

ENDING THE CYCLE

HOW RESTORATIVE JUSTICE IN SCHOOLS CAN DECREASE THE REACH OF THE SCHOOL-TO-PRISON PIPELINE

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Research shows that zero-tolerance punishments in school contribute directly to the school-to-prison pipeline, disproportionately affecting male students of color. Restorative justice methods, specifically discussion circles, are being implemented in schools to wean away from suspensions and expulsions that lead to students becoming entrapped in the criminal justice system. The school-to-prison pipeline has seen growth in recent years and needs to be addressed immediately, nationwide. Schools should be implementing restorative justice efforts that have already been proven to work in other schools, as well as training teachers to become adept in these methods. They must also become aware of cultural differences that can lead to miscommunication and misunderstanding between teachers and students of color and adapt accordingly to avoid such miscommunications.

Robert Williams, better known by his rapper name of Meek Mill, grew up as a black male in a single-parent household, in what he describes as a “ruthless neighborhood.” His first juvenile arrest was a trespassing charge as a result of going to school while suspended because he didn’t want to tell his mother, who would have to take off work to stay home with him. Thus, Williams was swiftly introduced to the school-to-prison pipeline. At age thirty-five, he has still not escaped the grasps of the criminal justice system due to what he claims are false accusations by police, technical probation violations, and “dysfunctional, discriminatory rules” (“Rapper Meek Mill”). Every day, kids—primarily black males—fall victim to the school-to-prison pipeline and can’t escape for similar reasons to Williams: bias in policing and technicalities in probation rules. This paper examines the role of zero-tolerance punishments, such as suspensions and expulsions, in the school system, and how

restorative justice efforts are being implemented to address this issue and evaluate the existing efforts.

The school-to-prison pipeline (STPP) is the national trend of school-age children being pushed out of schools and into prisons, just like Robert Williams. The STPP, which is blamed for the use of harsh punishments in schools, disproportionately affects minorities, those with learning disabilities, and those coming from poverty (“School-To-Prison Pipeline”). Zero-tolerance punishments became popular in policing in the late 1980s in response to the “War on Drugs” through strategies such as mandatory sentencing and “three strikes” laws. This shift bred a culture of viewing “tough-on-crime” stances as both good and necessary, which was quickly reflected within schools. Zero-tolerance policies within schools have been proven to create an environment not conducive to safety or learning, the latter being what most would consider the

primary purpose of schools (“Test, Punish, and Push Out”). Standardized testing, which began in the 1920s but has only recently been emphasized through legislation—the Every Child Succeeds Act (ECSA) and its predecessor the No Child Left Behind Act (NCLB)—has only exacerbated zero-tolerance punishments (Gershon; Schul).

The NCLB Act left schools scrambling to meet requirements to make as much money as possible and created an environment in which it was easier to get rid of lower-performing students rather than spend extra time and attention on them. The NCLB Act led to a significant spending increase in schools; however, federal return to schools did not reflect this. Schools were left with more costs, but limited funding to pay them, which explains the gross lack of resources many public schools are dealing with (“School-To-Prison Pipeline”). Many public schools are overcrowded and lack qualified teachers and necessities such as updated textbooks and counseling services. The lack of resources combined with the mild encouragement from the NCLB Act to push out under-performing students has paved the way for zero-tolerance punishments in schools, and thus, the STPP (“School-to-Prison Pipeline”).

While some system of discipline is necessary in schools to maintain order, school districts have arguably overused zero tolerance punishments to weed out underperforming students. Colorado has a “three strikes” rule that permits teachers to permanently remove students from the classroom after three disruptions over the course of the year and allows students to be expelled if they are suspended three times for classroom disruptions. In the Detroit Public Schools Community District, talking or making noise during class can lead to a 20 day out-of-school suspension or removal from the school entirely (“Test, Punish, and Push Out” 10). In the past, misbehaving has been viewed as fairly normal for kids. The current trend of punishments shows, however, that kids

misbehaving has gone from normal to a sign of danger and an indication of the increasingly “out-of-control youth” (Armour “Restorative Practices” 1000). Kids are effectively being pushed out of schools for miniscule reasons, often nonviolent, and schools are repeatedly missing the mark on effective punishments. Research also shows that school suspension is the number one indicator (over poverty, race, intelligence, etc.) that a child will drop out, become involved in the juvenile justice system, be unemployed later in life, be on social welfare, and be incarcerated (Long “Restorative Discipline Makes Huge Impact”).

