



# “Not Bad Kids, Just Bad Choices”: Governing School Safety Through Choice

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## Abstract

Using the Safe Schools Act in Ontario as an example of a school zero-tolerance policy, I demonstrate that there are more implications for governing students through these policies than the literature tends to suggest. The push to exclude students found in zero-tolerance policies co-exists uneasily with the liberal democratic pull to an inclusive education. Principals negotiate the contradictory positioning of students as simultaneously excludable and includable uniquely. There is also an insertion of ‘choice’ as a strategy to resolve these tensions. Inappropriate conduct conceived as the students’ choice signals a reorientation of the main function of the school, to an institution now interested in managing its own reputation by devolving the responsibility of good behaviour onto the student.

**Keywords:** zero tolerance, school safety, Safe Schools Act, Ontario, choice

## Résumé

En prenant la Loi sur la sécurité dans les écoles de l’Ontario comme exemple de politique de tolérance zéro dans les écoles, l’auteur démontre qu’il existe davantage de répercussions sur la gouvernance des étudiants que le laisserait croire le corpus d’écrits. La tendance à exclure les étudiants des politiques de tolérance zéro cohabite mal avec le virage démocratique libéral vers une éducation inclusive. Les directeurs d’école gèrent le positionnement contradictoire des étudiants comme étant simultanément excluable et uniquement incluable. L’on essaie également d’y insérer la notion de « choix » comme stratégie de résolution des tensions. La conceptualisation de la conduite inappropriée des étudiants comme un « choix » signale une réorientation de la principale fonction de l’école vers une institution cherchant à gérer sa propre réputation en dévoluant la responsabilité d’un bon comportement à l’étudiant.

**Mots clés :** tolérance zéro, sécurité dans les écoles, Loi sur la sécurité dans les écoles, Ontario, choix

## Introduction

In 2000 the Ontario government enacted the *Safe Schools Act* (SSA) which was pitched as a zero-tolerance approach to school safety. While there is ample research

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on zero-tolerance policies and school safety, it is mainly in the context of American schools (see for instance Skiba and Peterson 1999, 2000; Verdugo 2002; Noguera 1995; Morrison and D'Incau 1997; Kupchik 2010). Some American scholars have argued that there is currently a war against youth, who are increasingly viewed as “disposable” and a “generation of suspects” (Giroux 2003a, 2003b).<sup>1</sup> However, the argument that students are disposable misses the specificities of how young people in schools are made governable. Students involved in the analysis of zero-tolerance policies themselves become disposable, as the analyses focus on legislated policies and procedures without examining how the zero-tolerance notion of safety produces the ‘safe school’ subject.

In this paper I will argue that the original SSA and its implementation in Toronto schools framed the good student, and enabled the governing of all students through choice. Zero tolerance is one of many technologies that can be used to position students as either a good or bad chooser. The rhetoric of choice became a common-sense way to imagine student misbehaviour and to contextualize school safety. Choice, as a technique of governance, emerged as a mode through which the system understood and dealt with threats to school safety while shifting the responsibility matrix for student behaviour. It was no longer the schools’ inability to produce good citizens; rather, it was students making bad choices which resulted in misbehaviour.

I will examine how Ontario’s original SSA was deployed in senior schools (grades seven and eight) in the Toronto District School Board (TDSB) covering the time period from 2000 until 2003. This article draws on interviews with principals of senior schools with students aged twelve to fourteen. These students were paradoxically positioned as both excludable by the SSA, and includable by the nature of mandatory education in Ontario and the dream of education in a liberal democracy (see Dewey 1966). This framework positioned students’ subjectivities as ‘choosing to misbehave’; yet they were also denied agency and compelled by law to attend school until the age of sixteen.<sup>2</sup> Although students were seen as both capable of making—and required to make—good choices, they were also portrayed as developmentally immature and requiring educational guidance (Grisso and Swartz 2000). In this paper I show how students were governed through their choices, and how choices were ordered to negotiate and produce safe and caring schools.

I first discuss the research conducted on zero-tolerance policies and sketch out my methodology. Then, I outline how the original SSA produced safety and made it a central concern of schooling. Next, I examine how individual schools implemented the SSA through their codes of conduct to see how students were ‘made up’ (Hacking 1990) as responsible subjects. Finally, I explore how choice was employed to govern students, and how the ‘bad chooser’ was targeted and realigned.

<sup>1</sup> I use the terms youth, young people, adolescents, and students interchangeably throughout the paper. Problematizing ‘youth,’ while interesting and necessary, is beyond the scope of this paper. The term ‘youth’ itself appears in many articles cited in this paper and was also a frequent word in interviews, and when I do use it, it is a reflection of this fact.

<sup>2</sup> Youth ages 6-16 are required by Ontario’s *Education Act* (s. 21.(1)) to attend school.

## Situating Zero-Tolerance Policies

Research into the effects of suspensions, expulsions, and zero-tolerance policies on a safe school climate is largely focused on American cases, since zero-tolerance policies in the US predate their Canadian counterparts. The studies demonstrate the ineffectiveness of these disciplinary mechanisms and the disproportionate way they are applied to racial minorities, students with disabilities, students who are defined as having behavioural problems, and lower class students (Dunbar and Villarruel 2004; Morrison and D'Incau 1997; Noguera 1995; Skiba et al. 2002; Skiba and Peterson 1999, 2000; Verdugo 2002). The Canadian literature is sparse, but reiterates the inequities that zero-tolerance policies produce and exacerbate (see Bhattacharjee 2003).

For example, Giroux (2003a) argues that zero tolerance is a war on youth and symbolizes that young people are 'disposable,' while Hyman and Perone (1998) posit that this disciplinary practice represents a new type of victimization of students. An extension of this critique is that zero tolerance becomes a way for young people—particularly racialized young people—to 'prepare for prison' (Hirschfield 2008) and strengthens the link between the justice system and the school (Kupchik and Monahan 2006). These characterizations of students being repeatedly victimized by zero-tolerance policies miss the nuances of how the safe school student is produced.

The concept of schools as producers of docile and disciplined bodies has a long theoretical lineage (Foucault 1977; Jones and Williamson 1979). Raby (2005, 84) concludes that a "docile, productive citizenry is thus envisioned, with those Others who fail to self-govern or to display prescribed self-respect disciplined through more sovereign applications of tools such as the zero-tolerance policy.... [T]here is little in these rules to suggest an active citizenship based on involvement in decision-making, challenge to the *status quo* or authority, independent thought, equality or genuine democracy." Arguably the TDSB zero-tolerance policy is more than a uniform sovereign display of might, instead acting as a contradictory and fluid range of student subject positions. The application of the SSA by principals suggests that this policy can be understood as *governmental* and embodying a neo-liberal governmentality (see Garland 1996; O'Malley 1999; Rose 1996; Simon 1994). Contrary to Raby's assertion that 'independent thought' is absent, principals and codes of conduct are actively engaged in 'making up' (Hacking 1990) students as having the capacity to choose. The school is no longer framed as solely responsible for producing good citizens (Garland 1996). In this unloading of responsibility from the school, students are 'made up' as being able to choose to misbehave. While zero-tolerance discourse has been subsequently removed from the current SSA by a different political government, the data in this article are from a particular historical period when SSA *was* experienced and interpreted by the TDSB as a zero-tolerance policy by principals and those training principals. While the policy has changed, analysis of the era in which the original SSA was in place provides context for a more fruitful mapping out of later legislative and procedural trajectories.

