Zero Tolerance: A Critical Examination of Ontario's Safe Schools Act

By

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ABSTRACT

This study examines the province of Ontario's implementation of zero tolerance policies under the *Safe Schools Act*. I argue that a rush in policy is the result of a modern day *moral panic* around the topic of school violence. Moral panics theory will be used to explain the origins and nature of a school violence panic itself, and the subsequent creation of new legislation and school board policy. In conducting interviews with educators, both positive and negative aspects of the *Safe Schools Act* are addressed. I identify Strict-Discipline schools as one area of promise for its delivery of services to at-risk youth. However, the *Safe Schools Act* is far from being ideal and is in need of change. Possible change is explored by highlighting alternative models aimed at achieving safe schools without zero tolerance. The results of my findings support my argument that zero tolerance is ineffective and detrimental to youth.

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I dedicate this thesis to the memory of my Nono, Mr. Domenic Moro. My Nono believed in me enough to sponsor my education. This is the greatest gift he could have given me. My Nono has made me the person that I am today, and in writing this thesis I hope to contribute something in the way of research and education. This is my mark on the world.

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Finally, in memory of those victims of the 1999 Columbine High School shooting.
We will never forget.

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INTRODUCTION

Instances of school-yard name-calling and fist fighting are not new. I will argue that society's reaction to such acts has changed over time. I will propose that this change is due to many factors such as recent studies on the negative psychological effects of school bullying, the 'psychology of punitiveness' that is characteristic of contemporary society, and social misperceptions about today's youth. Society's threshold for violence has lowered and acceptance of acts that were once regarded as part of growing up or as child's play have become redefined.

A moral panic occurs when the public experiences widespread anxiety and fear over a situation that they perceive to be a crisis. Jock Young coined the term 'moral panic' in his research on drugs. Fellow scholar Stan Cohen most famously adopted the term and applied it further to extend to the media and social constructions of deviance in his book entitled, Folk Devils and Moral Panics: The Creation of the Mods and Rockers (1972). According to Stan Cohen, the key elements in a moral panic are:

- “something or someone is defined as a threat to the values or interests of society;
- this threat is depicted in an easily recognizable way by the media;
- there is a rapid build up of public concern, there is response from authorities or opinion makers;
- the panic recedes or results in social change.” (Cohen, 1972: 7-8)

Stan Cohen coined the term 'folk-devil,' "...all moral panics, by their very nature, identify, denounce, and attempt to root out folk devils" (Goode & Ben-Yehuda, 1994: 29). In a similar way, we can conceive of youth who commit school violence today as modern-day 'folk-devils.'

Cohen's discussion on public perception is important to my topic. Public misperception on issues relating to school violence has led to a rush in policy. Growing public concern is based on the widespread belief that school violence is on the rise. This fallacy is based on distorted

and exaggerated statistics represented in media accounts of youth crime. In addition, society's demand for crime-control measures of justice which rely on the idea that youth should be held accountable for their actions and the best way to hold them accountable is to punish them. Furthermore, society identifies the school as the site where such social change should occur. Lastly, fear has driven society to form the misconception that Canadian schools increasingly resemble American schools (West, 1993: 7). Cohen highlights the consequences that can arise out of a moral panic. The most pertinent of which is his discussion of the direct implications moral panics have on policy. I will argue that Ontario's zero tolerance policy is illustrative of the consequences of forming policy in a rush during times of heightened public pressure.

School violence is a phrase which is not easily defined, partly because its definition differs according to the parties who are defining it. Whether or not society's definition of school violence should be broader to include such things as schoolyard bullying is currently being debated. When defining school violence, author George Batsche argues that bullying should be included in this definition (Batsche, 1994). He explains that our current definition of school violence is very limiting and as a result problematic because it allows policy makers to disregard bullying. Consequently, many schools fail to recognize and deter bullying. Bullying is a complicated phenomenon and can be defined as: "...direct physical or verbal aggression, or indirect, such as threats and intimidation, exclusion or gossip" (Charach, et al., 1998: 12). The act of bullying is not as self-evident as other violent acts. As a result, policy and law makers have tended to ignore it, until recently. In Canada, bullying is not an offence under the Criminal Code. However, just recently some aspects of bullying have become interpreted in a criminal sense. For example, criminal offences such as uttering a threat or a common assault (Statistics Canada: A Profile of Youth Justice in Canada, 1998: 30). Little research has been conducted on

bullying in Canada, but Canadian academics Craig, Pepler, Charach, and Ziegler, 1998 are a few that have pursued studies in this area. By trying to quantify the problem, they indicate that bullying is a widespread phenomenon in Canadian schools. For example, the results of a 1997 study conducted by Craig and Pepler entitled: "Observations of Bullying and Victimization in the school yard" reveal that bullying is a common occurrence in schools. They used a sample group comprised of forty-one aggressive and forty-one socially competent children from two elementary schools. They utilized technical equipment to videotape children's interactions during recess and lunch times. Based on forty-eight hours of playground observations and recorded dialogue researchers concluded that 314 bullying episodes occurred. Fifty percent of which involved verbal aggression, twenty-nine percent involved physical aggression, and four percent involved students using an object as a means of intimidation. Pepler and Craig classify bullying in two categories: direct, and indirect. They concluded that in the majority of the episodes eighty percent constituted direct bullying (physical aggression) and eighteen percent constituted indirect bullying (name calling and gossip).

In addition, an earlier study conducted by Charach, Pepler, and Zeigler (1995) the researchers polled students, staff and parents from sixteen Toronto schools ranging from Junior Kindergarten through to Grade eight. Based on the results of a questionnaire, forty-nine percent of the students self-reported being bullied at least once or twice during the term, and eight percent reported being bullied on a regular basis.

Although a small number of Canadian researchers have sought to study rates of bullying in Canadian schools, more work is needed to be done in this area. For example, surveys which take place in one or two schools should be replicated each year to indicate whether fluctuations in rates occur. In addition, past surveys have been small in scale and should expand in order to

report the problem in a more global sense. I have several criticisms with the study conducted by Pepler and Craig (1997). First, the researchers set out to observe bullying and victimization in the school-yard by documenting the interactions of the children during 'play-time.' The methods that Craig and Pepler use to conduct their study are troubling. Second, I find the way in which Craig and Pepler choose to categorize their research groups is questionable and deterministic. For example, the researchers chose to sample children from two groups. The first group was a sample of forty-one 'aggressive' children and the second group was a sample of forty-one 'socially competent' children. It seems as though the researchers had already formed an opinion that children who were labeled 'aggressive' would be more likely to bully other students than those from the socially 'competent group.' They go on further to state that their findings reveal that:

Bullying was surprisingly normative on the school playground with children identified by teachers as non-aggressive being just as likely to bully as those identified as aggressive. (Craig and Pepler 1997: 53)

The fact that they indicate that their results are quote 'surprisingly normative' is suggestive. Craig and Pepler's comment begs the question: Were they expecting that the aggressive children would bully at a higher rate than those who were deemed competent? And if so, What does this say about society's stereotypes around youth and the effects that labeling has on children?

My second criticism concerns the methods that Craig and Pepler used to observe bullying behavior. In order, to capture the student's verbal exchanges Craig and Pepler had students wear microphones. The statistical findings that Craig and Pepler present on bullying are based on these verbal exchanges. However, the implications that these findings have for school teachers and officials are ambiguous in that the researchers themselves state:

While we were able to observe these brief exchanges with the

remote audio-visual technology, it is unlikely that teachers would detect such transitory bullying episodes on a large school playground. (Craig & Pepler 1997:56)

Furthermore, one must ask the question: “Where does society draw the line in what constitutes bullying?”

Apparently, the researchers in this study utilize a very broad definition of bullying to calculate their statistics. However, unless the general public is reading between the lines on such studies, they will interpret the findings in several different ways and therein lies the problem.

Society expects schools to be safe places where children can learn and grow. When incidents of school violence erupt, people begin to question the state of today's schools and start demanding answers. This examines the province of Ontario's implementation of zero tolerance policies in secondary schools. My research goals are to deconstruct Ontario's zero tolerance policy (under the *Safe Schools Act*) and report on the practical applications of the Act. Since the Act has been in operation since 2000, I am eager to examine the nature of its functioning and to determine its effectiveness. More specifically, I want to look at the Ministry of Education's creation of Strict-Discipline schools¹.

I will adopt a moral panics perspective in order to argue that as a result of a small number of serious cases of school violence and increased public sensitivity to incidents of school violence, crime control policies have been quickly adopted as a means to resolve the issue. I will examine the legal impact of school policy regulations. I will demonstrate that under the *Safe Schools Act*, there has been an over-reliance placed on criminalizing certain behavior. I will argue that many of the cases that result in criminalization could be better dealt with by utilizing alternative measures.

¹ In my thesis I will not be covering the topic of parental responsibility in relation to school violence.

With the advent of the new *Youth Criminal Justice Act* (2003) it is more important than ever to examine school related violence and preventative measures. Indeed, the YCJA's philosophy and the policy of zero-tolerance seems to conflict. Zero tolerance policies are inappropriate for schools and I will present evidence that debunks its effectiveness. I challenge educators to examine and focus largely on implementing preventative solutions which will help curb violence before it starts. In forming preventative-based school policies we, as a society, will be demonstrating to today's youth that we value and care about their growing needs.

The scope of my thesis is limited to research in Canada, more specifically the province of Ontario. As neighboring countries, the United States and Canada differ in many respects. However, one thing that they do share in common is a prevalence of school crime and violence. Although USA data including such things as statistics on the rate of school violence and school safety reports issued by the federal government are important and pertinent to my discussion, I will only be using it as a means to juxtapose the school violence problem and government response to the situation in Canada.

I faced several challenges in my attempt at quantifying school violence. First, there is no one uniform definition of school violence and some databases use broad categories of what constitutes school violence. Second, regional differences exist in measurement. Third, local school boards apply provincial policy differently, which can positively or negatively affect reporting rates. Fourth, most of the literature and official statistics on school violence originates from the U.S.A. For example, "Indicators of School Crime and Safety: 2003" provides the most up-to-date statistical data on school crime in the United States. The study is a joint initiative of the National Center for Education Statistics and the Bureau of Justice Statistics. Fifth, school records (containing rates of expulsions etc.) are kept confidential and not accessible by the public

(protection of minors outlined in the Freedom of Information Act and the Young Offenders Act)². Lastly, Statistics Canada only reports on youth violent crime and youth crime in the more general sense (not differentiating to include specific rates on school violence). Consequently, much of the Canadian empirical data dealing with school violence exists in the form of informal surveys i.e. opinion polls. Some police forces collect their own set of statistics on youth crime in schools. Most of this information is not accessible to the public.

I believe that the sensitivity and controversial nature surrounding the topic of school violence contributes to the lack of statistical information available. In restricting access to records, schools protect the privacy of student records on one hand, but more importantly they also protect themselves from negative publicity. On a national level, Canada fails to present an accurate portrait of the problem relative to the United States. This could partly be due to a lack of funding in our collection agencies or it could have more to do with Canadian culture and ideals. As Canadians, we have been traditionally known as the peace-keeping country and this may contribute to an overall sense of denial over issues like violence in our nation's schools. The sole exception to this is Craig and Pepler's research on schoolyard bullying. Unfortunately, their research stands alone.

In order, to tackle the task of looking at school violence empirically I will provide a general analysis of youth violent crime in Canada today. Also, I will provide an analysis of the data that specifically deals with school violence (rates of bullying, weapons use, and assaults in schools).

Lastly, my interview data which will be discussed further in my methodology section is small-scale and targeted to key respondents. This is due to the sparse number of programs in

² These records are known as the 'September' or 'October' reports in the Province of Ontario and are property of the Ontario Ministry of Education.

existence in the province of Ontario, and the complexities surrounding receiving ethics clearance to conduct my research. Since the future of Strict-Discipline programming is currently undecided, many Strict-Discipline school providers are reluctant to participate in reporting on the program itself. This is due to the fact that the new government has yet to decide which way it wants to go with Strict-Discipline program. Similarly, the Ministry of Education funding contract specifically forbids disclosure of information. For example, statistics on the rates of suspension and expulsion (since the inception of the *Safe Schools Act*) have been calculated by “Orbis Partners,³” but the results of their report have not yet been released and when they are they will be restricted to Ministry of Education officials.

HYPOTHESIS:

I will seek to establish that zero tolerance policies governing youth conduct in schools are detrimental in two respects. First, the policy directly conflicts with the Federal government's efforts to renew youth justice in Canada. Second, the policy operates in contrast with current research which has been conducted on child development and school psychology.

Despite the fact that incidents of serious acts of school violence in Canada are rare, zero tolerance policies have gained popularity. As a result, of this modern-day moral panic, youth are at a severe disadvantage and are being targeted unfairly by this policy.

I predict that the number of consequences related to the implementation of this policy will continue to increase until the public becomes more aware of the dangers of zero tolerance and school officials start buying into a different ideology. When this occurs, zero tolerance policies in the schools will cease to exist. It is my belief, that a change in policy is required, one which will focus more attention on prevention and will better serve the growing needs of youth.

³ Orbis Partners is a national research and statistical firm that is contracted out by the Ministry of Education.

Further implementation of diversionary programs will help to decrease the amount of minor cases ending up in court and will reduce the stigma associated with being charged with a crime.

METHODOLOGY:

The study is largely qualitative in nature and combines sociological theory, an extensive literature review, a case study on the Columbine High School shooting, and field research. Some quantitative research draws on statistical research conducted by Statistics Canada, independent researchers, and informal surveys.

My field research consists of a series of semi-structured interviews with Strict-Discipline school personnel. These interviews are vital to my research because the *Safe Schools Act* is a relatively new piece of legislation, and there has been only a limited amount of scholarly work done in this area. I conducted three interviews with staff at Ottawa-Carleton Re-entry Program located at an Adult High School in Ottawa⁴. Some of the key research themes that I explore are: the positive and negative aspects of the legislation, and perceived success or failure of the Act by school personnel. Rather than having a chapter devoted to my interview data, all data will be incorporated into my thesis wherever relevant.

The majority of my attention is focused on deconstructing Ontario's zero-tolerance policy. For example, I critique the legal discourse that is used in describing the regulations under the *Education Act*. I will also examine and evaluate preventative measure and alternative measure options that are being used in some schools in the Province of Ontario (while also borrowing ideas from other provinces or even from the US experience).

I quantify the state of school violence in Canada by employing statistical data (dating back approx. ten years). The basis for the rest of my quantitative methodologies appears in the

⁴ Staff interviewees include: principal, vice-principal, and teacher. The name of the Adult High school will remain anonymous as requested by interviewees.

form of compiling existing statistical data on school violence and youth crime which aid me in reinforcing the objectives of my research question. For example, I draw from Statistics Canada data which indicate that youth crime is relatively stable, and I deconstruct the overall youth crime rate in order to reveal that the majority of most youth crime is comprised of relatively minor offenses and that youth violent crime is rare in Canada. Since Statistics Canada does not produce statistics of crime in the school setting, I will have to rely on making inferences from youth crime statistics and victimization surveys.

CHAPTER OUTLINE & DESCRIPTION:

Chapter One serves as a historical chapter on the subject of children, schools, and discipline. I set out to explore the progress of education and the nature of disciplinary practices in the education system. I examine how society has moved away from a rehabilitative philosophy of youth deviance to a crime and punishment philosophy. I illustrate this by tracing legislative changes in Canada from the *Juvenile Delinquency Act of 1908* to the *Young Offenders Act of 1984*, through to the *Youth Criminal Justice Act of 2003*. I critique the Child-Saving Era in order to reveal reformer's motivations. What emerges through my discussion is the cyclical nature of youth crime legislation. However, I anticipate that the new YCJA will bring about a break in this cycle, offering new alternatives that can be used both in the criminal justice system as well as in the education system. The age of punitiveness in which we currently live is reflective not only in the criminal justice system, but also in education⁵.

Chapter Two is a theoretical chapter which utilizes moral panics theory to set the stage for my discussion of school violence and zero tolerance. I utilize Stanley Cohen's theory of a moral panic, and re-work it in order to tailor it to my topic. I explain the origins of his theory

⁵ Caution should be taken in viewing society as strictly punitive and crime control orientated, as recent public opinion polls regarding youth crime indicate that we may be experiencing a shift in philosophy.

and provide a definition of key terms. In one sub-section of my chapter, I focus on Cohen's term 'community sensitization' and contextualize it in the example of school-yard bullying.

In considering the works of contemporary moral panic theorists like Goode and Ben-Yehuda and Stuart Hall, I am able to discuss the contributions of several segments of society and how each member plays a role in the panic itself. In doing so, I consider each of Goode and Ben-Yehuda's models of a moral panic and illustrate their relevance in my discussion.

One of my main goals in this chapter is to examine how and why the public has become fearful and what their response has been. I show that, although the public's concern is not unwarranted, it is largely exaggerated. One important type of reaction which stems from a moral panic is the creation of new laws and/or policy formation. In the case of school violence, the public has created a rush in policy through the creation of governmental and school policy. Ontario's *Safe Schools Act, 2000* is the primary example that I consider.

Chapter Three is a practical application of moral panics theory. Through the analysis of the Columbine High School shooting, I will demonstrate how and why the shooting has become the major contributor to the widespread panic that exists over school violence today. I probe into the details of the tragedy at Columbine in order to reveal how and why the panic unfolded. Like Cohen, I examine the reaction of five segments of society. These key players include: the press, the public, agents of social control, lawmakers, and action groups. Similarly, I maintain that the media plays a primary role, but not the only role in creating and sustaining a moral panic. I focus my attention on how interest groups create and identify a moral panic. I do so by dividing my discussion into the elite-engineered contribution and the interest-group contribution. Overall, my analysis reveals the telling revelation that the culprits of the shooting served as modern day folk-devils or in other words, scapegoats.

Chapter Four traces the advent of zero tolerance policies in Canada. I explain how zero tolerance initiatives sprung up largely in response to the United States experience. I reveal how this has impacted on policy formation in Canada, by using Ontario's *Safe Schools Act, 2000* as one example of policy development. My intentions are to reveal the dangers and consequences associated with implementing zero tolerance policies. I cite modern examples of how zero tolerance illustrates 'zero-sense' punishment. Lastly, I speculate on the future of zero tolerance and discuss why I believe that it remains so popular despite reported low rates of effectiveness.

In the final chapter, I offer several alternatives to achieving safe schools without using zero tolerance measures. I do so by focusing on restorative justice practices in schools. Recent developments will be covered by highlighting three promising programs in operation in Ontario. These include: the "Choices for Youth Expulsion Program" operating out of the Waterloo Region District School Board, "The Cedarview Middle School Code of Conduct and Reflection Room Program" operating out of the Ottawa-Carleton District School Board, and Ontario's Classroom Connections Inc. "Cultivating Peace Program."

My approach in this dissertation has been to conduct a critical examination of Ontario's *Safe Schools Act*. In order to discuss the origin and functioning of the Act, I have outlined the existence and prevalence of school violence in Canada and the response taken by government and educators to combat it. In doing so, I reveal that school violence is a social problem that has developed into a moral panic over recent years. Stemming from this panic has been the creation of crime control policy aimed at targeting and controlling youth through punitive means. Zero tolerance is an ineffective and inappropriate response to school violence. It is my sincere hope that in the future, those who are charged with positions of authority will consider alternatives to zero tolerance when faced with the difficult task of maintaining safe and caring schools.

CHAPTER 1: CHILDREN, SCHOOLS, AND DISCIPLINE

INTRODUCTION:

To explore the progress of education and the nature of disciplinary practices in the system it is necessary to contextualize our discussion. The history of 'childhood' reveals that the attitudes toward and treatment of children has changed over time and that education is only a reflection of that change. It is important to recognize that conduct disorders and juvenile delinquency have always existed but I will argue that there are important changes reflected in the way in which society and the education system has come to deal with current issues.

YOUTH CRIMINALIZATION:

Historically, children who committed crimes against society were given adult sentences and adult punishments including the death penalty. In addition, they were also housed with adults in the same correctional settings. This obviously had a negative impact on rates of recidivism and successful integration back into the community.

i. Juvenile Delinquents Act, and the Child-Saving Era:

Before the Juvenile Delinquency Act of 1908, English Common Law prevailed. Under this system, anyone over fourteen was subject to the same laws as adults. In addition, any child between the ages of seven and fourteen who was found to know the difference between right and wrong were also subject to these laws (Bell, 2003: 64-5). When juveniles were imprisoned they were sent to adult jails like Kingston penitentiary which opened in 1835 (Bell, 1999:12). *An Act for Establishing Prisons for Young Offender's* was passed in 1857. This act allowed for the creation of separate institutions for youth (Bell, 1999: 14).

During the Victorian era (mid 1800's) a shift occurred, changing the way crime was viewed where it had once been seen in terms of legality, crime was now thought of in moral

terms (Bell, 1999: 14). The Victorian era, or what was otherwise known as the 'child-saving' era and was marked by increased public concern over the state of youth. The 'child-saving' era involved child advocacy and disciplinary control. In this section I will outline the goals of the 'child-saving' movement as seen at the time followed by the negative aspects of the 'child-saving' movement. In doing so, I will reveal what reformers true intentions were. Child poverty and destitution were looked upon as signs of deviance and immorality. Although the 'child-saving' era would continue, reformers during the latter half of the nineteenth century created a movement which gave birth to a rehabilitative philosophy (Bell, 1999: 14-16).

Part of this rehabilitative philosophy was a focus on welfare principles including alternatives to prison which were now seen as functioning as a 'school of crime.' Essentially the 'child-savers' were responsible for the creation of a separate juvenile justice system. Reformer efforts had materialized even before the JDA was enacted in 1908. This was achieved through various forms of child protection legislation. Examples include, the 1799 *An Act to Provide for the Education and Support of Orphaned Children*, 1869, *An Act respecting Juvenile Offenders within the Province of Quebec*, 1893 *An Act for the Prevention of Cruelty to & Better Protection of Children in Ontario*, and 1894 *An Act Respecting Arrest, Trial & Imprisonment of Youthful Offenders* (Bell, 2003: 38-9).

The formation of a separate justice system for juveniles serves as an indicator of social progress in the history of childhood. The child-welfare philosophy of the JDA of 1908 is a reflection of nineteenth century reform. The JDA was enacted in order to help ameliorate the harm caused by earlier forms of punishment, and accomplished several things on behalf of children. First, the Act recognized children as 'children' by referring to them as 'juvenile delinquents' rather than criminals. Second, the Act distinguished between adult crimes and

delinquencies committed by youth. This brought about the concept of 'doli incapax'; meaning that youth were considered incapable of deceit or evil, thus eliminating responsibility and accountability for their wrongdoings (Sangster, 2002: 15). "...The individual child was to be dealt with 'not as an offender but as one in a condition of delinquency and requiring help and guidance and supervision'" (Sangster, 2002: 15). Delinquencies were dealt with in a paternalistic ('parens patriae') way: "...the care and custody and discipline of a juvenile delinquent shall approximate as nearly as may be that which should be given by his parents, and that as far as practicable every juvenile delinquent shall be treated, not as a criminal, but as a misdirected and misguided child and one needing aid, encouragement, help, and assistance" (JDA, 1908: s.38). Imprisonment was used as a last resort in sentencing, and alternative measures were employed whenever possible. Some of these alternative measures took the form of training schools, and foster care. The 'best interest' of the child was taken into consideration at all stages of the sentencing process. For example, "Under the JDA, a team including a judge, probation officer and a youth committee consisting of volunteers, worked together to find the best solution for the juvenile delinquent" (JDA, 1908).

Juvenile courts operating under the jurisdiction of the *Juvenile Delinquents Act* used a structure of informal justice or a social intervention model of justice. The courts used individualized treatment of the deviant, reliance on non-legal experts, and administrative versus legal solutions (Sangster, 2002: 16-7).

Criticisms of the JDA began to arise in the 1960s due in part to changing public and political attitudes about youth crime and the means by which to deal with delinquency (Bell, 2003: 49). Aspects of the act which were subject to question included the doctrine of 'parens patriae,' the definition and inclusion of 'status offences,' and the lack of due process and legal

rights of juvenile delinquents. The differential treatment that youth received under the Act was both positive and negative. The Act recognized that youth were in a class separate from adults, but as a result youth were often held responsible for acts that were actually considered legal for adults. This was partly due to strong state intervention. The state took on the role of disciplining where parents and society failed. For example, sanctions often were applied to behavior that was classified as a reaction to social mistreatment. Such types of behavior included vagrancy, truancy, and sexual misconduct (Leschied, Jaffe, & Willis, 1991:167-8). In contrast, to the later juvenile justice models (of the *Young Offenders Act*), “Blame for unconventional activities was placed squarely on the shoulders of families, and causal explanations were premised on such ambiguous concerns as defective intelligence, uncaring parents, and poor home environments” (Schissel, 1993: 6). Politicians claimed that the Act was too lenient and failed to protect the public from youth crime. As a result, reform attempts began in 1965 with the release of a federal report from the Committee on Juvenile Delinquency in Canada (Bell, 2003: 50).

In the early twentieth century the state took on an increasingly active role in the molding of a child's character and intellectual development. Society at this time believed that the state had a responsibility to help rehabilitate and cure offending populations (Pratt, 1998: 496). As a result, state acceptance of responsibility helped bridge the gap between the criminal and society (Pratt, 1998: 496).

There were two main characteristics of the child-saving era. First, there was a drive to provide children with what was thought of as ‘childhood’. Second, it was seen as necessary to ensure the future stability and order of society (Cunningham, 1995). Reformers advocated change in the quality of childhood a number of key areas: “improving the conditions of a good family life, implementing child and family welfare systems, transforming the education system,

and improving child and family health care” (Sutherland, 1976: 20). With regard to education specifically, reformers argued in favor of, “an extension and enforcement of compulsory attendance laws, introduction of kindergartens, libraries, physical education, manual training, domestic science, agriculture and other vocational training, and technical education” (Sutherland, 1976: 21). More specifically, students who were committed would be first assessed by a team of medical experts who conducted full medical and dental exams, psychiatric evaluations, and IQ testing. From these, children were categorized based primarily on their level of intelligence for the purpose of prescribing their ‘proper’ level of instruction. Students assigned to schools received academic, vocational, physical, and moral training (Minister of Public Welfare, Annual Report on Training Schools, 1936-7: 29-31). Vocational training offered children instruction in a field that they could master while in school and eventually use in society. In addition, manual training such as ‘motherhood’ classes indoctrinated young girls into the ‘cult of motherhood’ and all that it entailed including proper preparation of meals.

Reformers invested a great deal of time and energy in helping wayward youth in the pursuit of crime prevention. Children that were of low social and economic status were ‘rescued’ by charitable organizations and given shelter, food and an education. The latter of these was seen as a risk reduction mechanism geared towards the prevention of crime and truancy. Poor children were taken away from a life on the streets and introduced to a moral education that Sunday schools offered and a work ethic that industrial schools could instill. Disobedient teens were sent to industrial schools, which would later be referred to as training schools. These schools recognized and primarily addressed male delinquency, which was seen as accounting for:

Children found begging or without jobs, ‘wandering’ without ‘proper guardianship,’ habitual truants, or those who were growing

up without 'salutary parental control or education' due to neglect, drunkenness or other vices on the part of their parents: all of them could be removed to industrial schools. (Sangster, 2002: 105)

Educational opportunities were gender specific, as boys were given lessons in the trades, while girls took lessons in the domestic arts and the morality of 'true womanhood' (Sangster, 2002: 106). Although, both boys and girls shared similar reasons for committal, female delinquency was most commonly associated with acts of immorality such as sexual promiscuity. This gender specificity ultimately led to the creation of an industrial school for girls which opened in 1893.

Under the *Industrial Schools Act of 1874*, the government delegated philanthropic societies the authority to operate residential training schools. The involvement of philanthropic organizations marked a link between public and private institutions. However, in 1934 the provincial government reclaimed jurisdiction over all industrial schools. This occurred after repeated criticism, all detailing the substandard conditions of the schools (Sangster, 2002: 107). These criticisms were made in spite of Annual Reports by the Ontario Minister of Public Welfare, which failed to even acknowledge substandard conditions. These reports were highly detailed, including notes on each individual school, their budget, health and well-being of the children, and general progress. However, suggestions for improvements were often minor and dealing with infrastructure rather than curriculum.

In 1931, the first *Training School Act* was passed in Ontario. The Act enabled the Minister of Public Welfare to institutionally commit any boy or girl to a training school without a court proceeding (Sangster, 2002: 105-6). In order to be committed to a training school, children had to fall within the jurisdiction of the Children's Aid Society (CAS), the *Industrial Schools Act*, or the federal *Juvenile Delinquent's Act* (JDA) (Sangster, 2002: 107).

Children were committed with or without parental consent, and became wards of the Children's Aid Society if it was determined that they were in need of 'training and discipline'. "This long and well-entrenched tradition of combining court/legal sentences with admission through child welfare intervention reinforced the overlapping, blurred connection between poverty and crime, the welfare and correctional systems" (Sangster, 2002: 106).

This legislation was eventually replaced by a new *Training Schools Act*, which was amended again in 1939. Admittance to training schools ranged between grades one through ten (Superintendent A.R. Virgin cited in the Minister of Public Welfare's Annual Report on Training Schools, 1945: 19). Those students who were not successful in the regular school system, and were subsequently brought to training schools, were often mature students. These students were encouraged to enter the work force as they neared the age of eighteen.

During World War II, a shift in ideas concerning the best treatments for juvenile delinquency occurred. This included the phasing out of training schools, and a move to the use of foster home placements. In 1960 and 1965, the provincial government again revised the *Training Schools Act*. Several changes were made including, removing the word 'incurable' as a rationale for incarceration, and raising the minimum age for committal to twelve years of age. In addition, the minister's power of committal was removed (making admission possible only through the courts) (Sangster, 2002: 140-1).

Reformers believed that poor environmental factors acted as a vehicle bringing children into a life of crime. Reformers believed that there was a clear dichotomy between rural purity and urban corruption (Platt, 1969: 65). The city was viewed as being corrupt, filthy, crime laden and crowded and as such reformers felt it was their duty to rescue and remove youth. Once youth were rescued, they could be rehabilitated.

Examples of rehabilitative methods can be seen in criminal justice policies governing youth at the time. The treatment and mentality towards young offenders changed as they were recognized as having different needs than adults. This was reflected in the ways in which children were sanctioned, sentenced and incarcerated. Important areas of progress included the creation of the juvenile court system, residential industrial schools and reformatories (Mahood, 1995: 77).

There were three models of residential/industrial schools and reformatories in operation at the time including: the training ship, residential school, and family cottage (aka. Foster homes) (Mahood, 1995: 77). The family cottage resembled a home and it was purposively located in the country away from the pressures and stress of urban life. Juvenile delinquents were brought here in order, to become rehabilitated through supportive and non-evasive means. “Both spatially and psychologically, the cottage system was meant to evoke the notion of a comforting family” (Sangster, 2002: 110-11).

Child-saving reformers drew a direct link between childhood, family and crime. Classification of problem youth were categorized as, “the neglected, the dependent, and the delinquent” (Sutherland, 1976: 97). Criminogenic youth were now being studied and strategies in the way of prevention and control were being developed by the state.

Reformers were appalled by cases involving the harsh treatment of juvenile delinquents. Wrongdoing was evident in the number of children being institutionalized and it was also evident in their treatment once sentenced. For example, “In March 1891, a New Westminster newspaper reported that a fourteen-year-old Indian girl was sentenced to six months at hard labor for stealing twenty dollars and some clothes” (Sutherland, 1976: 103). In terms of the number of children being institutionalized, “On 30 September 1889, Ontario children's institutions...held

1855 children-many of whom, of course, were there because they were orphaned or had only one working parent to support them-and 3726 different youngsters resided in them at some time or another over the whole year” (Sutherland, 1976: 105).

