



From Punitive to Restorative, Punishment to Healing:

Using Restorative Justice in a School to Combat Zero-Tolerance Policies and the School-to-Prison Pipeline

Anna Katherine Carey

University of North Carolina Wilmington

**Abstract**

Zero-tolerance policies have had an adverse effect on students in school since their inception in the 1990s. They began to grow in popularity with the implementation of the Gun-Free School Act (GFSA) in 1994. The GFSA justified making more behaviors punishable as fears of school violence and gang-related shootings grew. As the negative effects of zero-tolerance policies and their contributions to the school to prison pipeline became apparent, there has been an emphasis on ways to combat them. Restorative justice and practices have been used in school settings as a way to combat these policies. Implementing restorative practices in schools can have a positive influence on students and fight zero-tolerance policies and the school to prison pipeline. An alternative school in the mid-South is implementing restorative practices in a variety of ways to help at-risk students who have been expelled or suspended from their home schools. Using restorative practices in the classrooms at this alternative school has a positive effect on the students as it is teaching mindfulness, focus, and self-calming techniques.

## **Introduction**

The topic of juveniles and restorative justice is one of the most broadly researched uses of restorative justice within the field. The effects of restorative justice on juvenile crime, delinquency, the use of restorative justice in schools, and the effect it can have on stopping the school to prison pipeline are important subjects of research. I chose to focus on the use of restorative justice in school and its effects on the school to prison pipeline. Over the last two semesters, I completed a directed individual study and volunteered at an alternative school serving as a restorative justice coordinator to help facilitate restorative practices within the classroom. In this essay, I will examine the current literature on the school to prison pipeline, zero-tolerance policies, the use of restorative justice in schools, and my own experiences with restorative justice at an alternative school in the mid-South.

### **Zero-Tolerance Policies and Their Effect on the School to Prison Pipeline: Zero-Tolerance Policies and the Pipeline**

Zero-tolerance policies were adopted in schools in the 1990s and have their origins in the “war-on-drugs” when community leaders and school officials were outraged by gang and drug-related shootings (Heitzeg, 2009). Among growing concerns over weapons, drugs, and school violence, fears intensified with horrific acts of violence such as the 1999 shooting at Columbine high school in Littleton, CO (Fowler, 2011). Schools had already begun to abandon rehabilitative measures, replacing them with “get-tough” policies such as the 1994 Gun-Free School Act (Ruiz, 2017). The Gun-Free School Act (GFSA) was enacted in 1994 and was one of the first zero-tolerance policies. The GFSA mandated one academic year expulsion for bringing a firearm to school and that these cases were reported to law enforcement. The GFSA was later broadened to include any weapon and has been used as a justification for many minor infractions becoming criminalized and reported to law enforcement (Heitzeg, 2009). The GFSA has inspired schools to

expand the range of violations that can result in expulsions. These violations have included alcohol or drug possessions and disruptive behavior (Wilson, 2014). The desire to make schools safer led to an increase in the number of offenses that could be punishable, and the punishments became harsher (Scott, 2017). The school environment became more militarized and the patterns had an adverse effect on students (Scott, 2017). Zero-tolerance policies can have multiple negative effects on student behavior and increase the likelihood of engagement in future disciplinary problems such as disengagement, noncompliance, tardiness, and truancy (Teasley, 2014). These policies can make learning more difficult and lower morale or garner mistrust between students and teachers. Policies are often enforced by local police and school resource officers which can lead to a direct referral to law enforcement and the justice system (Heitzeg, 2009). The collaboration between law enforcement and schools combined with increased surveillance has resulted in increasing the number of youths being referred to the juvenile system for minor behaviors (Gonzalez, 2012). An intense surveillance environment causes feelings of mistrust and can disrupt cooperation and respect. Intense surveillance sends the clear message to students that they are “dangerous, violent, and prone to illegal activity” (Nance, 2017, p. 786). Zero tolerance punishments put students at a greater risk for decreased connectivity, increased risky behavior or illegal behavior, and poor academic achievements and dropout. All these behaviors can lead to entry into the school-to-prison pipeline (Schiff, 2018). Increased reliance on zero-tolerance policies in schools feeds into the school to prison pipeline.

The school to prison pipeline has its roots in zero-tolerance policies and there are several key factors that contribute to student entry into the pipeline. The school to prison pipeline can be defined as a pattern of tracking students out of educational institutions and either directly into or indirectly into the juvenile or criminal justice systems (Heitzeg, 2009). It is the idea that harsh

punishments push students out of the classroom and can lead to the criminalization of misbehaviors, increasing the probability of entering the prison system with zero-tolerance policies being the main contributor (Ruiz, 2017). It can also be defined as the causal link between educational exclusion and the criminalization of youth (Wilson, 2014). The author (2014) argues that the USA has a “culture of incarceration” where people who present difficult problems are removed from society and schools have adopted similar methods. Students with problematic behavior are simply removed and the underlying issues are not addressed. The students with the greatest academic, social, emotional, and economic needs are the most frequently punished (Noguera, 2003) Schools punish the neediest children because the fixation of behavioral management and social control outweighs and overrides all other priorities and goals. Students with additional needs or disabilities are expelled for trivial reasons such as disrespect or non-compliance because administration does not want to deal with providing accommodations (Zweifler & De Beers, 2002). When students with special needs are expelled, they miss out on the services and individualized care, however inadequate they may have been. Missing out on the services can hinder development or academic progress. Zero-tolerance policies provide administration with an easy way to remove low test scoring students. Most often they are dropped from the school roll after missing school too many times. They are usually the ones dragging scores down and when they are removed, test scores increased (Zweifler & De Beers, 2002). Zero-tolerance policies result in systematically expelling poorly performing and “behaviorally challenged” students and there is a marked lack of dignity for those students who are dismissed from class or school with no say in what happened or what the consequences should be (Schiff, 2013). Schools often operate on the assumption that safety and order can be achieved by removing “bad” students and keeping them away from the “good” students.