If behavioral issues are addressed and dealt with when they present themselves at schools, then problems that will later develop as a result could be avoided. In other words, if schools addressed children’s issues head-on instead of taking the extreme measure of simply kicking them out of school, the STPP could be severed. When kids are removed from school, they

resort to the street or often unsupervised homes, which can lead to falling behind in school, increased alcohol or drug use, and increased likelihood of arrest (“Test, Punish, and Push Out” 17). Ultimately, there is evidence to suggest that if disciplinary issues were properly addressed in schools, future incarceration could be avoided, reducing the mass incarceration problem that this nation faces.

Zero tolerance punishments have clear negative effects on school children; however, while some children never face this system, others face it all too often. These punishments disproportionately affect black students, specifically boys, from as young as preschool. Black students are twice as likely to be referred to the office at the elementary school level and four times as likely at the middle school level. This racial disparity exists in both the frequency and severity of punishments (Armour “Restorative Practices” 1006). In an investigation done by the Government Accountability Office

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for the 2013–2014 school year, it was found that although black students made up fifteen point five percent of public-school students, they made up thirty-nine percent of students suspended (Blad and Klein). Other marginalized groups are disproportionately disciplined as well, including students with disabilities and those who identify with the LGBTQIA+ community (Armour “Restorative Practices” 1007).

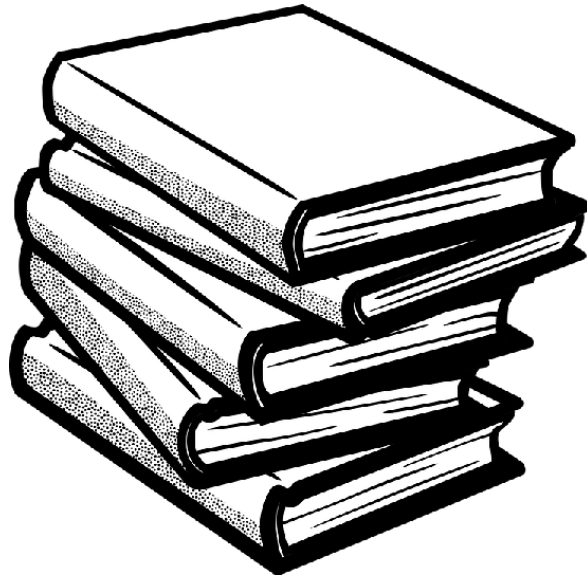
While these disproportionate punishments and their effects are often talked about, the affected individuals are not. In chapter two of *The School to Prison Pipeline: The Role of Culture and Discipline in School*, Decoteau J. Irby relays personal narratives from two black men about their experiences in school and the pipeline. The overarching theme of the chapter is that black males must not be looked at as a group to be dealt with, but rather, as individuals, with individual stories and struggles (Irby 17). Through each of the boys’ narratives, it is revealed that the systems in place and the punishments given to them made them feel alienated, abandoned, and fearful (Irby 33). Irby analyzes that the relationships in their lives made them feel undignified and diminished, which can, in part, be attributed to the fact that no one was paying attention to them; in other words, no one was asking “the simple question ‘what’s wrong?’” (25, 35). These feelings of otherness brought on by the school system and its punishments put the boys on a downward trajectory with no real support system in place to help them get back on track. These first-hand accounts prove that zero tolerance punishments aren’t an effective way to punish school kids, hindering their relationships and potential.

Despite recent policy reflecting the movement of schools away from zero tolerance punishment, the idea has already established itself in the school system. The climate of schools often

mimics that of prisons, with police patrolling the hallways and a strict rule of law and order (Armour “Restorative Practices” 1002–1003). The rise in prominence of school shootings has also contributed to the rise of police officers in schools. Fifty-seven percent of schools now have some sort of security officer, up forty-two percent from ten years ago, and the government is pushing to raise that number in an effort to decrease school shootings (Sherfinski). Increased police presence turns minor matters into criminal behavior: hallway fights turn into battery charges, taking a classmate’s supplies turns into a theft or robbery charge, and talking back turns into disorderly conduct. Schools are also putting school officers in charge of dealing with tardiness and attendance through expensive tickets and even suspensions and court dates (“Test, Punish, and Push Out” 10). Whereas student misbehaviors used to be viewed as “normative,” they are now overly criminalized to the point that students are forced into the juvenile justice system as well as the criminal justice system for often nonviolent behavior (Armour “Restorative Practices” 1000).