Progress was made when the work that was being conducted by the reformers was officially recognized by the state. For example, Canadian reformers from Children's Aid Societies province-wide researched and positively evaluated the contemporary children's court movement in the USA, wanting to model after it (Sutherland, 1976: 108). The thrust of the juvenile court movement was to remove children, so that they “might be saved from contamination of association with older criminals” (Platt, 1969: 128). Reformers put forth their ideas and proposals to government (see John Kelso). Finally, in 1908 efforts made by the reformers materialized in the form of a federal statute called the *Juvenile Delinquents Act*.

ii. Inherent Problems with the Child-Saving Movement:

The child-saving movement took the form of a moral crusade. ‘The child-savers were in fact egocentric in their views; partially motivated by a need to impose morals and beliefs on disenfranchised classes of people. Reformers believed that they could both change the masses and make a positive impact on the life course of youth. They did so by using methods such as prohibition, as well as regulation of conduct and behaviour. This is most evident in the way young offenders were classified. Instead of being classified according to the nature and extent of their offences, youth were classified by their moral defectiveness. Some examples of criminal classes included, ‘carelessness about the rights of others, lack of moral distinctions, lack of ambition to become something worthy, lack of stamina and covetousness’ (Platt, 1969: 69).

Although, the state was seen as positively intervening in the lives of these youths it could be argued that their motive in doing so was driven by entirely different purposes. Contrary to

appearances, state response was not purely philanthropic. Beneath state ideals: “compulsory schooling had more to do with underlying motives concerning social order than the preservation of childhood as a stage of life” (Cunningham, 1995: 159). The state after all, had a vested interest in saving poor youth. Its focus was on the containment of those classes of the population which posed a risk to the rest of society. “Dangerous classes” of society were effectively removed from their current conditions, and were contained and institutionalized for the betterment of society. The prevailing mentality was that: “The child in danger would in time become the dangerous child” (Mahood, 1995: 36). Through education, the state could control and exercise surveillance over children as well as families (West, 1984: 28). “The state could thus take an active part in helping to construct or promote those adult-child and family relations it deemed appropriate, while undermining others; it could shape the next generation's homes” (West, 1984: 28). Joan Sangster argues that, “Along with claims about saving children came very real efforts to punish them by showing them the 'majesty of the law'” (Sangster, 2002: 179).

In theory, the goals of the child-saving movement were sound. However, in practice the realities concerning the treatment and care of youthful offenders was quite negative. Most reformatories operated under strict disciplinary measures of coercion and restraint. Children were often assigned to perform demeaning tasks such as scrubbing floors for hours on end and were victims of cruel and unusual punishment. This often included things such as: assuming awkward positions for long durations of time. Complaints were made that the institutions which housed youth were overcrowded, under staffed, and poorly equipped.

Although, the intentions of the cottage-style reformatory were good, in operation the plan failed. For example, reintegration proved difficult for those youth who completed their stay at the cottage-style reformatory and had to ultimately return to a life in the city. On the surface the

cottage-style reformatory seemed as though it would resemble a “mere pleasure home” where wayward youth could escape life's harsh realities and become rehabilitated. Training used in reformatories was supposed to aid in the youth's reintegration back into the community by offering youth the life skills that are important to industry and survival. However, in practice the reformatory functioned quite differently. As Sangster explains, “The very word ‘cottage’ contradicted the notion that this might be a prison” (Sangster, 2002: 111).

The philosophy of helping children did not always prevail and many youth were cheated out of their opportunities to learn. In fact, many reformatories actually signed contracts with large corporations guaranteeing them cheap labour and mass production of their product. This labour often resembled the type of situations that the child-savers had tried so hard to abolish in earlier years.

Furthermore, despite the efforts to create a separate justice system for young offenders, children continued to be imprisoned with adult offenders (Platt: 1969, 146). Despite being progressive in nature, training schools were largely run as correctional institutions. Attempts by the government to hide the correctional aspect of training schools failed when charges of physical and sexual abuse eventually arose. Documented cases of abuse took place at several government run juvenile facilities in Ontario. Three prominent sites where alleged abuse took place include, the Ontario Training School for Girls (OTSG) otherwise known as Grandview, St. John's Training School as well as and St. Joseph's Training School.

Grandview Training School for Girls opened in 1932 in Cambridge, Ontario (formally known as GALT) and closed in 1976. The scandal surrounding the alleged cases of physical, sexual, and mental abuse was made public in 1991 when the Waterloo Regional Police Service and the Ontario Provincial Police began a joint investigation into abuse claims. In order to

accommodate complainants alleging abuse against Grandview, a Victim Witness Program was established in Kitchener, Ontario in December of 1992.

Female survivors of OTSG institutional abuse founded the Grandview Survivor's Support Group (GSSG) and sought redress from the Ontario government through the "Grandview Agreement Process". This process included an out of court strategy devised to deal with claims. Although negotiations between the provincial government and the GSSG began in May 1993, it was not until 1994 when a draft agreement was voted on. The agreement was eventually finalized in June 1994.

The settlement agreement used an Alternative Dispute Resolution process, to allow all former Grandview residents to apply for special benefits, as well as compensation from the government. The compensation package was comprised of three types of benefits: "general (intended to benefit society as a whole), group benefits (for all former residents), and individual benefits (for those who claimed specific incidents of abuse)" (Shea, 1999: Chapter 5). As of September 1998, the total number of claimants was 329. The outcome of this process placed full responsibility for financial restitution on the Ontario government. Although the average financial reward was \$37,000, the total government expenditure on awards and benefits from 1992 to 1998 were \$16.4 million (Shea, 1999: Chapter 5).

Although, contemporary theories worked in favour of youth, they were too deterministic and had no scientific backing. The early theories developed by criminologists supported the reformers claims that young offenders were in a class of their own and could be rehabilitated and cured. As penologist Enoch Wines wrote, "They are born to it, brought up for it. They must be

saved” (Enoch Wines quoted in Platt: 1969, 45)⁶. It was thought that youth who were not saved early on could develop into adult offenders. The rehabilitative potential for this class of offender was seen as being virtually impossible, “The older a criminal, the more chronic was his sickness; similarly, his chances of recovery were less than those of a young person” (Platt: 1969, 45). Youth were viewed as delinquent if they were of low social economic status, and/or of immigrant or minority status. This view of delinquency was supported by the changing theory of criminology which began to take place during the late 1800s and early 1900s. Criminality focused primarily on two things, biological determinism and containment of ‘dangerous classes.’ This included people from minority and immigrant groups as well as some segments of the working class (Platt, 1969: 29-32).

The nature versus nurture debate was also a topic of controversy for criminologists during the nineteenth century. The nurture argument, supported by the works of Charles Cooley, suggested that man is a product of circumstance (his/her social environment). The nature debate, supported by the works of Caesar Lombroso, viewed crime as purely biological that could be detected in one's physical appearance i.e. flattened or elongated forehead or associated with one's gender i.e. female hysteria. The nurture debate arose in the latter part of the nineteenth century, while the popularity of the nature debate of the early nineteenth century died out. In either case, crime was thought of as a disease that needed to be contained and cured in order to prevent its spread to the mainstream.

iii. Young Offenders Act:

Should new legislation stress methods of dealing with law-breakers, clarifying legal process and accountability? Or should it

⁶ Enoch Wines (1806-79) was an American clergyman and prison reformer. He is best known for his work, *Report on the Prisons and Reformatories of the United States and Canada* (1867). This report was influential in shaping prison reform in the nineteenth century.

attempt to save children from becoming criminals through guidance and treatment? (Sangster, 2002: 176-7)

The first draft of what would become the *Young Offenders Act* was introduced in 1970. This act was revised again in 1975 and 1977, finally coming into force in 1984. The YOA operated in direct contrast to the principles of the former JDA. For example, “the JDA referred to delinquents as 'misguided and misdirected' children in need of 'aid, encouragement, help and assistance,' The YOA on the other hand referred to youth as in a 'state of dependency,' having 'special needs and requiring guidance and assistance' as well as 'supervision, discipline, and control'” (JDA & YOA General Principles quoted in Bell, 2003: 50-2). With a distinctly new view the YOA’s emphasis was on: “youth responsibility, protection of society, special needs, alternative measures, and legal rights and freedoms” (Bell, 2003: 52).

However, unlike the JDA, the YOA came under immediate scrutiny. The YOA has been criticized for increasing the formal processing of young offenders, and thus increasing overall rates of youth crime. “Politicians (primarily Reform MPs) raised many concerns: horrible crimes committed by youth were going unpunished; the YOA was incapable of controlling youth violence; youth rights were protected at the expense of their victims; the YOA was far too problematic to ever be 'fixed'; and youths' legal rights were a major obstacle to the protection of society” (Hogeveen & Smandych, 2001 quoted in Bell, 2003: 56-7).

As a result of public pressure to ‘get tough on crime’, there have been many changes made to the *Young Offenders Act*. There have been a number of high profile cases wherein the culprits responsible have been young offenders. Some of these include: the Nicolas Battersby case in Ottawa, Ontario, Jesse Cadman in Vancouver, B.C., and Jonathan Womback in Toronto, Ontario.

Since its enactment the YOA was amended three times (1986, 1992, and 1995) (Jones

1997:14). A 1992 amendment extended the possible sentence for murder from three to five years and made transfers to adult court easier. The 1995 amendment extended the sentence for first degree murder to ten years and implemented transfers to adult court for serious charges by sixteen to seventeen year-olds (Jones 1997: 223-6).

iv. Youth Criminal Justice Act:

Criminal justice policy governing youth in the Twenty-first century has changed significantly since the enactment and eventual repeal of the JDA. Similarly, youth justice has evolved beyond the YOA as well. The new YCJA took seven years, three drafts, and more than 160 amendments to finalize (Bell, 2003: 59). Quebec did not support the new legislation and retained its social intervention philosophy instead. Regardless, I will argue that we have experienced a shift away from a child-welfare model of justice to a criminal justice model. Despite the criticisms brought against it, this is most evident in the shift from the JDA to the YCJA.

The Federal government has begun to develop a strategy to renew youth justice in Canada. The *Youth Criminal Justice Act* is one piece of legislation geared towards this renewal. The YCJA was passed in the House of Commons on February 4, 2002 and came into force on April 1, 2003 (Department of Justice Canada 2002:1). The new act is designed to recognize and eliminate significant problems in the youth justice system. It is too early to determine how successful the YCJA will be and whether or not the weaknesses that was prevalent in the YOA can be avoided. As it stands today, the state has a vested interest in seeing that youth are punished and incarcerated. This is evident in the fact that, Canada's youth incarceration rate is higher than any other Western country (Department of Justice 2002:7).

If the YCJA is to succeed in bringing justice to today's youth, it cannot act alone. It must be supported by other policies and programs geared towards helping rather than punishing youth. This presents the question of how one explains the current state of our education policy. For example, it is necessary to determine whether there are disciplinary measures concurrent with the Federal government's plans to renew youth justice. I will argue that zero tolerance measures enforced in the Safe School Policy of Ontario and in individual school Codes of Conduct run in direct contrast to such plans.

v. Education in the Twenty-First century. The “Child-Blaming” era:

The twenty-first century marks a return to nineteenth century ideals. Children today are living in what I would term the “get-tough” era; wherein the state's focus and energy has shifted back to being more punitive in nature. The shift in blame has been placed directly on children themselves. There are many examples that support a return back to past acts of 'zoo keeping versus rehabilitation' (Casella, 2001: Preface). This is evident today in the policies which govern the child, in education, and even in medicine. For example, this can be seen in a development made in crime policy dealing with young offenders in Canada, especially as seen in the *Young Offenders Act* (1984).

The advent of the twentieth century marks the beginning of what Bernard Schissel calls the “child-blaming” era. Schissel notes the shift from child-saving to child-blaming has occurred. This process is best described as “The Cycle of Juvenile Justice.” Operating on a sliding continuum, “The state has gone from acting in the best interest of the child or rehabilitation (based on the ‘parens patriae’ doctrine) to an emphasis on due rights and punishments” (Shelden et al. 2003: 6-7). Pratt argues that there are equal shifts in penal culture with the return of draconian policy such as chain gangs, three strikes law, curfew law, boot

camp, and youth transfers to adult court, and zero tolerance (Pratt, 1998). In the past, prisons were seen as negative aspect of social life. Today they have come to be seen as an indicator of society's strength and virility (Pratt, 1998: 504).

Thus: punishment is made to be a public spectacle again; punishments are to be made more unpleasant rather than ameliorated; much of the rhetoric and ideology associated with them is based around brutalizing language and images; there is a sense of anxiety, crisis and fear which allows non-modern and explicitly coercive and punitive strategies such as curfews to gain acceptance as a crime-fighting strategy... (Pratt, 1998: 505)

Public support for crime control policies is growing. As such it is no surprise that Canada has the highest rate of youth incarceration in the world.

Deresponsibilization is the word that I will use to describe the state's current response to the welfare of children. The responsibility has been shifted away from the state and society and the majority of blame is being placed directly upon children themselves. N. Mills argues that we are living in a 'culture of meanness,' wherein we have become a nation that is waging war on its most disenfranchised members of society. He explains further that, "The negative side of this meanness is easy to see. More prisons. More police. Less welfare. Decaying public schools" (Mills, 1997: 7). The state's response to certain segments of the population is to control and contain them. Methods and efforts by the state to contain the 'dangerous classes' are illustrated in such things as 'bum-proof' benches and in USA politician Newt Gingrich's proposed plan to put the children of poor, underage, single mothers in 'Boys Town style' orphanages (Mills, 1997: 34).

DISCIPLINE:

The nature and extent of discipline and disciplinary measures of children in the education system is complex. This is partly due to changes in the compulsory nature of schooling. Furthermore, teachers in the past were not required to keep detailed student records as they are

today. The sources which contain the most information on school discipline include: school teacher's records, child diaries, and autobiographies (Pollock, 1983: 143). Prior to the nineteenth century, children were viewed as wild animals that needed to have their wills broken or subdued. Discipline played a primary role in child-rearing in the home as well as in the school. Corporal punishment was the means of achieving domination and subordination: "Whipping was the normal method of discipline in a sixteenth century and seventeenth century home...The breaking of the will was the prime aim, physical punishment the standard method" (Pollock, 1983: 143). Presenting children as being in need of salvation and education was one means to achieving this end. Erasmus said on the subject of children and education,

The child that nature has given you is nothing but a shapeless lump, but the material is still pliable, capable of assuming any form, and you must so mould it that it takes on the best possible character. If you are negligent, you will rear an animal; but if you apply yourself, you will fashion, if I may use such a bold term, a godlike creature. (Erasmus quoted in Cunningham, 1995: 44)

This could only be achieved through corrective training and corporal punishment.

Even the church worked with the state in its belief that discipline was essential.

Discipline of children is clearly outlined in the Old Testament. For instance, Proverb 22:15 states, "Foolishness is tied in the heart of a child, but the rod of discipline shall drive it away" (Cunningham, 1995: 45). Or in other words, simply stated in Proverb 23: "Spare the rod, and spoil the child" (Book of Proverbs). The child was seen as a malleable object that should be dealt with in infancy for fear that it would capitalize on his/her innate wickedness and turn to a life of crime.

In pre-industrial society through to industrialization, families depended on children as an important economic resource. As soon as the child was physically capable of working, they were sent to work in factories or farms. Children were subjected to ten to twelve hour work days

in what were most often life-threatening working conditions. This practice continued for most of the industrial revolution and only ceased as workers united and gained a stronger voice, eventually achieving more reasonable conditions. Over time, children were eventually given time off work throughout the day to attend school. As the culmination of a series of *Factory Acts* (beginning in 1833), school attendance for a minimum of thirty days became mandatory (Marx, 1954: 438). This was the case, because school attendance began to symbolize a form of social capital by which young workers could progress in the workplace (of course, this form of credentialism did not operate to the extent that it does today).

The rise of capitalism marked an important historical shift in the need to reproduce the next generation of capitalist rulers (Shelden et al., 2003: 5). Through the mandatory performance of labour, surveillance and discipline of certain classes of the population could be achieved. As Shelden et al. state: “In other words, the attitude that even the working and lower class offenders could be redeemed developed” (Shelden et al., 2003: 5).

Karl Marx speaks about the factory as an early symbol of discipline. This is an early symbol of discipline, because popular education as a mode of discipline was not yet fully established, and the factory operated in a similar capacity. Machinery had positive effects on production for the capitalist and allowed the owners to hire more workers. Children were sources of cheap labour, running machines and performing unskilled tasks. The child was essentially just another 'cog in the wheel' of production.

The nineteenth century marked many changes in the life course of children and adolescents. It became important that childhood be preserved and celebrated as a pivotal stage in life. Earlier beliefs that children were but miniature adults were replaced with new ideals. Children were seen as having special needs and their development was characterized in three

ways: mental, moral, and physical (Sutherland, 1976: 18). The family was considered to be the most powerful and influential socializing force. Therefore, the nature and quality of parent-child relationships grew and progressed. “In contrast to the general opinion of the 1870's parents now learned that a child was not plastic clay...to mold and shape after a human pattern but a seed of divine life for them to nurture and tend” (Sutherland, 1976: 17). This era marked the dawn of the age of parental responsibility. Now families were focused on raising their children to be well-rounded, upright citizens. This was accomplished in ways that were previously ignored, through childcare and education. Education played a secondary role to families as a mode of socialization.

In addition, organizations devoted to children's issues were founded. Such organizations include those which are state run like the Children's Aid Society (CAS) and those which are philanthropic in nature. Philanthropic organizations include such groups as the Elizabeth Fry Society, the John Howard Society, Big Brothers and Big Sisters. Along with child centered organizations arose the creation of child protection laws. Laws recognized such concerns over the welfare of children as 'cruelty to children' and child abuse (Hunt, 2004: 7). The shift in anxiety now centered on protecting youth rather than protecting society from youth.

THE ROLE OF EDUCATION IN THE CRIMINAL JUSTICE SYSTEM:

The phrase 'fighting violence' might seem to be an oxymoron...The choice of terms, however, is not accidental. The prevailing wisdom among policymakers and school officials is that you must counter violence with force. (Nougera, 1995: 192)

In 1994, the first Canadian study detailing and evaluating the use of police school liaison officers was conducted. “The Anti-Violence Community School: A Police/School Partnership Model Summary Report,” was a four month pilot project implemented community police officers in a middle school in southern Ontario. The results of the study prove to be promising,

suggesting that police/school partnerships are effective in combating school violence. The objectives of the project were: “to foster a relationship between students and school staff that would help to address the lack of trust between the two, to foster a positive relationship between young people and the police, changing staff members attitudes about the police and school administrators response to school violence, and to treat violent incidents through a well established protocol” (Ryan, 1994: 13). Protocol in this document refers to “a set of specific guidelines which operationalize the purpose and objectives of the project. It identifies the roles and responsibilities for all those involved and provides a general step-by-step procedural response to violent incidents” (Ryan, 1994: 3). The project was evaluated by the police officers, administrators, students, and staff. Overall, all members indicated that the project was successful in decreasing the amount of violence occurring on school property and improving the school atmosphere.

Educators were reluctant in the beginning of the pilot project to get involved with police to reduce school violence. Their reluctance can be attributed to several things, such as: a failure to recognize that they had a problem, and a negative view of police involvement due in part to the school's history of dealing with violent incidents as 'school matters' versus 'legal matters' (Ryan, 1994: 13).

Dealing with youth violence is often viewed as the responsibility of the police. However, this becomes complicated when police are asked to respond to violence in schools. School administrators and the police themselves must not assume that all officers are prepared or trained to participate in school-police partnerships. (Ryan, 1994: 20)

Administrators have identified a role for police in their schools and as a result changes have taken place. Specialized police units that deal with school violence and prevention have been developed and training sessions have been made available to police officers. The Ottawa

Police Service identifies these officers as School Resource Officers. Police may act in the following ways: lay criminal charges, provide warnings to perpetrators, counsel victims, act as mediators, conduct investigations, and educate. In addition, increased involvement of police officers into schools has also had an affect on school administrators. The project recommends that school administrators be trained in police investigative techniques and have working knowledge of the YCJA. This involves: “taking proper statements from victims and witnesses, determining when and where to take the statements, how to conduct a witness or victim photo identification of the perpetrators” (Ryan, 1994: 24).

This pilot project has paved the way for the creation of police/school partnerships in our schools today. For instance, some schools have implemented the Police/School Liaison Officer program. The concept of the Police/School Liaison Officer works particularly effectively within the context of zero-tolerance policies. For example, a teacher catches a student committing a school infraction and then refers the child and the 'problem' to the Police/School Liaison Officer where he/she can take legal action. It is important to note that this pilot project was launched before the *Safe Schools Act* was implemented in Ontario. As a result, several of the recommendations made in this Solicitor General publication have already been enforced. This is seen, for example, in the implementation of mandatory consequences for specific infractions such as weapon possession.

Many provinces in Canada have adopted their own protocols for involving police in schools. The success of these programs varies provincially. For the purposes of my analysis, I will discuss the province of Ontario and their police/school protocol as a method by which to make schools safer.

On December 8, 2000 the *Ontario Provincial Model for a Local Police/ School Board Protocol* was released by Ontario Minister of Education Janet Ecker and the Minister of the Solicitor General, David Tsubouchi. By September 1, 2001, all School Boards were required to finalize their police/ school board protocol so that it aligned with the provincial model (Ministry Of Education Memorandum: December 11, 2000). At minimum, police must be involved in:

- sexual assault causing bodily harm requiring medical attention;
- sexual assaults;
- robbery;
- criminal harassment;
- weapons offences; and
- drug offences (e.g., trafficking).

Other types of incidents beyond those listed above that could require police involvement include:

- hate and /or bias-motivated incidents;
 - Gang-related incidents;
 - extortion;
 - threats or serious physical injury;
 - incidents of vandalism; and
 - trespassing incidents.
- (Ministry of Education Memorandum: November 29, 2000)

The Provincial Model for a Local Police/School Board Protocol 2000, has been revised to conform to the YCJA. The Provincial model outlines twenty-three key elements that must be part of a local police/school board protocol. The required elements include such things as: risk assessment services, violence prevention programs, and reporting children in need of protection. The Ministry outlines the benefits of police involvement as: “police play an important role in the school community, with police presence and involvement in the school there will be a positive/humanized image of law enforcement and an increased sense of physical security” (*Police Board Protocol, 2000*: 11). In addition, “the role of police in violence prevention programs will provide a coordinated/ multifaceted approach to school violence, police partnered

programs will include such things as peer mediation, drug awareness, life skills, and mentoring” (Ministry of Education, *Police Board Protocol*, 2000: 11).

Crime control measures that are used to combat violence in society are now being used within schools. A shift in education has occurred whereby student infractions are increasingly being dealt with by criminal justice officials and are being treated as criminal offenses. In the past, the collaboration of criminal justice officials and the school has centered on prevention through education – for example, educational programs such as the D.A.R.E (Drug Abuse Resistance Education) Program. Currently, the relationship between criminal justice officials and schools has expanded and has now taken on a crime control function (Trulson et al., 2001: 574). Criminal justice officials have become more active and intrusive than in the past. The influence of criminal justice on the schools can be seen in the following areas: zero tolerance, metal detectors, surveillance cameras, dress codes, and criminal justice discourse.

The move away from dealing with student incidents strictly in an education forum to the involvement of outside law enforcement agencies is due in part to public misperception regarding the extent of school violence, the litigious and punitive nature of today's society, governmental cost-saving mechanisms, and public misperceptions of youth and the governing of young people. As a result, police end up adopting a great deal of the responsibility which moves the issue away from educators themselves.

There are legal implications involved in the strong interaction between the criminal justice system and education. There exists a fine balance between student rights and the responsibility of the school. The school has a 'duty of care' to uphold and in cases where it fails to do so it can be held legally negligent under the law. All students, as all citizens, in Canada are protected by two pieces of legislation, the Charter of Rights and Freedoms and human rights

legislation. However, cases involving students as plaintiffs are largely unsuccessful. The doctrine of 'sovereign immunity' can protect school districts from the threat of law suites (Rohr & Kozak, 2003: 18). Based on the precedent case of *Estelle v. Gamble*⁷, a five part test has been established to determine whether or not the state created a situation of increased violence or vulnerability:

- 1) "the violent student belonged to a limited and specifically definable group
 - 2) the alleged misconduct placed a student at substantial risk of serious, immediate and proximate harm
 - 3) the defendants knew of the risk or the risk was obvious
 - 4) the defendants acted recklessly in conscious disregard of that risk
 - 5) as a whole, the defendants conduct shocks the conscience."
- (Rohr & Kozak, 2003: 21)

In terms of locker searches, school officials have to have established 'reasonable grounds' and 'individual suspicion' to conduct a legal search on a student's locker. There are three guidelines for determining whether there is individual suspicion:

- 1) "School officials have personally observed the student in incidents which raise suspicion of misconduct
 - 2) A student has identified another student as involved in an illegal activity or breach of school rules
 - 3) The suspicions conduct must suggest a specific breach of a particular rule."
- (Walker, 1994: 18)

However, there are several ways that schools can break the privacy rights of a student. For example, schools can institute uniform policy which allows them to conduct random or periodic inspections or searches of all lockers. Or, schools can have students agree to sign a locker rental contract which allows school officials to conduct random searches and forces students to accept these terms (Walker, 1994: 18).

⁷ The *Estelle v. Gamble* case determined two things: "First, a state entity may create a special relationship with an individual by asserting involuntary custody over the student; Second, a duty may arise if the agent for the state creates or increases an individual's risk for harm" (Rohr & Kozak, 2003: 20).

Law suit, the breaching of student rights, the greater likelihood of student involvement in the criminal justice system which in turn results in court overflow are merely some of the negative aspects of police involvement in schools. With the enactment of the YCJA (2003) new methods of resolving conflict and legal disputes are now being considered. Some of these alternatives stem from a restorative justice approach. For example, victim-offender mediation, circle-sentencing, restitution to the community and those who have been harmed. Under the YCJA, police are given a new and improved role. Police can now utilize more discretion and act more as facilitators and peace-keepers. More warnings and alternatives will be prescribed to first time offenders and to those who have committed minor Criminal Code offenses. It is too early to determine whether the YCJA has been more successful than previous models. What remains to be known is whether or not there is a future for these justice models in education. I believe that we are well on our way to having education policy conform to the YCJA. The use of Strict-Discipline programming under the *Safe Schools Act* of Ontario is a prime example. This form of exceptional schooling offers troubled youth who have been fully expelled from the public education system a second chance. Through the use of rehabilitative and disciplinary options, student needs are fully addressed.

CONCLUSION:

“Youth crime has always existed in Canada. What has changed over the last century is how Canadian’s have perceived, defined, and responded to the misdeeds and criminal acts of children and youth” (Bell, 1999: 29). The reality is that youth constitute only a small percentage of violent crimes. What I will propose is that our response to youth has changed. The boundaries between the child and the adult have become blurred. The child has come to adopt the same level of responsibility and maturity as the adult. Once again the child has become

suspect, that which is subject to a greater level of surveillance. Nearly all acts of juvenile delinquency are viewed as a threat to the safety and well-being of society and our common reaction is to react with moral outrage. School violence is certainly no exception.

I propose that what emerges in the aftermath of the moral panic around school violence is a glimmer of hope. Ontario was quick to adopt the hotly debated zero tolerance policy, but since the initial inception of the *Safe Schools Act*, amendments have been made to make the Act more lenient and to conform to the new YCJA. The recent use of restorative justice, counseling, rehabilitation, and alternative education settings within the province of Ontario's education system proves that we may be progressing towards positive change. In the next chapter, I will be discussing moral panic theory, its relation to school violence, and the rush in policy formation.

CHAPTER 2: MORAL PANICS

In today's society public concern over school violence has reached an all-time high. This is reflected in public opinion polls, and in informal surveys. Headline cases of violent school shootings, student on teacher assaults, and student suicides in Canada and the USA have brought national attention to this issue. Canadian cases of school violence which have made headlines include: the school shooting at W.R. Myers High School in Taber, Alberta which resulted in the death of student Jason Lang in 1999, the gang beating death of Vancouver teen Reena Virk, 1997, and the suicide death of fourteen year-old Dawn-Marie Wesley of Mission B.C. in 2000 which was brought on as the result of being constantly bullied by fellow classmates. Criminal action was taken against the perpetrators in all three of these cases. The Dawn-Marie Wesley case was considered a landmark in that the judge applied criminal law to an instance of school-yard bullying (*Law Now*, September, 2002).

Despite the fact that cases of serious school violence are rare, the public's fear of such crimes has escalated. I intend to explore why the public has become fearful and how and why it has responded to this perceived crisis situation in the way that it has. It is not my intention to dispute the fact that youth crime, and more specifically school violence is a problem in Canadian society today; however, it is my goal to show how social problems can quickly escalate into moral panics based on exaggerations and misperceptions. In this way, "social problems can be said to overlap moral panics" (Goode & Ben-Yehuda, 1994: x). Moral panic theory is useful in that it allows us to see how anxiety and fear around a perceived crisis situation starts and eventually escalates to the point where change occurs. I will adopt a moral panics perspective in order to explain how and why there has been a rush in policy around issues of school violence. However, I intend to rework Stanley Cohen's original definition of a 'moral panic' so that the

theory itself is tailored to my present discussion. My reservations about using Cohen's original definition of a moral panic centers on the notion that a moral panic implies that public concern over a certain issue is unwarranted (Goode & Ben-Yehuda, 1994:42). As Alan Hunt states:

I avoid the concept itself because of its tendency to import a negative normative judgment. The term 'panic' implies that the response to some social problem is an over-reaction or exaggerated. (Hunt, 1999: 19)

In this way, the basic definition implies that the moral panics perspective resembles a sort of 'conspiracy-like' theory by which the state or the mass media operate under deliberate intent to cause harm. Like Hunt, I agree that it would be wrong to view all 'moral regulation movements' in this manner. Concerns around the issue of school violence are not unwarranted and have not been conjured up from nothing; they are not merely a product of human imagination or created by special interest groups. There have always been acts of school violence, both mild and severe; thus, this does not suggest a conspiracy.

It is no doubt that tabloid news and television fiction are important definers of popular knowledge concerning crime and that this results in a great deal of misinformation and mythologizing. It is also true that public attitudes about punishment are conditioned by more relevant information, and may sometimes be changed by educative means. But it is a mistake to infer from this that the voting public is easily led and infinitely malleable, that mass support for punitive policies can be conjured up from nothing, or that newspapers and television can create and sustain a mass audience for crime stories without certain social and psychological conditions being already in place (Garland, 2000: 353).

Public concern around the issue of school violence is justified because there is a solid foundation of facts, incidents and statistical supports which illustrate that school violence is a problem in our nation's schools. However, the example below, along with other well-known

examples such as the Salem Witch Trials and White Slavery, can be juxtaposed against Goode and Ben-Yehuda's example of the passing of the *Marijuana Tax Act* in 1937. The 1930s scare over marijuana use had media "dubbing the drug the 'killer weed,' the 'weed of madness,' a 'sex-crazing drug menace,' the 'burning weed of hell' a 'gloomy monster of destruction'" (Goode, 1993: 194, 1994: 179). The Federal Bureau of Narcotics was the 'moral entrepreneur' responsible for bringing national attention to the dangers of this drug which in fact was rarely used; thus creating the appearance of a crisis where none existed. As a result, "The campaign created a 'new class of outsiders-marijuana users'" (Becker, 1963: 145).