Removing students through suspensions or expulsions is justified by the belief that it is necessary to maintain order (Noguera, 2003).

The longitudinal 2011 “Breaking Schools’ Rules Study” of middle schools in Texas found that 54% of students had been “in-school” suspended and 31% of students averaged two days of “out-of-school” suspension at least once during an academic year (Wilson, 2014). Gonzalez’s (2012) research suggests that students today are more likely to be suspended or expelled than students a generation ago. In 1974, there were 1.7 million students suspended during the academic year. That number rose to 3.1 million in the 2000 academic year and 3.3 million in 2006 (Gonzalez, 2012).

### **Suspensions and Expulsions as Predictors for Future Discipline and Juvenile System Involvement**

The single greatest predictor of involvement in the juvenile system is a history of disciplinary referrals in school (Fowler, 2011). Involvement in one or more incidents at school means that a student is more likely to be referred to the juvenile justice system (Fowler, 2011). Academic failure, exclusionary practices, and dropping out are also factors in contributing to the school to prison pipeline, especially for minority students and students with disabilities (Christle et al., 2005). Youth who are disciplined or involved in court are at a higher risk of dropping out and becoming involved in the juvenile system (Fowler, 2011). They may be officially labeled and internalized those labels or experience authoritative out casting which can further the likelihood of dropping out and recidivism (Braithwaite & Mugford, 1994). Students can display heightened sensitivity in situations where they believe the punishment is not warranted or is too harsh for the behavior. This can lead to disengagement and loss of trust in teachers (Zweifler & De Beer, 2002). Students who get in trouble often will internalize labels given to them by

teachers or admin and realize their educational trajectory will not lead anywhere. This will result in the loss of incentives to conform to school norms and expectations (Noguera, 2003). Having harsh penalties, such as suspensions, will also lead to children returning to school feeling lost and these feelings will likely result in further misbehavior (Ruiz, 2017).

Students who were suspended once were more likely to drop out in the future and students who were suspended as disciplinary punishment were five times more likely to have contact with the juvenile system in the following year (Wilson, 2014). Suspensions and absences leads to an increased likelihood of dropping out which causes employment difficulties and an increased reliance on social services. The increase in reliance leads to an increased temptation of criminal behavior (Ruiz, 2017) Exclusionary practices will also interfere with educational progress and can contribute to the cycle of failure (Gonzalez, 2012). Novak (2019) examined a structural equation to examine the effect suspension by age 12 had on juvenile system involvement by 18 as well as the extent low-school commitment and deviant peer association contribute to the relationship. She hypothesized that suspension by age 12 will have a significantly positive association with juvenile system involvement by 18 (Novak, 2019). Her findings revealed that youth suspended by 12 were 1.64 times more likely to be involved with the juvenile system by 18 than those who were not suspended. The overall effect was significant and positive. She also found that suspensions by age 12 reflects a lack of commitment and bond to the school. The strain of suspension further decreases commitment and exposes youths to delinquent peers and increases the odds of involvement in the juvenile system (Novak, 2019). When students are removed or pushed out of schools by suspension or expulsion, they become disengaged and their academic achievement goes down. This can fuel negative attitudes towards school and make dropping out more appealing (Gonzalez, 2012). School failure may lead to

community problems when out-of-school suspensions are the consequence for misbehavior in school. The community may be affected because youths have idle time and may be on the streets with no direction (Shippen et al., 2012).

### **Zero-tolerance Policies and Minority Students**

Zero-tolerance policies have caused an imbalance as minority students are more likely to be “pushed out” of schools and into the juvenile justice system (Wilson, 2014). Youth who are subject to the harshest forms of punishment as a result of zero-tolerance policies often come from poverty-stricken communities with high rates of violence and unemployment. These youth are often defensive and ill-equipped to deal with a structured school environment (Schiff, 2018). African American students account for approximately 15% of the United States student population but make up 42% of out-of-school suspensions and 34% of expulsions nationwide (Ruiz, 2017). They are also expelled at three times the rate as white students and more harshly sanctioned for comparable or lesser infractions (Schiff, 2018). 1 in 10 male high schoolers will drop out and 1 in 4 African American males who have dropped out are either in juvenile detention or jail (Dupper, 2010). The disproportionate representation of African American students effected by zero-tolerance policies is not due to socioeconomic status. Studies controlling for income and poverty found that the disparities still exist (Zweifler & De Beers, 2002). Minority students are usually caught in the school to prison pipeline because of inadequate decision making of teachers and administration, not because of violent or deviant behavior (Scott, 2017). Discretionary school decisions for nonviolent behaviors disproportionately affects African American students (Fowler, 2011).

