not address the root causes of violence in students. He claimed, "it dismisses students who may be better served with attention, not segregation" (p. 174). Similarly, the Advancement & Civil Rights Project report (2000) maintained that zero tolerance policies inhibit students' need for strong bonds with adults, which is actually one of the primary solutions to correcting youth violence.

4. *Contrary to the purposes of public education.* Finally, scholars (Haft, 2000; Karp & Breslin, 2001) noted that zero tolerance policies are counter to the purposes of public education. If one of the primary purposes of public education is to prepare children to live in a democratic society, expulsion from this institution should be employed only "as a last resort rather than as a first response" (Haft, 2000, p. 797).

5. *Fails to allow the opportunity for moral action.* One other critique that we would add to this list is that zero tolerance policies fail to allow the offending student further opportunities for moral action with regard to the offense toward the community. One of the principles of effective character education according to the Character Education Partnership (CEP) is that students must be given such opportunities. The expanded principle states:

In the ethical as in the intellectual domain, students are constructive learners; they learn best by doing. To develop good character, they need many and varied opportunities to apply values such as compassion, responsibility, and fairness in everyday interactions and discussions as well as through community service.... Through repeated moral experiences, students

develop and practice the skills and behavioral habits that make up the action side of character.

Suspending a student quickly for an offense fails to provide the student these opportunities to demonstrate character to the rest of the community. Instead, it isolates the student from the community without asking for any moral response.

Zero tolerance policies also reduce the opportunity for moral action by school personnel. As Arum (2003) writes, "The fact that administrators must respond to certain infractions without being able to consider particular details and extenuating circumstances produces discipline that can appear quite authoritarian, arbitrary and unfair (p. 207). When policies reduce the opportunity for moral action among both students and administrators, an exploration of alternatives is needed.

RESPONDING TO ZERO TOLERANCE POLICIES: LIMITED SOLUTIONS

Despite these criticisms, it is unlikely that the federal Gun-Free School Act or the state laws in all 50 states will be abandoned in the near future. Most people and groups agree that expulsion for bringing a firearm to school is an appropriate penalty. For example, although the American Bar Association (2001) clearly opposes overly expansive zero tolerance policies, it does claim, "schools should have policies against gun possession" (p. 4). Other scholars, such as George Bear (2005), also insist that we must distinguish between reasonable zero tolerance policies, such as those for possessing drugs, weapons or firearms (the original target of the federal legislation), and the unreasonable zero tolerance approach to classroom discipline. Even if one sets aside the largely agreed on zero tolerance policies, there is not enough dissatisfaction with the expansive zero tolerance state laws among advocacy groups, scholars, most state legislators and the populace at large to overturn these laws. The

suggestion by some scholars (Ayers et al., 2001; Casella, 2001) that individuals should mobilize to lobby for change to overly expansive zero tolerance legislation is perhaps a worthwhile goal. Nonetheless, educators must also be given an alternative moral vision of school discipline.

While some critics of zero tolerance spend a great deal of time discussing the faults of zero tolerance while giving little attention to solutions (e.g., Casella, 2001), various other alternatives to zero tolerance policies have been suggested in the literature. For example, Scott, Nelson, and Liaupsin (2001) suggest that effective academic instruction will reduce school violence. While such an approach may demonstrate some degree of effectiveness in keeping kids engaged and out of trouble, it still fails to connect the moral and civic education purposes of the school with the school's approach to discipline.

Other suggestions have been made regarding how school communities can address racial injustice in school discipline (Advancement Project & The Civil Rights Project, 2000; Ayers et al., 2001). While such efforts are certainly needed, they also do not address the full range of problems with zero tolerance policies outlined above. These efforts also fail to provide a vision for addressing how school discipline should fit within a school's larger moral vision.

MERGING CHARACTER EDUCATION AND SCHOOL DISCIPLINE

In contrast to the zero tolerance solutions mentioned above, this researcher contends that any approach to discipline needs to place discipline policies within a larger framework of moral and civic education. As Elias (2002) noted since Columbine and 9/11, "an overly rigid zero-tolerance policy and an emphasis on security procedures and equipment have been primary, rather than a focus on character building, mission clarifying, and soul renewing

within our schools.” What would such an integrated approach look like? Interestingly, what many critics of zero tolerance would see as some of the solutions to this approach shares much in common with the vision set forth by advocates of character education (of course, at times they are one and the same people). Both, in their own ways, set forth how local education leaders should merge their discipline policies with robust forms of moral and civic education in order to avoid the abuses of zero tolerance policies mentioned above.