Goode and Ben-Yehuda's *Marijuana Tax Act* example contrasts further with Cohen's classic example of the Mods and Rockers. Cohen's example is less significant than the moral panic that has erupted over school violence. The Clacton disturbances which were caused by the Mods and Rockers resulted in a panic that had quickly subsided. School violence on the other hand, is a phenomenon that is more significant because it is a pervasive problem and a source of on-going panic. This panic is one which continues even when no acts of violence have occurred. Nevertheless, it is still more developed than the *Marijuana Tax Act* example. The panic over the Mods and the Rockers differs significantly from the *Marijuana Tax Act* example because the problem of juvenile delinquency actually existed prior to the youth riots in Clacton, UK. The only reason that it became a panic situation was because it was exaggerated and distorted by the media: "The press, especially, had created a horror story practically out of whole cloth" (Goode & Ben-Yehuda, 1994: 155). With school violence as my example of a modern day moral panic, I will argue that the problem itself is real and had remained latent until it was made out to be a crisis situation by the media and press. Arguably, the Columbine High School shooting is what instigated the widespread panic over school violence.

Recent statistics show that concern is not wholly unfounded. While the overall youth crime rate has remained relatively stable, there have been marked increases in instances of bullying, female violence, presence of youth gangs, and weapons use in schools.

Of these, the most compelling example is bullying. Canadian Psychologists Craig and Pepler have conducted numerous studies on bullying as a childhood phenomenon. The results of a 1997 study conducted by Craig and Pepler called "Observations of Bullying and Victimization in the school yard," revealed that bullying is a common occurrence in schools. Furthermore, a subsequent study done in 2000 reconfirmed these findings. Despite the validity of these findings, it is questionable that the rate of bullying has increased. Our sensitivity to bullying has become heightened and our tolerance for such acts has lowered. We have redefined bullying in a moral and criminal sense and this is reflected in statistics which show an increase.

Though bullying may be the most prominent and studied of these examples, there are a number of others that are just as important. For instance, there is evidence to suggest that there is a rise in the severity of female violence. According to the department of Correctional Service Canada report entitled, "Female Young Offenders in Canada: Recent Trends" (1997), the national female youth crime rate has remained relatively stable and in some cases there has been a slight decrease in areas such as property crimes (Dell & Boe, 1997: 1-11). However, when measured by offense category the youth court system has been witnessing a slight increase in female violent crime (Dell & Boe, 1997: 1-11). Statistics Canada confirms these findings in terms of the quality of female crime. Statistics Canada found that, "Since 1988, the rate of violent crime among female youth has more than doubled (127%), compared to an increase of 65% among male youths" (Statistics Canada, 1999).

Although, this evidence is compelling, it should be noted that there also exists a moral panic around the subject of female crime. A result of the feminist movement and the gaining of equality rights in society is the idea that women are now “gun-toting babes out for revenge” (Schissel, 1997: 44-5). Therefore, caution should be taken when viewing statistics on this matter.

In addition to perceived increases in bullying and female crime, there is evidence of an increase in gang related youth crime; especially with regards to female gang activity. For example, on November 14, 1997, Reena Virk was lured to her death when a group of teens promised to hang out with her at a party. When Virk arrived at the location, she was swarmed by a group of seven females and one male. The details of her death are gruesome and the torture leading up to her killing was callous. The gang began the attack by lighting Virk’s hair on fire, burning her with cigarettes, throwing her to the ground, and kicking her in the skull. At one point during the attack, Virk was able to stumble across a bridge where she was subsequently tracked down by one female and one male. As bystander’s watched, Reena Virk was beaten unconscious and then submerged under water until she died. Her body was later dumped into the river. At no point during the attack, did the other teenagers involved attempt to call for help. Of the teenagers that were apprehended, Kelly Ellard and Warren Glowatski were sentenced to life imprisonment for committing second degree murder⁸. The other teens involved received various lesser sentences ranging from sixty days imprisonment to one year in jail. The controversy over this tragedy surrounds the fact that a group of females instigated and carried out this gang-related killing. For example, “Witnesses later testified [at trial] that one of the accused [Kelly Ellard]

⁸ In 2000, Ellard was found guilty of second-degree murder and sentenced to life in prison with eligibility for parole after five years. In 2003, the B.C. Court of Appeal granted Ellard a new trial. As of July 2004, the jury is still in deliberations. No final decision has been made in this case as of date. As for Warren Glowatski, his appeal to the B.C. Court of Appeal was rejected on November 29, 2001 (CBC.CA News: <http://www.cbc.ca/stories/print/2004/07/09/canada/ellardefence040709>).

bragged that she had one foot on Virk's head and smoked a cigarette as Virk lay in the water" (CBC News: <http://www.cbc.ca/news/background/virk/>). The media highlighted "the horror of what girls do to other girls" and the shocking reality that females are capable of unspeakable acts of violence (in a society where violence against women has typically been attributed to men).

Gang related youth violence has exploded in many urban centers and has become a problem in schools.⁹ Canadian sociologist, Reginald Bibby, surveyed youth on the extent to which problems such as violence and suicide have been experienced by a close friend. The survey results reveal that: "Almost 40% of males and 20% of females report that they have had a close friend who has been physically attacked at school." Furthermore, "About 30% of males and 20% of females say a close friend has been a victim of gang violence" (Bibby, 2001: 82).

The Jonathan Wamback story illustrates the tragic reality of Canadian gang-related violence. In June of 1999, fifteen year-old Jonathan Wamback from Newmarket, Ontario suffered a near-fatal attack at the hands of a group of male gang members. Wamback was lured to a nearby park by a female from his school, where he was surprisingly approached by a mob of male gang members and swarmed. The gang members senselessly beat Wamback into a coma which he laid for three months on the verge of death. As a result of being kicked repeatedly in the head by gang members, Wamback suffered a fractured skull, severe arterial bleeding in the brain and permanent brain and nerve damage. Wamback's survival and recovery has been dubbed a miracle. His story has been documented in a CTV movie entitled, "Tagged: The Jonathan Wamback Story" (2001). This movie has been used as an educational tool in several

⁹ There is no consensus on the definition of what constitutes a gang. In addition, there is very little empiricle research on gangs. The studies that do exist are from special interest groups which injects bias into the overall reporting of findings. Lastly, police reports do not differentiate in their reference to acts of organized crime, thus they include both youths and adults in their definition.

schools across Canada. Wamback's story teaches us about having compassion for others, and about the dangerous nature of bullying and gang affiliation.

Controversy erupted when the teen perpetrators in the Wamback case received minimal sentencing under the *Young Offenders Act*. Of the perpetrators only three sixteen to seventeen year-old males were charged. These youth were charged with attempted murder, which was later reduced to aggravated assault. Aggravated assault in Canada carries a maximum of fourteen years imprisonment. However, the three youth charged in the Wamback case received less than one year of jail time under the YOA. Enraged over the injustice, Joe Wamback petitioned Parliament to toughen the YOA: "The Wamback petition drive, currently standing at over 900,000 signatures, inter alia calls for 'Gang member' status (organized crime) to be applied to allow for additional incarceration for gang crimes including swarming."¹⁰ In the USA, the statistics on youth gangs are equally alarming. In one study conducted by the US Department of Education in 1998 the presence of gangs in schools was examined. The results indicate that, "The most noticeable change between 1989 and 1995 was the reported presence of gangs or gang activity within schools. For those attending public schools, the proportion of students who reported that street gangs were present at school increased from 16.4 percent in 1989 to 30.6 percent in 1995" (US Department of Education, 1998 cited in Thompkins, 2000: 58). In addition, "Based on a 1995 national survey of 4,000 local law enforcement agencies, the US Department of justice estimates that there are as many as 23,000 youth gangs in America" (US Department of Education, 1998 cited in Thompkins, 2000: 60).

¹⁰ Quote taken from the Wamback petition "Letter of Concern to the Prime Minister and Minister of Justice" found at: <http://www.jonathanwamback.com/writtenletter.html>.

Furthermore, "According to the Federation of Canadian Municipalities, it is difficult to distinguish between crimes committed by youth gangs and crime in general, as uniform crime reporting (UCR) deals only with charges laid against an individual" (Solicitor General, 1994). Since school boards have been looking to deal with these increases in violence, they have looked for studies to back up their claims. Walker's 1994 study is one of the few available for reference.

In a literature review, on "Weapons use in Canadian Schools," (1994) Walker conducts a search of national and international books, journals, and newspaper articles. His study covers three major topics: the nature and extent of weapons use in the schools, the factors contributing to weapons use, and the responses to suppress weapons use (Walker, 1994: 1).¹¹ Walker cites the 1994 Ottawa Board of Education Interim Report, which highlighted "96 weapon-related incidents and 55 other incidents (primarily including serious physical confrontations) occurring in their schools in 1992-93" (Walker, 1994: 3). In the USA, the American Psychology Association conducted a report in 1993, which revealed that, "students carry an estimated 270,000 guns to school every day" (Walker, 1994: 4). Walker draws a comparison to the USA because guns are more prevalent and accessible. Walker also alludes to USA-based findings because statistics on weapons, specifically guns, are more readily available there than in Canada.

After reviewing these four points, we have witnessed transference of societal problems into the school environment. These acts (while arguably existing previously) are now being studied and trends and patterns are emerging in both rate and severity. While these acts are not acceptable in society, they are certainly not acceptable in our schools and tolerance for such behavior has lowered.

¹¹ Initially Walker lists the limitations of his study being that there is little to no research and statistics available from Canada which quantifies weapons use in Canadian schools. In addition, a lot of school violence goes unreported in schools which can skew data and give a false indication of school safety.

These statistics are compelling and need to be dealt with; however, there exists a gap between public perception of school violence and actual violence levels. As Reginald Bibby states in his book on teens: "Having sounded the alarm about youth violence, I would also rush to argue that there is need for concern, but there is no need for hysteria" (Bibby, 2001: 314).

In his survey of Canadian teens, Bibby found that violence was one of the top five areas of concern. In one question, he surveyed teen perception of seriousness of violence, crime, and suicide. The results indicate that fifty percent of teens nationally view violence in schools as a very serious problem. This shows that the perception of violence growing in the public is not limited to the voting public, but is apparent to youth as well. The fact that Bibby surveys youth is important because primarily they are the group of people who are actually experiencing and/or witnessing acts of school violence.

Public concern over violence stems from largely isolated instances of extreme violence occurring in Canada and the USA i.e. Columbine High School shooting. When surveyed about safety at school and home, "nineteen in twenty teens say they feel safe at home, sixteen in twenty feel safe at school" (Bibby, 2001: 88). This translates to ninety-three percent of teens indicating their feeling of safety at home and seventy-eight percent indicating their feeling of safety at school (Bibby, 2001: 88). When public perception of school violence is contrasted with actual probability, statistics reveal that schools are one of the safest places that kids can be. However, despite all this, statistical probability does not affect the way people think. In public opinion, one school shooting is too many.

The tragic event of a school shooting such as the one that occurred at Columbine High School has sparked other copy-cat shootings; for instance those occurring in Santana, and Granite Hills high schools in San Diego in 2001. The fear that the public has shown in the

aftermath of Columbine, is what Bibby refers to as the "Columbine Syndrome" or "The Age of Columbine." Bibby states that while this fear may be exaggerated, it is far from being unwarranted,

You and I can look at the finding that some eighty percent of males and females feel safe at school and naively conclude that all is well. But hold on a moment; since when do we look at ten kids in a class and say everything's fine simply because only two out of the ten are feeling anxious for their safety on the school site-especially if one of those two kids is ours? (Bibby, 2001: 314)

In Gabor's 1995 study he conducted a focus group with police, educators and youth on the subject of school violence. When police were asked the question, "What problems does school violence include?" they "...commented on the changing nature and intensity of school violence. Bullying and intimidation seem more commonplace than in the past. Swarming and racial/ethnic conflicts are increasingly prevalent in some communities. Some thought that more young women are involved in violent activities than before" (Gabor, 1995: 3). This echoes what was said earlier about the apparent rise of instances of violence, however it should be noted that this is a part of public perception. Police Services found that: "About eighty percent of respondents nationwide felt that there was more violence in the schools now than ten years ago". (Gabor, 1995: 11) The six most frequent acts of violence that were cited by police were:

1. Verbal abuse/threats
2. Bullying/intimidation
3. Disorderly behavior
4. Property damage/vandalism
5. Assaults on students
6. Stealing or other illegal acts. (Gabor, 1995: 12)

The public at large has indicated that it only takes one school shooting for them to react with panic and hysteria. Public perception around school safety reflects the exaggeration and

distortion of figures and facts. A moral panic exists, despite the fact that there is a low actual statistical probability that a school shooting will take place in a given school.

REDEFINING MORAL PANIC:

Jock Young coined the term 'moral panic' in his research on drug use. The term first appeared in an essay entitled: "The Role of the Police as Amplifiers of Deviance, Negotiators of Drug Control as Seen in Notting Hill" in a book edited by Stan Cohen (1971) (Burns & Crawford, 1999: 148). Fellow scholar Stanley Cohen adopted the term and applied it further to extend to the media and social constructions of deviance in his famous book: Folk Devils and Moral Panics: The Creation of the Mods and Rockers (1972). Cohen's examination of the Mods and Rockers phenomenon has important implications for future/current studies of deviance and social control. Cohen uses the example of the Mods and Rockers in order to frame his discussion of moral panics. The Mods and Rockers were associated with violence and this was in part due to the disturbances which took place at English Seaside resorts in the small town of Clacton, England. It was these violent events instigated by youth that fueled public anxiety which in turn escalated into an all out 'moral panic' around youth:

The place Clacton, a small seaside resort community on England's eastern coast, is endowed with an extremely limited range of facilities and amusements for young people. The time, Easter Sunday, 1964. The weather, cold and wet. Hundreds of adolescents and young adults are milling around on the streets and sidewalks, bored and irritated, seeking fun and adventure. A rumor – perhaps true, perhaps false – begins circulating that a bartender refused to serve several young people. A scuffle breaks out on the pavement; factions begin separating out. Youths on motorcycles and scooters roar up and down the street. A starter's pistol is fired in the air. The windows of a dance hall are smashed; some beach huts are destroyed. The damage was perhaps \$500 in value, several times that in today's currency. The police, unaccustomed to such rowdiness, overreact by arresting nearly 100 young people on charges ranging from 'abusive behavior' to assaulting a police

officer. (Cohen, 1972, pp. 29Ff cited in Goode & Ben-Yehuda 1994, Chapter 2)

Out of this panic emerged new laws i.e. the '*Malicious Damage Bill*', stricter social control measures and the Mods and Rockers became labeled as 'folk-devils'. In his research, Cohen set out to examine three different levels of response to the phenomenon: on-the-spot reaction (participant observation), systems of social control, and the mass media (Cohen, 1972:29). Although Cohen considered the reaction of the following key players: the press, the public, agents of social control, lawmakers/politicians, and action groups, he is particularly interested in looking at how the mass media reported the event. According to Cohen's the mass media essentially started the whole moral panic around the Mods and the Rockers¹². Cohen uses a 'disaster analogy' in order to describe the stages involved in a moral panic.

Cohen was the first social scientist accredited for coining the term 'folk-devil.' He states that: "...all moral panics, by their very nature, identify, denounce, and attempt to root out folk devils" (Cohen, 1972:62). Once the 'folk-devil' becomes identified and acted upon by members of society, the 'folk-devil' serves as a scapegoat for the ills of society (Schissel, 1997:8). Cohen cites Lemert in his work and he especially focuses on Lemert's use of the terms: 'societal control culture' and 'exploitative culture.' The term 'societal control culture' refers to the formal and legal methods of response to deviant activities by lawmakers and law enforcement officers. (aka. Control agents) (Cohen, 1972:85). Cohen explains how moral panics serve as instigators of social action through a process called: 'Community Sensitization.' 'Community Sensitization' occurs when: "...a class of behavior and category of deviants are identified- then extremely small deviations from the norm become noticed, commented on, judged, and reacted to" (Goode and Ben-Yehuda, 1994:24). Furthermore, "Sensitization is the process whereby harm, wrongness, or

¹² Although Cohen believed that the media was the sole moral entrepreneur in creating and sustaining moral panic. I differ in that I view the media as more of an amplifier.

deviance is attributed to the behaviour, condition, or phenomenon that is routinely ignored when the same consequences are caused by or attributed to more conventional conditions" (Goode & Ben-Yehuda, 1994: 156).

Cohen's frequently cited definition of a moral panic is:

A condition, episode, person or group of persons emerges to become defined as a threat to societal values and interests; its (the panic) nature is presented in a stylized and stereotypical fashion by the mass media; the moral barricades are manned by editors, bishops, politicians, and other right-thinking people...Sometimes the subject of the panic is quite novel and at other times it is something which has been in existence long enough, but suddenly appears is the limelight. Sometimes the panic passes over and is forgotten...at other times it has more serious and long lasting repercussions and might produce such changes as those in legal and social policy or even in the way society conceives itself. (Cohen, 1972: 9)

However, I have reservations in citing Cohen's definition of a moral panic because I feel that along with being frequently cited, it is redundant and needs reworking and modernization.

In contrast to Cohen's theory that moral panics are typically short-lived, I believe the contemporary moral panic around school violence will not be a short-lived phenomenon. This problem will plague us for generations to come because the nature of school violence mirrors the society in which we live. Until society improves and becomes less violent, issues surrounding youth violence will continue to invade our children's lives and enter our children's schools.

In an effort to resurrect Cohen's classic example and apply it to contemporary society, authors Goode and Ben-Yehuda have modernized and expanded on Cohen's original work. Goode and Ben-Yehuda list five key indicators of a moral panic including: "concern, hostility, consensus, disproportionality, and volatility" (Goode & Ben-Yehuda, 1994: 33-34). There are four indicators of disproportionality: "figures exaggerated, figures fabricated, other harmful conditions, and changes over time" (Goode & Ben-Yehuda, 1994: 43-44).

There are three distinguishing characteristics of a moral panic:

1. "Magnifying of behavior of a targeted group of folk devils;
2. A gap existing between the concern over a condition and the objective threat that it poses;
3. Rise and fall in the level of concern: 'The threat is discovered, then concern reaches a peak, and subsequently subsides but perhaps re-emerges once again'." (Shelden et al., 2003: 8)

The term 'moral panic' itself is relatively new; however, there exists a history of moral panics dating back to the moral crusades against alcohol under prohibition, anti-pornography and the censorship crusades, and the 1980's drug panic (Burns & Crawford, 1999). Modern day moral panics exist around topics like AIDS, homosexuality, violent computer/video games, and juvenile violence. Authors Goode and Ben-Yehuda discuss the differences between a moral panic and a moral crusade. They describe three moral crusades: the prohibition movement of the 1900s to 1920s, the crusade for anti-marijuana legislation in the 1930's, and the sexual psychopath laws of the 1930s to 1950s. They explain that although a moral panic is not the same as a moral crusade; the two concepts overlap (Goode & Ben-Yehuda, 1994: 20). The main differences between the two terms are that one is motivated by moral interests and the other by rational, protectionist interests, the first being a moral crusade and the latter being a moral panic. In addition, in order to facilitate a moral crusade a crusader or 'moral entrepreneur' is needed to function as an advocate for the cause. In contrast, a moral panic may be initiated anywhere by a variety of sources (Goode & Ben-Yehuda, 1994). Lastly, a moral panic implies that there is widespread concern over an issue; whereas, a crusade does not. I agree with Goode and Ben-Yehuda that the two concepts overlap. However, I strongly believe that moral entrepreneurs play a necessary role in a moral panic in order to amplify the problem. Key players in the moral panic around school violence include: politicians, and educational organizations. I believe that once the media becomes involved, they are the most responsible for amplifying the problem.

"COMMUNITY SENSITIZATION" AND BULLYING:

In addressing aspects of school violence that have warranted public attention, the case of schoolyard bullying is particularly interesting. The recent concern over schoolyard bullying begs the question: "Why is there concern now, where there was none previously?"

Bullying was often ignored in the past and the behaviour that is characteristic of it was typically passed off as being child's play or "kids will be kids."

Bullying may seem like the lesser of evils when considering acts of school violence; However, I will explain how the nature of the violent act and the misconceptions surrounding appropriate responses to the act have perpetuated and escalated the problem.

In November 2000, after being taunted and harassed over the phone by fellow female classmates, Dawn-Marie Wesley hung herself. Dawn-Marie's suicide note said that she had been threatened by bullies and she believed that her life was in danger and suicide was her only option. The two girls involved in the harassment of Dawn-Marie were charged with the criminal offence of uttering threats and another was charged with criminal harassment. British Columbia Provincial Court Judge Jill Rounthwaite took a stand with her final decision, placing blame on the perpetrators involved and holding them criminally responsible. Judge Rounthwaite pressed further by stating that bystanders added "to the power of the bully" by letting the harassment go on without intervening (CBC News, 2003: 1-3). The ruling in the Dawn-Marie Wesley case marks a precedent in Canadian history.

According to researchers Craig & Pepler, "Bullying is a form of social interaction in which a more dominant individual (the bully) exhibits aggressive behavior intended to cause distress to a less dominant individual (the victim)." There are four forms of bullying: verbal (name calling, threatening, teasing, taunting), physical (hitting, taking or damaging possessions,

making someone do things he or she does not want to do, pushing and shoving), emotional (spreading rumors, ignoring or excluding others, making someone uncomfortable or scared) and electronic (harassment over email, msn messenger, chat rooms, cell phones). Researchers distinguish between two types of bullying. The two forms include direct bullying (open or targeted attacks) and indirect bullying (social isolation & exclusion from one's peer group). According to Craig and Pepler (2000) there are a certain number of demographics that are characteristic of bullying behaviour. For example, the highest proportion of children that admit to bullying are in grades five through six (ages eleven to twelve years old).

Craig and Pepler conducted a landmark study on schoolyard bullying in 1997. The purpose of their study was to describe bullying on the playground. Craig and Pepler observed forty-one aggressive children and forty-one socially competent children from two elementary schools. They conducted what is called 'naturalistic observations' of children's aggression, using audio-visual technology to videotape and record children's interactions during recess and lunch times. The results indicate that after forty-eight hours of playground observations and recorded dialogue, 314 bullying episodes occurred (Fifty percent of which involved verbal aggression, twenty-nine percent involved physical aggression, and four percent involved students using an object as a means of intimidation). Other major findings include:

- “Bullying occurred regularly on the playground, approximately once every seven minutes and were of short duration thirty-eight seconds,
- The majority of bullying episodes (Sixty-eight percent) occurred within 120 feet of the school building,
- Adults intervened in only four percent of bullying incidents and peers intervened in eleven percent
- Peers were involved (as bystanders) in eighty-five percent of all episodes
- Boys bullied more than girls and were more likely to bully victims of the same sex and repeatedly target the same victim.” (Craig & Pepler, 1997: 53-58)

Craig and Pepler's study contributes to our understanding of bullying in part because it dispels the myth that adults have that bullying rarely occurs where students are supervised. In other words, bullying happens under the radar of adults. What their study reveals is that bullying is a common occurrence in schools and that the majority of the episodes (eighty percent) constitute direct bullying (Craig & Pepler, 1997: 48).

Another leading researcher who specializes in the area of bullying and childhood aggression is Dan Olweus from Norway. Olweus was one of the first leading psychologists to develop an anti-bullying prevention program for implementation in the school system. His model has had much success and is currently being used in various countries around the world.

Dan Olweus has examined the relationship between childhood bullying and adult criminal behaviour. He reports that approximately sixty percent of boys identified as bullies in grades six through nine had at least one conviction at the age of twenty-four and thirty-five to forty had three or more convictions. From the statistics cited above it is clear that children 'do not just grow out of it.' Craig and Pepler refer to this relationship between childhood bullying and adult criminal behaviour as the "violence continuum." They explain that violence operates on a continuum and that children may transfer aggressive behaviour to skills developed later on in life. Such behaviours may manifest themselves in such things as sexual harassment, date violence, gang attacks, marital abuse, child abuse, and elder abuse. The only way to break this cycle of violence is through early intervention. Craig and Pepler suggest that educators should intervene in a way that recognizes the 'bully' and seeks out preventative options for him/her such as counseling and/or anger management. Targeting children at risk of bullying and victimization is smart because it functions as a risk management strategy for the prevention of future violence.

Lemert's notion of 'deviance exploitation' refers to the stigma associated with being labeled a deviant. As a result of being stigmatized, deviants are shunned or made to feel as outsiders as a punishment for their immoral actions (Cohen, 1972:139-40). Cohen explains that during the course of a moral panic, deviance comes to resemble a disease. This disease, if not contained and controlled, will spread throughout the nation and will affect other innocent people (Cohen 1972: 62). Amplification of a particular social problem requires the involvement of active agents or moral entrepreneurs. There exists a gradual buildup of tension around an issue which escalates into a full blown panic. Thus these identified moral entrepreneurs act as a vehicle for action. Moral entrepreneurs are responsible for what author Joel Best terms 'claims-making.' "Mundanelly, claims-making consists of demanding services, filling out forms, lodging complaints, filing law suits" and other activities that involve the defining of social problems (Spector & Kitsuse, 1977: 78-9). Best explains that moral panics spread through a process called diffusion. According to Best, diffusion involves four elements:

1. "A person, group, or organization that is the emitter;
2. A person, group or organization that is the adopter;
3. The item that is diffused, such as material goods, information, skills;
4. A channel of diffusion that may consist of persons or media that link the transmitter and the adopter." (Best, 2001: 20)

Goode and Ben-Yehuda further this discussion of the key players that are involved in creating and sustaining a moral panic (aka. 'moral entrepreneurs' first coined by Howard Becker). In addition, they offer three different approaches for understanding moral panics: the 'Grassroots model', the 'Elite-engineered model', and the 'Interest-group theory'. These three models can overlap one another, thus they do not have to be applied to any one phenomenon in an exclusive way.

I will consider each model separately, starting with the 'Grassroots model'. This is a classic 'bottom-up' approach to studying moral panics. The fear or concern which drives a moral panic in this case is seen to originate from the public at large. The public's concern exists independent of other forces which may take effect during the course of a moral panic: "In the moral panic, the public's fear may be mistaken or exaggerated, but they are real, they do not have to be 'engineered' or 'orchestrated' by powerful agencies, institutions, bodies, or classes such as the media, the legislature, or the power structure" (Goode & Ben-Yehuda, 1994: 129). Therefore, no other forces are seen to be responsible for causing the public to be alarmed. The public's concern has already been established; the moral panic ignites these concerns and creates a chain-like reaction of response by other 'moral entrepreneurs.' Goode and Ben-Yehuda cite the 1986 and 1988 USA anti-drug legislation movement as an example of a grassroots phenomenon. This instance fits the profile of a grassroots phenomenon because it began with public anxiety, pinpointed a scapegoat responsible and ended in the creation of new legislation by lawmakers as a means to reassure the public (Goode & Ben-Yehuda, 1994:129).

After reviewing the grassroots model, I have reservations with Goode and Ben-Yehuda's usage of the all encompassing term 'the public.' This term creates an abstract category of people which does not take into account individual interests.

Second, the 'Elite-engineered model' is a classic 'top-down approach' through which members of the corporate elite or powerful sectors of society utilize their power to create and maintain a moral panic (Goode & Ben-Yehuda, 1994:135-8). These individuals are motivated to expose the culprit or 'folk-devil' in order, to "divert attention away from real, actual problems" (Goode & Ben-Yehuda, 1994:135). By seeking out and labeling the 'folk-devil' this action allows members of the elite to segregate themselves from the rest of society. This 'us' and 'them'

mentality serves to protect the status of the dominant and powerful class while denouncing the other (Goode & Ben-Yehuda, 1994:135). Goode and Ben-Yehuda cite the condemnation of homosexuals in Boise, Idaho during the years 1955-1956 as a prime example of a moral panic which was set in motion by members of upper-class conservatives.

The most famous example which illustrates the 'Elite-engineered model' however is Stuart Hall's research on mugging in the early 1970s in Great Britain. Despite the fact that street crime was not on the rise, lawmakers proceeded to over-react to small occurrences of crime. This served as a political mechanism to detract attention away from the real issue that was facing society at the time, an economic recession. The reaction by the public and lawmakers was grossly out of proportion to the actual threat itself. Although crime can be said to cut across class lines, Hall's case of mugging is a particularly interesting one. Mugging is a crime that is typically associated with members of the underclass. The corporate elite were able to segregate themselves from the poor, who were marginalized, and marginalize them further. The message that the elite's were sending out to the public is one that had moral implications. That is, the message not only conveys the idea that crime is wrong, but it also passes judgment on those who typically commit these types of crime (the poor). The media and the elite work together to create and sustain a moral panic. Hall writes that "the media come, in fact...to reproduce the definitions of the powerful" they "faithfully and impartially...reproduce symbolically the existing structure of power in society's institutional order" (Hall cited in Goode & Ben-Yehuda, 1994: 137). In an article entitled: "Law, Class and State Power," (1976) Alan Hunt discusses the workings of modern day capitalist society. Class and power are intrinsically linked in that elitist power dominates over non-elitist populations. Power is in the hands of the few, and through the concept of 'hegemony' non-elitist populations are coerced into consenting to dominant ideology.

Therefore, a conspiracy has not been conjured up; rather the elite orchestrate hegemony and convince society to buy into the dominant ideology. Howard Becker refers to this distribution of power as the 'hierarchy of credibility' meaning that the primary definers of reality are the rich and powerful (Becker cited in Goode & Ben-Yehuda, 1994: 137).

Lastly, the 'Interest-Group theory' is distinct from the other two models because it argues that the power (which orchestrates a moral panic) emanates from the middle. At the middle level of society there are a group of people who have a vested interest in furthering a specific cause in order to meet a certain end or political agenda. Various examples of interest groups include: police departments, the media, educational organizations, etc. Interest-group motivation can be seen in strictly selfish terms, or as the result of a genuine group belief in a certain issue. The central question stemming from this approach is "cui bono?" meaning who benefits or who profits? (Goode & Ben-Yehuda, 1994). Goode and Ben-Yehuda cite the moral panic around Chicago youth gangs as an example. The moral panic around this particular youth gang was created by the Phoenix, Arizona police force, "so that they could establish federal funding for a specialized unit" (Goode & Ben-Yehuda, 1994:139).

The 'Interest-Group theory' best describes the role that various educational organizations play in creating and sustaining a moral panic. In the context of education in Ontario, the most influential organizations would be the Ontario Ministry of Education and the Ontario Teacher's Federation. Both of these organizations have an independent stake in bringing certain issues forward. Teacher unions across Canada frequently poll their members concerning issues relating to education. For example, the results of a survey conducted by the Ontario Teachers Federation indicate that school violence is an increasing concern for teachers.

In 1991, the Ontario Teachers Federation surveyed 881 schools about school violence.

The following results were revealed:

- "There was a documented 150% increase in physical aggression i.e.) biting, kicking, punching, and the use of weapons.
- There was a fifty percent increase in minor incidents (i.e. verbal abuse) over the span of the years between 1987-1990.
- The majority of all violent episodes took place between students; however some school staff were affected as well." (Day, 1995: 15)

In addition, the Ontario Teachers' Association (1992) surveyed 1,777 elementary and 173 secondary schools on the prevalence of school violence. The results of the survey indicate that the overall rate of reporting violent incidents occurring on school property has increased. The results are broken down as follows: between 1990-1 and 1991-2, the overall number of verbal assaults increased 6.1% and 20.5% in elementary and secondary schools. Physical assaults increased 3.2% and 2.4% in elementary and secondary schools (Elgie & Pledger, 1992).

As Goode and Ben-Yehuda state: "Public opinion polls reflect dominant fears and concerns...in part because activists who feel strongly about the nature of that threat are working to bring it to widespread attention and are activating a variety of avenues to do so" (Goode & Ben-Yehuda, 1994: 142).