Miscommunication between African American students and white teachers or administration are possible contributors to tracking those students out at higher rates. This



might be due partly to implicit bias or stereotyping among educators. Heitzeg (2009) argues that states with the lowest minority populations have the greatest disproportional rates of suspension between races, as well as the greatest miscommunications between minority students and white teachers. The disproportionality is often due to differences in referrals made by teachers. Referrals are made for loitering, disrespect, excessive noise, and insubordinate behavior. This occurs from teachers misrepresenting behaviors and is essentially culturally biased (Zweifler & De Beers, 2002). Due to implicit racial bias, policies and referrals are applied unequally. Implicit bias includes attitudes or believed stereotypes that affect our understanding, actions, and decisions in an unconscious manner (Staats et al., 2015). People typically hold implicit biases that favor their own “ingroup.” Implicit bias in schools can influence administration or school resource officers in their decision making to implement strict security measures or enforcing zero-tolerance policies. White officers or administration are more likely to perceive minority students as misbehaving and punish them while acting in “good faith” by not punishing white students for similar misbehaviors (Nance, 2017). Many people implicitly associate African Americans with aggression, violence, or criminality. Teachers are more likely to perceive African American students as being violent or aggressive. Teachers’ negative implicit bias towards minority students were also associated with lower academic achievements and were strongly associated with expectations and achievements (Nance, 2017). Studies have also revealed that teachers are more likely to label African American students as “troublemakers” after their second infractions and felt they should be disciplined more harshly. They believed the behaviors were indicators of a negative pattern (Nance, 2017).

Schiff (2018) argues that youth who experience persistent and pervasive forms of personal or cultural trauma can exhibit forms of post-traumatic stress disorder. Suspension and

expulsion based on race or experiencing racist based incidents at school can be personal trauma. While one incident alone is not necessarily traumatizing, multiple micro-aggressions that occur on a daily basis can build and create intense traumatic impacts. The severity of the trauma can be increased if the incidents occur in public and there is no public intervention (Bryant-Davis & Ocampo, 2005b). Daily occurrences of micro-aggressions have a significant impact because students of color have to determine on a regular basis whether or not an event is race related. This can lead to stress, poor physical, and mental health (Carter, 2007). Students of color may be hyper-vigilant and feel unsafe in situations with predominantly white groups. Feelings of inferiority are also associated with racist incidents (Lee et al., 2018). In school settings, such stress and feelings of inferiority may lead to disengagement and poor academic achievement which in turn can lead to disciplinary problems and even drop out. And because African American students are more likely to be suspended, they are more likely to experience stress because of the suspension, and therefore be more likely to have future disciplinary problems and suspensions.

### **Restorative Justice as a Means to Combat Zero-Tolerance Policy**

As the concern regarding the effects of zero-tolerance policies grows, there is a focus on means to combat them. Restorative justice has emerged as a way to stop entry into the school to prison pipeline because of its dimensions that starkly contrast zero-tolerance punishments. Schiff (2013) writes that restorative justice “shows greater and longer-term promise than punitive, exclusionary discipline strategies that distance youth from necessary structures of support” (p. 3). Restorative justice and restorative practices seek to understand the underlying causes of misbehavior to repair damages and build a sense of community. The focus is on healing rather than punishing, reintegrating instead of ostracizing (Ruiz, 2017).

### **Restorative Justice Defined**

Restorative justice can refer to a variety of practices that occur at different stages of the traditional justice system. An incident may be diverted to a restorative justice program, avoiding the traditional system entirely, or the restorative justice practice may run parallel to the traditional justice system (Daly, 2001). Essentially, restorative justice is characterized by dialogue, relationship building, and the communication of morals and values by the community (Rodriguez, 2005). Restorative justice and the core principles of restorative can be represented in a diagram of a wheel (Figure 1). The center of the wheel is the main focus; making wrongs right and repairing harm. Surrounding the core principle is respect for all and how it is achieved. Respect for all is achieved by involving stakeholders, focusing on harms and needs, addressing obligations, and using inclusive and collaborative processes (Zehr et al., 2015:46). There is a focus on correcting harm as opposed to retributive justice which strives for proportionate punishment to teach the offender a lesson through suffering (Miller, 2011). It is a collaborative process that involves the victim, the offender, and the community. There is an emphasis placed on victim needs and accountability of the offender (Bazemore & Day, 1998). Zehr (2015) writes that restorative justice is an approach to achieving justice that involves those who have a stake in the situation to collectively identify and address harms, needs, and obligations in order to heal and put things as right as possible.

Restorative justice theories assume that criminal offenses are a violation of people and relationships. Crime is perceived within the context of the community as an act against individuals (Bradshaw & Roseborough, 2005). Criminal activity harms people and relationships and efforts should be made to address and repair the harm (Rodriguez, 2007). The purpose of restorative justice is restoration to both the victim and the offender as well as repairing harms

done to the community (Bergseth & Bouffard, 2007). Repairing the harm, the criminal act caused should be the focus of a restorative justice practice. Justice occurs in this setting when the needs of the victim, the community, and the offender are met (Bazemore, 1999). To ensure that these needs are met, restorative justice practices will include a series of strategies that attempt to bring the affected parties together to promote offender accountability and begin to repair specific harms (Bergseth & Bouffard, 2007). Restorative justice responds to crime at the micro and macro level. At the micro-level, restorative justice addresses the harm that resulted from an offense. The first priority is victim reparation. At the macro level, the harm done to the community is addressed and dialogue is had about building safer communities (Bazemore & Umbreit, 1995).

Restorative justice has its roots in indigenous culture and traditions. There are elements from Native American, African, and New Zealand Aboriginal cultures. Zehr (2015) writes that the circle approach has roots from the aboriginal people groups in Canada. Those circles are often referred to as “peacekeeping circles.” In these circles, a talking piece is passed around to let each person speak, one at a time (Zehr et al., 2015). Circle keepers lead the circles as facilitators and offer advice and insight (Zehr et al., 2015). Another version of restorative justice circle comes from the Maori people of New Zealand. The Maori people have a proverb that says, “let shame be the punishment” (Zehr et al., 2015). That proverb encourages healing and problem-solving instead of punishment and exclusion. The proverb also relates to their belief that children should be kept in the community after an offense if at all possible. The Family Group Conferencing program emerged after the aboriginal community realized the Western justice system undermined family involvement and aboriginal youth were being disproportionately affected. The Family Group Conferences uses the principles of letting shame be the punishment

and keeping children in the community. It is a decision-making meeting where the families of the victim and the offender are present and involved in the reintegration process (Zehr et al., 2015).