Laying the Groundwork

Both character educators and critics of zero tolerance policies emphasize that schools need to consider the prior work that needs to be done to change the moral culture of a school as it relates to discipline policies (Advancement Project & Civil Rights Project, 2000; Ayers et al., 2001; Lickona, 1991; Ryan & Bohlin, 1999). This approach shifts the focus from how to deal with problem children to the positive moral vision that the school wishes to pass along to its students. In addition, both groups provide examples of programs and curriculum that show or have demonstrated the potential for resolving conflict in the classroom and school as a whole (e.g., see Advancement Project & Civil Rights Project, 2000, Appendix VII and Lickona, 1991, chapter 15).

School Leadership and Community Involvement

Second, character educators and critics of zero tolerance maintain that school leadership must take the lead in setting a moral vision for a school, and that such a vision should not be developed without support from parents, teachers and community leaders. For example, the most prominent character education organization (CEP, 2004) and various scholars (Ryan & Bohlin, 1999; Lickona, 1991; Sergiovanni, 1994) suggest that character education is best addressed at the local level. In other words, successful character education requires local

communities to develop and embrace a clear vision of the good, or as CEP’s statement puts it, “Engages families and community members as partners in the character-building effort.”

Writers discussing zero tolerance policies make the same argument regarding discipline problems (Advancement Project & The Civil Rights Project, 2000; Browne, 2001). Similar to character educators who argue that parents, students and community groups should participate in the development of a vision for character education, these authors argue that these groups should “assist in the development of the codes of conduct for district, schools and classrooms” (Browne, 2001, p. 199). For instance, the Advancement Project and Civil Rights Project (2000) suggest that the alternative to zero tolerance policies involves transforming the school culture and they note, “the work involved in successfully transforming a school’s culture is a daunting task that requires a steadfast commitment from the principal, teachers, staff, parents and community” (p. ix). As part of the transformation of school culture the Advancement and Civil Rights Projects (2000) suggest that a healthy school culture is where, “Parents, community members, mental health and juvenile justice professionals, business leaders, and others are welcomed into the daily life of the school, with a particular emphasis on engaging parents in school activities” (p. 32). In sum, both groups believe that school leadership, after obtaining input from parents, teachers, students and other community leaders, should seek to promote a common vision of character and discipline for the schools.

Clear Student Guidelines for Conduct and Character

Third, showing respect for students by setting clear guides for conduct and character is a proposal offered by both groups. CEP suggests that a school committed to character development define the prized virtues and “defines them in terms of behaviors that can be observed in the life of the school” (Character Education Partnership, np). Those offering

alternative solutions to zero tolerance practices also suggest that “clearly understood codes of conduct” are a key element of their positive vision (Advancement Project & The Civil Rights Project, 2000, p. ix). They note that the research has found that one of the characteristics of schools with a low number of disciplinary referrals is, “A school-wide code of conduct and expectations for student behaviors is widely promoted and understood” (p. 31). Interestingly, school programs that demonstrate the most success in dealing with alcohol and drug use share these characteristics (Gottfredson, 1997).

Teacher Development and Training

Character educators and critics of zero tolerance also argue that teacher development and training are essential for developing this positive vision. The Advancement and Civil Rights Projects (2000) reported that their case studies of schools with low suspension rates determined that “teachers need to be trained in classroom management and conflict resolution” (p. viii). CEP agrees although it would go one step farther and suggest that teachers not merely be given training that addresses classroom management but that seeks to set forth how a positive vision of character can be incorporated into the classroom. In this way, the classroom no longer becomes merely “managed” like a business but become communities of character.

Teach Students How to Both Prevent and Handle Conflict

Finally, both emphasize that it is important that schools teach students how to prevent and handle conflict. In fact, although a few critics of zero tolerance appear to dismiss character education, others, such as the Advancement and Civil Rights Projects (2000) recognize an important connection. They discovered that character education served as an important tool for schools that both taught students to resolve conflict and avoided using expulsion as the first approach to discipline. They found:

The school implements a wide range of programs, including peer courts, conflict resolution programs, early interventions, mentoring, mediations, and character education programs that promote a mutually respectful and collaborative school climate and teach students and teachers how to handle and resolve conflict in appropriate ways. (Advancement Project & Civil Rights Project, p. 32)

In this training, both groups also emphasize the importance of making sure students take a pivotal role in such programs. Browne (2001) suggests that schools “train students to serve as peer mediators” (p. 199) while CEP recommends that “within the school students assume developmentally appropriate roles in leading the character education effort through class meetings, student government, peer mediation, cross-age tutoring, service clubs, task forces, and student-led initiatives” (Character Education Partnership, principle 9).²

Overall, there is a great deal of commonality between the suggestions made by those wishing to reform zero tolerance policies and advocates of character education. If local administrators address these facets of character education first, they will be setting forth a positive vision of character. They will also be better prepared to deal with discipline problems when they occur. The next section discusses one specific proposal for how to deal with discipline after they occur that is proposed by proponents wishing to offer alternative suggestions to harsh zero tolerance policies that would also cohere with an overall moral vision for schools.