Many school officials, teachers, as well as the public at large feel that the rate of school violence is escalating. These views are supported in public opinion polls which reveal that the public believes youth crime is escalating. For example, in a publication by the Solicitor-General entitled: "School Violence and the Zero-Tolerance Alternative" (1995), a survey of police, school officials, the general public, and the print media was conducted. The survey revealed that all participants believed that school violence was more serious than it was ten years ago (Gabor, 1995: 3). Informal surveys of this nature are problematic for several reasons. First, they gauge public perceptions of risk and not actual factual reporting. Second, the findings are biased

because they are not based on statistical data derived from official school records (containing rates of expulsions etc...); rather they are based on estimations and personal value judgments. However, one may probe further to question the actual accuracy of expulsion rates in and of themselves, since these sanctions are reactions to increased anxieties surrounding school violence generally.

The Ontario Ministry of Education responded to public concerns, government promises and party platform by creating policy around the social problem of school violence. Safe schools policy in Ontario began with the *Violence-Free Schools Policy*, a document developed by the Ontario Ministry of Education in 1994. It was a piece of non-legislation used by school boards in an effort to combat school violence and related issues. It marked the NDP government's first efforts at implementing a safe schools policy. The policy dictates that all school boards must develop a violence-prevention policy by September 1995. The purpose and goals of the policy can be summarized as clearly dictating what shall be considered acceptable and unacceptable behavior and educating school officials on how to prevent and intervene in instances of school violence. There is a large focus on building partnerships including parental involvement as well as the involvement of students. Outlined, are eight integral components that school board violence-prevention policies are required to include. They are as follows:

The School Environment, Violence Prevention in the Curriculum, Early and Ongoing identification for Prevention, Code of Behavior, Procedures for Dealing with Violent Incidents, Dealing with the Aftermath of an Incident, Staff Development, and Home, School and Community Involvement. (*Violence-Free Schools Policy, 1994*)

This policy recognizes the school as a pivotal site for educating and socializing youth on important issues such as violence-prevention. Studies show that early prevention is most effective thus violence-prevention can and should be incorporated into the school curriculum

from as early as Junior Kindergarten to the end of Secondary school. In addition, the policy recognizes that the root causes of violence must be addressed in order to ameliorate the problem. This should be done in a non-invasive way that takes into account the negative aspects of labeling and the danger of creating secondary deviance.

In 2000, the Ontario conservative government under Mike Harris responded to the social problem of school violence with expediency and vigor. Education Minister Janet Ecker, reinforced with the government promise to keep schools safe, by taking active steps to implement a safe school policy. The *Safe Schools Act 2000* was in part of the final stages in an on-going process to make schools safe. The Ministry of Education recognized the need to fulfill public and school administrator's demands for safe schools and improved learning and working environments. As Ecker stated: "Teachers can't teach and students can't learn if they are in fear for their safety" (Ontario Ministry of Education: News Release, May 18 2000). Ecker explained further by stating that, "We have listened to Ontarians and we are taking action to ensure that respect and responsibility are fundamental to our education system. Students will know what is not acceptable and what will happen if they cross the line" (Ontario Ministry of Education: News Release, April 26 2000). Students were given a clear set of guidelines that dictate appropriate behavior and as a result they will be able to determine the outcome of their actions one hundred percent.

THE MEDIA:

Like Cohen, I believe that the media is the largest player in sustaining the moral panic around the topic of youth crime. However, the moral panic did not begin with the media, but was first identified and created by interest groups that had a stake in the state of youth. Out of all

the key players involved in creating and sustaining a moral panic around school violence, I believe that the media is the most influential force.

The media's influence becomes apparent in the way that society relies on news and television accounts as their main source for information. Society believes what the media portrays about crime and as a result it becomes fearful and anxious. The television industry, as well as the press, is in competition for consumers, so they often air or print sensationalized reports that appeal to the consumer. For example, MacLean's magazine articles entitled: "Kids Who Kill" (1994) and Time magazine's article: "Our Violent Kids" (1989) send society a clear message that they should be alarmed about the state of today's youth. Society then forms the impression that children are inherently evil and that any normal child, including their own has the potential to transform into a killer (Schissel, 1997: 52). I recognize that the mass media is not the only player involved in the creation of moral panics. In fact, I will use the 'elite-engineered' approach to looking at moral panics in order to argue that the media is influenced by messages that they receive from higher sources i.e.) the police. It would be far too simplistic of me, not to mention I would be giving the media far more credit than they deserve, if I were to imply that the media are capable of concocting bias stories by themselves. The media does not 'create' the news so much as 'reproduce and sustain' the dominant interpretations of it, and can thus be said to function, consciously or not, as an instrument of state control (Hall et al, cited in Arnold Hunt, 1997: 634). This idea is further reinforced by Cohen who states that moral panics 'do not exist within a social vacuum,' there are many players involved in the creation of a moral panic (Goode and Ben-Yehuda, 1994: 24-25).

I argue that the media's fascination with these cases of rare violence goes well beyond their duty to inform the public at large. The media are operating with deliberate intentions when

they consciously choose to report on rare cases of violence and present them as the norm. The media does so in order to serve the interests of those in positions of power (Schissel 1997:16). By focusing on members of society who have little to no power such as youth, law makers and politicians can meet their crime control agenda's i.e. 'Zero tolerance' policies (Schissel, 1997:16-17).

One cannot address the subject of the media without talking about the relationship between power and knowledge. In order to conduct a closer examination of this idea of power, I have made reference to post-modern theorist Michel Foucault. In The History of Sexuality, Volume One (1978) Foucault discusses what he calls the power/knowledge dichotomy. Foucault sees power and knowledge as being intrinsically linked. When Foucault refers to 'power' he is not speaking about hierarchical, sovereign or class power. Instead, Foucault is referring to power which is held within the social body on the micro-level (families and group relations). He speaks of power as being diffused; this power can be used to change institutions and the belief structure.

Power is employed and exercised through a net-like organization. And not only do individuals circulate between its threads; they are always in the position of simultaneously undergoing and exercising this power (Foucault, 1978: 98).

Foucault looks at who has the power in society, and how those who do can use their power to force their interests upon others. Power leads to obtaining certain 'truths' regarding marginalized groups through the process of categorization by the expert. In his discussion of marginalized groups, Foucault uses the example of sexual deviants. However, for the purposes of my discussion we can extend this notion further to refer to youth and more specifically youths who are in conflict with the law. Those in positions of authority can take power away from those

who do not fit within the value and norm structures of society. Foucault states that knowledge stems from power and is produced and perpetuated through discourses.

Foucault defines discourse as a term used to refer to the study of language and its meaning. In turn, one can argue that it follows that power is then reinforced through media discourse. For example, the owners of large print media organizations like Conrad Black dictate the majority of the content. This is a problem because most owners are white, rich, powerful, and politically-driven; thus they do not represent the majority (Schissel, 1997:17). As a result, much weight is directed at serving the interests of the middle-upper class which leaves those who belong to the less powerful margins of society as targets.

Cohen explains that the media is capable of perpetuating hysteria through three different means: exaggeration and distortion, prediction, and symbolization (aka. sensationalized language) (Cohen, 1972:35). Therefore, we can conclude that the truth about a certain subject or group of people may be biased and untrue. Foucault talks about the 'Will to Truth', with the purpose of examining how certain social truths have become constructed. He states that the knowledge / opinion of the expert are used to construct truths and control people. Reliance on the expert can be dangerous in that all truths are partial. The expert has the power to define, prescribe and group people into categories. The notion of the expert(s) is illustrated in the following quote by Foucault:

We are in the society of the teacher-judge, the doctor-judge, the educator-judge, the social-worker-judge; it is on them that the universal reign of the normative is based. This carceral network has been the greatest support, in modern society, of the normalizing of power. (Foucault, 1979:304)

Foucault lists the following four figures which have been historically placed into categories: "the hysterical woman, the masturbating child, Malthusian couple, and the perverse adult" (Foucault,

1978: 11). In my opinion, Foucault's notion of the role of the expert can be correlated with the role that the media plays in labeling youth as social deviants.

In retrospect, let us now take a closer look at the media's role in the creation of the panic around Cohen's Mods and Rockers. Cohen observed that the morning after the Easter 1964 event, every national newspaper (except for one) had reported on the subject. Cohen uses three headings to characterize the way in which the media reported the events: exaggeration and distortion, prediction, and symbolization (Cohen, 1972:30-2). Through the use of exaggerated figures, and morally-laden language, fear was instilled in the reader. Through such tactics, the media is able to draw the reader into the events of the story, so that the reader can vicariously experience the events themselves. Even when the media found that they had no new stories to report on, they would take a minor act of vandalism for example and would label the act to be the evil workings of the Mods and the Rockers (Cohen, 1972: 32). Similarly, the media gives words and places symbolic meaning. For example, the appearance of a Mod or Roker, the actual term 'Mod' or 'Rocker' had specific negative connotations attached to it. The Mod or Roker thus became symbolically known as a 'folk-devil,' or deviant.

Despite the fact that the events surrounding the Mods and Rockers occurred more than a decade ago, the concept of how these youths came to be labeled and stigmatized remains applicable today. I am in agreement with Stanley Cohen who states that moral panics are timeless occurrences.

CHAPTER 3: THE COLUMBINE HIGH SCHOOL SHOOTING

BACKGROUND

Although Cohen's research on the phenomenon of the Mods and the Rockers occurred more than three decades ago, the themes and concepts stemming from this example of a moral panic remain relevant. Despite the fact that my research deals with school violence generally, the subject of school shootings sufficiently compliments Cohen's earlier example of the Mods and the Rockers. High profile cases of school shootings like that occurring at Columbine in Littleton, Colorado in 1999 have resulted in a moral panic. Instances such as Columbine have resulted in the creation of legislation aimed at controlling and punishing youth. In my description of the moral panic that ensued at Columbine, I will identify who the 'folk-devils' were and attempt to explain why they were constructed as such. The link between zero tolerance policies and the Columbine High School shooting will be explored in the following chapter. Examples of school shootings that predate the Columbine shooting include those at Pearl, Mississippi (1997), West Paducah, Kentucky (1997), and Jonesboro, Arkansas (1998). If other school shootings have occurred in the past, what then makes the tragic events at Columbine so unique and unprecedented?

The tragic events at Columbine high school serve as the one reference point in American history. As President Clinton said, "What happened in Littleton pierced the soul of America" (Clinton cited in Brooks & Merritt, 2002: 213). The public's fascination with Columbine, its victims, and the perpetrators has more to do with the rupturing of the public's beliefs and assumptions than with the large number of casualties. The shooting forever altered the public's beliefs. Columbine played on the public's fears, perceptions and values of education, the safety of the nation's schools, and the innocence of today's youth: "Columbine shook the nation's

complacency and confidence, proving all too clearly that violence is not just an 'inner-city' issue or a 'racial issue' and that no school or community is immune from violent outbursts" (Susswein cited in Rohr, 2002). It sent shockwaves through the education community: "While Columbine High School was not the school first in recent years to be shaken by violence, the events in Littleton, Colorado were a 'Pearl Harbor' experience for many in the educational community" (Rohr, 2002: 1-2).

The Columbine High School shooting was one of the worst cases of school violence in recorded history. The tragedy that occurred in Littleton, Colorado on April 20, 1999, drew global attention to issues of school violence. On a normal school day, Dylan Klebold and Eric Harris stormed their school with semi-automatic weapons, several rounds of ammunition, and explosives in what would become the largest school massacre in American history (see Appendix A). Before taking their own lives Klebold and Harris left twelve students and one teacher dead as well as twenty-four others wounded (Owens 2001: 6 of Executive Summary Address). In setting out to tell the Columbine story, I aim to explain how and why Harris and Klebold serve as scapegoats for a number of social ills. The details behind the tragedy are important to my thesis because they help to explain the complex nature of the tragedy and the reasoning behind Harris and Klebold's gruesome act.

According to the Jefferson Police Department, the bloody massacre was premeditated and planned. Investigation into the lives of Klebold and Harris reveal that the two young men were bullies and had been victims of bullying in the past (Owens 2001: 35). Author Barbara Coloroso calls this "bullied bullies" (Coloroso, 2003). These boys were not only the perpetrators of unspeakable acts of violence, but they were also victims of violence themselves. The fact that both young men were from middle class families and had pleasant upbringings broke public

stereotypes about the nature of troubled/ deviant youth. These were kids who engaged in the same childhood activities as others, who participated in school functions such as prom, and who had socialized with other people's children.

However, there were tell-tale signs that indicated the two young men were disturbed. Both boys had been involved in breaking the law and in successfully partaking in a one year juvenile diversion program. The fact that the boys successfully completed the reintegration program, and had glowing reports of recommendation from their intake workers, also ruptured the public's faith in the criminal justice system and in the notion of offender rehabilitation. Harris himself was a talented manipulator who played the criminal justice system to its full potential. In a school essay he wrote on November 18, 1998, he describes the incident to his teacher:

After a very unique experience in a real live police station being a real live criminal, I had lots of time to think about what I did...As I waited, I cried, I hurt, and I felt like hell...My parents lost all respect and trust in me and I am still slowly regaining it. That experience showed me that no matter what crime you think of committing, you will get caught, that you must, absolutely must, think things through before you act, and that just because you can do something doesn't mean you should. To this day I still do not have a hard realistic reason why we broke into that car, but since we did, we have been set on a track that makes it mandatory for me to be a literal angel until March of '99. (Eric Harris 1998, cited in Brooks & Merritt, 2002: 92)

In the same breath, Harris shows how he circumvented the system in the following dialogue derived from his personal web-site:

Isn't America supposed to be the land of the free? How come if I'm free, I can't deprive a stupid f***ing dumbshit from his possessions if he leaves them sitting in the front seat of his f***ing van out in plain sight and in the middle of f***ing nowhere on a Fri-f***ing night? NATURAL SELECTION. F***er should be shot. (Eric Harris 1998, cited in Brooks & Merritt, 2002: 92)

The comparison between the two examples is obvious.

The fact that the risk could have been averted, and that steps could have and should have been taken is another aspect of the real tragedy. In the aftermath, many parents and educators harbored guilt and felt somewhat responsible for failing to recognize certain clues that foreshadowed the event. For example, months before the killings took place Klebold and Harris had made a home video for a school project which mirrored the exact incidents that occurred on April 20, 1999 (Owens 2001:44). In addition, months before the tragedy occurred, Columbine student Brooks Brown had been threatened by the two boys. Evidence of harassment was publicly displayed on Harris' personal website. His website on AOL revealed his future plan of targeted attack:

I'm coming for EVERYONE soon and I WILL be armed to the f***ing teeth and I WILL shoot to kill...God, I can't wait till I can kill you people. Feel no remorse, no sense of shame, I don't care if I live or die in the shoot-out. All I want to do is kill and injure as many of you...as I can especially a few people. Like Brooks Brown. (Owens 2001: 91-2)

In a book written by Brooks Brown a Columbine student and former friend of Klebold and Harris, Brown provides a first hand account of the events leading up to the tragedy. The book was part of a healing process for Brown who was saddened and frustrated that authorities and school officials were unable to put the pieces together in time. As a result, of their inaction, Brown was himself the victim of FBI scrutiny and speculation by the public. In his account of the events, Brown describes how he and his family had placed several police reports with the Jefferson Police Department months before the shootings indicating the death threats that Harris had made against Brooks Brown and for acts of vandalism occurring to their private property as well as the property of others in their neighborhood. All attempts to inform police of Harris's behavior fell on deaf ears. The police did not take the behavior seriously and wrote it off as

'child's play,' asking at the very most that Harris apologize to the Brown's. Brooks Brown explains,

The plan was in place, and no one knew. Not me, not my parents, not the school. The police could have stopped it, had they acted on my family's report. But they didn't. The warning signs were there. The threats, Eric's Web pages, the 'Rebel Missions' in the neighborhood. Today, they're all painfully obvious. But back then, no one was putting them together. (Brooks & Merritt, 2002: 96)

Adults and authority figures were outraged when they discovered that there were students and friends of Harris and Klebold that were aware of their plans for revenge. Whether, these authority figures were in denial themselves, was not the issue that stirred up the panic. The issue of concern surrounds the hidden culture of youth. Deeply ingrained in youth culture is what is called a "code of silence". In the past, 'breaking the code of silence' and telling on a fellow student or turning them in was viewed as snitching. The person responsible for snitching was viewed in a negative way as a tattle-tale by both his/her own peer group and by teachers or principals. Columbine has effectively changed society's opinion on how we view reporting behavior by youth. The Columbine tragedy portrays the consequences of keeping silent. As a result, this tragic event has taught the public and most importantly the teaching profession, about the dangers associated with stereotyping youth who report, being in denial about the presence of violence in one's school, and ignoring troublesome youth behavior by passing it off as just 'child's play' or as a joke. A study conducted by the Secret Service after the Columbine tragedy, revealed that: "...in more than seventy-five percent of school violence incidents, the attackers had told someone first, yet nobody said anything to school authorities" (Spitalli, 2003: 1).

Today, more than ever, scholars in the area of sociology of youth have been investing time and money in trying to understand youth culture and peer relations. In 2001, Reginald Bibby conducted a national survey on Canadian teens. He reported on their progress, values,

attitudes, and other important indicators. What his study reveals, among many things, is that friendship is valued the highest for teens, and that seventy-eight percent of teens see their friends as perceived sources of influence. When probed on their resources when facing a problem, thirty-five percent of teens said that they turn to their friends for support when faced with a serious problem (family members came in second at twenty-one percent). Lastly, teens indicated that two primary areas of personal concerns were life at school and life after school (Bibby, 2001). Should this information raise fear and concern among parents and educators?

I argue that it should raise neither fear nor concern. Parents and educators should take this valuable information, learn to accept it, and actively take steps to develop effective ways of communicating with youth. Breaking the code of silence on school violence is everyone's responsibility. Educators should work on making resources available for reporting incidents. Fear is the number one reason why students remain silent.

Over all, the system seemed to fail both Harris and Klebold as well as the subsequent victims of the Columbine shooting. In retrospect, law enforcement officials, school administrators, medical personnel, parents, and fellow students seemed to all be able to identify the warning signs. In the aftermath of the tragedy Mr. Bill Owens, Governor of Colorado, stated that:

The Columbine tragedy forever changed the way Americans think about the potential for violence in our schools. No one can erase the horror of that day, or restore the losses suffered by the victims and their families. Yet only by learning from Columbine can we prevent similar tragedies in the future. (Owens 2001: 1 of Executive Summary Address)

ENTER MORAL PANIC:

In the previous section, I outlined the motivation behind the events at Columbine. In addition, I probed further into the details of Columbine in order to discuss what the panic was

really about. My goals in this section are to discuss how the moral panic developed as a result of the actions and reactions of several key players in society.

The moment the first shots were fired the moral panic at Columbine High School was born. The disturbing images of un-recovered victims, students frantically running for their lives, several even jumping out of windows in order to save themselves, will forever be engrained in the nation's memory. The circumstances of the shooting created a situation for which authorities were not adequately prepared to deal with. There was no crisis intervention teams established prior to the incidents at Columbine. Therefore, the ghastly images portrayed by the media were a result of this un-preparedness. Emergency response teams and county police struggled with what to do, how to contain the site while pin-pointing and identifying the whereabouts of the school shooters and identifying and quantifying the total number of casualties. However, in light of my above description of the immediate panic it is important to distinguish it from the eventual moral panic that took hold and was developed in its aftermath. The immediate shock itself did not end but continued to develop, resonating past the immediate culprits (Harris & Klebold) and outward to the rest of society.

Like Cohen, I examined the reaction of five segments of society. The key players included: the press, the public, agents of social control, lawmakers, and action groups (Cohen, 1972). Like Cohen, I believe the media to be the largest instigator of the moral panic in question. However, I want to reinstate my adaptation of Cohen's theory and apply it to our present example. I feel strongly that in Cohen's analysis of the moral panic surrounding the Clacton disturbances, he failed to take into account and attribute enough of a role to the influence of interest groups such as law enforcement. Although, Cohen identifies the media as having the largest role in creating and sustaining the moral panic, he neglects to mention the fact that the

problem of juvenile delinquency and youth gangs has always existed prior to the rioting at Clacton. Therefore, the media cannot create a panic where none existed. It would be too simplistic, not to mention that it would be giving the media too much credit to believe that the media operated independent of other forces.

I would like to maintain that the media plays a primary role, but I want to focus on how interest groups create and identify the panic. In the present example, I feel that the media merely serves as a means to amplify the panic.

Cohen uses a 'disaster analogy' in order to describe the stages involved in a moral panic. The seven phases of a typical disaster can be described as follows: "warning, threat, impact, inventory, rescue, remedy, and recovery" (Cohen 1972: 22-3). However, Cohen simplifies this process by combining some of the stages. Some examples that help to illustrate a disaster analogy include: "predictions of impending doom, overreactions, the institutionalization of threat, rumor, false alarms, and mass delusion" (Cohen, 1972: 22). Cohen adopts a disaster analogy because he had observed that members of society were behaving in ways which were similar to that occurring in the event of a natural disaster. It is apparent that parallels can be drawn between the events that occurred at Columbine and the event of a natural disaster.

The 'deviance amplification model' works in tandem with the disaster analogy; yet, they differ based on the fact that one is linear (disaster analogy) and the other cyclical (deviance amplification model). The deviance amplification model (developed first by Wilkins) can be used to explain how social control leads to deviance (Cohen 1972: 18). The process of deviance amplification takes on the following pattern: "Initial deviancy, Isolation and alienation, Increased deviancy, Increased social reaction, Social reaction, and more deviancy" (Young, cited in Cohen 1973: 350). Cohen utilizes the deviance amplification model to explain how the Mods and

Rockers were actually encouraged to commit more deviant acts due to all of the attention they were receiving by the press and the public: “The societal reaction not only increases the deviant’s chance of acting at all, it also provides him with his lines and stage directions” (Cohen 1972: 164).

My purpose in using the ‘deviance amplification model’ is to move beyond the traditional application of the model. By traditional I mean that in my application of this model I will be deviating away from our traditional understanding of society. By society, I am referring to the greater macro structure. Within this structure includes lawmakers and other enforcers of social control that operate to keep society in line. In my application of this model, I would like to consider Columbine High School as a microcosm of society. By looking at the high school as a community in and of itself, I will discuss how the deviance amplification cycle still exists but is altered slightly in its current application. The high school community operates on a smaller scale with the social control mechanism functioning on a peer level. Teenagers have their own way of policing behaviour through techniques such as shaming, exclusion, labeling, and through acts of peer on peer violence. School officials and teachers do not factor into the present example because their ignorance to the school violence at Columbine actually served to perpetuate the violence in an entirely different way (than as intended in Wilkins ‘deviance amplification model’). Instead, of policing behaviour and punishing acts of violence the *Columbine Review Commission Report* reveals that school officials and the like chose to ignore the majority of bullying and violent incidents at Columbine. In effect, the school district and its employees were negligent in their duty to protect students and enforce rules and employ sanctions. The norm to be followed by students involved being popular and adhering to the means by which to attain and

sustain one's popularity within the social hierarchy. Norms at Columbine were dictated and controlled by those with the most social power, the athletes.

Arguably, the 'initial deviancy' revolved around the fact that both Harris and Klebold were considered social outcasts in their school community. They were different because they were both untalented athletically and found happiness in artistic endeavors. Difference was not something that was widely celebrated or accepted at Columbine High School. As a result, what followed was 'isolation and alienation,' as Harris and Klebold were frequently bullied. One incident that shaped these boys forever happened under the radar of school personnel. In a crowded cafeteria, students surrounded the two boys hiding them from the view of school authorities and proceeded to call them names like 'queer and fag' all while covering the two from head-to-toe in ketchup and mustard (Zoba, 2000: 61). The boys took the abuse and did not retaliate. With no outlet for their anger or support from school staff and parents the rage and resentment within these boys grew intense over time. The two boys became more withdrawn and disassociated from the rest of their peers. As their plans for revenge came closer to becoming a reality, they withdrew and ceased communications with even their fellow members of the "Trench coat Mafia." Their rejection of norms both within their school and in society began to become more apparent over time. Their behaviour and actions became more manic, dark and deranged subsequently resulting in 'increased deviancy.' As the level of their deviancy increased so did the level of social reaction to it. For example, one Columbine High School athlete reveals volumes in his following personal statement to the media:

Columbine is a good clean place except for those rejects. Most kids didn't want them there. They were into witchcraft. They were into voodoo. Sure we teased them. But what do you expect with kids who come to school with weird hairdos and horns on their hats? It's not just jocks; the whole school's disgusted with them. They're a bunch of homos grabbing each other's private parts. If you want

to get rid of someone, usually you tease 'em. So the whole school would call them homos, and when they did something sick, we'd tell them, 'You're sick and that's wrong.' (Aronson 2000: 71)

This students' statement reveals the system of checks and balances that were in place. As soon as Harris and Klebold stepped out of the bounds of accepted normative behaviour, they were identified, reprimanded, and punished. However, eventually the negative responses made regarding their behaviour and appearance ceased to bother the boys. Instead they reacted to the negative attention by retaliating further. They continued to function in this manner until one day wherein they reacted in a fit of rage and vengeance. Harris and Klebold's final act of revenge on the students and the staff at Columbine was their way of retaliating once and for all and achieving justice where they felt there was none.

Another aspect to consider when applying the deviance amplification model is labeling theory. Labeling theory looks at how members of society are socially constructed as deviant and are labeled as such by law makers/enforcers and by the media. Basically, labeling theorists are concerned with who does the labeling, who is being labeled, and how this label affects the labelee. Edwin Lemert was the first social scientist who made the distinction between what he called primary and secondary deviance. He explains that primary deviance is a term used to refer to the deviant act, while secondary deviance refers to the acceptance of the deviant label (Schur 1971: 10). Lemert (1967) elaborates further by suggesting that:

Being labeled delinquent, creates special problems for the adolescents involved, often increasing the likelihood that this and related kinds of delinquent behavior will be repeated. (Barkan 1997: 223)

The stigma created by labeling Eric Harris and Dylan Klebold in the Columbine example was not just problematic, but it resulted in dire consequences for society. It placed Harris and Klebold within a separate category which was distinct from the rest of society. Even after their

death, segments of society have maintained this 'us' and 'them' mentality in order to keep the non-conforming enemy in society at a distance (Schissel 1997: 31).

Lemert explains that the move from primary to secondary deviance involves an acceptance of the deviant role. Furthermore, he suggests that this results in the creation of further deviance:

...older sociology tended to rest heavily upon the idea that deviance leads to social control. I have come to believe that the reverse idea, i.e. Social control leads to deviance is equally tenable and the potentially richer premise for studying deviance in modern society. (Lemert, cited in Cohen 1972: 15)

In this way, Lemert's theory primary and secondary deviance seems to resemble the process of deviance amplification in many ways. Lemert's notion of 'deviance exploitation' refers to the stigma associated with being labeled deviant. As a result of being stigmatized, deviants are shunned or made to feel as outsiders as a consequence for their immoral actions (Cohen 1972: 139-40). Cohen cites Lemert in his work and he especially focuses on Lemert's use of the terms: 'societal control culture' and 'exploitative culture.' The term 'societal control culture' refers to the formal and legal methods of response to deviant activities by lawmakers and law enforcement officers (aka. control agents) (Cohen 1972: 85).

Cohen's term 'folk-devil' applies directly to my discussion on Columbine. Cohen states that: "...all moral panics, by their very nature, identify, denounce, and attempt to root out folk devils" (Cohen 1972: 62). Once the 'folk-devil' becomes identified and acted upon by members of society, the 'folk-devil' serves as a scapegoat for the ills of society (Schissel 1997: 8). The immediate folk-devils of course, were the school shooters Eric Harris and Dylan Klebold. However since Harris and Klebold died in the shoot-out, the public had to look elsewhere to lay blame.

Other folk-devils were sought and very few people and organizations were exempt from blame. Additional folk-devils included: the guns industry, violent video games and movies, untraditional families, and the influence of music from such artists as Marilyn Manson, just to name a few. It is not within the scope of my thesis to discuss each one of these folk-devils in depth. In committing suicide, it may appear as though Harris and Klebold have escaped successfully functioning as a 'folk-devil' in Cohen's traditional sense. However, the 'folk-devil' has successfully transgressed to youth who display similar traits and characteristics as the killers.

Despite this, one of the first areas of blame was placed on the level and quality of response by such emergency responders as the Jefferson County Police. In addition, school officials and the school district came under scrutiny. For example, shooting victim Isaiah Shoels father arranged to file a wrongful death lawsuit against the Jefferson County School. Mr. Shoels explained to the press that, "Something needs to be done to make sure these institutions do a better job protecting our children, and parents do not shirk their responsibility" (Hilliard, 1999: 2).

Furthermore, in addition to the Jefferson County Police, the families of the perpetrators were also scrutinized. For example, Attorney Geoffrey Fieger initiated a law suit on behalf of Isaiah Shoels' parents. As Fieger states, "Justice demands a full accounting of everyone who significantly contributed to this massacre...Klebold and Harris could not have developed and executed their violence without the negligence of the parents and possibly others...It is inconceivable that two high school students could amass an arsenal of guns and bombs that would make a small country dangerous without the help and the lack of supervision by parental authorities" (Hilliard, 1999: 1). "The Shoels, who filed a \$250 million lawsuit against the families, were not moved by their publicized letters of apology: 'Why didn't they have better

control over their child? ...Now they want to seek our forgiveness. Ain't that pitiful" (Zoba, 2000:204).

Harris and Klebold's acts had a resonating affect throughout the rest of the world and as a result a lot of changes ensued. Some of the changes that occurred after Columbine failed to become formalized in a court of law; however, a lot of changes with regards to new educational curriculum and policy did. One of those policies that took hold and continues to remain popular is zero-tolerance.¹³ Cohen explains how moral panics serve as vehicles for social action through a process called 'Community Sensitization.' 'Community Sensitization' occurs when: "...a class of behavior and category of deviants are identified-then extremely small deviations from the norm become noticed, commented on, judged, and reacted to" (Goode & Ben-Yehuda 1994: 24)¹⁴.

Some folk-devils serve as scapegoats for other problems that are occurring in society. I believe that Harris and Klebold took on symbolic form and were demonized to the extent that other troubled youth in the school system today have come to bear some of the consequences of their actions. For example, after Columbine zero tolerance and other risk management techniques have resulted in greater policing and punishing of youth. After all, there exists underlying reasons that help to explain why the tragedy at Columbine occurred. When acts of unquestionable violence occur such as the 1999 school massacre at Columbine High School, it is undeniably easier to point blame at the perpetrators and to separate ourselves from their lived experiences. By no means am I siding with the perpetrators in the Columbine shooting, nor am I condoning their actions; rather I am asking society to take head when drafting new policy and

¹³ Zero-tolerance is the subject of a subsequent chapter and will be adequately addressed then.

¹⁴ See section on 'community sensitization' and bullying for more details.

procedures. Pointing blame does not solve the problem or bring the victims of acts of school violence back. Author Elliot Aronson identifies two kinds of blaming:

1. "The blaming that is aimed at finding the cause of the disaster so that we might come up with a workable intervention
2. The blaming that is mere condemnation." (Aronson 2000: 6)

Pointing blame solely at the perpetrators scapegoats and detracts from the real underlying problems which need to be addressed: "we need to look beyond the perpetrators if we want to reduce the number of school massacres in the future" (Aronson 2000: 8). As Columbine student Brooks Brown states, "Eric and Dylan are the ones responsible for creating this tragedy...However, Columbine is responsible for creating Eric and Dylan" (Brown & Merritt, 2002: 163).