Several Native American tribes have similar practices involving circles. Native American “talking circles” used a talking piece within a circle to discuss important community issues (Zehr et al., 2015).

Restorative justice programs in schools prioritize building school community instead of punitive responses to behavior (Gonzalez, 2012). The goals of restorative justice in a school should be re-engaging youth who are at risk of academic failure and juvenile justice system entry. Schools should create restorative responses for misbehaviors that keep youth in schools, off the streets, and out of detention (Schiff, 2013). Restorative justice is distinctly distinguished from punitive punishment because the person who caused harm is actively taking responsibility rather than passively accepting the punishment (Schiff, 2013). It is the school’s responsibility to ensure students are held accountable for their actions so they can correct and restore the harm they may have caused. Students are reintegrated as productive members of the school community instead of being pushed away (Gonzalez, 2012).

The philosophy of restorative practices in schools includes reparation, holding youth accountable for their actions, and directly involving the harmed persons or communities. All stakeholders, students who committed the act, harmed students or teachers, and those who are important in the student’s life, are involved in the decision making and agreements (Schiff, 2013). The circle of restorative justice is expanded to include all stakeholders. Restorative justice in schools is based on developing a value set along with building and strengthening relationships, showing respect, and taking responsibility (Teasley, 2014). Restorative practices can take on a variety of forms in schools but will always have the same core principles; 1) a focus on

relationships first and rules second, 2) giving a voice to the person harmed and the person who caused the harm, 3) engaging in collaborative problem solving, 4) enhancing personal responsibility, 5) empowering change and growth, and 6) including strategies for restoration and reparation (Schiff, 2013, pp. 6-7). Restorative justice should serve as a compass, rather than a roadmap. The principles serve as a guiding compass that offers direction but not a specific format (Zehr, 2015). Research has suggested that restorative practices in school have a positive effect on decreasing the racial disparities in school discipline (Schiff, 2018). The racial discipline gap is significantly and negatively associated with a lack of connectiveness between minority students and school adults. Miscommunications and misunderstandings lead to more minority students being suspended or expelled. However, Schiff (2018) found that teachers who implemented restorative practices in their classrooms often had positive relationships with minority students in their classroom and issued fewer disciplinary referrals than teachers who did not implement as many restorative practices.

### **Implementing Restorative Practices in Schools**

Restorative justice can be implemented as a “whole-school approach.” This approach uses restorative justice practices to build a culture and climate based on agreed upon values, mutual respect and trust, inclusion, tolerance, and understanding (Schiff, 2018). Values are applied consistently to each scenario and are applied with fidelity. Schools that implement a whole-school approach view misbehavior as more than just a rule violation. It is a violation of the relationships that have been built within the school (Schiff, 2018). Systematic changes will be needed to successfully implement restorative justice in schools. School personnel needs to undergo training sessions and skills development to understand the practices (Teasley, 2014). Teachers and administration need specialized professional development in order to serve diverse

students in educational settings and culturally competent teachers are needed (Shippen et al., 2012). High stakes testing should be reduced and replaced with practices that can demonstrate the depth of school subjects and examine the whole student and their individual needs across multiple domains. Practices like these will provide full and equal opportunities for students to fulfill their potential, achieve their goals, and improve their quality of life (Shippen et al., 2012). School Resource Officers should be re-trained to serve as primary restorative interveners (Schiff, 2013). Often times they respond to disciplinary incidents and may be the first contact a student has with the juvenile system. Having them trained as restorative interveners may reduce the number of referrals. If there is a referral and contact with the juvenile system is made, parole officers should also be trained in restorative practices in order to prevent or reduce re-offending. Schiff (2013) writes that an important part of implementing restorative practices through SROs and POs is acknowledging that the school system and the juvenile system are serving the same kids (p. 13).

Data collected from a case study of the Denver Public School System from 2006-2013 has shown five considerations for school officials in order to implement restorative justice in schools successfully. 1) The systematic implementation of restorative justice combined with discipline policy reform plays a key role in a successful outcome. 2) The positive impact of restorative justice can be correlated with increased academic achievement. 3) Implementation of restorative justice should be aligned with clear goals, including short-term, medium, and long-term. It should start as a small pilot phase and grow into widespread adoption. 4) Restorative practices should be different in every school and district. Schools vary in size, location, and student demographics. Restorative practices address the needs of each individual schools. Schools are not just adopting or adding another universal program for teachers to enforce in their classrooms.

5) The most effective approach to implement restorative practices is a comprehensive continuum model that can have transformative effects within the community. This is achieved through frequent proactive restorative changes, affective statements and questions, informal conferences, and large group circles (Gonzalez, 2014, pp. 153-160). Having clear goals and a plan for implementation is key for it to be successful. Every school and even every classroom may adopt restorative practices in the way that it works best for them. It is not a one-size-fits-all solution.

Shippen et al. (2012) identified a tiered instructional approach that provides proactive and preventive academic intervention. They identified three tiers of support, universal, secondary, and tertiary, that can provide restorative practices and are school-based preventions to combat school failure. The universal tier of support involves defining and explaining academic and behavioral expectations to students. Recognition is given when appropriate behaviors are demonstrated. Teaching the appropriate behaviors is important to this tier (Shippen et al., 2012). The secondary tier is used as support for students who are not responsive to the universal tier or do not understand the expectations. Students are mentored and taught social skills to prevent any problematic behavior from being persistent (Shippen et al., 2012). The tertiary tier is to support intensive individualized interventions. Students who have established patterns of chronic or pervasive skills in academic or social skills receive the most support here. It is often seen in special education or exceptional child classes (Shippen et al., 2012). Having support in place is essential for the implementation of restorative practices. Defined values or expectations are used in restorative justice when misbehaviors occur to illustrate the impact the actions have had on the school community. Students are made aware that their actions are more than just a rule violation, but a violation of trust and values. And although the values have been violated, support for the student is still there and the opportunity for growth and healing is taken advantage of.



