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**Zero Tolerance in Implementation of  
Gun-Free School Zones Act of 1995 in the USA**

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**ABSTRACT**

The Gun-Free School Zones Act of 1995 aimed to provide a safe environment to children in building their and nation's future. However, the harsh discipline suggested by this act may cause severe negative outcomes for kids' psychologies and judgment skills, especially by mandatory expulsions. Since the act decreased the illegal gun possession at schools and outlying areas, this paper proposes to continue the implementation of the act with some amendments. A suggested network comprised of educators, police, families, peer/youth organizations is assumed to improve the results of the act while promoting the role of teachers in the eyes of students and sharing their responsibilities with the courts in expelling students through court verdicts. In this project, police is the major institution in dealing with delinquency within schools and surroundings with specialized units. Families and peer/youth organizations are silent but more constructive units of this network. It is projected that there will a strong commitment and information sharing within the network components.

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# **Zero Tolerance in Implementation of Gun-Free School Zones Act of 1995 in the USA**

*Habib Ozdemir and Ramazan Yalcinkaya*

## **Introduction**

This study is an analysis of the zero tolerance in implementation of Gun-Free School Zones Act of 1995 in the United States of America. It is a federal act that aims to establish a policy prohibiting the possession of guns in schools and within a set distance of school buildings. The policy helps school administrations to secure schools from gun-related violence and crime.

The outcomes of zero tolerance implementation of Gun-Free School Zones Act of 1995 are determined through examination of the significant peer-reviewed literature in scholarly and professional journals and monographs on the topic. The researchers also incorporated analytic materials produced by U.S. Department of Education, policy scholars in public agencies, research organizations, and advocacy groups as well as coverage and analysis of key policy developments in major periodicals, including journals of opinion, and relevant web-based media.

The researchers proposed an alternative model to the policy of establishing gun-free school zones in the United States. This study finds out that zero tolerance in implementation of Gun-Free School Zones Act of 1995 had successful impacts on decreasing violence at schools. In sum, this study offers the continuation of the policy with new amendments.

## **Statement of the Problem**

On April 20, 1999, two high school students killed 13 and wounded 21 adolescents before committing suicide at Columbine High School in Columbine, Colorado. It was the worst episode of school violence in United States' history and has been an important milestone in the history of juvenile delinquency (Brezina & Wright, 2000). Youth gun violence is so devastating that more than 20,000 children worldwide are killed or injured annually as a result of firearms (Fingerhut & Christoffell, 2002). In addition, one of the main causes of youth

homicide is the use of handguns in teenage fights (Blumstein, 2002). Youth gun violence is a serious national problem for the United States along with increasing commercial games and movies tempting youths to use guns (Nofziger & Kurtz, 2005). Even though youth gun violence is only one category of youth violence, it is more disturbing and harmful than other types of youth crimes because of its lethal effects and serious psychological, economic, and social consequences on children, families, and communities. Moreover, it also affects physical safety of young people (Reich, Culross, & Behrman, 2002). Although there has been a reduction in the rate of youth gun violence in recent years, it is still high compared to the United States' historical crime rates and the delinquency rates in developed countries (Fingerhut & Christoffell, 2002).

In terms of youth gun violence, schools, families and police play important roles in understanding effectively dealing with all aspects of this problem (Reich *et al.*, 2002). Like most of society, schools are very complex areas with a dynamic mix of children. The large number of expectations, connections, communication, and age differences in schools results in many different emotions, conflicts, behaviors, and judgments (Sughrue, 2003). Although schools need to be extremely protected and secure places in terms of safety for children and their education, youth violence in the schools has been considered an increasing threat for children, families, and teachers for the last two decades.

With the widespread media coverage of horrific school shootings, a reduced sense of security in schools has developed (Brezina & Wright, 2000); in fact, since 1989, the number of students who think that schools are unsafe has increased (Redding & Shalf, 2001). Teachers also worry as stated in the National Center for Education Statistics; teachers' concerns about violence in schools increased 26 percent from 1987 to 1993 (Lewin, 1997). Other statistics are even more alarming. According to the survey conducted by National Centers for Disease Control and Prevention, youths bring 135,000 guns into schools every day in the United States of America (Redding & Shalf, 2001). Other numbers indicate the widespread presence of guns as well. School Safety Center Statistics indicated that 400,000 boys brought guns into the schools annually, which means that 20 percent of all children carry a weapon in the schools (James, 1996). For these

reasons, school executives are spending huge amount of money for precautions to prevent violence in schools by installing metal detectors, hiring security personnel, and other security measures.