The ways in which we as a society label, shame and segregate segments of the youth population is what author Bernard Schissel calls the 'politics of hate'. It is hate that allows us to create an 'us' and 'them' mentality to turn a blind eye to the lot of youth and to storm government to 'get-tough' on youth crime. When we have defined a certain class of people as those undeserving of love, respect and dignity we have effectively created an environment which breeds hatred, fear, racism and violence (Coloroso, 2003). Aronson succinctly summarizes this fact by stating that:

...most of us have a tendency to explain unpleasant behavior by attaching a label to the perpetrator (crazy, sadistic, or whatever), thereby excluding that person from the rest of 'us nice people'...this kind of analysis serves as a smoke screen that diverts our attention away from the trying to gain an understanding of the complexities of human behavior. (Aronson 2000: 32-33)

The Elite-Engineered Contribution:

The best indicator of the moral panic at Columbine was the media and its response:

The high media interest was immediately evident. By 11:33 am, local media had contacted dispatch asking for information about the shootings; by 11:42 am, the first national news organization had called. Soon news helicopters were flying over the school, and other media figures-including Jay Leno and Larry King-were calling to request interviews with responding officers and Sheriff Stone. By midnight, 339 media calls had come into dispatch from more than sixty countries. (Jefferson County Police Department Web Source, 2004)

“Somewhere between 400 and 500 reporters were on scene at the height of the media coverage. With them came seventy-five to ninety satellite trucks and up to sixty television cameras. At least twenty of the television crews arrived from other countries” (Jefferson County Police Department Web Source, 2004).

The main spokesman for the tragedy was Sheriff’s Deputy Steve Davis for the Jefferson County Police Department. Davis was responsible for dealing with the media and for informing the public. Immediately, Davis began to facilitate a means of communication with the press. He designated an area at Clement Park for purposes of correspondence through which the media could report on the tragedy without interfering with the response efforts (Jefferson County Police Department Web Source, 2004). Davis held briefings and press conferences on the hour for more than two weeks and “In the first two days alone, Davis did 134 on-camera interviews in addition to his hourly briefings” (Jefferson County Police Department Web Source, 2004).

The media also requested to have access to Harris and Klebold’s school project videotape which foreshadowed the actual incidents of Columbine, their videotaped confessions, the cafeteria surveillance videotapes, and the 911 audiotapes. While all are accessible to the public via the internet, only the 911 audiotapes were officially released. The media wanted the tapes so that they could show the public the gruesome details of the act. In its glorification of the event, the media went so far as to televise the funerals of the Columbine victims.

Overall, once in its hands, the media used the tragedy at Columbine to symbolize all that was wrong with USA society. Nothing was exempt from blame including: access to guns, violent video games and movies, dissolution of the family unit, music from such artists as Marilyn Manson.

The Senate passed legislation requiring the sale of safety devices with handguns and the expansion of background check system. The vote was seventy-three to twenty-five in favour of the legislation. The expansion of background check system was added by an amendment. Now that the legislation has been passed in the Senate, it has been sent to the House of Representatives. It must be passed in the both the House and Senate before it can become a law. This vote would have failed if Columbine had not occurred. The fact that Harris and Klebold were both too young to purchase guns but were still able to obtain several illegal firearms at the time of the shooting raised concern and debate over issues concerning gun access and gun control.

The legislation requires: background checks at gun shows, background checks at pawnshops, and the requirement of safety devices to be sold with guns, importing high-capacity ammunition clips is banned, juveniles convicted of a felony are banned for life, and five billion dollars allocated over five years to fight juvenile crime. This last piece of legislation provides money for prosecutors, makes it easier to try juveniles as adults, and it mandates a study of the entertainment industry. It does not change other gun laws that are already on the books. The political implications are important because Republicans rarely vote to take away guns, but they did vote for this legislation. However, it is hardly surprising considering that the legislation is so weak. Passing the amendment on the legislation was Vice President Al Gore's turn in the spotlight. There was a tie so he got to make the deciding vote and thus the amendment passed.

Overall, Columbine affected a lot of people and moved them to action. Parents of Columbine victims lobbied government and gun activists like the National Rifle Association defended their cause. The NRA continued to hold conferences even after Columbine; in fact they held a rally in Denver, Colorado only weeks after the shooting. Republicans who rarely vote to limit guns actually realized that new and improved gun laws would be beneficial, so they passed the legislation. But, this legislation was only passed in the Senate and for legislation to become law in the United States it must be passed in the Senate and the House of Representatives and then by the President. This legislation did not pass at the House of Representatives and thus did not actually materialize into law. However, the fact that it did pass in the Senate is important because it shows how traumatic Columbine was.

There was a legacy to President Clinton's fight for tougher gun control laws and since the events of April 20, 1999 several changes to gun laws in the US have been made. For example, the *Child Gun Safety and Gun Access Prevention Act of 2003*.

Interest Group Contribution:

One of the most influential interest-based groups to respond and to pass judgment was evangelical Christians. Within this response religious groups attempted to glorify the deaths of two victims in particular. The first, Rachel Scott, was reported to have been shot as a result of her declaration of faith. One witness at the time of the tragedy reported that, when asked if she believed in God, Scott responded by saying “yes”, and was shot. The second, Cassie Bernall, under similar circumstances, was shot for affirming her faith in God as well. Both victims were viewed as martyrs by the church. However, shortly after their martyrdom was declared, questions and controversy arose over the nature of the two girl’s death. Some members of

society continue to debate over whether or not the two girls had alluded to their faith upon being killed.

One author went so far as to state, "...what happened at Columbine High School on April 20, 1999, I came to see, could not be fully understood without giving due diligence to its critical religious dimension" (Zoba, 2000: 15). In Zoba's book entitled, Day of Reckoning (2000), the author takes a religious approach to understanding and relating the events at Columbine. However, the book reflects the majority of the church's anxieties and fears surrounding Columbine and in this way it takes on the form of a modern day 'witch-hunt.' Zoba's attempts to allude to the gospel and to draw similarities with Columbine are weak at best. In one area of her book, she describes Columbine as the new 'day of reckoning' or in other words an apocalyptic experience. Her discussion of the divisions between good and evil do more to fuel the moral panic than to relate fact and reality.

The church lobbied government to change the law. They argued in favor of a greater influence and presence of religion in schools. Proposed changes were made to the *Juvenile Justice Bill* (H.R. 1501) in the House of Representatives. These changes provided for:

- 1) "The display of the Ten Commandments in public facilities;
- 2) A 'charitable choice' provision allowing government grants to religious charities;
- 3) A declaration that memorials on public school campuses can contain religious speech without violating the establishment cause;
- 4) Denying attorney's fees to those who sue public schools for violating the establishment clause by permitting religious expression." (Watson, 2002, 93)

The results of these proposed changes did not materialize into law. However, the fact that a debate ensued over bringing the Ten Commandments and other religious elements back into schools illustrates the division between the church and the state and the expressed need to bridge this gap.

However, as Aronson states:

But anyone who knows anything about how the human mind works knows that posting the Ten Commandments would not do the trick. Students already know the Ten Commandments. Harris and Klebold were well aware of the commandment Thou shalt not kill. Tacking it up on the wall would not have deterred them from performing their outrageous action. (Aronson, 2000: 159)

The church actually used the event as an opportunity to motivate members of the community to join the church. The church held rally's and celebrated the martyrdom of Rachel Scott and Cassie Bernall. In addition, the parents of the victims wrote books glorifying their children's death.

When the church erected a memorial site for the victims of Columbine they did so by separating Harris and Klebold's memorial crosses from those of their victims. In doing so, the church was making a powerful statement. It was perpetuating an 'us' and 'them' mentality. While some saw Klebold and Harris as victims of the tragedy, the church felt otherwise. The juxtaposition between good and evil reinforced what the church saw as a clear distinction between right and wrong.

The destruction of Harris and Klebold's memorial crosses serves as a symptom of the moral panic itself. Brian Rohrbough, father of Columbine victim Dan Rohrbough was outraged by the presence of the crosses and posted signs on them that read: "Murderers burn in hell" (Zoba, 2000: 47). Brian Rohrbough said that the crosses were, "a dangerous symbol to use for vicious murderers ... You don't cheapen what Christ did for us by honoring murderers with crosses" (Zoba, 2000: 51).

Education Policy:

Friends of Eric and Dylan were asked not to return to Columbine high school by the school counselor, who said it would "...be in their best interest not to return to school" (Brooks &

Merritt, 2002: 170). Brooks Brown describes the event as follows," I was ready to go back. However, to put it bluntly, the school made me an offer I couldn't refuse. They told me that if I agreed not to return, I would still graduate with passing grades in all of my classes" (Zoba, 2000: 171)¹⁵.

Government Funded Projects/ Allocation of Resources:

On April 21, US Attorney General Janet Reno arrived in Colorado. The purpose of Reno's trip was to make federal resources available to aid in the investigation at Columbine (Jefferson County Police Department Web Source, 2004). The multi-agency Columbine Task Force was created and assisted by the ATF and FBI. Projects included evidence analysis and led in to other projects such as the FBI school shooter profile.

As a result, on January 28, 2000, Bill Owens the Governor of Colorado created the Columbine Review Commission which was set up to investigate the nature of the April 20, 1999 tragedy. Those involved in the investigation included educators and government officials, including specialists sampled from various government agencies, among which included the FBI. In addition, two additional reports were issued by the Federal government entitled: "Early Warning, Timely Response: A Guide to Safe Schools" (US Department of Education, 1998) and "Safeguarding Our Children: An Action Guide" (US Department of Education, 2000). The Columbine Review Commission Report was set up to review the incidents and the multi-volume document became public on May 17, 2001 (Owens, 2001). The report is an extensive review of the tragedy, including a series of recommendations that schools should adopt. Since the Commission report itself is over one hundred pages in length I will indicate a list of highlighted recommendations from the report:

- "School officials should work with students to overcome the "code of silence" in schools

¹⁵ See Chapter on Zero tolerance for more of a discussion on Education policy.

- "Each school district should have a way for students to anonymously report threats
- "All schools in the state should adopt some form of bullying-prevention program
- "A threat assessment team should be established at every Colorado high school and middle school
- "Every school should adopt an effective violence prevention program
- "Agencies with specific information on threatening behavior should share that information with other agencies
- "The commission rejected universal use of metal detectors, video surveillance cameras and other security equipment as a way to deter school violence
- "All school resource officers and other law enforcement officers who may be the first to respond to a crisis should be trained to deal with an armed assault
- "Regular planning sessions should be held between local law enforcement, fire and rescue agencies, and school administrators
- "Every school should have an emergency information kit that includes diagrams of schools
- "Teachers and school administrators should set up programs to discuss suicide prevention with students and not wait for tragedy." (Owens 2001: 90-188)

Arguably, part of the real tragedy here resides in the fact that the Columbine shootings were not prevented. In addition, the school could have minimized some of the human loss if they would have had a well developed crisis plan in place for intervention. The Commission's recommendations on the prevention and intervention of school violence serves as a risk management technique that can be utilized by other school officials in order to prevent such losses from occurring in the future.

Experts in the field of school violence classify the Columbine shootings as an example of what is called "targeted violence" (Reddy et al., 2001). Targeted violence within the context of schools can be defined as: "planned school-based attacks by which the perpetrator selects a target prior to the violent incident" (Reddy et al. 2001: 158). In a study on targeted violence conducted by Reddy et al. the authors outline three assessment approaches currently operating in schools geared towards evaluating the risk of targeted violence in schools. These assessment approaches include: "profiling, guided professional judgment/structured clinical assessment (including the use of warning signs and other checklists), automated decision making (including the use of

actuarial formulas and expert systems)" (Reddy et al., 2001: 160). Besides the research conducted by Reddy et al., there has been little research conducted in the area of "targeted violence" and schools. However, after such high-profile incidents like Columbine, researchers have started to borrow and employ such techniques as the "threat assessment approach" developed by the US Secret Service. This approach has been typically used for preventing planned attacks towards the President and other public officials (Reddy et al. 2001: 161). However, the technique is effective in the school setting because it can help school officials in identifying the warning signs associated with those involved in planned attacks and prevent such acts of 'targeted violence' like the tragedy that occurred in Columbine from occurring.

In the aftermath of the Columbine shooting, the school security business has flourished. Vice president of marketing for Garrett, the nation's largest maker of metal detectors, states that, "Sales to schools have grown from almost nothing four years ago into the largest share of the company's business-surpassing orders for airports, prisons and courts" (Knox, 1999: 1). Furthermore, Ronald Stephens, executive director of the National School Safety Center in Westlake Village, California states: "I have been doing school safety training for fifteen years, and Littleton, Colo., has elevated school safety and concern to an entirely new level" (Knox, 1999: 2).

The tragedy occurring at Columbine High School in 1999 has impacted the way that society views youth and their potential for violence. It has had a rippling affect, touching on other aspects including: education policy, state and federal legislation, and crisis intervention. Although, there were other school shootings that had occurred before Columbine, the events of April 20, 1999 still serve as a reference point for future incidents. Columbine is the one tragedy in particular that instigated a 'snowball affect' with regards to policy in Canada. During this

moral panic, deviance came to resemble a disease by which people in society could be classified and contained. Once labeled, society can take conscious efforts at avoidance. The predominant belief was that this disease, if not contained and controlled would spread throughout the nation affecting other innocent people (Cohen 1972: 62). As a result, some Canadian provinces were quick to adopt stricter USA based education policy that aims at controlling and eliminating school violence and deviant populations. One such Act is the *Safe Schools Act* of Ontario which utilizes zero tolerance practices and policies.

CHAPTER 4: ZERO TOLERANCE

INTRODUCTION:

On April 28, 1999 Canadians were faced with a similar tragedy occurring just eight days after the shooting at Columbine High School in Littleton, Colorado. It was reported that the young man responsible for the shooting at W.R. Myers High School in Taber, Alberta was directly influenced by the events at Columbine High School. On April 28, 1999 a fourteen year-old boy entered W.R. Myers high school in Taber, Alberta with the intent of harming those who had bullied him in the past. Armed with a .22-calibre rifle, the former student shot two students, killing one and seriously injuring the other. The perpetrator surrendered to police and has been charged with first-degree murder and attempted murder and is currently serving a sentence imposed under the *Young Offender's Act*. The eerie similarity between the two shootings combined with the reality that this rare act of school violence had happened in Canada has forced Canadians to deal with the problem. The Taber high school shooting brought a sense of immediacy to the issue of school violence in Canada and prompted law-makers and enforcers to consider policy options. This incident marks the shift of the moral panic from the US to Canada.

One of the very first sources of school violence prevention policy that was referenced by Canadian officials was the United States policy on zero tolerance. This diffusion of social problems is what author Joel Best calls "claims making" (Best, 2001: 30). Canada is easily influenced by US policy "...given [its] close cultural associations and the powerful influence of the US media-machine..." (Jull, 2000: 4). Canada typically borrows and relies on problem-solving techniques for difficult issues that had previously been dealt with in the USA (Best, 2001: 30). As a result, United States policy has motivated Canada to consider adopting zero tolerance policies towards preventing school violence.

Elliot Aronson identifies two classes of intervention: root cause interventions and peripheral interventions. The distinction between the two responses is important. While one looks at the many factors that are at play (root cause interventions), the other skims the surface and offers a 'quick-fix' solution to a given problem (peripheral interventions). Aronson cites the example of the 1854 cholera epidemic in London to illustrate his point:

Dr. Snow, a legendary British physician, attempted to find out what, if anything, the people stricken with Cholera might have had in common and how they might differ from those not stricken. Through some pretty careful detective work, Dr. Snow managed to trace the epidemic to a particular well where he surmised that the water was contaminated. Initially, he made no attempt to find the reason for the contamination or how it got there. He made no attempt to clean up the water. He did not even try to educate the people living in the area or try to persuade them to refrain from drinking water from that well. He simply removed the pump handle from the wellhead. (Aronson 2000: 46)

This peripheral intervention is what Aronson otherwise refers to as the 'pump-handle' intervention. An example of this, with regards to school violence, is the introduction of zero tolerance policies in schools.

I argue that the United States has adopted and applied zero tolerance policies on school violence in the form of a peripheral intervention. Although, Canada had initially followed suit, it has recently has worked to improve aspects of the policy that are too rigid and which lack discretion and commonsense. In this way, Canada has combined both peripheral and root cause methods of intervention into its application of school violence prevention policy.¹⁶

HISTORY AND EXPLANATION OF ZERO TOLERANCE:

Canada's zero tolerance policy is based on a USA model of justice which is established to "wage war" on drugs and crime, and gained popularity after the tragedy at Columbine High

¹⁶ See discussion on 'Mitigating Circumstances' and Strict-Discipline Schools employed under the Safe Schools Act, 2000.

School in 1999. In 1986, US Attorney Peter Nunez launched a crime and punishment program that promoted a zero-tolerance approach to illicit drugs (Zweifler & De Beers, 2002: 195). One of the many results was that seagoing vessels carrying any amount of illicit drugs were to be impounded. "In 1988, the program became national policy, when US Attorney General Edwin Meese III 'ordered customs officials to seize the vehicles and property of anyone crossing the border with even trace amounts of drugs, and to charge those individuals in federal court'" (Zweifler & De Beers, 2002: 195-6). The extreme no-nonsense approach of zero tolerance is best illustrated when "an Oceanographic Institute research vessel was seized when a single marijuana cigarette was found in a sailor's cabin" (Zweifler & De Beers, 2002: 196).

Zero tolerance gained popularity as a method of general deterrence, and the concept began being applied to a variety of other issues, "ranging from environmental pollution and trespassing to skateboarding, homelessness, and boom boxes" (Skiba, 2000: 2). In 1989, the first school districts began to implement zero tolerance policies in response to school violence and discipline related issues. For example, California, Kentucky, and New York made expulsion mandatory for offences such as fighting, drugs, and gang-related activity (Skiba, 2000: 2).

By 1993, zero tolerance policies were ingrained in US policy initiatives and were broadened to include a variety of offences such as trespassing. In 1994, Bill Clinton made zero tolerance a national policy with the enactment of the *Gun-Free Schools Act*. This Act, "requires the expulsion of one calendar year for any student in possession of a firearm...and referral's for students to a criminal justice or juvenile delinquency system" (*Gun-Free Safe Schools Act, 1994*). Amendments to the Act have resulted in the inclusion of any instrument that may be used as a weapon (Skiba, 2000: 2). School districts are required to enforce the Act, and in many cases have broadened its meaning to include drugs, alcohol, fighting and truancy. Zero tolerance has

created a net-widening affect in which the net has expanded to cover multiple definitions of what will not be tolerated. For example, according to a report by the US Department of Education, 94% of US public schools had implemented so-called zero tolerance policies with regard to firearm possession in schools (Richart, Brooks, & Solar, 2003).

In a similar Canadian study, researchers Day and Golench (1997) report on the findings of a survey of the violence prevention policies implemented in schools. The survey sample includes school boards in large urban areas. Through a process of content analysis, board policy was examined and coded and thirty-five policy components were formulated upon analysis. Results reveal that the most popular component, suspension/expulsion, “recorded in an average of 93.6% of the school boards in each of the nine provinces” (Day & Golench, 1997: 337). Day and Golench have identified four policy types including: Response/sanctions, Expectations for behaviour, Identification/prevention, and Community focus. The results indicate that, “With respect to classifying the policies, the majority of boards were identified as having a response/sanctions focus (48.8 %), popularly characterized as a 'zero tolerance' policy” (Day & Golench, 1997: 340).

According to Ron Casella, there are two main reasons why zero tolerance has become part of the national crime policy which expanded to school policy. First, “Zero-tolerance was the embodiment of the 'get tough on crime' movement that carried Republicans to Congress in 1994.” Further, “Zero-tolerance is a trendy phrase that politicians like to use in order to show their backbone and it provides cover for defensive school administrators and judges” (Casella 2001: 3-4). As Skiba and Peterson (1999) state, “...the popularity of zero-tolerance may have less to do with its actual effects than with the image it portrays” (Skiba & Peterson, 1999: 10).

The power to punish goes well with the orientation of a crime control society. This concept is best understood by examining Wilson and Kelling's 'Broken Window' thesis (1982).

This thesis is that if you leave one window broken in a neighborhood eventually all of the windows in the neighborhood will be broken. The concept extends to modern day crime control measures employed by the police. All crime, regardless of the nature and degree is considered intolerable. This includes crimes such as vagrancy, loitering, drunkenness and prostitution, i.e. "bum-proof park benches." 'Broken Windows' identifies the certain 'undesirables' and effectively eliminates them. This no-nonsense approach places the blame and responsibility on the individual and away from society. The success of the 'Broken Windows' thesis is based on repetition of good practices as a means of continuing until the problem is resolved. The essence of Wilson and Kelling's argument is captured in the following passage,

A piece of property is abandoned, weeds grow up, a window is smashed. Adults stop scolding rowdy children; the children, emboldened, become more rowdy. Families move out, unmarried adults move in. Teenagers gather in front of the corner store. The merchant asks them to move, they refuse. Fights occur. Litter accumulates. (Quoted in Walklate & Evans, 1999: 104).

'Broken Windows' thesis follows along the same premise as zero tolerance. Both theories focus on setting absolute boundaries for behaviour and both displace and isolate the problem elsewhere in society.

Zero tolerance policies, "[target] both serious and less serious behaviors, [and] are thus meant to send a clear message to potential troublemakers that certain behavior will not be tolerated (Skiba & Knesting, 2001: 20). Zero tolerance measures are not the only option available to school administrators. Alternative measure programs like dispute resolution, mediation and peer counseling exist in schools as a means by which to deal with disciplinary issues. However, the public seems to be more satisfied with cost-saving law and order measures

like zero-tolerance because they deal with the administration of power and authority which is a much quicker and direct solution to the problem than rehabilitation options.

ZERO TOLERANCE POLICY AND THE SAFE SCHOOLS ACT OF ONTARIO:

The province of Ontario was quick to adopt the hotly debated zero tolerance policy which was processed in 1994. While many other provinces remain unconvinced, Ontario feels that it is the answer that they have been looking for. This is in part due to the fact that the policy fitted well with the province of Ontario's 'common sense' law and order conservative government. However, despite this there is no reference to the term zero tolerance in provincial legislation. During the implementation of the *Safe Schools Act, 2000*: "...the Ministry of [Ontario] education has decided to drop the term zero tolerance and replace it with zero violence [*Violence-Free Schools*]" (Walker, 1995: 13).

The Ontario Violence-Free Schools Policy, 1994:

In a commitment to create violence-free schools, the Ontario Ministry created the '*Violence-Free Schools Policy*.' The policy recognizes the harmful effects that violence can have on those it is perpetrated against as well as on the school environment. In November 1993, Minister of Education and Training, David Cook announced the Ministry's action plan to address the issue of violence in schools. The policy stipulates that all school boards must develop a violence-prevention policy. This policy must be implemented and in place by September 1995. Outlined in each policy must be procedures for reporting and recording violent incidents. The policy will operate in accordance with the *Education Act*. This policy will be monitored and evaluated by school boards every three years.

The purposes of violence-prevention policies developed by school boards are to:

- reduce and try to eliminate the incidence of violence in schools;

- provide for students and staff opportunities to develop the skills necessary to handle violent and potentially violent situations;
- Promote the long-term prevention of violence by preparing students to manage their lives and relationships in non-violent ways. (Ontario Ministry of Education: *Violence-Free Schools Policy*, 1994: 14)

There are eight components to the policy:

1. The school environment
2. Violence prevention in the curriculum
3. Early and ongoing identification for prevention
4. Code of behaviour
5. Procedures for dealing with violent incidents
6. Dealing with the aftermath of an incident
7. Staff development
8. Home, school, and community involvement

Codes of behaviour must be present in all elementary and secondary schools. School boards have clear guidelines for the creation of such codes. The code will be reviewed every three years. The code will:

- be developed with students, staff, parents or guardians, and the community;
- state unequivocally that physical, verbal (oral or written), sexual, or psychological abuse; bullying; or discrimination on the basis of race, culture, religion, gender, language, disability, sexual orientation, or any other attribute is unacceptable;
- state that damage to property in the school environment (including school grounds, school buses) is unacceptable;
- establish clear and fair consequences for unacceptable behaviour (where staff violate the code of behaviour, consequences will derive from boards existing personnel policies and procedures);
- Be prominently displayed in the school; effectively communicated to all; and understood by students, staff, parents or guardians, and the community. (Ontario Ministry of Education: *Violence-Free Schools Policy*, 1994: 19-20)

In 2000, the Minister of Education Janet Ecker introduced the proposed *Safe Schools Act*, to replace the current *Education Act*. Major changes under the new Act include:

- provincial code of conduct (first released in April 2000) which will create province-wide standards
- mandatory consequences for serious infractions
- give principals the authority to expel students and teachers the authority to suspend students
- Strict-Discipline and alternative programs would be provided for expelled students

- all school boards provide programs for suspended students

The *Safe Schools Act* (Bill 81) amends the *Ontario Education Act* (R.S.O. 1990, E.2). According to the Minister of Education, the purpose of the new legislation is to:

- “promote respect, responsibility and civility;
- set clear, consistent province-wide standards of behaviour; and
- set clear consequences for not meeting those standards.” (Ontario Ministry of Education, 2001, May: 1)

Starting September 1, 2000, the *Safe Schools Act* requires that a student be expelled for committing the following infractions:

- possessing a weapon, including possessing a firearm;
- using a weapon to cause or to threaten bodily harm to another person;
- committing physical assault on another person that causes bodily harm requiring treatment by a medical practitioner;
- committing sexual assault;
- trafficking in weapons or in illegal drugs;
- committing robbery;
- Giving alcohol to a minor; and engaging in another activity that, under a policy of the board, is one for which expulsion is mandatory. (Ontario Ministry of Education: News Release, Sept. 3, 2001: 1)

Since the *Safe Schools Act, 2000* primarily deals with suspensions and expulsions it is largely reactionary in nature. It is reactionary in nature because it prescribes sanctions over alternative measures such as rehabilitation. Most all of the school-board policies which implement 'zero tolerance' measures deal with suspension and expulsion. However, 'zero tolerance' can take on many forms and can vary in degree. The policy seems to operate on a sliding continuum which ranges from mandatory to discretionary suspension and expulsions. As well it contains limited and full expulsions with suspensions ranging from one to twenty days (See Appendix B).

CONSEQUENCES OF ZERO TOLERANCE:

“Equal treatment is not a precondition of equality” - Jull, 2000

The consequences of forming policy in a rush during times of heightened public pressure are illustrated in Ontario's 'zero tolerance' policy. For example, during a panic the public seeks to identify the problem. 'Zero tolerance' policy labels youth as the problem and seeks methods by which to punish him/her. This is accomplished through the process of suspensions and expulsions. As a result, 'zero tolerance' policy has led to greater social control measures which in turn have resulted in an increase in the number of juvenile arrests and an overall rise in youth crime (particularly in the area of minor acts of violence such as assault)¹⁷.

The relationship between school and the criminal justice system has been referred to as the 'school to jail pipeline' philosophy (Wald & Losen, 2003: 1). The school to jail pipeline philosophy functions when sanctions are prescribed under a zero tolerance approach¹⁸. As a result, criminal sanctions are applied to minor acts such as truancy and school-yard bullying and has resulted in "...a near-doubling of the number of students suspended annually from school...an increase in the presence of police in schools, and the enactment of the new state laws mandating referral of children to law enforcement authorities for a variety of school code violations" (Wald & Losen, 2003: 1).

In addition, the policy of zero tolerance directly conflicts with the Federal government's efforts to renew youth justice in Canada with the recent enactment of the *Youth Criminal Justice Act*.

¹⁷ According to youth crime statistics (for the years between 1991-1996) minor assaults (level 1) increased by 31.3 %, while assault with a weapon (level 2) and aggravated assault (level 3) both decreased. Statistics Canada recognizes the limitations that Doob and Sprott hint at by explaining that a shift in an increase in youth violent crime over time could partly be due to the, "Increases in youths charged with common assault (level 1) and decreases in charges for theft and breaking and entering" (Doob & Sprott, 1999)

¹⁸ Sanction refers to all disciplinary measures, not simply suspension and/or expulsion.

The YCJA 2003 replaces the *Young Offender's Act 1984*. Since its initial enactment, the YOA has been amended three times (1986, 1992, and 1995) (Department of Justice)¹⁹. The YCJA was designed to recognize and ameliorate significant problems in the youth justice system. Some significant problems include: "the overuse of incarceration as a method of deterrence, and the overrepresentation of minor cases appearing in court that could be dealt with better outside of the court system" (Department of Justice 2002:2). For example, "A recent national survey of youth court judges found that fifty-four percent of judges believed that one half or more of the cases coming before them could have been dealt with as adequately or more adequately outside of the youth court" (Department of Justice Canada, 2002:5).

The principles and objectives outlined in the newly proposed Act appear to ignore the recent moral panics that have been constructed around youth crime. In addition, they succeed in addressing the underlying causes of youth crime that are often ignored or missed during the fervor of a moral panic. The YCJA only constitutes one part of the effort made by the Canadian Federal government to address youth crime and youth within the criminal justice system. The YCJA cannot act alone in bringing justice to today's youth, it must be supported by other policies and programs geared towards helping youth rather than punishing youth. Provincial initiatives aimed at implementing zero tolerance policies in schools conflicts with the philosophy of the YCJA. The new YCJA strikes a balance between the old *Juvenile Delinquency Act 1908* and the *Young Offenders Act 1984*. The JDA is more of a 'child-welfare' model of justice versus the YOA which is a 'criminal justice' model. Since the YCJA only constitutes one part of the effort, it would be fair to conclude that the success of the government's plan to renew youth justice lies

¹⁹ For example, the 1992 amendment extended the possible sentence for murder from three to five years and made transfers to adult court easier. And the 1995 amendment extended the sentence for first degree murder to ten years and implemented transfers to adult court for serious charges by sixteen to seventeen year-olds (Department of Justice).

in the overall efforts of all sectors of society. It is counterproductive to have in place punitive policies like 'zero tolerance' and then expect to see positive results from the YCJA. It appears as though we are simultaneously trying to move away from crime and punishment models, yet we are normalizing them as well.

In addition, with the implementation of the 'zero tolerance' policy comes increased police intervention and surveillance in schools. One would naturally assume that an increase in police intervention in schools would create an increase in the number of youth becoming involved in the criminal justice system. This appears to be the case, since a relationship exists between the increase in minor offences ending up in court and the increase in rates of minor assaults. However, this may just be the result of an increase in reporting. This problem is perpetuated by the policy's police/school protocol which calls for mandatory consequences that limit both school staff and police discretion. Lawyers and judges are quick to criticize the 'zero tolerance' policy because some believe that a causal relationship exists between the excess amounts of minor cases that are appearing in youth court today and the policy itself. Acts of aggression such as pushing and hair pulling are beginning to become common place in the courtroom.

In March 2001, the American Bar Association (ABA) voted in favor of ending zero tolerance disciplinary policies, "...calling them a 'one size fits all solution to all the problems that schools confront. It redefines students as criminals, with unfortunate consequences'" (ABA cited in Coloroso, 2002: 185).