The SSA was enacted in Ontario during a period of widespread educational changes enacted by a new government. The Conservative Party won a majority

government on June 8, 1995, using a 'Common Sense' platform and immediately made broad changes to education policy and practice. The pattern and rapidity of change in education in Ontario (see Dehli 1996; Majhonovich) was consistent with other governance transitions in Australia and New Zealand (see Dale 1994); in Europe and Finland (see Rinne 2000); in the UK (see Woods 2002); in the US (see Apple 2001a, 2001b); and in other Canadian provinces such as Alberta (Taylor 2001). Two important structural changes were ushered in by the *Fewer School Boards Act* and the *Education Quality Improvement Act* (see also Gidney 1999).

The purpose of Bill 104 (*The Fewer School Boards Act*) passed in 1997 and Bill 160, *The Education Quality Improvement Act* (1997), was to change the way education was administered in Ontario as it reduced the number of school boards, and school boards could no longer raise their own revenue. School trustees had their numbers reduced and also their salary slashed from \$48,000 to \$5,000 stipends. *The Education Quality Improvement Act* resulted in province-wide job action. Education in the late 1990s in Ontario was a volatile environment, and teachers were often depicted as lazy, self-serving, and in need of rigid forms of surveillance. In neo-liberal times, governments formulate the rules and then step back and let the contest play itself out (Pratt 2000). However, and rather paradoxically, the Ontario government also conferred enormous power upon itself in the sphere of education. Principals were also removed from the teacher's union and became more of a managerial class. This time period was characterized by extensive changes in the administration of education resulting from the desire to, as the then Education Minister suggested, "create a useful crisis" in education (see MacLellan 2009). School safety itself would similarly become a crisis point.

This article<sup>3</sup> draws on interviews with eleven TDSB public school principals who worked with seventh and eighth grade students during the 2002–2003 school year. The principals represent a fairly diverse sample of schools in terms of size, make-up of student population, and geographic location. The interview questions were designed to understand whether or not the SSA had changed principals' daily practices, and to explore what principals perceived as the purpose of the SSA. The interviews focused on whether or not the SSA affected principals' practices of suspending and expelling students, their perceptions of the advantages and/or disadvantages of the legislation, and difficulties with the implementation and operationalization of the SSA.

I also interviewed three Child and Youthcare Workers (CYW) who work with children identified as having behavioural problems. CYWs are not based at every school. Two are from the central district and work at a limited expulsion school, while one is based in the east end and works out of five grade seven-to-eight schools.

The three policy contacts within the Toronto Board of Education whom I interviewed are either workers in the Safe Schools Office (an office which oversees the administration of the SSA), or senior level social workers within the Toronto District School Board. I also visited the Support Program for Expelled

<sup>3</sup> Thank you to Drs. Kelly Hannah-Moffatt; Carolyn Strange; Rebecca Raby and the numerous anonymous reviewers for all their time and help.

Students (the name of the limited expulsion school) on two separate occasions and sat in on the daily practices.

Throughout the paper I refer to these interviews using codes. P stands for principals (n=11), SS stands for Safe Schools Administrators and policy contacts (n=3), CYW stands for Child and Youthcare Workers (n=3) and CC for codes of conduct (n=7).<sup>4</sup> From the eleven school principals interviewed, seven codes of conduct were obtained.

### Using Common Sense to Accomplish Safety

The creation of the SSA was part of the Common Sense revolution in Ontario. It reflected the belief that public schools were no longer safe and that students were the source of this instability. Comments such as "our schools are by no means, however, the safe havens they once were" (Walker and Eaton-Walker 2000, 46) preface any discussion on creating safe schools. These observations are not open to debate—we are told it is imperative to accept this as fact before we can try to solve the 'problem' (Walker and Eaton-Walker 2000, 2). The early 1990s promulgation of safe school literature packaged in a textbook how-to format (see Duke 2002; Hill and Hill 1994) further reinforced the common-sense view that schools are unsafe places for youth.

In Ontario, calling what was an amendment to the *Education Act* the 'Safe Schools Act' helped legitimize the belief that, prior to the legislation being enacted, schools had become unsafe. In fact, the long title of the original SSA was "An Act to increase respect and responsibility, to set standards for safe learning and safe teaching in schools and to amend the Teaching Profession Act." Safety concerns ballooned after school shootings in Columbine and Taber. In Canada, those pushing for the creation of the SSA often pointed to the United States as an example. As Newman, the first politician to propose the SSA, argued:

While many may argue whether violence in schools has or has not increased over the years, one thing is indeed certain: The acts have become more violent in recent years. More weapons are finding their way into our schools, and students are becoming more accepting of retaliation and violence as the norm in our society....Although Ontario schools cannot be compared to US schools, with metal detectors and armed guards roaming school corridors, we must not shy away from the issue just because it has not yet exploded here (Newman, June 11, 1998).

Newman used common sense to assert that acts in schools were becoming more violent; he took it to be self-evident. Furthermore, Newman implied that without addressing school safety now, Canada would soon have similar "explosions" in school violence.

The TDSB purported to deal with the problem of unsafe schools through the use of zero tolerance, stating that "commitment to zero tolerance is central to the Safe Schools Policy" (TDSB 2001, B.1:3). The notion that safety would best be accomplished through zero-tolerance strategies that would "deliver a range of

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<sup>4</sup> There is no P-10 included in the sample because the interview could not be completed.

appropriate consequences for inappropriate behaviour” (TDSB 2001, B.1:3) legitimized the perception of schools as unsafe zones and students as those who needed to be disciplined. One principal described their school’s need “to remain free and public, but no less safe than private schools” (P-6). One of the implicit arguments for the SSA was the belief that private schools were better equipped to assure student safety than their public counterparts. The recurring story from administrators, the government, and principals was that the SSA could help accomplish safety.

The SSA reflected “the government’s belief that parents wanted school staff and administration to have more control and the perception that [youth] violence is increasing, which is true” (SS-1). While the first statement was prefaced by it ‘being a belief of the government,’ the interviewee’s belief in it being a ‘true’ statement is contrary to much research (see, for example, Doob, Marinos, and Varma 1995; Doob and Cessaroni 2004). Since increased violence is taken for granted as true (a ‘common-sense’ fact), the SSA was a very specific reaction to combat violence and produce safety in schools. As one principal put it, the SSA was a way for the school board to get serious “especially after Columbine” (P-6). Implicit in the use of Columbine (a high school in Colorado where two heavily armed students killed twelve students and one teacher) as an example of school violence is the assumption that the SSA will prevent that extreme form of violence. Common sense thus permeated the discourse on who was responsible for the lack of safety in schools—they are not the safe havens they once were because students themselves are increasingly choosing to misbehave, sometimes in grisly ways, in the face of systemic policies. The policy reiterations at the provincial and the individual board and school levels created this image of the student as the agent of unsafe schools.

However, the only response to school violence instituted in the SSA was providing specific guidelines as to when principals must suspend or expel a student—called mandatory expulsions or suspensions. As an administrator of the Safe Schools Office in the TDSB noted, “there is not enough [in the SSA about] prevention” (SS-1). Although one of the stated purposes of the SSA was to “encourage the use of non-violent means to resolve conflict” (SSA 301.(1)), there was nothing explicit in the SSA on how this could be achieved and what programs could be implemented; the government left that responsibility to individual school boards. School exclusion was the original thrust of the SSA, and only one principal (P-2) discussed something other than suspensions/expulsions when asked general questions about the SSA.

By outlining suspension and expulsion criteria, the SSA implied that schools were unsafe and needed to be managed through exclusionary circuits (see Rose 2000). But framing the SSA as another example of how young people are disposable (Giroux 2003b) misses how risk and choice are emergent in a school setting. As Johnston (2000, 67) argues, “Zero-tolerance policing is also a discursive device for describing a wide range of actuarially-driven police practices orientated towards the *management of risk*...” (emphasis added). Similarly, while zero tolerance is a way for an institution to show that something is being done about the perceived problem of violence, most researchers overlook the specifics of how

safety can be produced. The assumption that schools were increasingly unsafe, coupled with an exclusionary legislation, opened up gaps for students to take up multiple subject positions beyond “enemy” or “disposable.”