### **Restorative Practices at an Alternative School**

An alternative school in the mid-South is actively using restorative justice. Students in middle and high school are referred to the school during a suspension or expulsion. The school has three tracks for students; choices, turning point, and transition. The choices program is designated for students who have been suspended for short-term from their home school, usually 5-10 days. The turning point program is for students on long-term suspension, usually until the academic winter break or the end of the academic year. The transition program is for students who need a transitional period before reentering the traditional school setting either from extended hospitalization or incarceration. Each student is given a “point book” that is filled out every day in order to evaluate behavior and academic performance (Figure 2). Six points are given every hour block for a possible total of 78 points. Students start out at a Level 0 and can increase to a Level 5 over time. If a student makes enough points (usually 60/78) they can increase a tenth of a level a day. A student who starts the week at Level 1 can increase to Level 1.5 by the end of the week if they earned enough points every day. As a students’ level increases, they are given more privileges and freedom; walking down the hall, going to the bathroom unsupervised, and the ability to run errands between teachers and administration, etc. This alternative school uses a whole-school approach when applying restorative practices. They have established core values and apply them consistently and with fidelity as Schiff (2018) suggests. The three core values that the school strives for are respect, opportunity, and excellence.

Schiff’s (2013) six core principles can also be seen at the school. The school focuses on building relationship between teachers and students, as well as encourages student relationships. Students are asked to reconcile with other students or teachers they may have caused harm to and work together to avoid confrontations or problems in the future. This

encourages the student to take responsibility for their actions and could empower personal growth. By using Schiff's (2013) principles as well as their own principles, the school is working towards restoration and reparation (pp. 6-7).

As well as the whole-school approach to restorative practices, the school also employs a very similar tiered instructional approach to the one Shippen et al. (2012) recommends. A universal tier of support can be seen with the core values that are communicated to students upon enrollment to the Center. Teachers go over their academic and classroom expectations with new students. Teachers are quick to praise and give recognition to students who demonstrate appropriate behaviors or achievements. Similar to the secondary tier, students who do not respond to the expectations of the school or classroom are identified and a conversation is initiated with either the counselor, the behavior interventionist, or the vice principal about expectations and they are encouraged to seek support from them or the teachers. The most common conversation discussed with students is about adhering to the dress code. Finally, the Center demonstrates the tertiary tier with its individualized teaching and instruction for the Exceptional Child (EC) students. These students have extensive academic or social needs. The EC students have the option and are encouraged to attempt work in a normal class with help individual help from a teaching assistant. If they do not respond well to that classroom setting, they have the option to return to the EC class with the EC educators.

Different restorative practices are used in several of the teachers' classrooms and clubs. A teacher assigned to a middle school Social Emotional Learning (SEL) period starts the block by having the students journal and write down three things they are grateful for or hope to learn during the day. The teacher then leads the students in a short yoga routine to focus on centering, self-calming, and mindfulness before the classwork begins. While some days there are many

complaints to completing the yoga routine by the middle schoolers, I believe those who participate enjoy it and are more centered and focused during the next period. They do not have to be told to focus or pay attention as much as those who did not participate and finished their work more quickly.

The teacher assigned to the middle school SEL block during the 2018/2019 year started each morning with a restorative justice circle. Every day the middle schoolers would grab their chairs and sit in a circle. A talking piece was passed around as the students greeted the person to either side of them. The talking piece was used to allow every student a turn to talk and only the person holding the piece was allowed to speak. Often times a short lesson on the purpose of the circle or restorative practices was taught by one of the teachers and the students would be asked to share what their thoughts or feelings were on the lesson. One lesson was held on the difference between restorative practices and punitive punishments. Students were asked to share when they had received a punitive punishment and when they had been given a restorative one. Some students identified their suspension or expulsion as a punitive punishment and the opportunities at the alternative school as restorative practices. Other days a game would be played as a way for the students to get to know one another and find meaningful connections with each other. The focus of the circles was always building relationships, trust, and community among the students and between the students and the teachers. As with yoga, not all students were open to the idea of the circle and occasionally outright refused to participate. Those students were always reminded that the circle was a safe place for sharing and that the circle would not be as complete without them as their voice mattered in the classroom. The students who enjoyed the morning circle, and reminded us to do one when we forgot, actively participated in the games and shared when

asked. Those were the students who used the circle as a means of centering and focus before the school day began.

The weekly art club is another opportunity where restorative practices are seen. The coordinator of the art club is a social work intern who is teaching the middle schoolers how to use art as a way to vent frustrations and express emotions. On the first day of art club, he put together a questionnaire for the students to complete about their likes, dislikes, and what they do when they are angry. What type of music you like to listen to? What's your favorite movie? What do you do when you're sad? What makes you happy? He then showed them how to conceptualize those interests and feelings into art. One student mentioned how he liked to listen to a certain comedian when he was sad. Together they figured out how to take what he liked about that comedian and translate it into something he could paint or draw. By encouraging these boys to think abstractly and out of the box, they are learning how to express themselves in ways other than outbursts of anger or distancing themselves from friends and family. They are learning to process their emotions and turn them into something positive. I have loved seeing how open they are to learn about art and how willing they are to be vulnerable around each other.