The ABA is primarily referring to a breach in students' Civil Rights/ Charter Rights. As Skiba and Peterson state, ""If we rely solely, or even primarily, on zero tolerance strategies to preserve the safety of our schools, we are accepting a model of schooling that implicitly teaches students that the preservation of order demands the suspension of individual rights and liberties"

(Skiba & Peterson, 1999: 10). Student's rights although guaranteed by law, are limited when a student is on school property. Legal concerns arise concerning common claims such as unreasonable search and seizure. In terms of locker searches school officials have to have established 'reasonable grounds' and 'individual suspicion' to conduct a legal search on a student's locker. There are three guidelines for determining whether there is individual suspicion:

- 1) "School officials have personally observed the student in incidents which raise suspicion of misconduct
 - 2) A student has identified another student as involved in an illegal activity or breach of school rules
 - 3) The suspicions conduct must suggest a specific breach of a particular rule."
- (Walker, 1995: 18)

However, there are several ways that schools can break the privacy rights of a student. For example, schools can institute uniform policy which allows them to conduct random or periodic inspections or searches of all lockers. Or, schools can have students agree to sign a locker rental contract which allows school officials to conduct random searches and forces students to accept these terms (Walker, 1995: 18). Some schools have installed metal detectors which can cost up to \$10,000 USA dollars each, and are one of the most expensive protection devices available to schools today (Walker, 1995: 17). In Canada school locker searches can be legally conducted with a police warrant or by a school principal with 'reasonable cause' (Walker, 1995: 17). Legal precedent dealing with school 'search and seizure' policies and practices follows the U.S. Supreme Court case *New Jersey v. T.L.O.*, 469 U.S. 325 (1985) and the Canadian case of '*R. v. J.M.G.*' (1987) (Walker, 1995: 17). Both cases illustrate that 'reasonable cause' is a requirement when conducting a search or seizure of student property.

One of the major consequences of zero tolerance involves its ability to eliminate certain segments of the student population. For example, segments based on race, disability, learning deficits are particularly notable. The philosophy of zero tolerance "reverses long-standing

campaigns aimed at keeping children at risk in school, the new policy seeks to identify troublesome students and get them out of school” (Blumenson & Nilsen, 2003: 2). In Bowditch's article entitled, “Getting Rid of Troublemakers: High School Disciplinary Procedures and the Production of Dropouts” (1993), she examines the disciplinary procedures of an inner-city high school. The study reveals that school officials utilize disciplinary procedures such as suspensions, transfers, and involuntary 'drops' to get rid of troublesome youth. When Bowditch asked the principal of the school if transferring youth helped, he replied by stating: “They helped this school. They don't help the kid. But then, you can't do anything with those kids anyway” (Bowditch, 1993: 504). Bowditch concludes by stating,

The activities of the discipline office, which routinely identified 'troublemakers' and 'got rid' of them through suspensions and involuntary drops, may be one important but largely unacknowledged mechanism through which schools perpetuate the racial and class stratification of the larger society. (Bowditch, 1993: 506)

Another major consequence associated with zero tolerance is that it hits hard an already disenfranchised group namely the physically and mentally disabled. Emotional and Behavioural Disorder (EBD) is explored in an article by Osher, Morrison, and Bailey (2003). The authors reveal that among students with disabilities, EBD students are most likely to drop out and this rate is perpetuated by race and low SES. This is compounded by the fact that, “73% of students with EBD who drop out of high school are arrested within three to five years of leaving high school” (US Department of Education, 1994). Risk factors such as these have become such an issue that the “US Individuals with Disabilities Education Act (IDEA), 1997, cites the prevention of school drop out among students with disabilities as a target issue of national assessment” (Osher, Morrison, & Bailey, 2003: 79).

Schools can negatively affect student mobility, student development, and student resiliency success rates by pushing out certain populations via involuntary school transfers (aka. Placements), and through exposure to exclusionary practices like suspension/expulsion: "...placements frequently are experienced by teachers as a relief-removing a 'burden' they were ill-prepared to teach or did not want to teach." (Osher, Morrison, & Bailey, 2003: 86)

Johnson, Boyden, & Pittz (2001) argue that, "The process of blaming students of color for their own oppression and failure is a long-standing institutional practice" (Johnson, Boyden, & Pittz, 2001: 6). As a result, Johnson et al. have gone so far as to assert that zero tolerance policies and procedures function as a form of racial profiling. Obviously this assertion is troublesome considering the progress Canada has made since the landmark case of *Brown v. Board of Education* (1954). Our nation has taken pride in building a foundation around creating equal education opportunities for all and through the promotion of racial tolerance.

In Canada, citizens are protected against discrimination on the basis of race, color, nationality, and sexual orientation by the Charter of Rights and Freedoms, 1982. Similarly, in the USA, citizens are protected by the Equal Protection Clause of the 14th Amendment and Civil Rights Act, 1964. Despite these constitutional protections, racial and economic bias continues to operate within social institutions, and this includes the public school system. Accounts of racial profiling and disproportionality have been well documented throughout the years by researchers. The main trends that have emerged through various studies reveal that:

- "Punishment falls disproportionately on students of color and low socio-economic status i.e.) corporal punishment, suspensions, expulsions, transfers;
- African Americans are punished more severely for committing less serious offences;
- No evidence exists that African American or other students of color exhibit higher rates of misbehaviour or are prone to certain conduct disorders;
- Children of color report having the opposite educational experience from white children;
- Students with disabilities (Emotional and Behavioural Disorders) are more vulnerable to disciplinary action;
- Students with Emotional and Behavioural Disorders (EBD) are more likely than their peers to drop-out of school before graduation;

- Students of color are targeted and surveillanced more in school than their white counterparts;
 - Non-White and Hispanic students drop out at two to three times the rate of white students;
 - African American students are suspended at a rate of two to three times that of other students.”
- (Johnson, Boyden & Pittz et al., 2001; Osher, Morrison & Bailey, 2003; Skiba, 2000; Donohue, Shiraldi & Ziedenberg, 1998)

Racial profiling in schools is particularly troubling when one considers the larger social inequalities faced by people of colour. For example, “In 2000, whites constituted 70% of the US population but accounted for only 35% of the prison population. In contrast, African Americans represented 12% of the US population but comprised 47% of the prison population” (Johnson, Boyden, & Pittz, 2001: 18).

Zero tolerance has also been widely criticized for its lack of discretion and common sense. For example, in an article entitled: "Zero-Tolerance Equals Zero Judgment: Anti-Violence Codes in School Lead too often to a Suspension of Common Sense," (2001) concern over the lack of school and police discretion is discussed. The article criticizes zero tolerance policies for placing school staff in positions where they are forced to resort to acts of discipline. The author cites several examples of zero tolerance policy sanctions which seem extreme. For example, a seventeen year old London, Ontario boy was charged with assault with a weapon, facing up to two years imprisonment if convicted, for hitting his teacher with a water balloon. Also, an eight year old boy from Nova Scotia was suspended from school for pointing a chicken finger at a friend and saying 'bang' (Schuster 2001: 1-2).

Similarly, Chris Laurin, an Ottawa area St. Matthew's High School student, was suspended for two days after a police dog identified the scent of marijuana on his coat during a routine school lockdown. The student was taken to the principal's office and was searched. Although school authorities were unable to find any evidence of drugs on his person, the student

was suspended. The student and his parents hired a lawyer to get the suspension revoked and stricken from his school record. The Ottawa-Carleton Catholic School Board was eventually ordered to make a public apology.

The inherent problems surrounding zero tolerance, which are suggested above, result in what I call 'zero sense' punishments. 'Zero sense' punishment occurs when uniform sentences are applied to all infractions regardless of whether they are minor or serious in nature. Sentencing which lacks discretion and the consideration of mitigating circumstances also results in inappropriate sanctions. The designation of unclear definitions to specific school infractions is another reason that unfair sanctions are being prescribed to students. For example, *The Gun-Free Schools Act, 1994* inadequately defines 'weapon'. Should a toy and/or imitation gun which is unloaded be treated the same way as a real, loaded weapon?

Unclear definitions result in a certain level of subjectivity and the existence of multiple interpretations. For example, as one principal asks, "...what is the definition of what a punch is... Was it just jostling or was it, you know, an accident or was it...so there's all kinds of other things that would come in on a punch. Was it a real punch or was it just the kid turned around in a crowded hallway and you turn around and you go to open up the door and the other kid is walking by, so the other kid perceives it as a punch, but it was really just reaching for the door handle" (Anonymous Interview, January 7, 2004).

The following is a list, collected by Barbara Coloroso of other examples of how zero tolerance illustrates 'zero sense' punishment.

- "A first grader suspended for three days for pointing a breaded chicken finger at a friend like a gun.
- Two eight-year-olds arrested and charged with 'making terrorist threats' for wielding a paper gun in class.
- A thirteen-year-old boy expelled for making a list of his enemies, which a classmate found in the trash and showed to a teacher.

- An eleven-year-old arrested for having a plastic knife in her lunchbox to cut chicken.
- A ten-year-old expelled for 'possession of a lethal weapon' after she voluntarily turned in a small knife she found in her lunch sack. The girl had picked up her mom's lunch sack instead of her own. The small knife was to cut an apple. The teacher thanked the girl for doing the right thing; the principal promptly suspended the girl because there was 'no leeway in the law.'
- A six-year-old accused of 'sexual harassment' for running out of the bath in his own home to tell the school bus driver to wait for him.
- A sixteen-year-old expelled after he turned in an English assignment in which he wrote about his thoughts of getting revenge on those students who had taunted and physically harassed him daily.”(Coloroso, 2002: 184-5)

When all students and all infractions are treated equally under a law which offers little leeway for discretionary judgment, allegations of discrimination are likely to appear. For example, one may examine the Toronto human rights complaint of Susan Clough, mother of Jared Clough, a ten year old autistic boy. Clough launched a complaint with Ontario’s Human Rights Commission, alleging that her son was unfairly treated and discriminated against as the result of the province's *Safe Schools Act*. Clough claims that school officials did not take into account her son's medical condition when administering punishment. Instead, they relied on zero tolerance. As a result, her son was expelled from school for approximately six months and now has to repeat grade four. “Clough argues that because Jared's aggressive behaviour naturally flow from his disability, the act should not be applied in a manner which penalizes and punishes students who are disabled,' because it amounts to discrimination” (Habib, 2003: 3). A source from the Ministry was unable to report on the case, as it is still being processed.

Allegations of discrimination have led to law suits around the use of the Act itself. Several legal clinics in the province of Ontario have responded to such claims. For example, Bill Holder, a lawyer with the ARCH legal resource centre in Toronto explains that, “At ARCH, we are disturbed by the use of the *Safe Schools Act* to prevent students with disabilities from accessing a public education in the province,' ...expulsions and other code-of-conduct

punishment 'is gratuitous and discriminatory'" (Habib, 2003: 3). Furthermore, an Ontario law firm called "Justice for Children and Youth" conducts advocacy work on behalf of children and youth. After speaking with non-governmental lawyer Ms. June Maresca, it became apparent that a lot of their advocacy work is dedicated to defending youth who have been unreasonably punished and not been informed of their rights of appeal. Common examples that Ms. Maresca listed were drug trafficking and minor possession of illicit narcotics. As a result, this law firm has implemented a diversionary program. Through such mechanisms as diversion and mediation, police, Crown Attorneys, and school administrators work together to help provide alternatives to youth who would be otherwise criminalized for an infraction. This service for youth has been extended to the education system directly in the form of an organization called "Operation Springboard."²⁰

School psychologists are considering the other side of the school violence issue which concerns the issue of systemic violence. Systemic violence is violence is that which occurs in an institutional setting by those in positions of power. The power relationship is one in which there is victimization of students by teachers, administration, and other school officials often as a result of enforcing 'get-tough' disciplinary policy (Hyman & Perone, 1998: 7). Systemic violence has not been widely studied in the past because this form of violence and its potential for the perpetuation of school violence has typically gone unrecognized (Hyman & Perone, 1998: 7).

Jaunita Epp illustrates that harmful education procedures are a reality and not just a contradiction in terms. Epp refers to these harmful practices as systemic violence,

Systemic violence has been defined as any institutional practice or procedure that adversely impacts on individuals or groups by

²⁰Operation Springboard , "Crime Prevention" 2002. 15 April 2003. <www.operationspringboard.on.ca>.

burdening them psychologically, mentally, culturally, spiritually, economically or physically. Applied to education, it means practices and procedures that prevent students from learning, thus harming them. (Epp, 1996: 1)

Epp cites zero tolerance as a policy that responds to violence with violence. She explains that these types of school practices and procedures are abusive in and of themselves (Epp, 1996: 19). Zero tolerance punishes students in the most adverse way, by excluding them. Students who fall victim to zero tolerance measures serve as an example to others. In this way, punishment serves as a spectacle. Instead of deterring others and the offender, zero tolerance instigates hate and resentment of school officials.

When students are not capable enough or compliant enough, the failure is not shouldered by the school as a failure to provide a meaningful educational experience: the blame is shifted to the student for lack of industry or ability-or to the parents for lack of a positive environment or for failing to support school initiatives. (Epp, 1996: 1)

Zero tolerance measures do not consider the factors that may have predicated the behaviour, instead what the policy does is place the blame squarely onto the student.

In an article by Hyman & Perone (1998), student victimization by school staff is addressed. Forms of victimization are often a result of punitive policy that focuses on law enforcement versus an educational model. The authors examine practices which constitute psychological maltreatment and the consequent emotional harm. These practices are identified as such by school psychologists. This research is timely and important as the authors state, “Educator victimization of students, often in the name of 'get tough' discipline, is an important aspect of the school violence problem that is little recognized, hardly researched, and receives limited attention, funding, or programmatic concern” (Hyman & Perone, 1998: 12). Three institutional practices which are identified as damaging include: strip searches, undercover

agents in schools, and corporal punishment. This is applicable not only in the United States, but Canada as well.

Corporal punishment is still permissible in twenty-three states in the USA (Hyman & Perone, 1998). This practice can prove to be counterproductive and in some cases dangerous. For example, education specialist Barbara Coloroso cites the case of a routine school discipline practice that resulted in dire consequences. Coloroso's services were contracted out after a serious incident occurring at a high school in Texas. After a student received a routine paddling by his high school principal, the student returned to the school the next day armed with a rifle and approached the principal shooting him once in each knee. Part of Coloroso's work was to investigate why the incident occurred. In order, to find out, Coloroso interviewed fellow students, school administrators, the victim and the perpetrator themselves. What Coloroso found out was that the perpetrator was a student who had been subject to institutional abuse at the hands of his principal. Throughout the course of his high school career, the principal had targeted and victimized the student. The student was often reprimanded in public suffering public humiliation by his peers, and he was physically assaulted on his way to class when the principal would slam his head into lockers or into the side of the wall. The last disciplinary practice that was used against the student occurred on the day before he shot his principal. Fellow students recall the incident as follows; the principal had called an emergency assembly wherein all students and faculty were required to attend. In a crowded gymnasium, he stated that he had an important announcement to make. The principal proceeded by calling the student in question forward to stand in front of the school. When the student came before the school, he was asked to drop his pants and lean over a chair. When he asked the principal why, the principal proceeded to tell the student body of the student's disciplinary issues in the classroom

and explained to students how this student's unruly behaviour and subsequent punishment was to serve as an example to the audience. He then proceeded to paddle the student several times in front of the student body. When the student/perpetrator was questioned about the crime he had committed, he explained that he was of sound mind when he shot his principal and that his intentions were not to kill him; rather to make him feel the pain that he had inflicted on him so many times in the past. In the wake of the incident, the school faculty stood behind the principal's decision and was reluctant to admit that unfair treatment occurred at their school. However, after the investigation was complete school officials launched their own investigation into the disciplinary practices occurring at the school and into the school principals conduct. The principal resigned soon after the investigation was launched.

Another problem with zero tolerance policies is that they appear to conflict with current research which has been conducted on child development and school psychology. Researchers in these fields tend to agree that 'get tough' policies like the zero tolerance policy ignore the underlying social causes of violence and act after the fact. Ultimately the implementation of these policies is not effective in solving the actual problem. In the 2000 survey by the National Longitudinal Study of Children and Youth a random sample survey of 22, 831 children living in Canada revealed that:

- “There were high rates of one or more problems in the psychosocial domain of children.
- The high rates of multiple emotional and behavioural problems reveal that one in three children with one emotional or behavioural disorder will have at least one additional disorder and that one in ten children will have two additional disorders.”
(NLSCY, 2000: 125)

These are examples of some social factors that exist and may cause youth to be attracted to violence. The argument is that these issues need to be addressed and dealt with in a sensitive way. This can be accomplished by implementing preventative measures in schools. The

American Academy of Pediatrics identifies aspects of sanctions employed under zero tolerance, as practices that jeopardize children's health and safety.

ZERO TOLERANCE ZERO EVIDENCE:

In Kremser's MA thesis (January 2003) he explores how the new *Safe Schools Act, 2000* of Ontario has been implemented at a local level. He conducted semi-structured interviews with five school administrators (principals/vice-principals) in three secondary schools in the Ottawa/Pembroke region of Ontario. He states that the purpose of the interview "...is intended to acquire an overall perception from professional educators of the Safe Schools Act's impact on the promotion of safety and discipline within the classroom environment" (Kremser, 2003: 44). Through a process of content analysis and coding, five prevalent themes have emerged. The five themes which relate to school safety and the new legislation include:

1. "Does the new policy address the 'problem'?"
2. What is the Act's effect on school codes of conduct?
3. What are the positive aspects of the legislation?
4. What are the negative aspects of the legislation?
5. What is the perceived future of the Act? (as well as suggestions for change)." (Kremser, 2003: 49)

Kremser found that the new *Safe Schools Act* has minimal effects on addressing the overall 'problem' of school safety (Kremser, 2003: 51). In terms of its effect on school codes of conduct, he found that there is no profound change except for the fact that the Act helps to standardize the codes of conduct and extends the schools power to penalize behaviour that happens around school property and during school activities/events. Essentially, the Act has toughened things up in order to deter more youth and to better apprehend those that violate codes of conduct. One administrator sums it up by stating that, "It gives administrators an out. It's law, and it makes it clear that for certain activities, these are the consequences---there's no negotiation, and it makes it definite. Pupils are also more aware that things are tougher now than before the legislation"

(Kremser, 2003: 52). The result of this could function in two possible ways: first, one as a general deterrent towards bad behaviour, thus reducing incidents of violence and the number of suspensions and expulsions, or second, as a means of punishing bad behaviour in a no-nonsense way, thus resulting in an increase in the rate of suspensions and expulsions. Studies have shown the latter to be true. An anonymous source from the Ontario Ministry of Education has confirmed that the rates of expulsion have increased since the enactment of the *Safe Schools Act*, especially in school boards that have access to Strict-Discipline Programs.²¹ On the other hand, rates of suspension have not significantly increased. In addition, Kremser reveals that there is no proof that one of the major aspects of the Act which gives teachers the authority to suspend pupils for one day is actually a practical reality. Kremser states that, “According to all administration interviewed, this sanction has never been invoked in their schools” (Kremser, 2003: 55). If anything, the extra power has just resulted in a conflict of interest and possible power struggle between teaching staff and school administration. Both the administrators, whom were interviewed, as well as Kremser, reveal this to be a negative aspect of the legislation. One administrator explains, “It is not a very positive thing for a teacher to suspend a student, because once a teacher starts suspending, he or she is no longer functioning in the role of the teacher” (Kremser, 2003: 57).

One of the most striking problems with the zero tolerance policy is that studies which document its effectiveness are scant.

Virtually no data suggest that zero tolerance policies reduce school violence, and some data suggest that certain strategies, such as strip searches or undercover agents in schools, may create

²¹ Student records and the official statistics on rates of suspension/ expulsion which are collected by the Ministry of Education annually (referred to as the ‘September Report’) are not accessible to the public. My confidential resource within the Ministry of Education has requested that information that is shared be kept strictly confidential due to the sensitive nature of the material and the legal ramifications outlined in the Privacy Act.

emotional harm or encourage students to drop out. (Skiba & Peterson, 1999: 9)

Skiba (2000) conducted an extensive literature search for published empirical evaluations of school security measures. A search of ERIC, PsychInfo, Criminal Justice abstracts, and Sociological Abstracts databases resulted in only six empirical evaluations of any school security measures were published between 1988 and 1999. In addition, a search of these databases “produced no published evaluative reports on the efficacy of locker searches either for identifying weapons or reducing violence or disruption” (Skiba, 2000: 8). Skiba reveals that the only measure that showed any success in the decrease in school disruption and violence was school uniforms.

The National Center on Education Statistics study of school violence provides data on school security approaches as a method of zero tolerance. The studies(s) reveal that those schools that rely more on school security measures continue to be less safe than those without such policies (Skiba, 2000: 10).

THE FUTURE:

The reason why zero tolerance initiatives remain in place in the province of Ontario is in part due to the lack of resources required to implement alternative educational programs. This lack of money often leads to inappropriate cost-saving policy. However, the new Ontario Liberal government under Dalton McGuinty is trying to rectify certain problems found in the previous Conservative government’s education policy. One such problem has been with the creation and execution of Bill 81 otherwise known as the *Safe Schools Act*. The Conservative government under Harris-Eves responded to an alleged “breakdown of discipline” by implementing a zero tolerance approach to school violence (Bruce, 2000: 2). Zero tolerance has resulted in more negative than positive outcomes. As a result, the current Liberal government has sought to

address issues of school safety in a more positive and efficient way. The Liberals government's

Safe Schools Plan includes:

- Anti-bullying programs
- A school safety hotline
- School surveillance cameras. (www.ontarioliberal.com, 2004: 12)

In addition, policies like zero tolerance are popular because the public supports 'get-tough' policies which hold perpetrators accountable for their actions. In Pratt's article, the usage of curfew law in the USA, boot camps, the reintroduction of chain gangs, three strikes laws, and zero tolerance policies are discussed. Pratt argues that a shift has occurred showing the number of prisons being used and the number of offenders which have been apprehended has become a social indicator presenting the public with the image of a safer society (Pratt, 1998).

Tyler & Boeckmann set out to examine why the public supports the punishment of rule breakers. Their study is placed within the context of the three strikes initiative. Three aspects of people's reactions to rule breakers are measured:

- 1) "Support for the three strikes initiative,
- 2) Support for punitiveness in dealing with rule breakers, and
- 3) Willingness to abandon procedural protections when dealing with potential rule Breakers." (Tyler & Boeckmann, 1997: 237)

The authors interviewed members of the public and reveal that the source of the public's concern about crime and the courts revolves around the decline in morality and discipline within the family, as well as increases in the diversity of society. These results negate the belief that concern about crime and the courts originates with public views about risk and dangerousness. This study is unique because it "...moves beyond prior discussions of punitiveness by trying to identify directly the nature of the noninstrumental concerns that influence policy judgments" (Tyler & Boeckmann, 1997: 260).

These studies (Pratt, Tyler and Boekmann) present arguments which suggest why zero tolerance policy generally has been retained. In addition, there are a number of further arguments which demonstrate why the policy has remained popular, specifically in Ontario. First and foremost, one must take note of the positive headway which has been made since the initial inception of the *Safe Schools Act*. Though a number of elements are clearly questionable, there are several positive aspects of the current legislation that should be retained.

For example, in Gabor's study entitled: "School Violence and the Zero Tolerance Alternative," (1995) he aims to address, "The nature and effectiveness of zero tolerance policies, and the best role for police in their execution" (Gabor, 1995: 1). With regards to zero tolerance his results reveal that: "An apparent contradiction of this study was the tendency for educators to call for predictable and consistent consequences for violent behaviour on one hand, and for administrative discretion, on the other" (Gabor, 1995: 32). In regards to these findings, Gabor makes the following recommendations. First, "Schools should seek a balance between the extremes of excessive automatic sanctions and unfettered administrative discretion." Second, "Infractions that are eligible for automatic penalties and automatic notification of the police should be identified in advance. Unless such infractions are so grave that they warrant immediate police notification, the school should investigate the circumstances first. If the sanction is not applied, the school must justify why." Third, "Less serious infractions should be responded to by the school, taking into consideration mitigating factors" (Gabor, 1995: 32).

In response to Gabor's 1995 study, much has been done in the way of improvement. One way that educators are trying to employ more of a 'root cause intervention' approach (Aronson, 2000) is by considering mitigating circumstances when looking at formally sanctioning a student. Section 306 (5) of the *Safe Schools Act, 2000* states that principals do not have to

suspend and can consider between a limited or full expulsion if there are mitigating circumstances.

One of the ways that school officials consider mitigating circumstances is by taking into consideration students who have disabilities and special needs. Officials that were interviewed revealed that students who fall into this category should, for example, not be sent into the Strict-Discipline school program (the program will be explained later). When asked the question: “So what would a high school principal do if a ‘down-syndrome’ kid came to school [with a weapon]?” ,the principal responded by stating that, “...a down-syndrome student normally would end up with a suspension but not an expulsion...Lower the sanction, and review the circumstances surrounding why it happened...” (Anonymous Interview, January 7, 2004).

This was illustrated in May 2003, when a mentally challenged boy brought a toy gun into a Toronto classroom. The principal involved in the incident asked if police should be notified and after Toronto Safe School administrator Mr. Bill Byrd said no the school considered other options. Ultimately they contacted the boy's parents and informed them of the situation upon which the boy was reasoned with and taken home for the day and allowed to return to school on the following day (Cole, 2003: F6).

STRICT-DISCIPLINE SCHOOLS:

Another beneficial aspect of the current legislation is Strict-Discipline programming. Strict-Discipline schooling was created by the Ministry of Education in 2000 and became available provincially in the fall of 2001 (Ontario Ministry of Education: Backgrounder, May 2000). Strict-Discipline schooling was made with the following two goals in mind:

- 1) “To restore order in the regular classroom,
- 2) To reduce an expelled student's further involvement in criminal and disruptive behaviour.” (Ontario Ministry of Education, 2000)

A Strict-Discipline program is one which combines a school based curriculum with additional services offered by outside agencies like social workers²². Students who attend the program have been fully expelled from the public school system and have been referred to a Strict-Discipline provider in their area. The Ontario Ministry of Education defines a Strict-Discipline program as: "...a program approved by the Minister as a Strict-Discipline program" (Ontario Ministry of Education: Policy/Program Memorandum No. 130, Sept. 19 2001). The Ministry outlines that under the *Safe Schools Act*, all school boards must have such programs in place for fully expelled students. Students who are fully expelled under the *Safe Schools Act* "mandatory expulsions" are required to leave the public school setting and complete a Strict-Discipline program before they are allowed to re-enter any publicly funded school in Ontario. The success or failure of students to meet the objectives of the program is evaluated by the Strict-Discipline provider.

In January 2004, I conducted an analysis of Strict-Discipline schools²³. My initial hypothesis predicted that this method of segregation would be both a positive and a negative thing for troubled students. Initially, I was skeptical of the Strict-Discipline school philosophy and had viewed it as a method of segregating, labeling, and warehousing troubled youth. Since the Strict-Discipline program is new, and no other academics had done formal research on its implementation and effectiveness, I felt that it was important to access the field myself. I visited and interviewed three school officials (Principal, Vice-Principal, Re-Entry school teacher) at one Re-Entry School Program in the Ottawa-Carleton School District²⁴. The results of my interview were different than my initial hypothesis. In fact, I found the Re-Entry program to be a very

²² Strict-Discipline Schools are otherwise known as Re-Entry Programs.

²³ One of the requirements of my ethics clearance is the omission of interviewee names and of the institution.

²⁴ I was limited in my research on Strict-Discipline schools, because there are only two programs of its kind in the city of Ottawa (one Francophone and the other Anglophone).

positive aspect of the legislation and it is my overall belief that Strict-Discipline schools should be retained. These programs provide a number of positive aspects: an academic and therapeutic theme, a specialized/alternative environment, and a low student to teacher ratio.

With regards to zero tolerance, the school officials that I interviewed indicated that Strict-Discipline schools serve as a filter for at-risk youth. Instead of just expelling students, "...You've put sort of a mechanism in place in terms of their curriculum because originally what would happen is you're suspended for twenty or thirty days and no work is given to them, so [sic] they come back and they're thirty days behind in their semester in school which means typically sixty days behind if you were in a full year school, so now you're gonna fail the term anyways, so most of those kids would drop out at that point..." (Anonymous Interview, January 7, 2004).

Furthermore, segregation actually serves as a benefit for students who are admitted into the program: "The benefits are that [students] are removed from their daily environment, I mean we can't keep them away from the people they socialize with at night, but we can during the daytime and we can hopefully make a positive impact on them so that they choose the right path when they are not in school" (Anonymous Interview, January 7, 2004). Moreover, the students each have their own break times, which are kept separate from each other. This may sound like 'solitary'; however, in many respects it is beneficial both to the students enrolled in the program and those who are regular students in attendance at the Adult High School²⁵. As the principal explains, "...we structure it this way for a reason, they are here to improve not to socialize" (Anonymous Interview, January 7, 2004).

The program best meets the needs of at-risk students, typically those identified as

²⁵ The Ottawa-Carleton Re-Entry Program that I conducted my research at was located within an Adult High School. The Strict-Discipline program only occupied one classroom in the school.

reluctant learners who have academic and social difficulties related to school. Students set individual long-term and short-term goals for themselves. The Re-Entry school teacher explained that there are three main goals that the students aim to meet and they are: academic, behavioral, and an attendance component (See Appendix B for Educational Contract). The program has no time restrictions, meaning there is no minimum or maximum duration that students must attend for. They successfully complete the program when their social, psychological and academic needs are met. This is determined by a tripartite committee which is made up of a psychologist, social worker, and teacher. Therefore, students can access the resources provided and work at achieving goals that are realistic to their individual needs and abilities. There are also therapeutic aspects of the program. Weekly individual sessions and a group session are conducted with the school social worker and psychologist, as well as a quarterly therapeutic report card which keeps each student's progress up-to-date. There is also involvement of outside agencies depending on the needs of each individual student. For example, drug counseling provided by such organizations as the Dave Smith Centre of Ottawa. In addition, there are special programs offered to students including: career development classes, personal development seminars which offer such things as resume building and interview preparation. Emphasis is placed on the tracking of the success of students who have attended a Strict-Discipline Program through a progress report. Four times each year the program teacher will do a report card on each student while they are enrolled in school, and upon completion of the program the Ministry conducts a six month to one-year follow-up through a basic survey. According to the Vice-Principal, this survey includes questions about such things as the enrollment start date of each student, the return date to regular school, and a column which asks if the student is currently enrolled in school.

These show how the program attempts to ameliorate the ‘get-tough’ approach and replaces it with what the Vice-Principal calls a ‘get smarter’ approach. He states that, “...the legislation is a get smarter approach because...it’s taking the sort of gap that was in the YOA, as it didn’t really spell out a lot of therapeutic approaches, so it’s trying to answer that, and it’s also trying to respond to the fact that all kinds of money is being spent on incarcerating young people and we’re not getting any bang for our buck at all...” (Anonymous Interview, January 15, 2004).

However, there is a certain level of uncertainty when it comes to the future of the legislation. The new government has yet to decide the fate of the Strict-Discipline program. Funding for the pilot project will end at the end of June 2004. In speaking with Strict-Discipline school providers, four possible options that the Ontario Ministry of Education may take were proposed. The first option involves keeping the legislation as is but have individual school boards fund and plan themselves. Second, the program can function as a regional holding cell wherein individual boards bond together. For example, the Ottawa-Carleton and Upper Canada School Board with only one location and an increase in school population in order to save money. Third, the funding that school boards get will be increased so one dollar from every student will go towards funding the program. Lastly, the program could be eliminated altogether and new legislation will be passed. The legislation would have to change with regards to full expulsions if Strict-Discipline programs were eliminated.

An anonymous source from the Ministry of Education has provided me with a document published by the American Academy of Pediatrics (AAP) which lists some critical findings. The findings outlined in this document entitled: “Organizational Principles to Guide and Define the Child Health Care System and/or Improve the Health of All Children,” could serve as a means of improving and rectifying problematic aspects of the current legislation. Although the Strict-

Discipline Program model serves as an alternative, it misses some key things that the AAP recommends such as pre-assessment from a health care professional. What the Strict-Discipline program provides is supportive mechanisms after school expulsion and placement in an alternative school environment. The AAP recommends that immediate professional help be provided immediately at the time of removal from school. Under the Act, mitigating circumstances are intended to introduce a level of discretion into the disciplinary process. However, mitigating circumstances are irrelevant unless you have mechanisms in place to discover these circumstances.