Families are also an important factor in the youth gun violence problem. The easy accessibility effect of guns in the United States makes youth gun violence more dangerous (Reich *et al.*, 2002). Although juveniles obtain guns in many ways, such as from straw sellers, fake licensed dealers, and gun shows, one of the biggest sources is families (Braga *et al.*, 2001). It is difficult to prevent youths' access to guns because there are approximately 200 million guns in households all over the United States (Reich *et al.*, 2002). Moreover, these guns are typically not stored in a safe manner. Today in the United States, it has been estimated that approximately 35 percent of households with children store their guns by lock and key (Reich *et al.*, 2002).

To find a remedy for this problem, policy makers have proposed many legal measures and legislation in the United States. Stricter gun control laws, Gun-Free School Zones Policy, Zero Tolerance Policy, special courts, and different prosecution procedures for juveniles committing gun violence, and different implementations for gun violations are just some of these legislative applications which were proposed and applied (Redding & Shalf, 2001). For instance, Gun-Free School Zone policy states that it is illegal to possess a firearm within one thousand feet of a school campus. Similarly, in New York Project, aggressive strategies have been used to reduce youth gun violence by law enforcement agencies. Law enforcement agencies focused on gun detection by increasing surveillances and arrest rates (Redding & Shalf, 2001).

## **Literature Review**

### ***Gun-Free School Zones Act (GFSA) of 1995***

In 1990, Congress enacted and the president signed the Gun-Free School Zones Act. This law directs school districts to develop policies to keep students in a safe environment from guns and other dangerous weapons. The intent of this law is just to protect schools from gun violence and promote a safe environment in schools where students can learn in peace. Upon having enacted by federal

government, this policy was adopted by many states. Briefly, this act states that it is illegal to possess a firearm within one thousand feet of a school campus and outlying areas (Redding & Shalf, 2001). If any person with a gun is found on the school grounds, at a school-sponsored event, or in the school transportation system, he or she will be charged as a felony. If he or she is a student, he or she will be reported to law enforcement and receive expulsion sanction for a one year from the school board (Sunghrue, 2003). In the meantime, the GFSA allows the local education agencies' chief administering officer to modify, in writing, any expulsion for a firearm violation on a case-by-case basis (U.S. Dept. of Education, 2006). So, school officials can use their discretionary power by shortening the expulsion requirement to less than one year according to certain circumstances.

In 1992, the Supreme Court, however, struck down the act as an unconstitutional exercise of power under the commerce clause. The court, in *United States v. Lopez* (1995), decided that Congress went beyond her authority by enacting Gun-Free School Zones Act of 1990 (18 USCS 922(q)(1)(A)), prohibiting possession of firearm in school zone since the act affects the regulation of commerce under Federal Constitution's commerce clause. Alfonso Lopez, Jr. was a twelfth-grade student then at Edison High School in San Antonio, Texas. On March 10 1992, Lopez carried a concealed weapon into the school. School officials noticed Lopez's unusual behavior. He admitted having a .38 caliber gun and five rounds of ammunition. Lopez stated that a person gave him the weapon and instructed him to deliver it to another person for commercial intent. He was at first charged under Texas law with firearm possession on school premises. The state charges were dropped in the next day; subsequently, he was charged with violating the federal Gun-Free School Zones Act. Because of the fact that possessing a gun is for commercial activity, Lopez appealed and argued that his conviction was invalid. Upon appeal, the Fifth Circuit Court of Appeals agreed with Lopez and over-turned the district court conviction. The verdict was that the act exceeded the authority of Congress to regulate commerce among the several states under the commerce clause. The Supreme Court affirmed the Fifth Circuit Court's decision (*United States v. Lopez*, 1995). Thereupon, Congress revised the act and passed the new version.