### **Making the Rules Clear: Producing Responsibilities and Positioning Students as Choosers**

According to a Safe Schools Administrator, the SSA created clear rules and consequences, formalized the process of suspension and expulsion, sent the clear message that safety is important, and protected the victim more than in the past (SS-1). It becomes ingrained as common sense that rules and consequences need to be made clearer to students so that they know what is appropriate behaviour and how to act upon that knowledge.

This marks a shift from when education became mandatory, by the twentieth century, and schools operated *in loco parentis*. According to Simon (1994, 18), *in loco parentis* in legal discourse was premised on two principles: “First, children and adolescents were special legal subjects whose lack of adult judgment mitigated against the extension of full liberties of adult citizenship and the imposition of the full burdens of adult responsibilities.... Second, that, as special legal subjects, children and adolescents *required governance*” (emphasis added). Governance implicitly comes from an external source, which makes the relationship between self-discipline and *in loco parentis* a very tenuous one (see Platt 1977; Raby 2005). The Ontario Regulation 298 s. 23(1) and the “Requirements for Pupils” illustrate the tension that emerges when competing rationalities of governance co-exist<sup>5</sup>:

A pupil shall,

- a) be diligent in attempting to master such studies as are part of the program in which the pupil is enrolled;
- b) exercise self-discipline;
- c) accept such discipline as would be exercised by a kind, firm and judicious parent;
- d) attend classes punctually and regularly;
- e) be courteous to fellow pupils and obedient and courteous to teachers;
- f) be clean in person and habits;
- g) take such tests and examinations as are required by or under the Act or as may be directed by the Minister;
- h) and show respect for school property.

Students are told to exercise self-discipline while the doctrine of *in loco parentis* is in effect. This marks a shift to recognizing the subjectivities of students as rational choosers who can exercise self-discipline while also accepting discipline from teachers as parent figures. Policy reiterations such as these ensure that ‘choice’ is adopted in the lexicon as ‘common sense.’ The student is no longer to be subject to discipline but to also be the master of their own discipline. This shift also means that when behaviour breaks down, focus turns to the student, and not the school’s inability to guide the student.

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<sup>5</sup> It should be noted these types of regulations are not new and have existed since 1990. However, the blending of different rationalities is important to illustrate.

The school is trying to produce a self-governing subject (see Rose 1999; Turnbull and Hannah-Moffat 2009). Schools were always ‘in the business’ of disciplining students, but the shift of responsibility from the school to the student is an explicit command. The theme of responsabilization (see Garland 1996; O’Malley 1992) was replicated in each individual school’s code of conduct where students are told to ‘be safe’:

- ‘play safe games’ (CC-12);
- ‘practice safe behaviour all the time’ (CC-9);
- ‘act safely in all situations’ (CC-11);
- one can ‘contribute to [the] safety of others by being aware of [their] actions’ (CC-6); and
- students should ‘conduct themselves safely in school and work’ (CC-5).

Only one code (CC-8) did not legislate students to act safely. Safety is not just the business of the school—youths are told to be active participants in producing safety.

Codes of conduct predominantly listed rules and expectations for students, but one code had a section on what the student should expect from teachers. Teachers at this school were told to be sensitive so that “mutual trust and respect is developed between students and teachers” (CC-5). This expectation reinforces the teacher’s important role in creating a “warm and caring environment” (CC-5), which harkens back to the school operating in place of the parent. However, another item explained that students should expect teachers to “encourage the growth of confidence, responsibility and self-discipline” (CC-5). Empowerment in this particular context reinforces the power relation between teachers and students while seeming to redress the power differential (see Hannah-Moffat 2000).<sup>6</sup> The teacher’s responsibility is to create a space for the pupil to become responsible and self-disciplining. The onus to maintain discipline is not solely on the teacher. The teacher, historically envisioned as a substitute parent (Platt 1977), no longer has the same parental responsibilities over the child. Whereas parents are often held blameworthy for actions committed by their children, the teacher’s responsibility for the student’s behaviour is minimized through this promotion of self-discipline.

The responsible student in the TDSB has many characteristics that reflect this negotiation with the older welfarist logics as well as the technologies of choice. Responsible pupils are dressed appropriately, orderly, and well-groomed (see also Raby 2005). They are also gendered and racialized. For example, rules on gossiping promoted a gendered subject by the differential presentation of the male bully, who waits in the schoolyard to pick a fight, versus the female bully, who spreads rumours and bullies emotionally. Bullying behaviour of young women is presented as something that is less visible, and therefore more insidious. Headgear, bandanas, hats, and do-rags are not permitted in the majority of schools and are

<sup>6</sup> Empowerment is a particularly loaded discourse and used, like choice, to support a myriad of different goals (see Cruikshank 1996).



associated with gang affiliations. The do-rag restriction symbolizes the common-sense intersection of gang, race, and gender because the do-rag is worn almost exclusively by young black men. The codes thus seek to reduce risky behaviour with normative and common-sense assumptions about what is gang paraphernalia. Not everyone who wears a do-rag is in a gang. But the decision to wear a do-rag is presented as irresponsible, since teachers and principals can misinterpret it as gang behaviour.

The responsible student is also someone who knows (and complies with) the rules (CC-11, CC-12). The majority of principals interviewed noted that codes of conduct were distributed widely to students, as if this had manifestly increased their school's safety. Some codes were placed at the beginning of the child's school agenda, while some principals explicitly told parents to go over the codes of conduct with their child. Students even needed prove their knowledge of the codes of behaviour through their signature. Other codes stated they would be prominently displayed and "effectively communicated to all and understood by students, staff, parents or guardians, and the community" (CC-8). Softer ways of telling the pupils to know the rules also existed: "[students should] familiarize yourself with the following school rules and be sure you understand why they are a necessary part of a safe school environment" (CC-7). The explicit command to "know the rules" coupled with the detailing of consequences (CC-7) constitutes children as rational actors and frames the principal-pupil interaction differently than the substitute parent with a "special legal subject" as under *in loco parentis* doctrines. Safety is thus connected to knowing the rules; if the rules are known, and if they are legislated to be known, the school will be safer because students will act upon this knowledge and make safer choices.

While it is not obvious that actually knowing the regulations helps youths avoid all forms of disobedience, the need to make the rules known reflects a common-sense belief that people, and increasingly adolescents and children, will 'follow the rules' if given full information.<sup>7</sup> Putting school disobedience in the realm of 'common knowledge' through explicit direction to the students and parents, as Valverde (2003) has argued, makes them responsible for this knowledge, whether they have read the rules or not. Furthermore, since the rules are in the realm of 'common knowledge,' principals believed this created a "level playing field" (P-4). The playing field represents this belief in common knowledge as a field of action. Misbehaviour is out of the expertise of the school and in the hands of students and parents (see Valverde 2003). The common knowledge of safety thus operates as a method of empowerment, a technique of governing through freedom (see Cruikshank 1996; Hannah-Moffat 2000). With the emphasis on knowing the regulations, any behaviour that breaks the rules is set up as a wilful disregard for the behavioural codes—a student will be disciplined when he has chosen to disregard the rules and must then be held accountable for this choice.

It is through making safety common knowledge that *choosing* to act safely is also put in the realm of common sense. As one principal commented, "very few

<sup>7</sup> The belief that youths possess sophisticated knowledge when it comes to rules and consequences is often misplaced (see Peterson-Badali and Koegl 1998; Grisso and Swartz 2000).

choose to be bad, and if you know it [the code of behaviour], it is preemptive. It helps them stay out of trouble if they are serious about school” (P-6). This rationality creates a different subject: an ‘other’ that needs to be targeted. While some transgressions will be accepted as normal, the problem student is one who cannot be pre-empted through knowing the codes of behaviour because they will *choose* to be bad. This implies that no form of discipline or correction on the part of the school will make any difference. As Garland (2001, 187) notes in regard to crime control practice, “the mundane opportunist offender now stands much closer to centre-stage...and the needy, pathological offender much less prominent.” If the student cannot be held accountable, or is resistant to being held accountable, the student is positioned as an opportunist who has successfully eluded the purposes of school discipline.