In short, zero tolerance policies in schools do more harm than good. A study done by the American Psychological Association Zero Tolerance Task Force found that schools with higher suspension and expulsion rates had “less satisfactory ratings of school climate...less satisfactory governance structures, and [spent a] disproportionate amount of time on disciplinary manners” (“Are

Zero Tolerance Policies Effective in the Schools?” 854). Not to mention, these punishments are being dealt out disproportionately to minorities and those with learning disabilities, specifically black boys (Armour “Restorative Practices” 1007; Blad and Klein). Zero tolerance policies are not conducive to learning nor beneficial to the youth of America.



The relationships that the circle creates allow problems to be faced as they present themselves.

With so many students falling victim to the STPP, many are looking to restorative justice to help combat the system. Restorative justice is an approach or philosophy that involves repairing the harm between the wrongdoer and the victim as well as the community through a process that includes all involved. In schools, this consists of holding students accountable to repair and consider the damage of their actions instead of merely kicking them out of school (O'Donnell). Restorative justice efforts that already exist within schools are mainly variations of discussion circles and restorative conferences. (O'Donnell; Healy 16). Restorative justice also involves a lot on the teacher's part in terms of training in restorative methods as well as becoming more responsive to the different cultures and backgrounds students are coming from in order to bridge the gap in differences in punishments of minorities versus white students (Potter, Boggs and Dunbar; "Test, Punish, and Push Out" 36).

Restorative justice efforts are typically grassroots and community-based. Parent advocacy groups and teachers seem to be restorative justice's biggest supporters. In some cases, federal reports regarding zero tolerance punishments in schools, the racial disparity within those punishments, and the role of these punishments in the STPP have helped to push schools to take action. For example, after a juvenile justice advocacy group revealed a report showing that Dallas was one of the worst cities in the state for suspending elementary school students, the Dallas National Education Association and Dallas ISD worked together to implement restorative justice methods in their schools (Long "Restorative Discipline Makes Huge Impact"). This is not an uncommon situation; often after seeing the startling numbers and reports, school districts decide to use restorative practices to move away from zero tolerance punishments. For the most part, it is

the parents and teachers who see the effects of punitive punishments firsthand that inspire the transition to restorative justice. Often, parents of students of color are the most involved because their children are most affected by the change (Long "Chronicling the Voices"). Mark Warren, the author of a book on the educational justice movement, said, "... [white people] are really unaware of what's happening in communities of color. There are two Americas. People are shocked when they hear these stories, but because of the segregation that still exists, these stories aren't well known" (qtd. in Long "Chronicling the Voices"). The work that advocacy groups do helps to bridge this gap between the "two Americas."

The foundation of restorative justice can be found in discussion circles (also called restorative circles, check-in circles, or simply "circles") which are meant to establish relationships and create a sense of trust amongst community members. Essentially, discussion circles serve to get everyone on the same page as well as "help students feel obliged to the community and invested in repairing harm" (Healy 17). The relationships that the circle creates allow problems to be faced as they present themselves. Discussion circles are also intended to "provide a respectful space for establishing the values for the class based on human dignity and democratic principles" (Armour "Restorative Practices" 1017). Discussion circles are a necessary first step in order for the rest of restorative justice to occur effectively; without the foundation of trusting relationships that discussion circles allow, any other restorative justice efforts would be ineffective. Discussion circles can be thought of as the necessary first step for a successful implementation of restorative justice.