CONCLUSION:

Moral panics around issues of school violence have resulted in a rush in policy. Zero tolerance satisfies public demands and acts as a reactionary tool to combat school violence. Zero tolerance has been used in the education system in the USA for almost a decade and has recently gained popularity in Canada after the high profile shooting at Columbine High School in Littleton, Colorado in 1999.

Although, the term zero tolerance does not exist in the *Safe Schools Act* legislation, it is still prevalent. Since expulsions still serve as a tool to eliminate troublesome students from the education system, zero tolerance exists whether formally recognized or not. Improvement has been made since the Act was initially passed. Discretion has been introduced into the law. I have outlined the positive aspects of the legislation including, mitigating circumstances and Strict-Discipline Programming.

With the new government in Ontario, change is inevitable. The Act itself could be amended or re-written. As such, it is my hope that the Ministry of Education will consider the

current research that is being conducted on the health and development of children and youth when they are reviewing the disciplinary practices and procedures of the province of Ontario.

CHAPTER 5: SAFE SCHOOLS, WITHOUT ZERO TOLERANCE?

Today, how do we achieve safe schools without zero tolerance?

The principle of zero tolerance is simple; it outlines consequences for behaviour which are deemed to be unacceptable by a given institution. In schools, zero tolerance comes in the form of suspensions and expulsions. Literature tells us that punishment alone does not solve underlying problems or issues with children and often leaves both the victim and offender unsatisfied. With regards to youth crime specifically, punishment often fails to act as a deterrent and in some cases can actually perpetuate problems. Throughout my thesis I have set out to prove that school discipline should be removed from the legal domain of the courts. However, I believe that formal legal sanctions should be reserved for the most serious cases. Serious cases account for such criminal offences as homicide²⁶. Other options and alternatives should be sought so that the law is involved only as a last resort.

Punishment and discipline are two very different concepts. “The word discipline, from the Latin word ‘disciplina’, means learning” (Zammit, 2001: 1-2).

Coloroso explains that:

Discipline is not judgmental, arbitrary, confusing, or coercive. It is not something we *do to* children. It is a process that gives life to learning; it is restorative and invites reconciliation. Its goal is to instruct, teach, guide, and help children develop self-discipline—an ordering of the self from the inside, not imposition from the outside. (Coloroso, 2002; 106)

Coloroso uses what she calls the three R’s of discipline—“restitution, resolution, and reconciliation to explain the steps to proper discipline” (Coloroso, 2002: 108-113). It is important to distinguish between restoration and punishment as they are two entirely different concepts. To punish someone is to hold them accountable by applying a sanction. Restoration

²⁶ See discussion of Reena Virk murder and Criminal court trial.

involves more than just a sanction, it involves learning from one's mistake and taking the necessary actions to repair the harm caused. Restoration arguably holds the offender accountable to a higher degree by not only applying a sanction, but by requiring the offender to admit his/her guilt and agree to willingly participate in the restorative process. Restorative justice does not have pre-determined or prescribed sanctions. In this model, sanctions are reached and agreed upon in a collective manner (Morris & Maxwell, 2001: 32).

Restorative justice is a theory which offers an alternative to punishment prescribed under the traditional criminal justice system. British criminologist Tony Marshall defines restorative justice as: "a process whereby all the parties with a stake in a particular offence come together to resolve collectively how to deal with the aftermath of the offence and its implications for the future" (Marshall 1996: 37 cited in Morris and Maxwell 2001: 5). As its root word suggests restorative justice focuses on restoring, healing, and making reparations to those harmed rather than simply punishing the offender. One of the most famous approaches used to compare sanctioning under the traditional criminal justice system (retributive justice) with that of restorative justice is Zehr's dichotomy (1990). Zehr's dichotomy is used to contrast retributive justice with restorative justice. Zehr states:

Restorative justice sees things differently...Crime is a violation of people and relationships...It creates obligations to make things right. Justice involves the victim, the offender and the community in a search for solutions which promote repair, reconciliation, and reassurance. (Zehr, 1990: 181)

The retributive model views the act as one which violates the state; whereas, the restorative model views the act as one which violates the victim. There exist three basic models of restorative justice: "Victim Offender Mediation, Conferencing, and Circles" (Morris & Maxwell, 2001: 6). These models can function within and/or outside of the criminal justice system.

While it is important to keep the distinction between restorative justice and the traditional criminal justice system in mind, it is also important to appreciate the similarities between them. As Daly states: “Specifically, restorative justice practices do focus on the offence and the offender; they are concerned with censuring past behaviour and with changing future behaviour; they are concerned with sanctions or outcomes that are proportionate and that also ‘make things right’ in individual cases” (Daly, 2000: 35). Daly warns against viewing restorative justice as being in conflict with the justice system. While Zehr’s model is the traditional way to look at the distinction, it is necessary to break away from this model because it is far too simplistic. Rather, Daly wants people to see restorative justice as the blending of concepts in a new and improved way (Daly, 2000: 35-6).

RESTORATIVE JUSTICE AND YOUTH JUSTICE:

In considering efforts to integrate restorative justice, “the starting point for change in most countries has been their youth justice systems...” (Morris & Maxwell, 2001: 5).

In Canada, restorative justice practices originated in the Kitchener-Waterloo region in 1974.

There Victim-Offender mediation programs within the criminal justice program were developed.

Victim-Offender mediation developed after probation officer, Mark Yantsi identified problems with recidivism rates and a lack of individual responsibility and remorse from his clients

(Zammit & Lockhart, 2001: 12). From 1974 onwards, the philosophy was embraced in Canada, but was not officially legislated until 2003 with the inception of the YCJA²⁷.

The new YCJA in Canada provides opportunity for the inclusion of restorative justice practices. With Canada having the highest youth incarceration rate than any other Western country, due in part to the overuse of custody as a sentence for both serious and non-violent offenders, the government has been forced to consider other alternatives to the ‘get-tough’ on

²⁷ The YOA had an Alternative Measures section, but was not as explicit about the use of restorative justice.

crime model of justice (Department of Justice Canada: YCJA Explained: Youth Sentences, 2004). As such, alternative practices can be used in order to reduce youth incarceration.

The finding of a national survey of youth court judges in Canada reveals that, “Judges in every region of the country believe that a significant number of cases in their courts could have been dealt with adequately outside of the youth court; and 54% of judges believed that half or more of the cases could be dealt with adequately outside of the youth court” (Doob, 2001: 7-8). In part, these findings have led to the creation of Extrajudicial measures (Part 1 of the YCJA).

‘Extrajudicial measures’ implies a restorative justice approach:

- a) “provide an effective and timely response to offending behaviour outside the bounds of judicial measures;
- b) encourage young persons to acknowledge and repair the harm caused to the victim and the community;
- c) encourage families of young persons-including extended families-and the community to become involved in the design and implementation of those measures;
- d) provide an opportunity for victims to participate in decisions related to the measures selected and to receive reparation; and
- e) respect the rights and freedoms of young persons and be proportionate to the seriousness of the offence.” (YCJA, 2003: sec. 5, part 1)

The legislation outlines a number of objectives for the youth justice system: “prevention, rehabilitation and reintegration, and meaningful consequences, system must reflect that young persons lack the maturity of adults” (YCJA, 2003: Preamble). These objectives ensure that a restorative approach is taken when dealing with young offenders. In considering this new approach, conferencing is now being used as an alternative. Conferencing is being used as a means to making a final decision about an offence.

In 1999, my own family took part in a Restorative Justice pilot project that was being endorsed by the RCMP in British Columbia. In this case, the form of restorative justice that was being used was Victim-Offender-Mediation. The project took place after several cars, including

ours, had been broken into by a young offender in the community. The young man had been apprehended and before the RCMP placed any charges they asked our family if we would be interested in participating in an alternative model of justice. Our participation was voluntary and we agreed to take part in the process. The process included a victim-impact statement made to the offender by our family, a written and verbal apology from the offender, and the signing of a written restitution agreement by the offender. Within this agreement were legal stipulations, which held the offender accountable to obligations that had been outlined. Violation of the agreement would result in the laying of formal criminal charges. Overall, the process left both parties satisfied. In the end the offender successfully completed the program and has not been involved with the law since.

RESTORATIVE JUSTICE IN SCHOOLS:

Restorative justice is a model which is typically associated with the criminal justice system. However, its philosophy is universal and can be applied to other arenas such as schools. Schools are an ideal place to incorporate restorative justice because most school discipline problems involve conflict of some kind, and; acts of violence do not take place without a victim (meaning that they are not victim-less crimes). Furthermore, traditional disciplinary measures have been used to effectively remove or displace a student who has offended in some way, leaving the victim and the community unsatisfied. A 'code of silence' operates in many of our nations schools. This means that very often authorities are simply unaware of problems or are unable to determine which individuals are actually involved. What restorative justice does is break the 'code of silence' by facilitating communication through a dialogue between the parties involved. In addition, most students lack the maturity to problem-solve and resolve conflict in a meaningful way on their own. This is even formally recognized in criminal justice legislation

governing youth in Canada. Also, traditional sanctions often fail to deal with the underlying problem that lies behind the offence. For example, suspending a student from school does not help the student resolve his/her problems. It has become clear that building a school community is all about inclusion versus exclusion. Instead of simply removing problems, restorative models of justice attempt to actually 'fix' the issue from within.

Schools are a unique place in which to incorporate restorative justice because they function as a micro-scale of a small community. Positive relationships are often regarded as the building blocks of a healthy community. However, this presents the question of what is meant by the word 'community'?

Zammit & Lockhart (2001) define this term by distinguishing between the notion of community and non-community. For example:

- "Community creates ways to build relationships; Whereas, Non-Community maintain blocks to relationships;
- Community promote process of inclusion; Whereas, Non-Community promote process of exclusion;
- Community embrace conflict to address harm done; Whereas, Non-Community encourage means to 'fight' conflict;
- Community experience feelings of safety; Whereas, Non-Community experience feelings of fear;
- Community [feel] connected to others; Whereas, Non-Community [feel] fear of others and isolation;
- Community promote ways to support, create development and growth of self and others; Whereas, Non-Community promote ways that stifle growth and development of self and others;
- Community attention [is focused] on maintaining the well-being of the physical environment; Whereas, Non-Community [disregards] and [abuses] the physical environment." (Zammit & Lockhart, 2001: 18)

Conflicts affect relationships between victims and offenders, and also between members of a community. The fact that harm has occurred on more than one level, means that the resolution of such conflict is a complicated issue. Not only must the victim be reintegrated back into the school community, but the offender must also. The best illustration of this is depicted in the last

scene of the biographical CTV movie ‘Tagged: The Jonathan Wamback Story’ (2001)²⁸. This scene shows Jonathan’s return back to school where he is depicted as a hero who has battled the life-threatening injuries inflicted on him by a school gang. The perpetrators who are responsible for injuring Jonathan are equally depicted as the ultimate losers. They stare in awe at the gravity of the permanent damage that has been done to Jonathan. Finally, the student body stares down one of the perpetrators, shunning him as he turns from their stare and walks away. Jonathan then emerges and moves forward as the final victor (‘Tagged: The Jonathan Wamback Story’, 2001). Although, the movie concludes on a positive note because the victim emerges victorious, what is particularly troubling about this last scene is the disintegration of the community. This disintegration is evident through the lack of connection between the victim, offender, and the rest of the school community. The perpetrators do not have a full grasp of the nature and severity of Jonathan’s injuries, beyond those that are physically obvious. Nor, has Jonathan had the opportunity to express how the act of violence has affected his life. Lastly, the school community has not received a sense of hope or comfort. Their fears over gang violence and bullying have not been rectified or addressed. We as a society, praise Wamback in his successful recovery, but unfortunately are left to worry about the future.

The *Safe Schools Act* has been in place in Ontario since 2000. Unfortunately this Act is not comprehensive enough, as it does not solve a number of problems that could be more adequately dealt with through restorative justice. “During the first year, school boards reported a marked increase in the number of suspensions and expulsions that were imposed as a result of the legislation” (Zammit, 2001: 1).

²⁸ In June 1999, Canadian teenager, Jonathan Wamback was savagely beaten by a school gang. Wamback nearly died as a result of his injuries and suffers from permanent brain damage today. The teens responsible for Jonathan’s injuries received minimal sentences under the YOA.

School principals are obviously bound by the rules set out in the *Safe Schools Act*, school principals are bound to the legislation and in some cases this leaves little room for discretion. However, common sense is not eliminated entirely from the process, and when principals conduct a ‘principal’s inquiry’ several things like ‘mitigating circumstances’ are taken into account. Principals are required to enforce such things as mandatory expulsions; however, they have the ability to create meaningful solutions for at-risk students without violating the legislation. For example, Cedarview Middle School (CMS) in Ottawa, Ontario is one example of a school that uses a unique approach to enforcing school codes of conduct. Cedarview Middle School is composed of students in grades six through eight and the program operates in all thirty-one classes.

Principal David Petrie is the coordinator of the “CMS Code of Conduct and Reflection Room Program.” This program has been in operation for approximately two years and operates independent of external funding sources. Cedarview Middle School’s program is cited on the Canadian School Restorative Justice Program Directory (www.restorativejustice.ca). Principal Petrie introduced this program when school administrators found that punishment in the traditional sense was not working and students were not learning from their mistakes.

The emphasis on school Codes of Conduct has become increasingly important since the inception of the *Safe Schools Act, 2000*. School principals in Ottawa, such as Principal Petrie, are responsible for enforcing the Ottawa-Carleton District School Board policies and procedures on safe schools (see www.ocdsb.edu.on.ca). In turn, school board policy must operate in accordance with the provincial Code of Conduct. This process is clearly outlined for school administrators, but can become confusing for students. As a result, Principal Petrie has made it a priority to make students knowledgeable about the Code of Conduct. By taking an active role in

creating the schools Code of Conduct, students now have a working knowledge of it and they can reference it when needed. Petrie explained that students need to know that a Code of Conduct is more than just rules against drugs, alcohol, and assault. The code itself actually has a lot more to do with common sense things such as respect, courtesy, and kindness (Petrie, personal interview, 2004).

The CMS Code of Conduct is: “Think before you act; Respect yourself, others and their property; Aim for excellence and have a positive attitude; Be organized and have fun!” (CMS School Management Plan, 2002-3). In order to ensure greater support from the school community, students are directly involved in creating the school’s Code of Conduct. The process begins each year with all thirty-one classes participating in a poster contest. Five codes per class are drafted up and a classroom representative is nominated to present the Class Code of Conduct to Student Council. Home room teachers are encouraged to ask students the following question: “What are ten things that must happen in a class so that a teacher can teach and students can learn?” (CMS School Management Plan, 2002-2003). From this question students create a list of rules and stemming from these rules come the Codes of Conduct. Teachers are encouraged to “discuss the important difference between rules (which are a list of don’ts) and codes (which are a list of do’s)” (CMS School Management Plan, 2002-2003). The ideas brainstormed in each class are used to create a universal Code of Conduct for the school. Afterwards a school assembly is held where student representatives showcase the Code of Conduct to fellow students, teachers, and parents, and are subsequently rewarded for their efforts. The whole process takes approximately six weeks to complete.

When a student at CMS breaks a school code, he/she is sent to the Reflection Room. The concept of the 'Reflection Room' was bought from Advantage Press²⁹ and altered accordingly. On first glance, the Reflection room appears to have simply replaced the detention room in the school. However, it has an entirely different philosophy to it. Instead of sitting in a stressful environment, in silence, for long periods of time, students with persistent problems are given activities to work on. These assignments are problem-solving in nature and require each student to reflect on what they did wrong and strategize on how they can learn and grow from the experience (see Appendix C for an activity template). A student's success in the program is determined upon their completion of the reflection activity with attention given to their attitude upon completion. A signature by the student's teacher and parent are required in order to make the activity seem formal and to hold the student accountable (this is similar to a formal Restitution Agreement which is often used in the criminal justice system).

The CMS Code of Conduct and Reflection Room is restorative justice in nature because it utilizes counseling, mediation, and occasionally Family Group Conferencing as an alternative to zero tolerance. It views suspension as a last resort, and when necessary uses in-school suspension over out-of-school suspension. In addition, victim, offender, and the community are satisfied at the end of the restorative process because the program offers support for all three groups. For example, when appropriate, both the victim and offender are encouraged to meet in a safe environment in order to discuss their issues, make amends and come up with a positive plan for the future. Since the implementation of the program, suspensions and expulsions have been drastically reduced (Petrie, personal interview, 2004).

²⁹ Advantage Press is an academic research product originating from the United States that can be purchased by educators to use in their schools.

Lynn Zammit is the Coordinator for the “Choices for Youth” program which operates out of the Waterloo Region District School Board. (See Appendix C for a brochure). The program is used to help students who have been expelled under the *Safe Schools Act* re-integrate successfully back into the school environment. The program takes on the form of a Strict-Discipline Program but uses a different approach³⁰. This program uses a Restorative Justice model known as Family Group Conferencing (FGC). “A Family Group Conference is a meeting of community people who have been affected by behaviour that has caused serious harm” (Zammit & Lockhart, 2001: 27). Conferencing brings together the immediate victim and perpetrator(s) as well as community members. These could include: school administrators, staff and police. Family Group Conferencing and CC are two variations of the same model. Zammit does not make a distinction between FGC and CC because she views conferencing as encompassing both variations.

There are two primary models of Family Group Conferencing. This includes the New Zealand model, and the original Australian model (Schiff, 2003: 319). FGC originates with the Maori people of New Zealand who used ‘family circles’ (Zammit & Lockhart, 2001: 11). In 1989 a piece of legislation entitled: “Children, Young Persons and their Families” was passed in New Zealand. This legislation borrowed the philosophy of the Maori ‘family circle’ and built upon it in order, to make it functional within their juvenile justice system (Zammit & Lockhart, 2001: 11).

Restorative justice models did not appear in Canadian schools until the mid 1990’s. In 1995 Lynn Zammit of the CAPSS program in the Toronto District School Board, and Arthur

³⁰ It functions as a Strict-Discipline program because it serves the needs of students that are fully expelled under the Safe Schools Act, 2000 and is staffed by those that are trained in both the academic and therapeutic realm. The requirements of the program are the same. Students must successfully complete the objectives and requirements of the program before they are allowed to return to the public school system. Lastly the basic program components are similar focusing on both academic and individual support.

Lockhart of Humber College's Justice Studies, designed their first training for Family Group Conferencing. Since that time the program has been nearly 100% successful with its conferences (Zammit & Lockhart, 2001: 13). According to Zammit, the use of restorative justice practices in Ontario schools began in Toronto in the early 1990's. This model was considered because the suspension program that was in operation at the time lacked any recourse and showed a clear disconnect between victim and offender. Eventually the Ontario Ministry of Education approved the Family Group Counseling model and it has been successfully functioning ever since (Zammit, Personal Interview, 2004). For example in 2001, "The Toronto District School Board [had] over 200 staff trained in this model. The Waterloo Region District School Board and the Windsor Essex Board [began] their training in the spring of 2003" (Zammit, 2001: 3). Furthermore, in 2004, 300 people will be trained in this model in Kingston, Ontario (Zammit, Personal Interview, 2004).

In order to expand the success of restorative justice models, Lynn Zammit and Art Lockhart have created a program to be utilized in the districts. The "Choices" program is more of a philosophy rather than an education package. At the request of interested school boards, Ms. Zammit presents this philosophy in the form of a workshop entitled: "Creating Safe Schools through Restorative Practices." Zammit's program is unique because it utilizes restorative justice to include students, the school system, the justice system, and communities and families in the process (See Appendix C for a diagram). In addition, staff is trained in the Family Group Conferencing Model and is able to conduct sessions that involve all of these key players. The "Choices" program components include: "Academic support, interpersonal development, student development, career development, individual support and parental outreach" (Zammit, 2004: Information Brochure).

By using a restorative justice approach...we take a violent incident and turn it into a teachable moment, we create the capacity to change, when we use it as an opportunity to punish, we create something quite different. (Zammit, 2001: 2)

The focus is on “learning over punishment and reintegration over exclusion” (Zammit, 2001: 2).

It is important to note that the restorative justice model can operate on two levels. It can either act in a preventative way, before suspensions and expulsions take place, or and/or it can act after an incident has occurred. In addition, this model can be used for cases involving police intervention. Under the YCJA, Extrajudicial measures can be exercised by the courts. One alternative outlined under extrajudicial measures is conferencing.

In order, to participate in the “Choices” program (which uses Family Group Conferencing) three requirements must be met by students: “They must admit to their actions, they must demonstrate a sense of remorse, and they must be willing to make amends in some way” (Zammit, 2001: 3). Zammit’s manual outlines a very specific and comprehensive methodology for facilitators. This methodology includes a structure for:

- outlining the necessary steps in order to prepare/organize the conference;
- investigating the details of the offence prior to beginning the formal conference, as well as outlining the objectives;
- determining the environment in which the conference will take place;
- explaining the role of the facilitator;
- outlining the mindset that should be maintained during the conference; and
- describing the obligations for each key player. (Zammit & Lockhart, 2001: 29-40)³¹

Zammit’s program is an alternative model of Strict-Discipline programming, because it uses restorative justice which requires voluntary participation. If the willingness to cooperate is absent, a more coercive method is required. Thus, the regular Strict-Discipline programming should be retained, but alternative models like Zammit’s should be readily available for those who wish to participate.

³¹ This methodology has been paraphrased from the original manual written by Zammit & Lockhart, 2001.

APPLICATION AND DISCUSSION:

Of all school infractions, bullying is the most suitable for describing the restorative justice model. Bullying is a form of violence that negatively affects peer relations. This violence can take many forms and often results in social exclusion, the disintegration of childhood friendships, physical/emotional/verbal assault, and in some cases bullycide³².

Coloroso states that, "One of the most dangerous things we can have is a bully that gets what he/she wants and a victim who is afraid to tell and a parent or an adult who doesn't take it seriously, or just sees it as 'boys will be boys'" (Coloroso, Personal Interview, 2003).

It is hard to forget the tragic case of fourteen-year-old Dawn Marie Wesley who was a victim of bullycide³³. After being harassed and threatened multiple times, Dawn Marie took her life. She firmly believed that the death threats made against her were real and that there were no other options available. The teenager held responsible for Dawn Marie's suicide was criminally charged with 'uttering threats' and criminal harassment. In April of 2002, Dawn Marie's family and the perpetrator agreed to take part in a restorative justice model of sentencing called an aboriginal healing circle. The use of the aboriginal healing circle as opposed to the formal criminal justice system was requested by the victim's mother. Dawn Marie's mother was reportedly frustrated with the traditional justice system because it did not allow the families of the offender and the victims to communicate (Coloroso, 2002: 197).

³² Bullycide is defined as, suicide that happens as a result of a sense of hopelessness and despair that is caused by being the victim of relentless bullying. The term was first coined by Neil Marr and Tim Field in their book: Bullycide, Death at Playtime: An Expose of Child Suicide Caused by Bullying. According to Marr and Field the first case of bullycide occurred in 1967 with the death of Stephen Shephard of Britain. Bullycide is not a recent phenomenon. Reported cases of bullycide date back to the late 1960's. In the past, bullycide was often not recognized as such by medical examiners and police. Bullycide has come to the forefront as recent studies have been focusing on the link between bullying and suicide. As a result, more attention has been devoted to this social problem.

³³ In November 2000, B.C. teen Dawn Marie Wesley hung herself after being bullied by fellow classmates.

One can only speculate that had the restorative justice process taken place earlier on, the end result might have been different. Restorative justice breaks this ‘code of silence’ through dialogue. Family Group Conferencing could have been used to unite the victim, and offender, as well as other key players in the education community. This process would allow the victim to address the harm that has been caused as the result of being bullied. In addition, it would allow the victim to settle any unanswered questions such as: why me? And what were you thinking? In turn, the perpetrator is given the opportunity to express his/her remorse and is allowed to explain why the bullying took place. The process is complete when a sincere apology is given, responsibility is taken, and a resolution/restitution is made. The end result is typically confirmed through the signing of a Restitution Agreement (See Appendix C for Restorative Justice Agreement).

Never doubt that a small group of thoughtful, committed citizens can change the world. Indeed, it is the only thing that ever has. –Margaret Mead

In 2003, after attending an anti-bullying workshop put on by author and education specialist Barbara Coloroso I was motivated to form my own anti-bullying team in my community. I gathered a list of names and contact information from interested parents and educators who were in attendance at her workshop and started my own anti-bullying support group. My idea proved to be of interest to several concerned parents and educators and as a result we began an anti-bullying support group at a local Ottawa, Ontario elementary school³⁴. The goals of the Anti-Bullying Team are to support and educate the team, the staff, the parents and the children to create a safe and happy environment based on respect, discipline and trust.

³⁴ The elementary public school in Ottawa, Ontario has requested to remain anonymous. The team includes the following: Principal, Vice-Principal, two school teachers, School Resource Officer-Youth Services, two Carleton University Graduate students, and various parents.

Over the course of the last year, our group has delivered several educational talks to the Parent Teacher Advisory Committee and to school staff.

I have prepared and delivered the following educational talks:

- “Bullying at school: the work of Canadian academics Debra Pepler and Wendy Craig³⁵”
- “Breaking the ‘Code of Silence’ in our Schools.”

In addition, our team has made it a goal to create a resource library which includes: a reading list, website list and video list as reference. With the help of a new school principal who is trained in mediation, alternative dispute resolution (ADR) has been introduced at the school. In addition, an anti-bullying information brochure has been drafted and distributed to students and parents (see Appendix C for brochure). The activities of the anti-bullying group are discussed in the school newsletter and volunteers are encouraged to join. In order to make our efforts public, one of our team members wrote a Member of Provincial Parliament informing him of our efforts.

RESPONDING WITH WISDOM AND COMPASSION:

*“Look for alternatives to punishments,
not only alternative punishments”- Nils Christie*

Zero tolerance is a form of violence. It responds to violence with violence (Epp, 1996). Peace-building on the other hand is a kinder and more open-minded concept to combating school violence. It is clear that violence prevention should be incorporated into the school curriculum early. *Classroom Connections* is an organization that has developed a series of classroom resources geared for grades ten through twelve. One series of support resources that is particularly interesting is their “Cultivating Peace Program.” This is a two-part series which has been created for educators. The first part is entitled: “Cultivating Peace in the 21st Century” and the second part is entitled: “Cultivating Peace-Taking Action.”

³⁵ Debra Pepler (York University) and Wendy Craig (Queens’s University) are two leading academics researching the topic of bullying and victimization in schools.

The organization itself is funded by Citizenship and Immigration Canada, Canadian Heritage, and the RCMP. As a result of the funding efforts of these organizations, the education resources are free for educators and parents. The goals of the program are simple: “to educate for change.” As the preamble states:

We are surrounded by violence in our society and our global community, and too often we see this echoed in the actions and behaviours of the youth in our schools...we would argue that educating for peace is our best solution. (Classroom Connections, ‘Cultivating Peace in the 21st Century’, 2004: 7)

Through various group and peer-assessed activities students are encouraged to respond to conflict in a peaceful way. With regards to school violence, students are asked to consider the following problems: the masculine culture of violence, security issues for minority students, racism, homophobia, discrimination, bullying and harassment. In considering these problems, students are taught and encouraged to right wrongs. One lesson plan in particular should be highlighted. In lesson four of series one, students are asked to read two different case studies which both deal with exclusion based on race and sexual orientation. After reading each case study carefully students are asked to complete a series of activities (see Appendix C for complete lesson plan). One activity involves answering the following questions in groups: “What rights were denied in the story told? In what way(s) was the right denied? What actions did students take in response to what they were facing? What actions did others take? And what could be done in future to prevent or minimize such occurrences?” (Classroom Connections, ‘Cultivating Peace in the 21st Century, 2004: 37).

CONCLUSION:

In my thesis, I have demonstrated that zero tolerance does not work. As such, I have outlined what I believe to be effective alternatives for preventing school violence. Zero

tolerance is a 'knee-jerk' response to school safety prevention. Zero tolerance stems from the moral panic surrounding school violence. During times of uncertainty, it is easy to reach for the 'quick-fix' solution. However, although this may seem like an easy solution it is actually quite detrimental. Suspension and expulsion does not make our schools safe. What creates safety and security is a strengthening of the school community and a focus on education and prevention.

Exclusion merely shifts the problem child into a different arena. With the advent of new youth criminal justice legislation, alternatives such as restorative justice are becoming more accessible and recognized. Restorative justice is a philosophy that fits well within the education arena. Efforts should be taken to incorporate more alternatives like restorative justice into school discipline and violence prevention. "If restorative interventions do no harm, cost less, produce outcomes that are no worse than current practices, then there appears no good reason *not* to do them" (Schiff, 2003: 332).

It is clear that a number of problems plague school systems that rely on retributive justice models. Responding to the youth of today with a certain level of compassion and caring will prove to be more beneficial than reacting in a way that labels, excludes, and inhibits growth and development.

APPENDIX A

Columbine Victims:

Victims: **Deceased:** Cassie Bernall, 17 Steven Curnow, 14 Corey DePooter, 17 Kelly Fleming, 16 Matthew Kechter, 16 Daniel Mauser, 15 Daniel Rohrbough, 15 Dave Sanders, 47 (Teacher) Rachel Scott, 17 Isaiah Shoels, 18 John Tomlin, 16 Lauren Townsend, 18 Kyle Velasquez, 16.

Victims: **Injured:** Brian Anderson, 17 Richard Castaldo, 17 Jennifer Doyle, 17 Stephen Eubanks, 17 Nicholas Foss, 18 Sean Graves, 15 Makai Hall, 19 Anne Hochhalter, 17 Patrick Ireland, 17 Joyce Jankowski, 45 Michael Johnson, 15 Mark Kintgen, 17 Lance Kirklin, 16 Lisa Kreutz, 18 Adam Kryler, 16 Stephanie Munson, 17 Patricia Nielsen, 35 Nicole Nowlen, 16 Jeanna Park, 18 Kasey Ruegsegger, 17 Valeen Schnurr, 18. Danny Steepleton, 17 Mark Taylor, 16.

Weapons used: One TEC DC 9, modified, semi-automatic pistol, One sawed-off double-barrel shotgun, One sawed-off pump-action shotgun, One 9 mm semi-automatic rifle, and more than 30 homemade explosives, including pipe bombs, crude hand grenades and a propane tank with explosives attached.

APPENDIX B

Ottawa-Carleton School Re-entry Program

893 Admiral Avenue

Ottawa, Ontario K1Z 6L6

Phone: 613-228-6910 Fax: 613-228-9967

E-mail: ocsrp@occdsb.on.ca

OTTAWA-CARLETON
DISTRICT SCHOOL BOARD

EDUCATIONAL CONTRACT FOR STUDENTS OF THE OTTAWA-CARLETON SCHOOL RE-ENTRY PROGRAM

The Ottawa-Carleton School Re-entry Program has been established to provide strict discipline schooling for students who have been fully expelled from Ottawa-Carleton schools, and who wish to re-enter the publicly funded educational system. The basis of this Agreement is the *Ontario Schools Code of Conduct (2001)* as well as the applicable policies, regulations and procedures of the Ottawa-Carleton Catholic School Board and Ottawa-Carleton District School Board.

The School Re-Entry Program offers a variety of services to promote the successful reintegration of students to the school system for the placement in the workforce. It focuses on the social skills development of each student, with individualized programs structured toward that goal. It is expected students will acquire structure and discipline, understand the relevancy of education, become more confident in their problem solving abilities, and set goals and plans for the future.