In October of 1994, President Clinton signed into the new law of Gun-Free School Zones Act, which was virtually word-for-word the same as the previous law. In the revised act, the federal government compelled states to enact zero tolerance legislation for expelling students automatically for a period of one year if students bring guns into schools. Besides, the school administration needs to produce a yearly report concerning the number of those students. By doing so, law enforcement was gradually tightened until the full repressive impact of the legislation had been eased into place. In addition, schools would be required to send these students to criminal justice system, and it allows executives of the school to modify expulsion on a case-by-case (Sughrue, 2003). All state laws containing zero tolerance application of preventing gun possession at schools stemmed from this act. In addition, The Federal Government stated that they would cut the funding to states if the states do not enact this law (Sughrue, 2003). The financial incentives made available to all states adopt zero tolerance policy as of August 1996 according to Education Commission of the States' report of 'Discipline: Zero Tolerance/Gun Control (1998).'

#### ***Zero Tolerance Policy in Implementation of the Act***

Zero tolerance policy is one of the implementations of the Gun-Free School Zones Act. It was produced to prevent violence growing up from 1990s in the School Zones by applying strict rules to students (McCollum, 2004). Zero tolerance policies applies predetermined mandatory consequences/or punishments for specific crimes, such as drug abuse and gun possession (U.S. Dept. of Education, 1998). Generally, school executives who apply zero tolerance policy severely punish the students without looking their background and intent. For instance, if a student who unintentionally bring a pocket knife into his school zones, he will be treated the same as someone who bring a gun to school zones. Moreover, he may not have chance to explain his excuse while administrators of school zones is preparing a punishment for him (McCollum, 2004).

This policy claims that all states prohibit the possession of a gun even if it is issued a license under any state law. This policy requires some funding for establishing an environment to detect guns in schools and outliers. Federal Government provided finance to states for hiring security guards, security

cameras, metal detectors, setting up lighting in the school area, and expelling students for a minimum one year under the Elementary and Secondary Education Act (ESEA). Almost all states have adopted this policy in their school district (Redding & Shalf, 2001). This policy stems from an idea that expelling students who violate the school rules such as carrying a gun decrease the violence in the schools, and allows those who obey the rules to improve the education and safety in the schools (Sughrue, 2003).

The act includes a regulation, which requires students expelled from their school due to carrying a gun in the school to find an alternative school for continuing their education. The state will determine and fund these kinds of schools. However, in the 1996-97 education term, only 20 percent of student nationally who were expelled could be send to an alternative school. States should develop alternative education programs for such students by combining traditional curriculum and the violence prevention education (Redding, & Shalf, 2001). In the 2002-03 education term, the results are better. Overall, 35 percent of expulsions were referred to alternative placements according to Report on the Implementation of the Gun-Free School Zones Act of 1995 in the States and Outlying Areas (U.S. Dept. of Education, 2006).

This policy implies that the more harsh the punishment for students carrying gun in schools, the more deterrent effects on students. However, some people oppose this policy and say that there is no evidence of a causal relationship between this policy and decreasing school violence and there is no evidence that this policy provides safety in schools (Sughrue, 2003; McCollum, 2004). Besides, removing students from schools may cause the students to have more social and economic problems as argued by Sughrue (2003). Moreover, the Gun-Free School Zones Act is not a restriction in terms of accessing guns. It may be too late to prevent any harm when a possession of a gun is detected. It is argued that this law may not address real solutions to violence problems in schools (Brezina, & Wright, 2000).

The Gun-Free School Zones Act is not the first restriction of students for carrying a gun in the schools. More than 40 states have already placed similar prohibitions about the same issue. This act stated that a student who brings a weapon to school

would be punished by expulsion for at least one year. By doing so, the federal government promoted the states to apply “zero tolerance for guns” in the schools; American Federation of Teachers also supported this zero tolerance policy and Gun-free School Zones Act (Lewin, 1997).