Restorative conferences are the next level up from discussion circles. They are "used

for more intensive interventions that include repairing damage, reintegrating back into the school after a student absence, and resolving differences” (Armour “Restorative Practices” 1017-1018). Whereas discussion circles, in a school-setting, typically only involve students and a teacher with the possibility of an administrator or someone higher up within the school, restorative conferences will include all parties involved and affected. For example, the victim, the perpetrator, witnesses, parents of the students involved, school administration, and possibly outside community members. Troi Bechet, head of the Center for Restorative Approaches in New Orleans, says some questions asked during a restorative conference can include, “Who was impacted by what happened? How were they impacted? How might you feel if you were in that situation? Now what do you think you can do to repair the harm that was done?” This process is supposed to give a sense of working “with” the perpetrator rather than doing something “to” them. Bechet said, “If we want children to grow up to be socially responsible adults, we need them to believe that they should do the right thing because it is the right thing to do” (qtd. in O’Donnell). Restorative conferences are intended as direct combatants of zero tolerance policies. Instead of turning immediately to suspension or expulsion, these conferences encourage students to take responsibility for what they’ve done and invoke a long-term change in the offender’s actions and behaviors.

An essential part of a successful restorative justice implementation is efficient training for all teachers and administration. In incidents where restorative justice has failed in a school or a school district, it can almost always be traced back to inadequate training of staff (Watanabe and Blume; Armour “Restorative Practices” 1028; O’Donnell). Without proper training, schools are essentially asking teachers to reduce zero tolerance

punishments without an alternative method of punishment. Los Angeles Unified School District implemented restorative justice district-wide, but only had the resources to train 307 of the 900 schools in the district. A union representative for one of the schools said, “Teachers with a high number of students with discipline issues are walking a fine line between extreme stress and emotional meltdown” (Watanabe and Blume). It is important to recognize that this is an implementation flaw and not a flaw of restorative justice, because it has been proved that with proper training, restorative justice can succeed (Armour “Restorative Practices” 1016). It is also important that teachers recognize the goal of restorative justice itself through planning goals for the four main areas—systems, learning and growth, resourcing, and policy—and not just view it as an effort to reduce suspensions and expulsions to meet a certain criterion (Armour “Ed White Middle School” 89).

Restorative justice, through methods such as discussion circles and restorative conferences as well as proper training of implementers, is a nonviolent method of combatting zero tolerance policies and the STPP. However, it is complex and involves more than simply eliminating zero tolerance policies. Different methods, such as discussion circles and restorative conferences, must replace suspensions and expulsions. Of course, it is not a one-size-fits-all method either, and some zero tolerance punishments may still have to be used; restorative justice is meant to reduce the frequency of them.

Restorative justice has proven to be successful in schools that have had enough resources to implement it fully. For example, at Jordan High School, the restorative justice effort is led by a dean and two counselors who are trained to meet with students and resolve conflicts through circles and conferences. They have a designated room for conferences that has educational posters about restorative justice

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practices. The school had just one suspension compared to 22 at the same time the previous year (Watanabe and Blume). Here is evidence which proves restorative justice is an effective way of disciplining children while avoiding zero tolerance punishments when possible. However, the overarching problem with restorative justice is implementing it on a large scale in a climate where public schools are already struggling with funding and resources (Leachman, Masterson, and Figueroa).

I believe the first step to expanding restorative justice efforts is to keep encouraging and expanding local grassroots efforts. Teachers and parents within communities have the opportunity to create legitimate change locally. They are the ones who see the effects of zero tolerance policies firsthand. Educators especially have the power to create immediate change by implementing restorative justice methods in their individual classrooms, even if their school doesn't decide to implement it school-wide or district-wide. Parent advocacy groups and other advocacy groups fighting for restorative justice have the power of education. As quoted earlier, "...[white people] are really unaware of what's happening in communities of color. There are two Americas" (Long "Chronicling the Voices"). Spreading awareness on topics, such as the role of zero-tolerance policies in the STPP and the racial disparity within the punishments, to people who simply are not aware of what is happening could serve to create a larger support for restorative justice within schools.

To address the bigger picture, the U.S. Departments of Education and Justice jointly issued civil rights guidance in 2014 that alerted schools they could be found in violation of federal civil rights laws if they enforce intentionally discriminatory rules or if their policies lead to disproportionately higher rates of discipline for a specific racial group (Blad and Klein). The positive effects of this guidance are present, but the negatives are also making themselves known; there are reports that schools have become unsafe due to failure to discipline or report students' misbehaviors in fear of federal repercussions (Blad and Klein; Camera). However, in the Final

Report of the Federal Commission on School Safety released in December 2018, Education Secretary Betsy DeVos recommended repealing the Obama-era guidance. The report says that "it is inappropriate for the federal government to pressure schools to establish such quotas" regarding the guidance's attempt to diminish racial disparities in punishment in schools, as well as that the guidance "offends basic principles of federalism and the need to preserve state and local control over education" ("Final Report" 71). School districts will have the option to stick with the practices they've adopted for the guidance (Klein).