Safety has moved beyond something that the school is supposed to ensure—pupils must now be active participants in school security. Students are thus constructed as capable of making decisions to be responsible individuals. For responsabilization techniques to work, the student must be made up as a subject and conceded a degree of freedom, which is a different configuration from an *in loco parentis* orientation. The student cannot be viewed as needing to be rescued if they are misbehaving; rather, students are supposed to be self-governing and governable through their freedom (Rose 1996, 1999). The freedom accorded to students in schools is linked to the discourse of choice in schools. Students are not helpless to their peers, evil teachers, or the environment—their potential is wrapped up in their own ability to choose to be good. Conversely, students can also choose to do bad things, and therefore choice becomes a site to secure the school and manage bad students. Since every student is told to know the code and every student is responsible for contributing to a safe environment, any contravention of the regulations is positioned as resulting from the student making an informed decision.

Teachers and principals are still an integral part of providing a good education but cannot be the sole guarantors of a good education, as students are instructed in the codes of behaviour to be responsible for “learning” (CC-9) and “developing talents and gifts” (CC-7). The pupil who resists school is not simply in need of more discipline in the hopes of being saved and made by teachers into better people as the child savers thought (Platt 1977). Instead, the problematic pupil is chastised for not being an active participant in her own education. The focus for readjusting behaviour weighs on the choices the student makes. It is only through students choosing to learn that the child savers’ dream of producing better citizens can occur. For example, one code (CC-12) states that a positive contribution to the school community “can only be based on self-discipline as well as mutual respect for each other.” The student has the capacity to choose to make this positive contribution. School authorities can only be relied upon to do so much.

As governing through choice emerges in discourse, it re-codes past governing strategies such as the needy pathological offender Garland discusses. For instance, if a student continues to be disruptive, then the student is at fault for “not accepting feedback of correction” (P-6). The notion of correction, a tactic used during disciplinary regimes (see Foucault 1977), gets re-coded as a choice. Correction is available to those who choose to accept the feedback and act upon it. This is evidenced in

one principal's belief that suspensions are "ineffective because students aren't held accountable—they can just shrug it off" (P-2). By governing students through choice, the disciplinary role of the school is subsumed. No longer are they students *in need* of correction, but students *who need* to be held accountable for their behavioural decisions.

One principal remarked that "most know when they are doing something wrong and chose not to control their behaviour" (P-12). This comment is interesting in light of the mitigating circumstances that had to be considered before excluding students. The regulations (106/01 for mandatory suspensions and 37/01 for mandatory expulsions) stated that the suspension/expulsion is not mandatory if:

- a) the pupil does not have the ability to control his or her behaviour;
- b) the pupil does not have the ability to understand the foreseeable consequences of his or her behaviour; or
- c) the pupil's continuing presence in the school does not create an unacceptable risk to the safety of any person.

'Losing control,' which is supposed to be considered a mitigating factor in exclusionary decisions, was couched by P-12 as a rational choice. The ironic result is that although a student may not be in control of her/his actions at the time of the infraction, he has chosen to be in that state. Thus, governing through choice is one way for the system to negotiate the liberal educational pull to include, and the zero-tolerance push to exclude, students. It repositioned how safety was envisioned and accomplished, and diminished the responsibility of the institution.

### **Governing Through Choice: Reassembling Risk and Safety in the School System**

The systemic implications of producing student subjectivities through technologies of choice evidence a shift in responsibility away from the school. I have termed these developments as schools governing through choice instead of Simon's (2007) conceptualization of governing through crime, because the former better accounts for the dual shift of institutions managing blame, and the latter assumes there is no economy of blame. Power (2004, 2007) has argued that institutions are increasingly interested in reputation risk management. In the case of education, it means that school authorities will continue to create rules for appropriate behaviour, but that it is incumbent on students to make the choice to become well-behaved citizens. The school as a reputation risk manager recognizes that students who misbehave still deserve an education, but the onus shifts to students who must choose to comply with school rules. This enables the education system to avoid blame when an education is not provided to difficult students.

Partnerships, emblematic of the broader neo-liberal shifts in governance (see Rose 1996), are central to the production of safety.<sup>8</sup> Rhetoric about partnerships

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<sup>8</sup> The connection of these shifts to neo-liberalism is an important one because, despite changes in the technologies of governance, the theme of neo-liberalism still ties many disparate strategies together.

was evident in the second policy component of safe schools in the TDSB,<sup>9</sup> where successfully implementing the safe schools policy hinged on partnerships with the school community (TDSB 2001, B1:3). Even the ability to ‘solve crimes’ on school property required partnerships (TDSB 2001, A.4:8). This assumes that everyone who is a ‘stakeholder’ is responsible for the system. The school should no longer be conceived of as the sole provider of safety within its walls.

The school system cannot make good on the promises of the ‘child saving’ era in much the same way the criminal justice system cannot solve the problem of crime (Garland 1996). The principals echoed the institutional reality that responsibility for churning out well-adjusted citizens has moved beyond the conception of the school as a disciplinary machine popularized by Foucault (1977). Thus, choice became a way to manage the reputational risk of the school system because it suggested the machinery still worked—but only if given a particular and programmable subject.

Discussion of accountability and meaningful consequences for the student does not necessarily translate into an increase in the use of suspensions and expulsions for every case, as the governing-through-crime thesis would suggest. As one principal remarked, “there are times when you want the child to be completely accountable for their behaviour and suspension is not the way to do it” (P-2). Suspensions may be the easy way out in these instances, but holding students responsible is the guiding principle behind the disciplinary decision.

The provincial legislation was explicitly about keeping schools safe through the use of exclusionary techniques similar to the tactics employed in shopping centres and other neo-feudal spaces (see Shearing 2001). Yet, the senior school cannot be easily compared to these spaces because there was an underlying desire to keep senior school students in school. One principal said: “Our object is to keep kids in school even when you read it [the SSA] and it sounds like getting rid [is the objective]” (P-12). Thus, risky students needed to be understood as containable rather than simply excludable.

Some students have behavioural problems that by definition make them riskier. But they are not easily excludable even under the SSA because, as one principal rhetorically asked: how can she suspend everyone when youths “are not on a level playing field” (P-9)? This principal’s concern was noteworthy given the criticism of the discriminatory impact of the SSA on minority children (see Bhattacharjee 2003; McMurtry and Curling 2008; School Community Safety Advisory Panel 2008) and children with learning or developmental disabilities (Orwen 2003). Principals were therefore aware of the inequities a strict application of the SSA would magnify.<sup>10</sup>

Another respondent said, “If you know the child has the potential for behaviour problems, the role is to prevent and be aware. We [may be] aware but cannot provide constant supervision. Repeated unsafe behaviour builds a case for different placement; if the behaviour is consistently risky [then they are] not in the

<sup>9</sup> Recall the first policy component was “zero tolerance.”

<sup>10</sup> These concerns were ultimately codified in subsequent provincial legislation and policy (see for example, the 2012 Accepting Schools Act).

right placement" (P-5). There were other factors in play beyond banishing students from the school system entirely. Even if the pupil is repeatedly presenting unsafe behaviour, the school still tried to find the right placement. One principal said that "these guidelines are there to help us but at the same time you cannot forget that the student is a human being and...sometimes the needs [of the student] don't go with the guideline's expectations" (P-7). Rather than a rigid interpretation of the SSA and TDSB policies, principals actively negotiated between the discourse of choice and the school as disciplinary machine by talking about the needs of students.