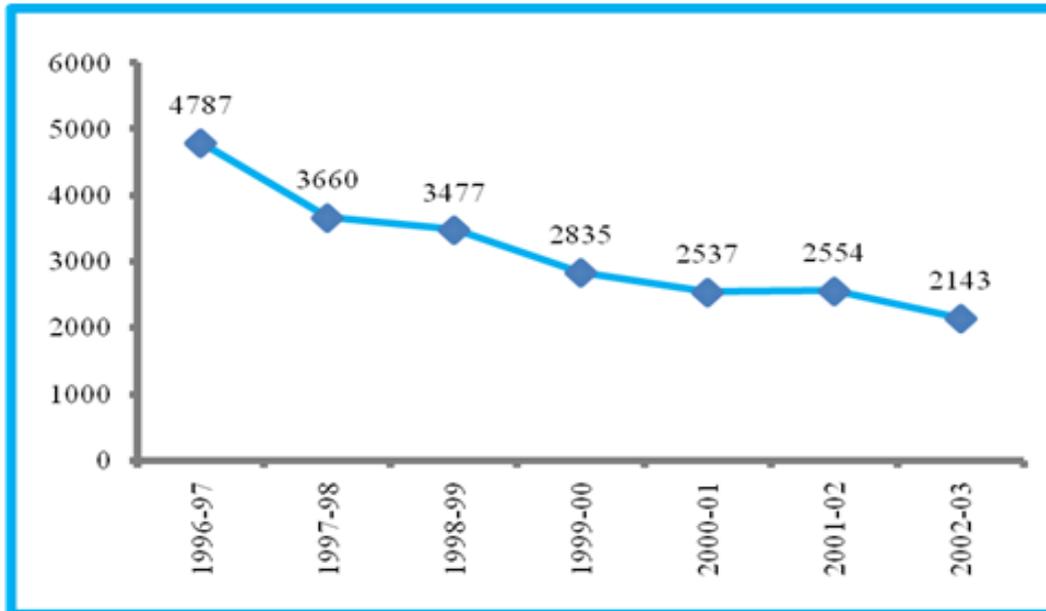


Figure 1. There is a steady decline in the number of expelled students according to the Gun-Free School Zones Act of 1995.

*Source: U.S. Dept. of Education, 2006.*

Gun-Free School Zones Act had its desired effects and successful outcomes. After the Gun-Free School Zones Act was applied all over the States, some accomplishments were noted in terms of eliminating the students carrying guns and intimidating other students. Figure 1 shows that the act had a deterrent effect over the students in not committing crime. According to the National School Safety Center (NSSC), zero tolerance to weapons on school has produced positive results. During the 1992-93 school year, there were 56 violent deaths in U.S. schools whereas that number had reduced to five by 2002-03 school year (NSSC, 2006). In addition, National Center for Education Statistics stated that the number of expulsions caused by gun possession had also reduced since 1999, which indicates that the rules have a deterrent effect (McCollum, 2004). Approximately,

six thousand students have been expelled per school year from their school since this policy was enacted; accordingly, removing these students from schools has increased the safety of schools as argued by Redding and Shalf (2001).

Generally, there has been community support for this act due to families' concerns about school violence and recent school shootings. An Associated Press poll found that more than 80 percent of Americans supported zero-tolerance policies (Sughrue, 2003). However, there are also negative impacts and outcomes of this act. According to Kaufman *et al.* (1998), in spite of the fact that many states applied this act in their school district, school violence could not be stopped and the fear among student has not passed. The level of violence with guns has been increased against students and teachers in schools (Sughrue, 2003). In addition, some people think that this act has excessive impacts on both societal level and individual level. At individual level, it may go too far for minor offences and non-violent students and may also result in unfair and irrational treatment for children, or the victims of the GFSZ Act (Sughrue, 2003). The victims of zero tolerance in the implementation of the Act may become vulnerable to recruitment initiatives of gangs. It is because their educational opportunity is suspended and they are more likely to be labeled as defiant, maladjusted, problem maker (Noguera, 2003).

Enforcing the laws is another problem of this act. Although many students were captured for carrying gun in schools, a few of them were prosecuted. For instance, according to Hatch (1999), in spite of the fact that more than 6 thousand students were captured in 1998, the Justice Department prosecuted only eight students in that year as cited by Redding and Shalf (1999). Moreover, federal judicial and correctional systems are not appropriate for dealing with juvenile crimes. Contrary to Federal Government, States can do better in their systems (Redding & Shalf, 2001).

The other negative impact of this act is the regulation for disabilities under the Disabilities Educational Act (IDEA). According to amendment to the 1999 Senate and House bills, school administrators can not expel students for no longer than 45 days. If a disabled student carries a gun in the school, what would happen? Some people think that it would be double standard for students who are not

disabled. In other words, one year expulsion of an enabled student from the school is an unjust application of zero tolerance implementation of the Act whereas a disabled student violating the Act cannot be expelled from the school less than 45 days. However, others take a different position and say that it is illegal to ignore disabled rights and expel these students more than 45 days (Redding & Shalf, 2001).