A SPECIFIC SOLUTION: RESTORATIVE JUSTICE AND ALLOWING SPACE FOR CHARACTER DEVELOPMENT WITHIN A DISCIPLINE POLICY

One example of how suggested efforts to reform zero tolerance laws can compliment character education involves the alternative practice of restorative justice. While zero tol-

erance policies focus more on retributive justice and the punishment of the offender, restorative justice focuses on what Bazemore (1999) describes as “relational rehabilitation.” It “links crime to a breakdown in social relationships and hence prescribes a reintegrative response to crime focused on attempts to repair, rebuild and enhance bonds or ties between young offenders and their communities” (Bazemore, 1999, p. 155) including the victims, the offender or offenders’ families, other citizens, and community groups. The process involves what Bazemore and Umbreit (2001) describe as “restorative conferencing” which encompasses “a range of strategies for bringing together victims, offenders, and community members in nonadversarial community-based processes aimed at responding to crime by holding offenders accountable and repairing the harm caused to victims and communities” (p. 1).

Advocates for reform of zero tolerance policies have suggested using suspension as a last resort and developing alternatives to suspension (Browne, 2001), and the practices of restorative justice fit this suggestion. The practices of restorative justice, while not emphasized in the character education literature, also demonstrate greater opportunities for character education within the discipline process in three ways.

First, as noted above, one of the major problems with mandating zero tolerance policies from a federal and state level is that administrators and teachers are immediately placed in a position where they need to interpret a policy in the strictest way possible in order to avoid legal or professional liability. They must substitute their own moral discernment or wisdom and replace it with the mechanisms of a bureaucracy. Many of the abuses of zero tolerance cited above involved a teacher seeking to enforce a technical infraction probably out of fear of legal liability.

As a result, educators tend to ignore the local context of the incident. Although justice should be blind to irrelevant facts, it should not be blind to the relevant context. As the

Advancement Project notes, “Students are taught that adults are not being sincere when they speak of the need for justice and fairness and then do not take those elements into consideration when the child’s punishment is callously and subjectively meted out” (Advancement Project, 2000, p. vii). In contrast, restorative justice places an emphasis upon the moral consequences related to the relationships involved. Under this view, “when school rules or the criminal law is broken, harm is defined not in terms of the technical infraction but by the effects on other members of the community” (Karp & Breslin, 2001, p. 252). Students would be taught that bringing a weapon to the school involves a violation of community trust. In addition, teachers trained to approach violations and problems with this moral perspective would be empowered to examine context and motives when looking at a violation. The child bringing a butter knife to school becomes not an incident for expulsion but a moment of education for the community where questions can be asked. Do you realize this violates a policy? Why or why not? Do other students feel endangered by the butter knife? In a conversation with a parent, will the parent think the butter knife is a danger? A moral conversation may occur about what makes a safe campus and how it is important to not violate the trust of one’s community.

Second, the retributive forms of justice enshrined in zero tolerance policies require little moral action or character from the perpetrator. As a result, the policies may fail to address the hurts rendered to a possible victim (Bolstad, 2000). Usually the offender is isolated and punished. Not surprisingly, isolation from the community where character can be demonstrated rarely helps and may even help cause juvenile offenses (Bazemore, 1999; Noguera, 1995). In contrast, restorative justice requires the offender to demonstrate a variety of character qualities that character educators emphasize such as courage (in facing the victim), responsibility (in confessing the crime), and a greater moral sensitivity to the victim. The victim is also given the option of showing the

courage necessary to confront the offender, asking the offender to take responsibility for the actions and possibly speaking the virtue of forgiveness to the contrite offender (Haft, 2000). Overall, this approach does what CEP (2005) says is essential to effective character education by providing “students with opportunities for moral action.” Or as Karp and Breslin (2001) found of three attempts to apply restorative justice in schools, the programs “are located within a larger conceptual framework that seeks to change student culture by strengthening behavioral norms and cultivating individual responsibility” (p. 251).