During my time volunteering, I worked primarily with students in the turning point program on long-term suspension. I was in the classroom during the first couple of blocks, usually from 9am to noon, two to three times a week helping teachers and interacting with students. I served as support for different teachers by working one-on-one with students who seemed to be disengaged or needed individualized help. More than once in math class, I helped a student throughout the period and watched them really grasp the material. Giving them one-on-one encouragement prevented them from becoming disengaged and unruly. Most of the students in the class crave adult attention and praise but do not know how to ask for that so they become

non-compliant or frustrated to gain attention. By recognizing which students really wanted that individualized attention, I could help them, encourage them, and praise them when they excel. I also helped the school's behavior interventionist who runs what she refers to as her "calm academy." Her office space serves as a restorative justice room where students, or teachers, can come to take a break throughout the day. Students who elect to go to the room during class can take a break to center or focus themselves for 15 minutes without losing points in their book. The space has yoga mats and balance balls, stress balls, and puzzles for students to use and learn self-calming techniques. A student I talked to who was using the room says he likes it because he can sit in the corner that has a tipi like tent with blankets and feel safe and cozy. He said that the cozy feeling relaxes him and helps him focus. Students also have the option to take a break during the day by going for a walk outside for a couple of minutes. Some students just want to sit outside at one of the tables to center and get away for a few minutes and others have liked to do a few laps around the school before going inside. One student I got to know told me about her goals in life. She was recently told she could graduate sooner than anticipated and is trying to figure out where and how she will go to college. She wants to be a trauma therapist because they have played an important role in her life. She mentioned hoping she can help others like they helped her. I helped her research programs and scholarship options. I was able to relate and connect to her because she is hoping to apply for the same military scholarship I currently have. I told her about my experiences with it and some tips for applying. Another student I walked with a few times told me she was frustrated with the long school days and was waiting to get approved for half-days. She said she wanted to go on half days because she has a son and worries about him when she is at school. She is 15, almost 16. She also mentioned that she is hoping to start at the local community college next semester in their dual-enrollment program for high-schoolers. I strongly

encouraged her to pursue that and told her I commended her ambition for wanting to pursue that program, as well as what a responsible and mature decision that was.

### **Conclusion**

Restorative justice and restorative practices are necessary to combat the school to prison pipeline. Because they are essentially the opposite of zero-tolerance, I believe that they have the potential to keep students engaged and committed in schools and not suspended or expelled. Restorative practices encourage accountability, mutual respect, and build relationships. Having teachers who are trained in restorative practices and are culturally competent can help reduce the racial disparities in suspensions and expulsions. They can create meaningful relationships and make connections with students that would encourage them to stay engaged. Eliminating miscommunication and misunderstanding between minority students and school adults can be achieved by implementing restorative practices such as circles and conferences where everyone gets to have a voice and tell their side of the story. When every student has a voice in a circle or conference, they can feel seen and heard. They can tell their story to administration and teachers. Students, teachers, and administration can begin to communicate more effectively, and mutual respect and understanding can grow. Making the change from punitive to restorative in schools begins with small changes in the classrooms. Teachers making meaningful relationships with students, encouraging accountability, praising appropriate behaviors, and guiding when behaviors are not appropriate are small changes that can have a big impact on a student. Using restorative practices in the class and eventually throughout the entire school can begin the much-needed discipline reform and stop students from being at risk for the school-to-prison pipeline.

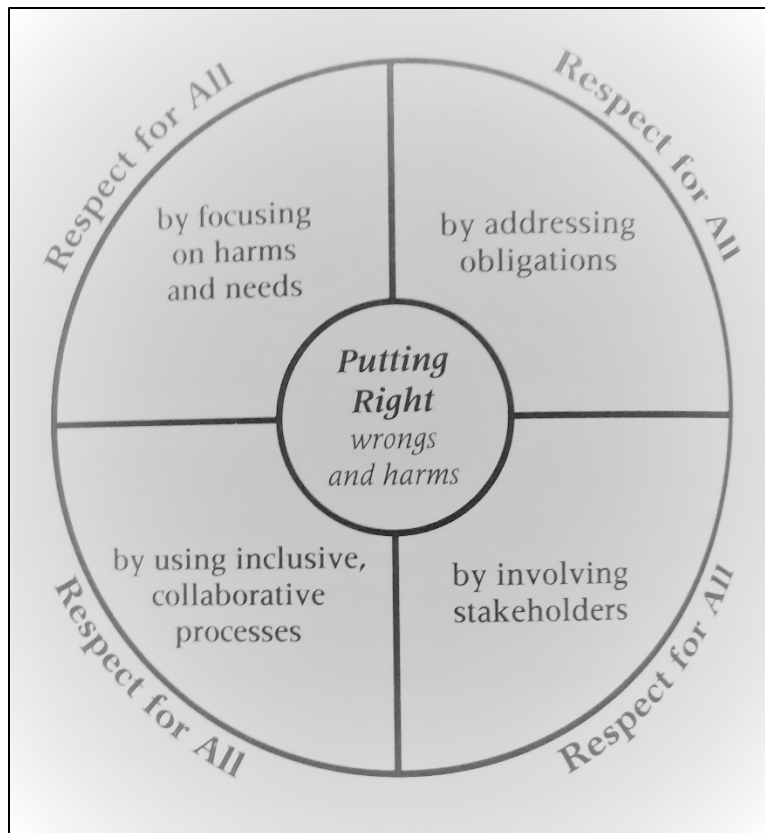


Figure 1. Diagram of key restorative justice principles (Zehr et al., 2015).