All necessary precautions will be taken to ensure the safety of staff and students associated with the program. Rules will be enforced with maximum discretion granted to staff. A failure to adhere to the rules and expectations of behaviour and social interaction will result in consequences to the student, up to and including removal from the program. A failure to successfully complete the program means that the student will not be granted readmission to an Ottawa-Carleton school.

The student who has enrolled in this program hereby agrees to the following:

I will attend the program and activities regularly and on time (9am to 2pm). I will provide, if requested, at my own expense, a satisfactory medical certificate from my family doctor for absence, prior to my return to class or to program activities. If requested by program staff, I will give program staff and my physician my written consent to disclose/discuss any incident of absence/illness, in order that the program staff can reasonably verify that the absence was legitimately and reasonably due to medical considerations. Lateness will be monitored and any reason will be subject to verification, and may be accepted or not, at the discretion of the staff;

I will demonstrate commitment to achieving the prescribed program goals established at the time of the initial assessment or as revised by staff by completing all assignments and program requirements within the time frames identified, and to an acceptable standard as determined by the program staff;

I understand and agree that safety and security precautions in the program mean that I may be required to submit to a search of my person and possessions by and at the discretion of

project staff, and that items or substances found in my possession may be confiscated at any time, and in the sole discretion of program staff. Items confiscated may be returned to me at a later date, or delivered to the police, at the sole discretion of program staff, and may result in review of my placement in the program, revision of my program or my removal from the program;

I understand and agree that if I am found to have a weapon (as determined in the sole discretion of program staff) or an unlawful or controlled substance in my possession, my participation in the program will be suspended immediately, pending review;

I will take directions from and comply with program staff with respect to appropriate clothing and placement of purses, backpacks, bags or other possessions while I am in the classroom or on program premises or while I am involved on program activities. I understand that possessions may be required to be stored outside of the classroom, but the program staff are not responsible in any way for items that may be lost or go missing while I am in the program. I remain solely responsible for all items brought to the program.

I will respect and comply with the words and spirit of the program rules, including the requirement that I do not bring electronic equipment or electronic communication devices, including but not limited to pagers, cell phones, radios into the classroom or to program-related activities;

I will treat others with respect and dignity at all times and will not engage in conduct or interpersonal interactions that may reasonably be viewed by another person as loud, rude, aggressive, threatening, intimidating, harassing, demeaning, or otherwise contrary to the principles of respect and dignity. I will not swear while in the classroom or on program activities;

I will at all times comply with program staff directives, requests or directions. If I disagree with that directive, request or direction, I will obey, but may request a meeting to discuss the matter. I will obey the program staff directive until the meeting takes place, and will abide by the decision;

I will remain in the classroom for the duration of the instructional day including lunch and break times, unless excused by program staff;

I understand and agree that program staff reserves the right to modify the program expectations, including behavioural requirements, at any time, if, in the opinion of staff, a student requires an individual contract of behavioural expectations. Any such modification shall be presented to the student, and to a parent or guardian where the student is a minor, in writing. The student's continued participation in the program will require the student, and a parent or guardian where the student is a minor, to sign the modified program document, which shall, immediately upon signature, become and form part of this Contract, and shall be enforceable as such;

Nothing in this Contract requires program staff to continue the participation or enrolment of a student in the School Re-entry Program, or to modify program expectations, when, in the opinion of the program staff, the student is not committed to the educational opportunity, or

is disruptive or a negative influence on other students in the program. Enrolment and continued participation in the program is at all times in the sole discretion of the Program Manager who shall consult with designated school board representatives overseeing this Program and project staff, as they deem necessary.

Hours are 9a.m. to 2p.m.

I UNDERSTAND THAT MY ACCEPTANCE INTO AND CONTINUATION IN THE SCHOOL RE-ENTRY PROGRAM IS CONDITIONAL ON MY COMMITMENT AND PROGRESS IN THE PROGRAM, AND HAVING REGARD FOR, AND UNDERSTANDING OF, THE ABOVE, AND BY SIGNATURE BELOW I AGREE TO THE CONDITIONS AS SET OUT, AND I COMMIT TO ABIDING BY THEM AT ALL TIMES.

I HAVE READ AND AGREE TO THE ABOVE CONTRACT. I UNDERSTAND I WILL BE SUBJECT TO CONSEQUENCES FOR ANY FAILURE OR BREACH, UP TO AND INCLUDING PERMANENT REMOVAL FROM THE PROGRAM.

Date

(Student's Signature)

(Parent's/Guardian's Signature)

(Print Name of Student)

(Print Name of Parent/Guardian)

Program Manager's Signature

MANDATORY SUSPENSIONS - S.306

If a teacher observes a pupil committing an infraction that requires a mandatory suspension, the teacher must suspend or refer the matter to the principal

MANDATORY EXPULSIONS - S.309

If a principal believes a pupil may have committed an infraction for which expulsion is mandatory, the principal must suspend the pupil.

APPENDIX C

Staffing

Choices For Youth is staffed with a high school teacher/counsellor, and an elementary teacher/counsellor at each site location. As well, the program staff includes a co-ordinator, a social worker and a part-time child psychologist.

Intake

Choices For Youth is a voluntary program. Only fully expelled students are eligible for enrollment. An introductory meeting is arranged with the co-ordinator and social worker which focuses on program expectations such as attendance, achievement, behaviour, as well as a needs assessment.

The next step is an intake meeting with the teaching staff at one of our three site locations. Site intake meetings are held as follows:

Cambridge – Mondays 2:30 - 4:30

Kitchener – Tuesdays 2:30 - 4:30

Waterloo – Thursdays 2:30 - 4:30

Program Operation

Choices For Youth operates Monday to Friday from 9:00 am to 2:30 pm. On Wednesdays students leave the program at 12:00 pm. Staff are available from 8:30 am to 4:30 pm each day. Lunch is 30 minutes in length and students must remain in the building during this time. Transportation must be arranged by the student and family.

There is a maximum of 10 students at each site location.

Circles of Support

The Waterloo Education Foundation Inc. and the Waterloo Region District School Board have worked closely with many local agencies and community organizations, both in the design and the implementation of the **CHOICES FOR YOUTH** program. These agencies and organizations will continue to be involved in assisting our students to re-integrate successfully back into the school environment.

For more information contact:

Lynn Zammit

CHOICES FOR YOUTH Co-ordinator

519-570-0003, ext. 4437

or

lynn_zammit@wrdsb.on.ca

Waterloo Education Foundation

CHOICES FOR YOUTH

Ontario Ministry of Education
Waterloo Education Foundation Inc.
Waterloo Region District School Board

CHOICES FOR YOUTH

Choices for Youth is an Ontario Ministry of Education funded program designed to meet the needs of students who have been fully expelled under the Safe Schools Act 2000. Fully expelled students must meet the outcomes of the program before they can return to a regular public school in Ontario.

The program is available for all grade levels. The length of stay in the program will be dependent upon completion of the program and ministry outcomes.

Unique Site Focus

Each of our program sites has a particular focus which will be used as a major component of program delivery.

- Cambridge: Entrepreneurship
- Kitchener: Service Learning
- Waterloo: Adventure-Based Counselling or Programming

Program Components

Academic Support

- remedial assistance in literacy and numeracy
- special education support
- academic assessments
- grade level academic programming
- credit courses
- independent learning courses
- ESL (English as a Second Language) / ELD (English Literacy Development)

Interpersonal Development

- anger management
- conflict resolution
- social skills development
- self-awareness and insight development
- leadership development
- mediation skills development
- social responsibility development

Student Development

- learning skills, preferences and strategies
- setting goals and monitoring progress
- creative thinking and problem solving
- adapting to change
- life-long learning skills

Career Development

- exploring careers / education / training
- resume creation
- career readiness inventory of skills
- job shadowing

Individual Support

- short-term individual and group counselling
- mentoring opportunities
- peer support
- reintegration and follow-up support

Parental Outreach

- family consultation
- referrals to community agencies
- counselling and support
- facilitation of re-entry process
- follow-up support

Restorative Justice Conferencing

Staff, trained in the Family Group Conferencing Model, offer facilitation services to schools and families who wish to resolve conflicts through a formal reconciliation process. This service provides a vehicle, which enables offenders, victims, and school communities to come together and examine the offense and the impact it has had on all of its victims. It holds offenders meaningfully accountable for their actions, helps to develop empathy and insight, allows victims a voice in the process and provides youth with a means to make amends to their victim(s). The conferencing model enables participants to look at what needs to be done, and what needs to be strengthened so that this kind of incident doesn't happen again.

RESTORATIVE JUSTICE AGREEMENT

The Restorative Justice Conference took place at _____ on _____

Participants in the Conference (list all in attendance)

Complainant and Supporters

Accused and Supporters

Other

Year	2010	2011	2012
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The terms of the agreement will be supervised by: _____

Follow-up in the form of_____

_____ will take place on: _____

Terms of Agreement

Dates Fulfilled ("X" Completed)[illegible]

NOTE: Any terms agreed to that have not yet been fulfilled (but are being attempted) should be noted as "in progress".

(more space on back of form)

**BULLYING WITHIN OUR SCHOOL
MUST BE STOPPED**

together
we can create a
Safe & Caring School

•
Information Booklet for Parents of:
the Bully, the Bullied or
the Bystander

*we can change the very fibre of
our school's environment ~ lets do it!*

~ February 2004 ~

Bullying is about contempt

Bullying is not about conflict or anger

Contempt is a powerful feeling of dislike toward someone considered to be worthless, inferior or undeserving of respect (the Bully sees the target as an object of ridicule, not as a peer or equal) ... *therefore punishment does not work*

“Bullying is a conscious, willful and deliberate hostile activity intended to harm, induce fear through further aggression and create terror.”

Bullying is a learned behaviour

factors include:

home life, school life, community and culture

therefore the behaviour can be changed

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- ♦ If your child is being bullied, chances are you don't even know it!
- ♦ Even if your child has never been on the receiving end of a bully's actions, your child is a part of what is known as the bullying circle. There are three main participants: the Bully, the Bullied and the Bystanders. Each of us, and our children, fall into one or possibly more categories.

THE BULLYING CIRCLE

Characteristics of the BULLY ~

- ~ dresses, speaks and acts the part
- ~ becomes their identity
- ~ instills terror in targeted child
- ~ seeks pleasure from another person's pain
- ~ becomes typecast as bully difficult to get out of this role
- ~ void of empathy
- ~ works under the radar of adults (many who excuse the act as boys will be boys type attitude)
- ~ grows up with poor sense of self, stunted social skills, aggressive responses to provocations continues cycle of violence with own family ... may end up in jail.
- ~ learned behaviour (replace with Respect)

Characteristics of the BULLIED ~

- 15 ~ feels shame, embarrassment (often does not report)
- ~ can't concentrate in school (unfocused/ pre-occupied with what is coming next) - does poorly academically
- ~ not trusting of adults (who treat bullying as a normal part of childhood)
- ~ poor peer relations
- ~ depression & rage
- ~ does what it takes to get rid of pain (explodes/suicide/both)

Characteristics of the BYSTANDERS ~

- ~ *active* (participates with Bully) ... *inactive* (stays distant)
- ~ fear bully and don't want to be next ... rationalize bullied kid was deserving of such treatment
- ~ Grow up guilt ridden ... or become desensitized to violence that they have minimized

~ TYPES OF BULLYING ~

Verbal (breaks a child's spirit) ... (boys & girls)

- ✓ Includes: name-calling • taunting • belittle • cruel criticism • personal defamation • racist slurs • sexually suggestive or sexually abusive remarks • extortion of money or possessions • abusive phone calls • intimidating email • notes containing threats of violence • untruthful accusations • false and malicious rumors • and gossip (also includes: tone of voice • words • body language • demeaning talk • yelling)

Physical (more often boys ... Most Dangerous)

- ✓ Includes: slapping ~ hitting • choking • poking • punching • kicking • biting • pinching • scratching • twisting limbs • spitting • damaging clothes and property

Relational (more often girls) ... (most difficult to detect)

- ✓ Includes: systematic diminishment of a bullied child's sense of self through ignoring • isolating • excluding • shunning (shunning - omission - combined with rumor - commission - is a powerful bullying tool)
Includes aggressive stares • rolling of eyes • sighs, frowns • sneers • snickers • hostile body language

Electronic (on the rise)

- ✓ unwanted or threatening e-mail
- ✓ chat rooms
- ✓ using e-mail to spread rumours

WHAT WE CAN DO ABOUT BULLYING IN OUR SCHOOL

Very simply put ~ the problem of bullying within our school will not improve or diminish in intensity until we collectively and actively do something about it.

Steps that have already taken place:

- ✓ Safe and Caring School Curriculum - soon to be implemented
- ✓ Monthly updates on the progress made (Newsletters)
- ✓ Information on Bullying and Bullying Prevention
- ✓ Meetings to address progress and decide upon a plan of action. (*Come and be a part of the Team that is working towards positive change*)
- ✓ Special information evenings for parents
- ✓ Special assemblies for children
- ✓ In class instruction on Anti-Bullying
- ✓ Hand signals to ward off Bullies

☛ *Have you ever asked yourself what Swarming is?* It is bullying that is carried out by older individuals. It is Bullying, it's just under another name.

☛ We firmly believe that if we seriously address the issue of Bullying at this school's level (from JK to Gr. 8) there will be far fewer problems in our school, our society and in homes, now and down the road.

☛ Don't stop there. No school, elementary or high school, should be tolerating acts of Bullying. When a person is older it is called Assault and it becomes a criminal offense. Why do we tolerate such violent action against our children.

☛ This new understanding and knowledge needs to become a way of life not just for our children but for ourselves.

☛ Bullying is a cycle of violence that must be broken or else it will continue to escalate and repeat itself.

~ RESOURCES FOR PARENTS ~

Websites:

- ✓ www.kidsareworthit.com (Barbara Coloroso)
- ✓ www.clemson.edu/olweus/index.html (The Olweus Bullying Prevention Program)
- ✓ www.cfchildren.org/program_str.shtml (Steps to Respect)
- ✓ www.bullybeware.com/ (Bully B'Ware)
- ✓ www.ocasc.ca (Ottawa-Carleton Assembly of School Councils)
- ✓ www.ottawa67s.com (Ottawa 67's)

Books:

- ✓ *the bully, the bullied, and the bystander* (by Barbara Coloroso)
- ✓ *The School Yard Bully* (by Kim Zarzour)

Other:

- ✓ Child & Youth Friendly Ottawa (Tel: 613-244-3803)

*“The world is a dangerous place to live;
not because of those that do evil,
but because of those who watch
it and let it happen”*

~ Albert Einstein ~

We consider each person associated with this school:
teachers, children, parents, administrative staff,
resource staff, support staff and community police
a member of this very important initiative

Join the Team

voice your concerns, become involved and ensure
that your child's school is Safe & Caring
for every person that is a part of it.

*To join the Anti-Bullying Team contact the
School Office (733-7124)*

Booklet prepared by: Siobhan Furlong & Anna-Lisa Kates

School Management Plan

2002-03

Developing a School Wide Code of Conduct

The following plan has been designed by the Management Committee and we ask that all home room teachers commit to it over the next six weeks and support it throughout the remainder of the year. In order to include all students we ask that you deliver the lessons during times in the day when students are not withdrawn such as TAP, History/Geography etc.

Week 1 Objectives:

- home room classes brainstorm a list of **rules** leading to a class **code of conduct**
- class codes are recorded on chart paper and posted in each home room until they are replaced with a school-wide code in late Sept. or early Oct.
- define the role of the CMS student council and student council class representatives
- discuss attributes of an excellent class representative
- inform them that campaign speeches will be held next week

Week 2 Objectives:

- hold elections in class for student council reps

Week 3 Objectives:

- student council reps. meet (there will be an announcement)
- reps. share the codes created in their own classes
- working in small groups, they reduce the list to 4 or 5 clear statements

Week 4 Objectives:

- at pod assemblies in the gym student council is explained
- student council reps are introduced

- codes are presented by students to the students
- Student Council Reps. introduce poster contest

Week 4/5 Objectives:

- student council reps coordinate the creation of posters to be displayed around the school and in classrooms
- in home rooms, each student completes a short written promise (paragraph, letter, essay... whatever) to abide by the codes which are filed by home room teachers for reference

Week 5/6 Objectives:

- student council reps bring poster entries to meeting and pick winners
- council reps coordinate
 - awarding of prizes
 - the lamination and posting of CMS Codes of Conduct in every classroom and all main areas of the building

Remainder of the year:

- students are held accountable to codes using positive discipline strategies
- initial consequences consist of written reflections rather punishment and/or trips to the office (see attached)
- as was the case last year, the reflection room is for office use only

Lesson Suggestions

Week 1:

- home room classes brainstorm a list of **rules** leading to a class **code of conduct**
 - pose the question "What are 10 things that must happen in a class so that a teacher can teach and students can learn?"
 - review rules for brainstorming
 - have them complete a list working in groups of 4
 - most will record rules such as: "No swearing", "No stealing", "Don't call out"
 - discuss the important difference between rules (which are a list of don'ts) and codes (which are a list of do's)
 - in the same groups, have them revise their ideas so that they are lists of codes such as: "Raise your hand to speak", "Respect people and their property" etc.
 - have the first group read out their list while you record it on the board
 - have the remaining groups add new ideas to the list so that a complete record of their thinking is on the board
 - condense the list to 4 or 5 clear statements
 - have a volunteer record them on chart paper and post them in your home room until they are replaced with a school-wide code in late Sept. or early Oct.
 - you may wish to have each student sign this copy as a promise to follow them
- define the role of the CMS student council and student council class representatives
 - student council members will:
 - meet (approx.) once a month
 - participate in the running of the school
 - organize and "staff" special events
 - communicate information
 - ******be rewarded for their efforts******
- discuss attributes of an excellent class representative
 - responsible
 - competent
 - respectable
 - creative
 - committed etc.
- inform them that campaign speeches and voting will be held next week

Week 2:

- stage campaign speeches in class
 - you could encourage the posting of campaign posters in your class
 - you could impose limits or special requirements on their speeches
 - two minutes in length
 - must quote an important public figure
 - must have a campaign slogan etc
- hold elections in class for student council reps
 - you may wish to have more than one ballot ++to ensure that the winner has been chosen by a clear majority

Week 3:

- student council committee will take over at this point
 - we will meet with your elected student council reps.
 - we will have them share the codes created in their own classes
 - they will choose the best 4 or 5 statements

Week 4:

- student council committee will coordinate pod assemblies in the gym
 - student council will be explained
 - student council reps are introduced
 - codes are presented by students to the students
 - poster competition is explained

Week 4/5:

- home room teachers help student council reps coordinate the creation of posters for the contest
- in home rooms, each student completes a short written promise (paragraph, letter, essay... whatever) to abide by the codes which are filed by home room teachers for reference

Week 5/6:

- student council reps
 - select winning posters and distribute prizes
 - coordinate the lamination and posting of CMS Codes of Conduct in every classroom and all main areas of the building

Name: _____

Date: _____

Reflect and Learn!!

Something has gone wrong. Let's figure out what happened and then move forward with a new plan. Write TWO CLEAR PARAGRAPHS as follows:

1. The first paragraph will explain the problem, what you did and what is wrong with that. You may wish to reference the school codes.
2. The second paragraph will explain precisely what you will do and or think about from now on so that this problem can be solved more positively in the future.
3. Return this to me when you have completed it. I may ask you to get it signed by a parent.

Paragraph 1: _____

Paragraph 2: _____

Teacher signature

Parent signature

deeper

Lesson 4

Objectives/Expectations

Students will be able to:

- 1 recognize the hostile climate threatening the security of many minority students in high schools across the country through the consideration of case studies
- 1 identify the human rights threatened within such a hostile environment and determine methods for creating a more secure, respectful climate for minorities in Canadian schools
- 1 identify the consequences of denying minority students their human rights and personal security as well as the consequences of taking action to protect those rights and promote the security of all students

Key Concepts

- 1 **Stereotypes:** Generalized and unfounded negative opinions or attitudes
- 1 **Prejudice:** Prejudgement of an individual or group usually based on stereotypes that may be consciously or unconsciously held
- 1 **Discrimination:** Prejudiced thoughts or attitudes translated into direct or indirect differential treatment of others — usually negative or hostile actions toward members of minority groups
- 1 **Minority group:** Any group of people who are disadvantaged, underprivileged, excluded, discriminated against or exploited — it does not necessarily refer to population size but to having a subordinate status or being subjected to differential treatment in society
- 1 **Ethnocentrism:** Seeing your own community, nation or culture as the model and standard against which all others have to be judged — by implication, other people's ways of thinking and behaviour appear strange, inferior and wrong

Materials Needed

- copies of *Case Study One* and *Case Study Two* handouts for each student to read before class
- a copy of the *Righting Wrongs* handout for each pair of students
- a copy of the *Universal Declaration of Human Rights* handout (from Lesson 3) for each pair of students
- a copy of the *Consequences Map* handout for each group of four students, with a Possible Action Statement (Stage 2, Step 2) written by the teacher in the central box
- a sheet of newsprint and identical sets of five markers of different colours for each group of three students

Lesson Overview/Potential

- 1 In Stage 1 students consider case studies of the victimization and vilification of minority groups within a high-school environment. Students analyze the case studies in terms of the human rights denied, actions taken by case study subjects and actions taken by others. Students also consider what could be done to prevent, or at least minimize, the recurrence of such incidents.

- 1 In Stage 2 students examine the multiple consequences of particular behaviours toward minority groups. Students can see the tangible results of their own personal choices regarding actions toward others as well as possible results of actions that support the preservation of minority students' rights and security.
- 1 Stage 3 points out the intricate web of responsibility for ensuring that rights of minority students are protected in schools across the country.

Procedure Stage 1

1. Students form groups of four and divide into pairs. Each pair is given one of the two case studies to consider.
2. Using these case studies, students complete the four columns of the *Righting Wrongs* handout. The *Universal Declaration of Human Rights* handout (from Lesson 3) is used as a checklist for completing the first column.
3. Groups of four re-form and partners report and answer questions on their analysis of each case study.
4. A class debriefing and discussion follows.

Possible Discussion Questions

What examples of discrimination did you come across in the case studies?
 Who or what was responsible for the discrimination?
 What do you think was the underlying cause of the aggressors acting as they did?
 What image of the minority group did the aggressors embrace and promote?
 Who was powerful and who was powerless in the cases considered?
 What kind of violence was involved? Direct or indirect?
 Was more than one right under assault simultaneously in the cases considered?
 Why might that be?
 How did those victimized respond? How would you characterize their responses?
 Were they appropriate?
 How did those with authority and influence respond? Quickly or belatedly?
 Were the authorities sufficiently vigilant and forceful in their response?
 What could be done to try and ensure such events and incidents do not recur?

Procedure Stage 2

1. Working in groups of four, each group is given a *Consequences Map* handout containing one of the Possible Action Statements listed below in the central box.
2. Based on the case studies and the class discussion that followed, students consider what might be immediate consequences (both positive and negative) of this central action. These consequences are recorded in the first ring of rectangles derived from the spokes of the central box.

Possible Action Statements

Harassing and bullying a minority student in the school
 Teaching students about discrimination, prejudice and their consequences
 Speaking up when you see discrimination occurring
 Teachers and students not taking any action when they see harassment and discrimination occurring
 Having and ensuring implementation of strong school policies against discrimination and harassment
 Having an environment where minority groups feel afraid and isolated
 Having an environment where minority groups feel welcomed and accepted

3. Groups go on to consider second order consequences (potential consequences of each of the first round of consequences). Third, fourth and fifth level consequences are recorded in a similar fashion.

4. Finally, students examine all of the recorded consequences, weighing the merits of any contradictory or inconsistent points that may have emerged. Group debriefing follows.

Possible Discussion Questions

- What are possible consequences for an individual minority student who is harassed, bullied or physically threatened in school?
- Are there any consequences for the person who does the harassing or bullying?
- How does discrimination and harassment in a school culture affect the non-minority students in a school?
- What are possible consequences of this type of discrimination for society in general?
- Do you, as an individual, have the ability to change the environment of your school for minority students who attend?
- What are the implications for building a secure environment for all students within a school?

Procedure Stage 3

1. Students form groups of three and create a Burden of Responsibility concept map. "Ensuring that the rights of minority students are protected in Canadian high schools" is written in a box in the centre of a sheet of newsprint. The task of each group is to identify as many parties as possible whose responsibility it is to ensure that the rights of these students are protected within the school environment. Each party suggested and agreed upon by the group is written somewhere in the space surrounding the central box, using the same colour of marker.
2. Group members attempt to reach consensus on the degree of responsibility of each party listed. They use the four other markers to indicate their decisions by circling each party and linking the circle to the central box with a particular colour. The colour code should be common to all groups and written on the board. Colour 1 is used to list the central statement and parties; colour 2 indicates heavy responsibility; colour 3, considerable responsibility; colour 4, some responsibility; and colour 5, a small degree of responsibility.
3. Each group presents its work to the class, explaining the decisions made and responding to questions raised by fellow students.
4. Class discussion follows each presentation.

Variations

- A. Contact your local police service or RCMP detachment (<http://www.rcmp-grc.gc.ca/html/generalcont-e.htm>) to arrange for an officer to speak to your class about bullying, racism and hate crime. Have students prepare interview questions in advance.

Assessment

Journal Reflection

- 1 Topic: In your opinion, does your school create a secure environment for minority students? Refer to at least two definitions of security in your response and explain your perspective with observations of student action, examples of school policies and descriptions of the general school environment.
- 1 Topic: What can you personally do to improve the environment for minority students in your school?

Interview Scenario

- 1 Have students choose one of the articles and imagine they have a chance to personally interview one of the characters from the case studies. Ask students to write a list of at least six interview questions that are:
 - short and to the point
 - open-ended (cannot be answered in just a phrase)
- 1 Have students form pairs, role-play the interviews and write up the questions and answers as an article.

Research Assignment

- 1 Groups can follow up their work by researching the specific responsibilities and existing policies of agencies and institutions they may have named as sharing responsibility in Stage 3. This can be done through books, pamphlets, interviews and questionnaires.

righting

Lesson 4 - Handout 1

What rights were denied in the story told?	In what way(s) was the right denied?	What actions did students take in response to what they were facing? What actions did others take?	What could be done in future to prevent or minimize such occurrences?
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2.	2.		
3.	3.		
4.	4.		
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7.	7.		
8.	8.		

It was Grade 9. I had been in Canada three weeks. I was late for my first class because I couldn't figure out the schedule they had given me. And the building was so big that I had trouble finding the room. There were so many students, and none of them looked like me. I heard a bell ring and I didn't know what it was for. I was glad when the hallways started to empty, though, because everyone seemed to be staring at me. At first I tried smiling, but they were looking at me like I had a disease or something. I just started looking down at the ground in front of me. Now it has become a habit. When I found the class, everyone

was seated. All the students turned to stare at me when I came in. I walked toward an empty desk and a boy put his book bag on the chair to stop me from sitting there. I heard someone else say "What's that on her head? Is her turban falling off?" Everyone laughed. I found a seat at the back of the room, away from everyone else. I hate sitting at the back of the room.

Every class that day was just a variation of the same scene. By the end of the day I had figured out my schedule, and got to class ahead of time. It was almost worse, though, because as the rest of the students came in I was left sitting by myself at the front of the room. No one would sit near me. The teacher asked someone to move over, but it was such an ordeal that it just made things worse. I cried all the way home. I could not understand how people could be so cruel. They didn't even know me. I hadn't done anything to them. All I did was look different. I wear a hijab, so what? My skin is brown, so what?

Things didn't get much better over the year, but I was learning how to cope with it. I never spoke to anyone and I kept to myself. I was hoping that a new school year would be a new start. And then September 11 happened. Things got worse, way worse.

The day it happened, my brother walked home with me. There was one other brown-skinned person in our school and he lived in our apartment building. He was walking with us. A car slowed down beside us. It was filled with kids from our school. They were yelling, "Kill the terrorists!" and "Go home!" and calling us murderers. My brother went up to the car to

yell back and they spit on him. They started calling my brother "Osama." He was in fights every other day. They would gang up on him outside the school. Some students got suspended, but it would always just happen again. My brother quit school. He couldn't stand it. He says he hates Canadians.

Soon after, the school tried to help promote other cultures by having a multicultural day. We didn't have the money to spend on extra food, but my mom made

Zeinah Abidali writes on her experiences in a Canadian high school

a traditional dish for me to bring in. As we were lining up at the table, one of the students yelled "Which one of these belongs to Zeinah — I don't want any Anthrax in my lunch." No one would touch it. I had to throw it out because I didn't want my Mom to see that they hadn't eaten it. I didn't want her to see how much they hated me.

Right now I am thinking about not wearing the hijab anymore. I don't know how to talk to my family about it, though. I am also thinking of transferring schools. I would like to move somewhere where there are more people like me so that I don't feel so alone. I just want to have friends and go to my classes. I see other kids together laughing and having fun, and I don't understand why I can't have a life like that. I am Canadian too. I am not so different. I am not the enemy.

case

I guess somehow I was always different. Even before I knew I was gay, other kids would pick on me. It's like I had some invisible defining characteristic that marked me as different. I was always big for my age, though, so I learned to fight back. I could hold my own. When other kids picked on me I punched them until they shut up. That worked for a while. When I hit high school, suddenly I wasn't bigger than the other kids anymore. Physical violence no longer worked to my advantage. And I was starting to realize why I was different. I was starting to see that I needed to be myself and come to terms with who I was. I felt so guilty dating girls. I didn't want to be lying to them. I didn't want to be lying to everybody.

When I was in Grade 11, I was on this panel in a public access television program about the experiences of lesbian, gay, bisexual and transgender students at high school. I needed to do something that was consistent with who I really was. I wanted to help explain to other people what this experience is like. I really thought that if people got to know me as a person, they would see that my sexual orientation doesn't mean any more than my hair colour. Anyway, somebody at school saw the program and word suddenly spread that I was gay.

From then on it was constant harassment. I was taunted continuously. You have no idea how creative people can be at making up derogatory names. I have heard them all. The verbal harassment escalated almost immediately into

physical violence. I have been spit on. Students have thrown food at me. I have been tripped, pushed down the stairs and even had death threats.

It got so I didn't go to the locker room or the bathroom. I stopped using my locker. You don't want to know what they did to that. One day in the parking lot outside my school, six students surrounded me and threw a lasso around my neck, saying, "Let's tie the faggot to the back of the truck." I just ran. I don't know what would have happened. Maybe they were just trying to scare me. Like they already haven't done that.

I still can't understand what it is that they get out of doing this stuff to me. Does it make them feel powerful? Better than me? Do they really believe that I am evil just because I was born with a sexual orientation different than theirs? You know what's funny? There is another kid

in our school, Steven, who gets bullied almost as much as I do. In fact, a lot of the graffiti around here involves Steven and me in some form of interaction. He's not even gay. He's just kind of effeminate and quiet and they just won't leave him alone because he's different. In high school I guess being different is a crime.

The thing that I couldn't take was that some students set up a "Jason Smith is a Faggot" website. It had a bio supposedly written by me

outlining what I like to do with my father and to my little brother. It was incredibly graphic. My mother saw it. Most of the students in the school saw it. I don't know who else

Jason Smith talks about hatred in the hallways

saw it. Any employer who did a search on my name would see it. The school tried to have it shut down, and one of the kids involved was suspended, but no one can ever take back what they have done to me.

I've thought of dropping out of school. I've thought of suicide. I'm just so tired of fighting with this. It kills me when people say that I have "chosen" to be gay. Why would I choose this? Who in their right mind would choose this?

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