The mixed results of the federally mandated guidance go to show that restorative justice must be backed up with training and the proper philosophy if it is going to succeed. Simply asking schools to reduce suspensions and expulsions without offering a clear alternative is not the way to go about repairing the STPP. Federal guidance is a step in the right direction to getting everyone on board; however, I think the government should create a set of guidelines and an outline of philosophies for restorative justice, a method that has proven competent in combatting zero tolerance punishments. I also think that for success, the federal government must accompany this with enough money to train staff and administration. For the 2020 discretionary budget

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request, President Trump has requested \$718.3 billion for defense, about fifty-five percent of the total budget, as well as an almost five percent increase from the previous year's budget. The President requested \$62 billion for education, just under five percent of the total budget as well as a cut from the previous year's budget ("A Budget for a Better America" 135). The money necessary

for training could be taken from the defense budget and used towards the education budget. In addition to training on restorative justice methods and philosophies, I think teachers in schools with prominent racial disparity in punishment should receive cultural competency training. Often, these disparities in punishments are thought to be linked to cultural differences and misunderstandings (“Test, Punish, and Push Out” 36). With a set of guidelines and philosophies to follow, paired with proper training, I believe restorative justice could be successful across the nation’s public schools.

The STPP is a national crisis that should be of everyone’s concern. The facts are all there: it is up to the government, the schools, and the people to determine if they want to keep sending kids to schools in which blatant racism is taking place through zero tolerance punishments; which ultimately is a system that rather than gives extra attention to those who are marginalized and underperform, chooses to spit them out into a criminal justice system that locks people up by the millions in a manner that many refer to as the “new Jim Crow” (Alexander). Decoteau Irby, a contributor to the book *The School to Prison Pipeline: The Role of Culture and Discipline in School*, described the issue as follows: “The roots of the pipeline are founded in the disposability of Black boys” (36). America’s use of zero tolerance punishments in schools must be addressed, and the racism that is demonstrated in the use of these punishments must be addressed as well. Restorative justice can be the answer to the issues at hand if we recognize how critical it is to make the change. It must be applied at all schools on a national scale, and education, parent, and juvenile justice advocacy groups must continue to raise awareness and push for restorative justice until it is used in every school.