Name \_\_\_\_\_ Date \_\_\_\_\_ Level/Day# \_\_\_\_\_

My goal today is: \_\_\_\_\_ Restroom #1 \_\_\_\_\_ Restroom #2 \_\_\_\_\_ Restroom #3 \_\_\_\_\_

Students do not have the opportunity to earn points if they are asleep.

Time	Class	Respect Points are earned	Opportunity Points are earned	Excellence Points are earned	Total/Initial	Observed Behavior-Write behavior observations / note if assistance was needed.
8:45-9:45	Arrival/SEL	<input type="checkbox"/> Complies w/ adult request <input type="checkbox"/> No verbal or physical aggression	<input type="checkbox"/> Right place, right time <input type="checkbox"/> Using school appropriate language	<input type="checkbox"/> Completes classwork/task <input type="checkbox"/> Exhibits self control	/6	
9:45-10:15	Block 1 A	<input type="checkbox"/> Complies with adult request <input type="checkbox"/> No verbal or physical aggression	<input type="checkbox"/> Right place, right time <input type="checkbox"/> Using school appropriate language	<input type="checkbox"/> Completes classwork/task <input type="checkbox"/> Exhibits self control	/6	
10:15-10:45	Block 1 B	<input type="checkbox"/> Complies with adult request <input type="checkbox"/> No verbal or physical aggression	<input type="checkbox"/> Right place, right time <input type="checkbox"/> Using school appropriate language	<input type="checkbox"/> Completes classwork/task <input type="checkbox"/> Exhibits self control	/6	
10:45-11:15	Block 2 A	<input type="checkbox"/> Complies with adult request <input type="checkbox"/> No verbal or physical aggression	<input type="checkbox"/> Right place, right time <input type="checkbox"/> Using school appropriate language	<input type="checkbox"/> Completes classwork/task <input type="checkbox"/> Exhibits self control	/6	
11:15-11:45	Block 2 B	<input type="checkbox"/> Complies with adult request <input type="checkbox"/> No verbal or physical aggression	<input type="checkbox"/> Right place, right time <input type="checkbox"/> Using school appropriate language	<input type="checkbox"/> Completes classwork/task <input type="checkbox"/> Exhibits self control	/6	
11:45-12:15	Block 3 A	<input type="checkbox"/> Complies with adult request <input type="checkbox"/> No verbal or physical aggression	<input type="checkbox"/> Right place, right time <input type="checkbox"/> Using school appropriate language	<input type="checkbox"/> Completes classwork/task <input type="checkbox"/> Exhibits self control	/6	
12:15-12:45	Block 3 B	<input type="checkbox"/> Complies with adult request <input type="checkbox"/> No verbal or physical aggression	<input type="checkbox"/> Right place, right time <input type="checkbox"/> Using school appropriate language	<input type="checkbox"/> Completes classwork/task <input type="checkbox"/> Exhibits self control	/6	
12:45-1:15	Block 3 C	<input type="checkbox"/> Complies with adult request <input type="checkbox"/> No verbal or physical aggression	<input type="checkbox"/> Right place, right time <input type="checkbox"/> Using school appropriate language	<input type="checkbox"/> Completes classwork/task <input type="checkbox"/> Exhibits self control	/6	

Figure 2. Point book from the alternative school.



1:15-1:45	Block 3 D	<input type="checkbox"/> Complies with adult request <input type="checkbox"/> No verbal or physical aggression	<input type="checkbox"/> Right place, right time <input type="checkbox"/> Using school appropriate language	<input type="checkbox"/> Completes classwork/task <input type="checkbox"/> Exhibits self control	/6	
1:45-2:15	Block 4 A	<input type="checkbox"/> Complies with adult request <input type="checkbox"/> No verbal or physical aggression	<input type="checkbox"/> Right place, right time <input type="checkbox"/> Using school appropriate language	<input type="checkbox"/> Completes classwork/task <input type="checkbox"/> Exhibits self control	/6	
2:15-2:45	Block 4 B	<input type="checkbox"/> Complies with adult request <input type="checkbox"/> No verbal or physical aggression	<input type="checkbox"/> Right place, right time <input type="checkbox"/> Using school appropriate language	<input type="checkbox"/> Completes classwork/task <input type="checkbox"/> Exhibits self control	/6	
2:45-3:15	Block 5 A	<input type="checkbox"/> Complies with adult request <input type="checkbox"/> No verbal or physical aggression	<input type="checkbox"/> Right place, right time <input type="checkbox"/> Using school appropriate language	<input type="checkbox"/> Completes classwork/task <input type="checkbox"/> Exhibits self control	/6	
3:15-3:45	Block 5 B	<input type="checkbox"/> Complies with adult request <input type="checkbox"/> No verbal or physical aggression	<input type="checkbox"/> Right place, right time <input type="checkbox"/> Using school appropriate language	<input type="checkbox"/> Completes classwork/task <input type="checkbox"/> Exhibits self control	/6	
Daily Eligibility: Level 1 (55) 70% , Level 2 (60) 75%, Level 3 (65) 80%, Level 4 (70) 90%				Grand Total :	_____ out of 78	
3:45 - Dismissal: Reflection Time; You are required to complete the bottom portion of your point sheet each day.						
Where did I lose my points today? _____						
Explain : _____						
_____						
What can I improve on tomorrow to meet my goals? _____						
_____						
_____						
<p><b>Level Drops may occur for the following infractions:</b></p> <ul style="list-style-type: none"> <li>• Fights</li> <li>• Unsafe behavior/security threats (<i>Example: opening an outside door, leaving campus without permission, gang related activities</i>)</li> <li>• Insubordination/refusal to follow expectations (<i>Example: refusal to change into dress code</i>)</li> </ul>						

Figure 2. Point book from the alternative school (cont.)