Third, restorative justice also requires the moral action of school personnel and other moral authorities. Effective restorative justice requires moral authorities, such as parents and school authorities, joining the process. Not surprisingly, Hoffman (2000) notes that induction, the process in which moral authorities, such as parents, “highlight the other’s perspective, point up the other’s distress, and make it clear that the child’s action caused it” helps an offender internalize moral empathy (p. 143). Restorative justice helps foster this process of induction.

The amount of scholarly data about restorative justice in schools is still limited due to the fact that within the pervasive culture of zero tolerance culture few schools employ it. Karp and Breslin (2001) provide the most detailed overview of attempts to implement restorative justice practices in Minnesota, Denver, CO and some areas of Pennsylvania.

In Minnesota, half the school districts employ some aspects of restorative justice and four districts use it extensively. Many of the schools in the four districts have reported extensive drops in discipline referrals. In these cases, the Minnesota Department of Children, Families and Learning trained the chemical health coordinators within schools in the practices of restorative justice. As a result, in cases where a student is caught with drugs or alcohol, they are given a choice to try traditional disciplinary procedures or participating in a restorative justice conference. At the confer-

ences, the offender, her suppliers, the affected members of the student body, some members of the faculty and staff and the chemical health specialist are asked to attend. One goal is “to create an environment for all the major stakeholders to learn from each other” (p. 259). The offender is allowed to speak first and then other participants are allowed to “raise issues and concerns relevant to their relationship with the offender” (p. 259). Ultimately, there is an attempt to help the offender understand the implications of her action and ask for forgiveness from the community and restoration to it.

In Denver, CO, 15 schools are trying some form of restorative justice practices. Karp and Breslin (2001) explain that these schools use a variety of formats:

They tend to range from the more informal classroom meetings where the teacher calls an impromptu circle to address a student’s misbehavior to the more formal victim impact panels where student offenders learn about the effects of their type of offence from victims of similar offenses. Victim impact panels and more formal conferencing are favored when the case involves a higher degree of severity. Possession of drugs, vandalism, thefts, assaults, and harassment are characteristic of offenses that warrant a more formal approach. (p. 260)

The conferences follow a similar pattern to those undertaken in Minnesota where the offender speaks first, followed by the victim, then supporters of both and finally school administrators. “The goal is for the offender to take responsibility for the harm and make amends to those who have been injured. An agreement or contract is then drafted, and the offender is expected to sign the contract and fulfill its various conditions” (p. 260). In severe criminal offenses, restorative justice practices are often combined with more punitive measures. Often the offender is expelled, but afterwards restorative justice practices are used to restore the student to the community.

There are other alternative practices to zero tolerance policies that have been suggested that differ in some ways from restorative jus-

tice. However, these alternatives, such as teen courts (Kell, 2001), do not necessarily encompass all the elements described above. Although teen courts provide a helpful form of civic education, they often merely reenact a retributive conception of justice. Peer mediation programs are another popular alternative suggested as an alternative to violence prevention. The problem, scholars note however, is that peer mediation programs have proven woefully inadequate to the serious offenses that are likely to be addressed with any form of zero tolerance violation (Blitz, 2002; Haft & Weiss, 1998; Karp & Breslin, 2001). Moreover, the process of restorative justice requires a degree of training and moral maturity that many peers may not possess (Haft, 2000).

CONCLUSION

Overall, this paper contends that one of the central problems with zero tolerance policies not mentioned in the critical literature concerns what such policies teach students about the virtue of justice in particular and moral and civic education in general. They fail to provide students with opportunities for moral action after an offense has been committed. Discipline policies work best when they start with and consider this larger moral vision instead of emerging as a response to specific discipline problems. In other words, discipline must be conceptualized within the concept of the schools as a moral community, a community of character. Discipline practices implementing restorative justice provide the best approach to discipline for schools seeking to build a community of character and not merely a location where learning is uninterrupted or safe.

NOTES

1. This point is somewhat similar to Arum's claim (2003) that "zero tolerance practices have likely been generally ineffective because they have failed to address the central problem

of a decline in moral authority and legitimacy of school discipline" (p. 195).

2. It should be noted that while both these groups have encouraged peer mediation to help students resolve conflicts, researchers have found some limitations to peer mediation. Peer mediation programs can be effective as long as such programs are understood as primarily helping to provide conflict education and not as the best means to prevent school violence (Blitz, 2002).

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