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Works Cited

- "A Budget for A Better America." Budget of the U.S. Government, Office of Management and Budget, March 2019, <https://www.whitehouse.gov/wp-content/uploads/2019/03/budget-fy2020.pdf>.
- Alexander, Michelle. *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*. The New Press, 5 Jan. 2010.
- "Are Zero Tolerance Policies Effective in the Schools? An Evidentiary Review and Recommendations." American Psychological Association Zero Tolerance Task Force, <https://pdfs.semanticscholar.org/>
- Armour, Marilyn. "Ed White Middle School Restorative Discipline Evaluation: Implementation and Impact, 2014/2015 Sixth, Seventh & Eighth Grades." The Institute for Restorative Justice and Restorative Dialogue, <https://irjrd.org/wp-content/uploads/2016/01/Year-3-FINAL-Ed-White-report.pdf>
- Armour, Marilyn. "Restorative Practices: Righting the Wrongs of Exclusionary School Discipline." *University of Richmond Law Review*, 21 Feb. 2016, pp. 999-1037, <https://sites.utexas.edu/irjrd/files/2016/01/Armour-University-of-Richmond-Law-Review.pdf>
- Blad, Evle, and Alyson Klein. "DeVos Meets With Supporters, Critics of Discipline Rules as GAO Says Racial Disparities Persist." *Education Week*, 4 April 2018, https://blogs.edweek.org/edweek/rulesforengagement/2018/04/devos_critics_of_school_discipline_guidance_GAO_racial_disparities.html
- Camera, Lauren. "Did an Obama-Era School Discipline Policy Contribute to the Parkland Shooting?" *USNews Civic*, 6 March 2018, <https://www.usnews.com/news/education-news/articles/2018-03-06/did-an-obama-era-school-discipline-policy-contribute-to-the-parkland-shooting>.
- Dee, Thomas, et al. "The impact of No Child Left Behind on students, teachers, and schools." *Brookings Papers on Economic Activity*, 2010, <http://www.jstor.org/stable/10.2307/41012846>.
- "Final Report of the Federal Commission on School Safety." Federal Commission on School Safety, 18 Dec. 2018, https://www2.ed.gov/documents/school-safety/school-safety-report.pdf?utm_content=&utm_medium=email&utm_name=&utm_source=govdelivery&utm_term=
- Gershon, Livia. "A Short History of Standardized Tests." *JSTOR Daily*, 12 May 2015, <https://daily.jstor.org/short-history-standardized-tests/>.
- Healy, Michelle. "Keeping the Peace." National School Boards Association, 2016.
- Irby, Decoteau J. "Chapter 2: The Indignities on which the School-to-Prison Pipeline is Built: Life Stories of Two Formerly Incarcerated Black Male School Leavers." *The School to Prison Pipeline: The Role of Culture and Discipline in School*. Emerald Publishing Limited, 2017.
- Klein, Alyson. "Seven Big Takeaways from Trump Commission's School Safety Report." *Education Week's blogs*, 18 Dec. 2018, <http://blogs.edweek.org/edweek/campaign-k-12/2018/12/trump-safety-commission-devos-guidance-guns.html>
- Leachman, Michael, Kathleen Masterson, and Eric Figueroa. "A Punishing Decade for School Funding." *Center on Budget and Policy Priorities*, 29 Nov 2017, <https://www.cbpp.org/research/state-budget-and-tax/a-punishing-decade-for-school-funding>.
- Long, Cindy. "Chronicling the Voices Fighting for Education Justice." *NEAToday*, 17 Oct. 2018, <http://neatoday.org/2018/10/17/chronicling-the-voices-fighting-for-education-justice/>.
- Long, Cindy. "Restorative Discipline Makes Huge Impact in Texas Elementary and Middle Schools." *NEAToday*, 26 Aug. 2016, <http://neatoday.org/2016/08/25/restorative-discipline/>.
- O'Donnell, Patrick. "The Ins and Outs of 'Restorative Justice' in Schools." *Education Writers Association*, 12 April 2018, <https://www.ewa.org/blog-educated-reporter/ins-and-outs-restorative-justice-schools>
- Potter, Hugh, Brian Boggs, and Christopher Dunbar. "Chapter 4: Discipline and Punishment: How Schools are Building the School-to-Prison Pipeline." *The School to Prison Pipeline: The Role of Culture and Discipline in School*. Emerald Publishing Limited, 2017.
- "Rapper Meek Mill on his new album, Kanye and criminal justice reform." YouTube, uploaded by CNN, 1 Dec. 2018, <https://www.youtube.com/watch?v=fRm7cpDSKHI>.
- "School-to-Prison Pipeline." *American Civil Liberties Union*, <https://www.aclu.org/issues/juvenile-justice/school-prison-pipeline>
- Schul, James E. "Unintended Consequences: Fundamental Flaws That Plague the No Child Left Behind Act." *Ohio Northern University, Docplayer.net*, 2011, <https://docplayer.net/21819007-Unintended-consequences-fundamental-flaws-that-plague-the-no-child-left-behind-act-author-s-james-e-schul-phd.html>
- Sherfinski, David. "Percentage of public schools with resource officers on the rise: Report." *The Washington Times*, 29 March 2018, <https://www.washingtontimes.com/news/2018/mar/29/percentage-public-schools-resource-officers-rise-report/>
- "Test, Punish, and Push Out: How 'Zero Tolerance' and High-Stakes Testing Funnel Youth Into the School-To-Prison Pipeline." *Advancement Project*, March 2010, https://b3cdn.net/advancement/d05cb2181a4545db07_r2im6caqe.pdf.
- Watanabe, Teresa and Howard Blume. "Why some LAUSD teachers are balking at a new approach to discipline problems." *Los Angeles Times*, 7 Nov. 2015, <https://www.latimes.com/local/education/la-me-school-discipline-20151108-story.html>.