Most of the states are worried about its positive and negative impacts and translation of this Act from theory to practice. Therefore, just 15 States applied three federal requirements: expulsion, referral of the students to the criminal justice system, and evaluation of the events case by case. Twenty-seven States do not refer the students to the criminal justice system (Sughrue, 2003).

### **Alternative Proposal to Zero-Tolerance Implementation in Gun-Free School Zones Act**

Overall the Gun-Free School Zones Act is successful while considering the steady decline of reported crime by school officials. However, the considerable number of expelled students has still been threatening the society. In order to improve the act in terms of having more effective results and treating children in a more sensitive way rather than as adults, we propose establishing a network comprised of teachers, police, families, and peers/youth organizations. The network has to have a close connection with each member and share information concerning problematic behaviors. By achieving this aim, we assume society can solve problems of violent behavior inside schools and neighborhood. In this process, every part of the network will help delinquent kids in adapting with the societal norms and regulations.

In this proposal, we mainly focus on policing methods in dealing with delinquent behaviors at school. We, particularly, suggest teachers to involve punishment procedure less and indirectly in order to increase their positive affective impact over students, at least to avoid degrading their position in the eyes of students. We insist on promoting teachers' role in helping children learn from their mistakes and develop good judgment; however, zero tolerance policy implementations diminished educators' contribution in this process (Opportunities Suspended, 2000 as cited in Sughrue, 2003).

It is noteworthy to mention that despite more than 6,000 students brought illegal guns to schools in 1998, the Justice Department prosecuted only eight students in that year (Redding & Shalf, 1999). On the other hand, in the same year, 3399 students were expelled from schools while the school officials modified 44 percent of expulsions as shown in figure 2. In this concern, we recommend the local education agencies' chief administering officers to communicate with the courts and shorten the expulsion period for students who are not sentenced. Every violation should be punished; nevertheless, the severity of punishment can influence psychology of kids negatively, in particular, from minority groups. We propose more tolerant treatment from educators in expulsions and support expulsion decisions with courts verdicts.

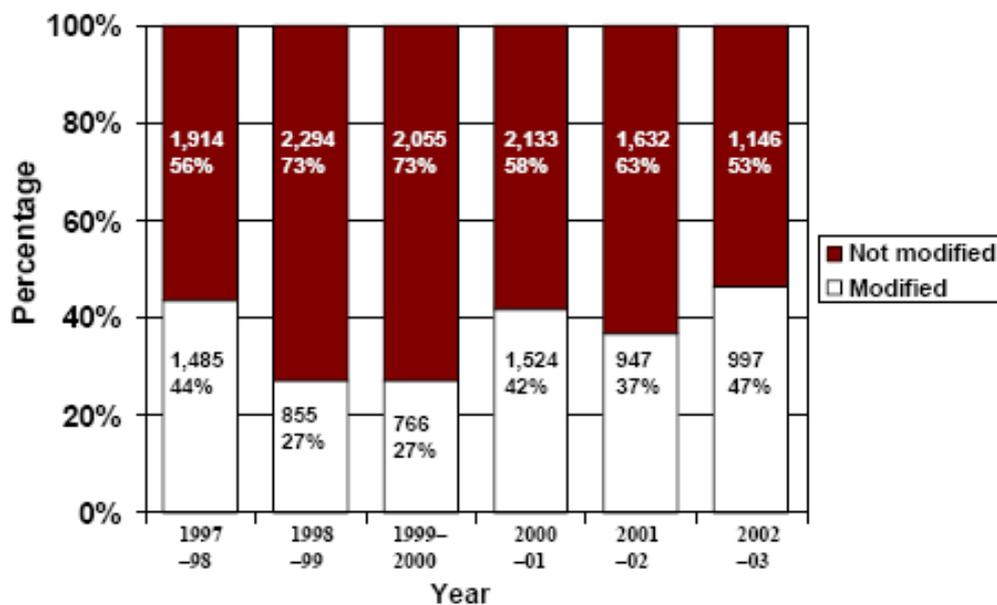


Figure 2. Number and percentage of expulsions modified on a case-by-case basis between 1997 and 2003. In 2002-03 education term, 47 percent of expulsions were modified.

Source: U.S. Dept. of Education, 2006.