Governing through choice also reconstitutes all students as potential risks. Every student becomes a suspect, as they are all capable of making bad choices. Pupils are increasingly seen as potential risks to the institution (Kelly 2000, 2001). However, viewing students as potential risks is an effect of governing through choice, not the cause.<sup>11</sup> The aim of education is to foster good choices so that students may become predictable. Risk is reassembled in governing students through choice. Risk, in this sense, stems from the space opened up by constructing students as free subjects. Risky students are those who do not choose properly.

Uncertainty is ever-present in schools, and students involved in serious matters comprise a particular future risk. As one Safe Schools administrator suggested: "if he did it today why wouldn't he do it tomorrow" (SS-1)? A major effect of the SSA was an increased institutional need for surveillance, which is achieved by establishing a more extensive paper trail. Informal suspensions/expulsions were no longer permitted because, as one principal put it, "the board's recommendation is to do the paper trail because if this kid turns out to be the kid in high school who's bringing a weapon to school, everyone is going to want to know what he was doing last year and the year before" (P-1). The paper trail becomes a mechanism to produce knowledge of risk about students who have already seriously misbehaved, and to insulate the institution so if 'he does it tomorrow' he will already be documented. In establishing this narrative of badness the principal is also protected, because the student's future misbehaviour can be traced to earlier problems instead of having an uncertain origin.<sup>12</sup>

The difference between this conception and the idea of dangerousness as explored by Castel (1991) is that risk is not just embodied in a particular sub-population, but in all young people. Beck (2000, 214) argues that "the concept of risk reverses the relationship of past, present and future. The past loses its power to determine the present." While the focus of risk is on the future, the past—particularly in corrections and education—is 'colonized' by the future. The past becomes a predictor of future behaviour to manage an uncertainty that emerges from schools governing through choice. Safety and security become overriding concerns as the category of deviancy has been supplanted by the category of at-risk (Tait 1995; Bessant 2001). Whereas deviance implies a cause that can be corrected,

<sup>11</sup> However, viewing students as risks and uncertainties can lead to using technologies that may foster more suspicion and mistrust (Casella 2003; Giroux 2003a; Kelly 2003; Kupchik 2010).

<sup>12</sup> The paper trail is still an important feature of school safety as there is still a concern for being sued in the future so every decision needs proper documentation (see Levinsky, forthcoming).

at-risk implies an uncertainty that needs to be addressed, but the outcome will still be an uncertainty. The best to hope for is a predictable or calculable uncertainty.

In regard to the mitigating factors from the original SSA, there appeared to be an internal contradiction.<sup>13</sup> One Safe Schools Administrator (SS-1) contended that section c) worked as an override, and was always in effect. Thus, if the student posed a risk to themselves or others, she could still be suspended/expelled *even if she was not in control of her actions*. The assumption is, despite sections a) and b), that students have both the responsibility and ability to control their actions. The argument seems to nullify the mitigating circumstances because a pupil could pose a risk precisely because he was not in control of his actions, or was unable to appreciate the long-term consequences. One Safe Schools Administrator said that principals “think these [mitigating] sections mean that they should do nothing, when really they only have to consider the mitigating circumstances and not necessarily do nothing” (SS-1). Thus, these mitigating circumstances existed to show that the institution observed some semblance of due process and concern for human rights. Most principals did not think these sections meant they should do nothing, but they were ambiguous in describing how these sections worked. As one principal said: if students do not control their actions or are “normally not in control, they are a danger” (P-2). Thus, even though the section is organized to ensure that special-needs kids—who are not in control of their actions—could not simply be excluded from school, the fact that these kids simultaneously pose a safety risk meant that these mitigating circumstances possibly existed only in a rhetorical capacity. The inability of autistic children to potentially control their own actions—to effectively choose to do the right thing (or choose to do the wrong thing)—is particularly problematic for a regime governing through choice, and thus they seem to become more excludable. Since the autistic child is incapable of being governed through his choice-making, the potential risks he poses become more centrally placed.

This internal contradiction of choice and riskiness of students was also where resistance to zero tolerance was mobilized. One principal (P-1) recognized that not every child would pass the mitigating circumstances of the SSA because they may not fully appreciate the consequences of their actions—they are, in P-1’s words, “just kids.” This belief in the power of the mitigating circumstances could explain why this principal had never formally suspended a student under the SSA.<sup>14</sup> P-1 resisted the primacy of choice as a mode of governance because students may lack the capacity to be the entrepreneurial subject that governing through choice envisions. It is crucial to keep in mind that while governing through choice is enabled in schools, it is still fluid, flexible, and particular to the school board, the school, and the principal.

<sup>13</sup> The section states that if the pupil does not have the ability to control his or her behaviour; or the pupil does not have the ability to understand the foreseeable consequences of his or her behaviour; or the pupil’s continuing presence in the school does not create an unacceptable risk to the safety of any person, then it no longer becomes a mandatory expulsion/suspension but may still be a suspension.

<sup>14</sup> All other schools had used suspensions approximately twenty times during the school year, and three had suspended students between fifty and 125 times.

Bowditch (1993, 500) argued that in making disciplinary decisions, schools "sought to punish 'types of students' more than 'types of behaviour'"; but in the context of senior schools in the TDSB, it would seem 'types of choices' were being held accountable and targeted. It was the school system that posits misbehaviour as a rational decision made by students, which in turn made misbehaviour a threat to school safety. Thus, making students more responsible in actualizing their own self-discipline is the space in which the school operated to minimize risk from students, as well as the threat of the school system being held accountable for failures in discipline.

In institutional exclusionary programs, it was evident that choice was being acted upon. These were programs that showed the education system still had a duty of care to their students yet, repeatedly the message within these programs was that the student had to activate their own good behaviour to ensure school safety.

### **Targeting the Bad Chooser**

When governing through choice breaks down, choice emerges in strategies to re-position students so they can learn how to make good choices. However, it is in these disciplinary programs that choice had a starker emergence, existing uneasily with other governing techniques. Principals were actively involved in the reconstitution of choice in schools on the ground showing how the rhetoric of choice became institutionalized as common sense. For example, one principal created a program for problem students he called 'Second Choice.' The use of the word choice instead of chance implies that the student, when committing the bad behaviour, was confronted with alternative paths and chose wrongly the first time. It also implies some tolerance of missteps, as long as they are within normal limits. Of significance is the description of the program as segregative and intensive, where assessment occurs in "such a way that we get to know [the pupils], get to know their families" (P-4). The program was geared toward knowledge production of the student and family circumstance, which was a way to responsabilize and hold the family accountable. Through partnerships, the family is brought in to be an active component in getting the student back on track and solving the problematic behaviour, thus reinforcing the idea that school safety is everyone's business. The program was described as intense, "not intense meaning busy, but intense meaning we get a really close-up look at what they do, how they interact, some of their feelings and concerns" (P-4). It thus takes the form of remedial help, through segregation, with the underlying intent to get to 'know' the resistant student. Safety was not only achieved through partnerships and shifting responsibility back onto the student and the student's family, but also through knowing and containing the risky behaviour. The slippage between helping the student for his own sake and helping the student for the sake of managing the risk to the school is crucial to understanding how principals negotiate safety.