## References

- Bazemore, G., & Day, S. E. (1998). Beyond the punitive lenient duality: Restorative justice and authoritative sanctioning for juvenile corrections. *Corrections Management Quarterly*, 2(1), 1-15.
- Bazemore, G., & Umbreit, M. (1995). Rethinking the sanctioning function in juvenile court: Retributive or restorative responses to youth crime. *Crime and Delinquency*, 41(3), 296-316.
- Bergseth, K. J., & Bouffard, J. A. (2005). The long-term impact of restorative justice programming for juvenile offenders. *Journal of Criminal Justice*, 35(4), 433-451.
- Bradshaw, W., & Roseborough, D. (2005). Restorative justice dialogue: The impact of mediation and conferencing on juvenile recidivism. *Federal Probation* 69(2), 15-21.
- Braithwaite, J., & Mugford S. (1994). Conditions of successful reintegration ceremonies: Dealing with juvenile offenders. *The British Journal of Criminology*, 34(2), 139-171.
- Bryant-Davis, T., & Ocampo C. (2005a). Racist incident-based trauma. *The Counseling Psychologist*, 33(4), 479-500.
- Bryant-Davis, T., & Ocampo C. (2005b). The trauma of racism. *The Counseling Psychologist*, 33(4), 574-578.
- Carter, R. T., (2007). Racism and psychological and emotional injury: Recognizing and assessing race-based traumatic stress. *The Counseling Psychologist*, 35(1), 13-104.
- Christle, C. A., Jolivet K., & Nelson C. M. (2005). Breaking the School to prison pipeline: identifying school risk and protective factors for youth delinquency. *Exceptionality*, 13(2), 69-88.
- Daly, K. (2001). Restorative justice: The real story. *Punishment and Society*, 4(1), 55-79.
- Dupper, D. (2010). Does the punishment fit the crime? The impact of zero tolerance discipline on at-risk youths. *Children & Schools*, 32(2), 67-69.
- Fowler, D. (2011). School discipline feeds the 'pipeline to prison.' *Phi Delta Kappan*, 93(2), 14-19.
- Gonzalez, T. (2012). Keeping kids in schools: Restorative justice, punitive discipline, and the school to prison pipeline. *Journal of Law Education*, 41(2), 281-336.
- Gonzalez, T. (2014). Socializing school: Addressing racial disparities in discipline through restorative justice. In D.J. Losen (Ed.), *Closing the school discipline gap: Equitable remedies for excessive exclusion* (pp. 151-165). New York, NY: Teachers College Press.

- Heitzeg, N. A. (2009). Education or incarceration: Zero tolerance policies and the school to prison pipeline. *Forum on Public Policy*, 2009(2), 1-21.
- Lee, B., Kellett, P., Seghal, K., & Van den Berg, C. (2018). Breaking the silence of racism injuries: A community-driven study. *International Journal of Migration, Health, and Social Care*, 14(1), 1-14.
- Miller, S. L. (2011). *After the crime: The power of restorative justice dialogues between victims and violent offenders*. New York, NY: New York University Press.
- Nance, J. P. (2017). Student surveillance, racial inequalities, and implicit racial bias. *Emory Law Review*, 66(4), 765-836.
- Noguera, P. A. (2003). Schools, prisons, and social implications of punishment: Rethinking disciplinary practices. *Theory in Practice*, 42(2), 341-350.
- Novak, A. (2019). School-to-prison pipeline: An examination of the association between suspension and juvenile system involvement. *Criminal Justice and Behavior*, 46(8), 1165-1180.
- Rodriguez, N. (2005). Restorative justice, communities, and delinquency: Whom do we reintegrate? *Criminology and Public Policy*, 4(1), 103-130.
- Rodriguez, N. (2007). Restorative justice at work: Examining the impact of restorative justice resolutions on juvenile recidivism. *Crime and Delinquency*, 53(3), 355-379.
- Ruiz, R. R. (2017). School-to-prison pipeline: An evaluation of zero tolerance policies and their alternatives. *Houston Law Review*, 54(3), 803-837.
- Schiff, M. (2013). Dignity, disparity, and desistance: Effective restorative justice strategies to plug the 'school-to-prison pipeline.' *UCLA: The Civil Rights Project*.
- Schiff, M. (2018). Can restorative justice disrupt the school to prison pipeline? *Contemporary Justice Review*, 21(2), 121-139.
- Scott, D. (2017). Developing the prison-to-school pipeline: A paradigmatic shift in educational possibilities during an age of mass incarceration. *Journal of Correctional Education*, 68(3), 41-52.
- Shippen, M. E., Patterson D., Green, K. L., & Smitherman, T. (2012). Community and school practices to reduce delinquent behavior: Intervening on the school-to-prison pipeline. *Teacher Education and Special Education: The Journal of the Teacher Education Division of the Council for Exceptional Children*, 35(4), 296-308.
- Staats, C., Capatosto, K., Wright, R.A., & Contractor D. (2015). State of the science: Implicit bias review 2015. *Kirwan Institute for the Study of Race and Ethnicity*.

Teasley, M. L. (2014). Shifting from zero tolerance to restorative justice in schools. *Children & Schools, 36*(3), 131-133.

Wilson, H. (2014). Turning off the school-to-prison pipeline. *Reclaiming Children and Youth, 23*(1), 49-53.

Zehr, H., Amstutz, L. S., MacRae, A., & Pranis, K. (2015). *The big book of restorative justice: Four classic justice & peacebuilding books in one volume*. New York, NY: Good Books.

Zweifler, R., & De Beers, J. (2002). The children left behind: How zero tolerance impacts our most vulnerable youth. *Michigan Journal of Race & Law, 8*(1), 191-220.