Families and peers/youth organizations are the silent but most effective part of the network in recovering violent behavior with intense care. We advise to give crucial role at this phase to youth organizations and friendships controlled by

these organizations. It is assumed that kids will have more opportunity to develop their psychological conditions in more friendly and stimulating environment. Particularly, the inner city and single mother family children can be supported with adequate and attractive programs to prevent delinquency and improve socializing procedure. As aforementioned, families and peers/youth organizations need to communicate with each other and also schools and police.

As a major institution of preventing and fighting criminal behaviors, police will be the backbone of the network. For that reason, police, at least, assign capable officers and hire required professionals to analyze the roots of societal problems causing delinquency at schools and outlying areas as well as neighborhood. Nonetheless, it should be bear in mind that whole police department have to invest their time and force on this issue. Contemporary policing methods should be evaluated and implemented according to socio-economic circumstances.

Police need to apply community policing and problem-oriented policing in order to cooperate with related parts and evaluate events from an analytical perspective. Community Policing is a philosophy under which police and law-abiding citizens work together to solve contemporary community problems related to crime, fear of crime, social and physical disorder, and neighborhood decay (Trojanowicz & Bucqueroux, 1990). On the other hand, Problem-Oriented Policing requires first defining each problem, analyze current police responses, and evaluate its adequacy and the adequacy of existing authority and resources. Upon realizing the problems, management should explore new tactics and strategies and decide the most appropriate one as a solution (Goldstein, 2000). The sensitiveness of the situation in violence at school drives police organizations to cooperate with schools, families, and peers. Elaborate understanding of problems leads police to use more effective tactics, accordingly. If the problem is not labeled as crime, the police still struggle with solving societal problem. In this concern, we believe, as claimed by Broken Windows Policing, tiny defects may cause major damages (Wilson & Kelling, 2000). According to the National School Safety Center, most of the violent behaviors are committed out of schools. In the light of this fact, the police forces should advise people and train them in crime prevention and order maintenance. Environmental design, such as lighting, alarms and security

systems, might deter criminal behavior.

## **Conclusion**

Gun violence in schools has always been a headache for the United States. Many children have died and many others were wounded by a gun whose owner was their classmate. Families and the government are especially sensitive in this subject because schools are vital places where next generation of that country may be affected seriously by this violence. The aim of Gun-Free School Zones Act is to reduce the violence in the schools by increasing harsh discipline. Students who carry guns in the schools and their surroundings are expelled for one year from their schools. When it is analyzed for its causal structure, it appears that there is no strong connection between the aim and the result. This approach seems similar to the policy of deterrence theory; imprisonment and tough sanctions deter people from committing crime, so the crime rate will be lower. People make rational choices to commit crime or not. Likewise, students are expected to make rational decisions. If they know that they will be expelled for carrying a gun in the schools, they do not take a gun to school. However, there are always people who do not or cannot calculate their positions. In addition, some people may want to take advantage of this unarmed position.

There was a 16 percent decrease in the number of expulsions from 2001–02 to 2002–03; meanwhile, the number of expulsions has continued to decrease from 1996–97 to 2002–03 (Figure 1). However, these policies and laws have been criticized for not taking into account all factors and elements that influence youth gun violence and for not considering the real causes and underlying factors of youth violence (Brezina & Wright, 2000). For instance, most of them have focused on only one part of this problem, such as they have offered some policies for schools or they have conducted some projects for families. Some previously proposed implementations, harsh punishment and removing students from schools may also cause the students to have more social and economic problems (Sughrue, 2003). It is not enough to stop this problem by just enacting rules and laws. Moreover, enforcing the laws directed at children may not be applicable every time because of the consideration of his/her future and preservation approaches for children. Since the Gun Free School Zones Act was in force, many

students have been caught for carrying a gun into schools, but only a few of them have been prosecuted.

Thus, in light of previous experience obtained from these policies and laws, it is clear that there is a strong need to combine all these factors and understand real causes of problems. Moreover, it is urgent to assign responsibility to everyone in the same environment. This project will establish this environment by gathering educators, police, families, and peers/youth organizations by employing contemporary policing methods, such as Community-Problem Oriented Policing and Broken Windows Policing. This collaboration will increase the awareness of this problem while decreasing the heavy burden of responsibility from each one of these social institutions. This project provides a solution to prevent youth gun violence by inspiring social bonding theory's assumptions.

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