The shift in empowering young people with rights and responsibilities is a necessary condition for a program such as Second Choice to be developed. Nevertheless, this program represents a reaction of one principal facing a dearth of available resources. Understanding a program that fits into the framework of

choice and responsibilities—yet was not a TDSB mandated program—is important. It questions the heuristic strategy of grouping all new technologies of government under the auspices of a ‘Big Brother’ (which is the imagery of many of the zero-tolerance scholars discussed earlier), and instead represents something more similar to the surveillant assemblage (Haggerty and Ericson 2000) or governmentality approach (see Rose 1996). Multiple strands of surveillance or governing tactics start to co-merge and thus have the appearance of being a coherent top-down tactic, when in fact they resemble each other as they work from the bottom-up. Second Choice is a program developed on the ground. Choice has become an organizing principle for education but is not a legislated demand by the state. If we imagine that students are being governed through choice and their freedom to choose, as opposed to being disciplined through the welfarist model (see Rose 1996, 1999), this makes the student speakable in new ways. These developments are linked through the new understanding of the student. As these codes and comments from principals have shown, choice is a site of producing security and safety in schools.

The provincially mandated “innovative” strict discipline project (Ontario Ministry of Education 2001) that handled students given a limited expulsion in the TDSB—termed the Support Program for Expelled Students (SPES)—further illustrates how students who makes bad choices are targeted. Only in British Columbia, Alberta, and Ontario were school boards legally required to provide alternate education for excluded children (Bell and Tremblay 2001). The government recognized that something must be done with the student who is excluded. The ‘need’ to have programs for these youth partially stems from the perceived problem that kids kicked out of school cause more crime (Berger and Graham 1998). As Janet Ecker, then Education Minister pointed out: “Students who are expelled or suspended from the regular school program must learn to deal with their disruptive behaviour problems, but they still need an education. Sending them out on the street only puts the problem elsewhere” (Ontario Ministry of Education 2000). Students have the responsibility to deal with their behaviour, but the school board still needs to deal with this problem.

The SPES was a formalized program for students given a limited expulsion. These students did not need to attend any programming and could wait for the expulsion time to pass outside of the school system (it was for a maximum of one year). However, it was strongly advised that students attend a limited-expulsion program such as the SPES, since their progression through the program was noted in school records and principals were aware if the student did not attend such a program or was consistently disruptive/truant (SS-2). Although there was more surveillance of the student in the limited expulsion program (and more resources), it was still voluntary to attend. Those who volunteered were positioned as taking responsibility for their actions and complimented for beginning to make the right choices. In this sense, it operated as a kind of forced volunteerism to weed out those students who remained non-committal to attending school. The student who attended this program also was more marketable to schools once the program was completed. The governance of students through choice was visible upon entering the SPES, where there was a statement on the front door to the classroom reading:



"Not bad kids, just bad choices," highlighting that students in this program have made the wrong choice. To anyone witnessing the program, the students behind the door were positioned as 'others' who needed to be acted upon and imbued with tools to make the right choices in the future.

The SPES was comprised of a 60% educational component and a 40% non-educational component (A.4: p. 9). The non-educational component was called 'character education,' evoking a re-moralization program focusing on development of personal and social skills. Expelled youths were targeted by the non-educational, moralizing component to develop new habits and new ways of thinking. However, these techniques of moral governance were pasted on governance through choice.

An open letter from a teacher to an anonymous student at the SPES (2002) read:

If you look at your past life as preparation for adulthood, you haven't even started to live as an adult yet (18 years +). So, surely *you can choose what kind of adult you will become*....If you are serious about change you will need to develop new habits and new ways of thinking which are more in line with reality....I want to help you, if only you would let me (emphasis in original).

Two contradictory conceptions of youth co-exist in this letter. The student is recognized as not an adult because he is not 18 (in itself an arbitrary cutoff in terms of developmental psychology; see Grisso and Swartz 2000), while at the same time it is assumed he is equipped with enough skills to be responsible, and to choose what type of adult he will become. Once again, the SPES teacher can only do so much for the student, unless the student is more co-operative. It is the student who assumes responsibility for being "serious about change." The teacher continues to morally admonish the student, whose thinking and habits are not "in line with reality"; however, the student is discussed as actively making this decision.

These tensions were more evident in Chill Power, a program within the SPES. Chill Power explicitly encouraged pupils to move away from evil thinking and listen to their good conscience. The mascot of good conscience was a hip-looking, wise owl carrying some books, while evil thinking was represented by a single burning flame. These mascots were prominently displayed on posters in the classroom, reinforcing strategies of moral governing and choice simultaneously. Every student has a flame and an owl by their ear as a moral compass helping them to weigh the costs and benefits of their actions. Students who make bad choices, and thus fail to become governable through their freedom, have let their evil thinking guide them and that is why they now find themselves in the SPES classroom.

In Chill Power, students watched videos on various 'risk-taking' topics such as sex, drugs, and violence. Each video begins with the developer of Chill Power—who was also the SPES teacher—making anecdotal comments on the given topic about somebody who was doing well in life until he engaged in X, always with a horrendous result (such as death, disease, injury, police involvement, etc.). The video had role-playing sessions, and afterwards there were activities in workbooks for the students to complete.

While *Chill Power* can be read strictly as a re-moralization program for delinquents, it dovetailed nicely with fostering good neo-liberal subjects. This is not about moral governance but about producing a responsible subject who is capable of choice (see also Turnbull and Hannah-Moffat 2009 for a similar meshing of governing strategies in female probationers). The SPES fits with Kelly's (2000, 2001) observation that initiatives targeting at-risk youth seek to produce the entrepreneurial student, or the pupil who is a good chooser through a wide assortment of strategies. If pupils are clean in person and habits (as the Requirements for Pupils words it), or made more moral, the actual space for choice is limited and they become more predictable. An entrepreneurial subject is celebrated by her capability to choose (for example, by choosing to behave appropriately or to attend the SPES voluntarily), thereby making the possibilities for action by the student seemingly endless. At the same time, the apparently limitless reign of the enterprising subject needed to be constrained in order for subjects to remain governable. In programs such as the SPES, students could be rendered more predictable in their ability to choose. Making students certainties enabled governance through responsible choice and freedom when they were returned to the general school population.

## Conclusion

Governing through choice co-existed with other strategies and rationales. Problematic students were those who were not "serious about school" or who would not accept the "feedback of correction" (P-6) because they resisted making good choices—despite the school's attempt to enable good choice-making behaviour. These students were the riskiest population and were more likely to be targeted by the exclusionary logic of the original SSA. Senior school principals negotiated the tension in excluding students as mandated by the original SSA with the premises and promises of a liberal democratic ideal. As one principal noted "really, [the original SSA] does not acknowledge anything about prevention or how people can solve these situations a little better. A piece of paper is just a piece of paper. You weren't raised on a piece of paper. Kids aren't raised by saying 'this is the law; this is the SSA.' That doesn't do it...Children are not raised by policy" (P-1). Thus, discipline was not strictly about banishing students, nor declaring war on youth through an unrelenting application of zero tolerance and the SSA. In senior schools, there remained an underlying desire that, through disciplinary strategies, the "student changes and ceases to be a threat" (P-5). Change here was a form of correction couched in terms of making the proper choices.

Governing through choice was a way for principals to grapple with the exclusionary logic of zero-tolerance policies. As such, zero-tolerance scholarship in general would be better served to probe these strategies more thoroughly to appreciate how the tensions and contradictions embedded in this form of regulation open up new ways to produce subjects. As Valverde (2007) points out, the context in which a particular strategy of governance is deployed should be fully understood because it is too easy (and extremely unhelpful) to abstract strategies of governance as rigid concepts that are easily transported in like forms across space and time. Zero-tolerance policies are not solely repressive strategies—all the contours

of a given zero-tolerance policy needed to be mapped out to see that zero tolerance can be activated and invoked quite differently in different contexts and can have more productive qualities missed by characterizing it as a repressive tool of the governing regime.

