

## Chapter 2

# School Discipline, Zero Tolerance Policies, and American K–12 Education

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### **ABSTRACT**

*This chapter reviews some of the history of establishing public schools through compulsory attendance laws for children, as well as the use of school discipline over time. The primary focus is on more recent times whereby the public schools across the country followed the juvenile justice system’s “tough on crime” pathway since the 1990s. The increased use of zero tolerance policies and police (safety resource officers) in the schools has exponentially increased school-based arrests and referrals to the juvenile courts. These policies have not increased school safety and in many cases have inadvertently made schools less safe. These changes have also disproportionately ensnared a smaller group of at-risk and already disadvantaged students, including certain minorities, those with special education disabilities, and those who identify as lesbian, gay, bisexual, or transgender (LGBT).*

### **INTRODUCTION**

This chapter reviews some of the history of establishing public schools through compulsory attendance laws for children, as well as the use of school discipline over time. The primary focus is on more recent times whereby public schools across the country followed the juvenile justice system’s “tough on crime” pathway since the 1990s. While there was crossover impact between juvenile justice and school policies, the punitive movements were both independent and inter-dependent. The increased use of zero tolerance policies and police (safety resource officers) in the schools has exponentially increased school-based arrests and referrals to the juvenile courts. In the school systems, and particularly those that are overburdened and underfinanced, many students have also been increasingly suspended and expelled due to criminalizing both typical adolescent developmental behaviours as well as low-level

DOI: 10.4018/978-1-6684-6315-4.ch002

type misdemeanors - acting out in class, truancy, fighting, and other similar offenses. While impacting many, these changes disproportionately impact a smaller group students (and their families), including certain minorities, those with special education disabilities, and those who identify as lesbian, gay, bisexual, or transgender (LGBT).

## **COMPULSORY EDUCATION AND STUDENT DISCIPLINE**

Schools and education were not part of most children's lives during the nation's early colonial and post-colonial years as families worked together at trades or farming (Parkerson & Parkerson, 2001). However, as children's rights were recognized in the mid to later 1800s and as adolescence was identified as a distinct developmental stage, schools became increasingly responsible for not just the education of students, but for managing and disciplining them as well (Groen, 2008).

### **Formal Schooling**

During the colonial and early years of the United States, schools were voluntary enterprises. Most children did not attend school for they were needed to work in the trades or on the farm in order to support the family and community. The wealthier class, though, did establish numerous private schools throughout the states (primarily in the northeast part of the country), and these schools outnumbered public schools until the mid-1800s. However, as the century progressed and, in particular during the later 1800s, a number of factors made public schooling for all children more important: the industrial revolution and its accompanying urbanization of the population, a significant wave of immigration to the cities, and child labor laws (Reese, 2001). This influx of immigrants and their children, fears of families being unable to live in urban poverty, and concerns about these children being sent to factories to work were significant influences driving a wave of compulsory education. By 1890, 27 states had passed compulsory public school attendance (for at least elementary school) laws for most children under the age of 14; by 1918, all 48 states had such laws enacted (Graham, 1974). This time period also represented an expanded and more centralized role for the federal government in education. This movement toward increased federal involvement in what were traditionally state and local issues included schooling, included the establishment of a cabinet level role, and later bureau and department level, education agency (Perkinson, 1968).

Public schools introduced a number of novel features as they expanded across the country: placing children in grade levels based upon age, using examinations to test skill and knowledge development, and utilizing uniform courses of study that included mathematics, grammar, and spelling, among other topics. As student enrollment exponentially grew, schools were concerned about control and were structured through strict organization, regularity, and discipline in preparation for students' training for vocational and industrial trades (Hunt, Carper, Lasley, & Raisch, 2010). In addition, a progressive era of education dominated reforms from the 1900s to the 1930s and provided additional educational opportunities for students, expansion of the curriculum that traditionally focused only on trades and vocations, the use of developmental textbooks and other instructional material, and the improvement of teacher education and school designs (Ravitch, 1978).

As school populations continued to expand and diversify, there were worries about school and student management. These concerns included children of immigrants and their ability to assimilate, middle-class families and worries about their own children, and the impact of more diverse urban neighbor-

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