This is not to suggest that zero tolerance is a normatively good strategy of governance. Rather, if we understand that these policies have productive capacities and are not simply a blunt tool of repression designed to hammer people into submission, then we are no longer blind to the spaces of resistance and counter-narratives opened up by the policies themselves. The depiction of a passive citizenry subjected to zero-tolerance regimes necessarily hinders visibility of the struggles and skirmishes occurring *within* the very products of zero-tolerance strategies—only enlightened observers from *without* are enabled as challengers of these regimes.

There have been recent developments and moves away from the original SSA (which was later pitched not as a zero-tolerance policy but a one-size-fits-all approach) to what has been termed Progressive Discipline, where punishment is supposed to be proportionate to student misbehaviour. There have been many changes in policy and procedures after the time period this study is most concerned with: the aforementioned revamped SSA which emphasizes progressive discipline; the Accepting Schools Act (2012); the *Equity and Inclusive Education Strategy* (Ontario Ministry of Education 2009). These changes themselves are borne of reactions to the original SSA from the TDSB settlement with the Ontario Human Rights Commission; the final report into the shooting death of Jordan Manners (School Community Safety Advisory Panel 2008), and the Roots of Youth Violence Report (McMurtry and Curling 2008). Importantly, this research was conducted during a transitory time period that bears relevance today. First, the zero-tolerance research or the research on school exclusions still focuses us on metaphors such as the prison-to-school pipeline—which ignore the specificities this article highlights such as how is governing through choice part of these exclusionary regimes. Second, schools in Ontario continue to be extremely difficult to research as insularity is commonplace. Despite shifts in safe schools policies away from an ostensibly zero-tolerance regime, some of the threads I have identified such as risk management and a litigious mentality remain entrenched. For instance, the paper trail is enabled through a progressive discipline regime where governing through choice may not be the dominant strategy at play, but my article highlights that it has generally been ignored in discussions of school safety and hopefully is a signpost for future research questions. Future studies should examine the new SSA and map out this neo-liberal governmentality of choice to see how it emerges in school safety policies and daily governance.<sup>15</sup> This genealogical analysis of choice, similar to the preceding article, must pay attention to horizontal changes across ideological regimes and also to the vertical differences within the policy-to-educator nexus. While some commentators have suggested we are going full circle from harsh to lenient policies in

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<sup>15</sup> Anecdotally, this researcher's daughter started school this past year and she already speaks the language of choice explaining that if she decided to do something that is her choice.

school safety (see Levinsky forthcoming) it seems within this shift that governing through choice is a common thread that may have different and interesting implications and permutations.

## References

- Apple, Michael W. 2001a. *Educating the 'Right' Way: Markets, Standards, God and Inequality*. New York: Routledge Falmer.
- . 2001b. Comparing neo-liberal projects and inequality in education. *Comparative Education* 37:409–23.
- Beck, Ulrich. 2000. The risk society revisited: Theory, politics and research. In *The Risk Society and Beyond: Critical Issues for Social Theory*, ed. B. Adam, U. Beck, and J. VanLooy, 211–29. Thousand Oaks: Sage.
- Bell, John, and Jennifer Tremblay. 2001. *The Safe Schools Act of Ontario: A Lesson for the Rest of the Country: How Not to Do it*. Accessed at: [www.shibleyrighton/education.com](http://www.shibleyrighton/education.com) 14 August 2005.
- Berger, William B., and Alan P. Graham. 1998. Suspended students: A practical approach. *FBI Law Enforcement Bulletin* 677:7–8.
- Bessant, Judith. 2001. From sociology of deviance to sociology of risk: Youth homelessness and the problem of empiricism. *Journal of Criminal Justice* 29:31–43.
- Bhattacharjee, Ken. 2003. *The Ontario Safe Schools Act: School Discipline and Discrimination*. Report prepared for Ontario Human Rights Commission.
- Bowditch, Christine. 1993. Getting rid of troublemakers: High school disciplinary procedures and the production of dropouts. *Social Problems* 40:493–509.
- Casella, Ronnie. 2003. The false allure of security technologies. *Social Justice* 30:82–93.
- Castel, Robert. 1991. From dangerousness to risk. In *The Foucault Effect: Studies in Governmentality*, ed. G. Burchell, C. Gordon, and P. Miller, 281–98. Chicago: University of Chicago Press.
- Chill Power. 2004. *Chill Power*. Accessed at: [www.chillpower.com](http://www.chillpower.com) 14 December, 2004.
- Cruikshank, Barbara. 1996. Revolutions within: Self-government and self-esteem. In *Foucault and Political Reason: Liberalism, Neo-Liberalism and Rationalities of Government*, ed. A. Barry, T. Osborne, and N. Rose, 231–52. Chicago: University of Chicago Press.
- Dale, Roger. 1994. National reform, economic crisis and 'New Right' theory: A New Zealand perspective. *Discourse: Studies in the Cultural Politics of Education* 14 (2): 17–29.
- Dewey, John. 1966. *Democracy and Education: An Introduction to the Philosophy of Education*. New York: Free Press.
- Dehli, Kari. 1996. Travelling tales: education reform and parental 'choice' in postmodern times. *Journal of Education Policy* 11 (1): 75–88.
- Doob, Anthony N., and Carla Cesaroni. 2004. *Responding to Youth Crime in Canada*. Toronto: University of Toronto Press.
- Doob, Anthony N., Voula Marinos, and Kim Varma. 1995. *Youth Crime and the Youth Criminal Justice System in Canada: A Research Perspective*. Toronto: Centre of Criminology, University of Toronto.
- Duke, Daniel. 2002. *Creating Safe Schools*. Toronto: Allyn and Bacon.
- Dunbar Jr., C., F. A. Villarruel. 2004. What a difference the community makes: Zero tolerance policy interpretation and implementation. *Equity and Excellence in Education* 37:351–59.
- Foucault, Michel. 1977. *Discipline and Punish: The Birth of the Prison*. New York: Vintage Books.

- Garland, David. 2001. *The Culture of Control: Crime and Social Order in Contemporary Society*. Chicago: University of Chicago Press.
- . 1996. The limits of the sovereign state: Strategies of crime control in contemporary society. *British Journal of Criminology* 4:445–71.
- Gidney, R. 1999. *From hope to Harris: The reshaping of Ontario's schools*. Toronto: University of Toronto Press.
- Giroux, Henry. 2003a. Zero tolerance, domestic militarization, and the war against youth. *Social Justice* 30:59–65.
- . 2003b. Racial injustice and disposable youth in the age of zero tolerance. *International Journal of Qualitative Studies in Education* 16:553–65.
- Grisso, Thomas, and Robert G. Swartz, eds. 2000. *Youth on Trial: a Developmental Perspective on Juvenile Justice*. Chicago: University of Chicago Press.
- Hacking, Ian. 1990. *The Taming of Chance*. New York: Cambridge University Press.
- Haggerty, Kevin, and Richard V. Ericson. 2000. The surveillant assemblage. *British Journal of Sociology* 51:605–22.
- Hannah-Moffat, Kelly. 2000. Prisons that empower: Neo-liberal governance in Canadian women's prisons. *British Journal of Criminology* 40:510–31.
- Hill, Marie, and Frank Hill. 1994. *Creating Safe Schools: What Principals Can Do*. Thousand Oaks: Corwin Press, Inc.
- Hirschfield, Paul J. 2008. Preparing for prison? The criminalization of school discipline in the USA. *Theoretical Criminology* 12 (1): 79–101.
- Hyman, I. A., and D. C. Perone. 1998. The other side of school violence: Educator policies and practices that may contribute to student misbehavior. *Journal of School Psychology* 36 (1): 7–27.
- Johnston, Les. 2000. *Policing Britain: Risk, Security and Governance*. London: Pearson Longman.
- Jones, Karen, and Kevin Williamson. 1979. The birth of the schoolroom. *Ideology and Consciousness* 6:58–110.
- Kelly, Peter. 2000. The dangerousness of youth-at-risk: The possibilities of surveillance and intervention in uncertain times. *Journal of Adolescence* 23:463–76.
- . 2001. The post-welfare state and the government of youth at-risk. *Social Justice* 28:96–112.
- . 2003. Growing up as risky business? Risks, surveillance and the institutionalized mistrust of youth. *Journal of Youth Studies* 6:165–80.
- Kerr, Lindsay. 2006. *Between Caring and Counting: Teachers Take on Education Reform*. Toronto: University of Toronto Press.
- Kupchik, Aaron. 2010. *Homeroom security: school discipline in an age of fear*. New York: New York University Press.
- Kupchik, Aaron, and Tony Monahan. 2006. The new American school: Preparation for post-industrial discipline. *British Journal of Sociology of Education* 27 (5): 617–31.
- Levinsky, Zachary. Forthcoming. 'Don't under-react': Governing safe schools and safe school subjects. PhD Dissertation. Centre of Criminology and Socio-Legal Studies, University of Toronto.
- MacLellan, D. 2009. Neoliberalism and Ontario teachers' unions: A 'not-so' common sense revolution. *Socialist Studies* 5:51–74.
- Majhanovich, S. 2002. Change in public education: Globalization in action? The case of Ontario, Canada. *Planning and Changing*. 33 (1–2): 53–76.
- McMurtry, Roy, and A. Curling. 2008. *The Review of the Roots of Youth Violence*. Queen's Printer: Ontario.

- Morrison, Gale, and Barbara D’Incau. 1997. The web of zero-tolerance: Characteristics of students who are recommended for expulsion from school. *Education and Treatment of Children* 20:316–35.
- Newman, Dan. 1998, June 11. “School Safety”. Ontario. Provincial Parliament. Legislative Assembly. *Hansard* 25(A). 36<sup>th</sup> Parliament, 2<sup>nd</sup> Session.
- Noguera, Pedro. 1995. Preventing and producing violence: A critical analysis of responses to school violence. *Harvard Educational Review* 65:189–212.
- O’Malley, Pat. 1992. Risk, power and crime prevention. In *Crime and the Risk Society*, ed. P. O’Malley, 71–94. Brookfield: Ashgate.
- . 1999. Volatile and contradictory punishment. *Theoretical Criminology* 3:175–96.
- Ontario Ministry of Education. 2001. Ecker announces innovative strict discipline projects. Accessed at: [www.gov.on.ca](http://www.gov.on.ca) 2 July 2002.
- Ontario Ministry of Education. 2000. Ontario releases code of conduct and takes action for safer schools. Accessed at: [www.gov.on.ca](http://www.gov.on.ca) 2 July 2002.
- Ontario Ministry of Education. 2009. *Equity and Inclusive Education Strategy: Realizing the Promise of Diversity*. Ontario: Queen’s Printer for Ontario.
- Orwen, Patricia. 2003. Mother fights to get changes for autistic kid. *Toronto Star* July 4: A7.
- Platt, Anthony. 1977. *The Child Savers: The Invention of Delinquency*. Chicago: University of Chicago Press.
- Power, Michael. 2004. *The Risk Management of Everything: Rethinking the Politics of Uncertainty*. London: Demos.
- . 2007. *Organized Uncertainty*. Oxford: Oxford University Press.
- Pratt, John. 2000. The return of the wheelbarrow men: Or, the arrival of postmodern penalty? *British Journal of Criminology* 40 (1): 127–45.
- Raby, Rebecca. 2005. Polite, well-dressed and on time: Secondary school conduct codes and the production of docile citizens. *The Canadian Review of Sociology and Anthropology* 42:71–91.
- Rinne, Risto. 2000. The globalisation of education: Finnish education on the doorstep of the new EU. *Educational Review* 52 (2): 131–42.
- Rose, Nikolas. 1996. Governing ‘advanced’ liberal democracies’. In *Foucault and Political Reason: Liberalism, Neoliberalism and Rationalities of Government*, ed. A. Barry, T. Osborne, and N. Rose, 37–64. Chicago: University of Chicago Press.
- . 1999. *The Powers of Freedom: Reframing Political Thought*. Cambridge: Cambridge University Press.
- . 2000. Government and control. *The British Journal of Criminology* 40:321–39.
- School Community Safety Advisory Panel. 2008. *The Road to Health: A Final Report on School Safety*.
- Shearing, Clifford. 2001. Punishment and the changing face of governance. *Punishment and Society*, 3:203–20.
- Simon, Jonathan. 1994. In the place of the parent: Risk management and the government of campus life. *Social and Legal Studies* 3:15–45.
- . 2007. *Governing through crime: how the war on crime transformed American democracy and created a culture of fear*. New York: Oxford University Press.
- Skiba, Russ, and Reece Peterson. 1999. The dark side of zero tolerance: Can punishment lead to safe schools? *Phi Delta Kappan* 80:372–82.
- . 2000. School discipline at a crossroads: From zero-tolerance to early response. *Exceptional Children* 66:335–96.
- Skiba, R. J., R. S. Michael, A. C. Nardo, and R. L. Peterson. 2002. The color of discipline: Sources of racial and gender disproportionality in school punishment. *The Urban Review* 34 (4): 317–42.

- Support Program for Expelled Students. 2002. *A Complete Guide to Implementing and Operating a Support Program for Expelled Students*. Toronto: Toronto District School Board.
- Tait, Gordon. 1995. Shaping the 'at-risk youth': Risk, governmentality and the Finn Report. *Discourse* 16:123–34.
- Taylor, Alison. 2001. *The politics of educational reform in Alberta*. Toronto: University of Toronto Press.
- Toronto District School Board. 2001. *Safe Schools Procedures Manual*. Toronto: Toronto District School Board.
- Turnbull, Sarah, and Kelly Hannah-Moffat. 2009. Under these conditions: Gender, parole, and the governance of reintegration. *British Journal of Criminology*. 49:1–20.
- Valverde, Mariana. 2003. *Law's Dream of a Common Knowledge*. Princeton: Princeton University Press.
- . 2007. Genealogies of European states: Foucauldian reflections. *Economy and Society* 36 (1): 159–78.
- Verdugo, Richard. 2002. Race-ethnicity, social class and zero-tolerance policies: The cultural and structural wars. *Education and Urban Society* 35:50–75.
- Walker, Hill, and Janet Eaton-Walker. 2000. Key questions about school safety: Critical issues and recommended solutions. *NASSP Bulletin* 84:46–55.
- Woods, Philip. 2002. Space for idealism?: Politics and education in the UK. *Education Policy*. 1:118–38.

## Legislation cited

- Ontario. Legislative Assembly. "Safe Schools Act: An Act to increase respect and responsibility, to set standards for safe learning and safe teaching in schools and to amend the Teaching Profession Act." Bill 81, 37th Legislature, 1st Session. [Toronto]: The Assembly, 2000 (Assented to June 23, 2000).
- Ontario. Legislative Assembly. "Accepting Schools Act." Bill 13, 40th Legislature, 1st Session, 2012. [Toronto]: The Assembly, 2012 (Assented to June 19, 2012).
- Ontario. Legislative Assembly. "Fewer School Boards Act" Bill 104, 1997. [Toronto]: The Assembly, 1997 (Assented to April 24, 1997).
- Ontario. Legislative Assembly. "The Education Quality Improvement Act." Bill 160, 1997. [Toronto]: The Assembly, 1997 (Assented to December 8, 1997).
- Education Act*, R.S.O. 1990, c. E.2.
- Education Act*, R.R.R. 1990 Regulation 298, s.23.
- Education Act* - O. Reg. 37/01, Expulsion of a Pupil.
- Education Act* - O. Reg. 106/01, Suspension of a Pupil.

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