Discipline Policies in Urban Educational Contexts: Approaches, Barriers, and Restorative Justice

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Discipline Policies in Urban Educational Contexts: Approaches, Barriers, and Restorative Justice

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Abstract

Beginning in the late twentieth century, a surge in school violence associated with racism and urban poverty has sparked increased use of punitive approaches to school discipline, and these high-stakes approaches have become normalized in school districts nationwide. "Discipline" at the classroom and school level, understood as the procedures and interactions between students and teacher surrounding behaviors deemed inappropriate, have historically been grouped into two domains: punitive discipline and restorative justice. Punitive justice methods increased their domination in urban classrooms throughout the 90's and early 2000's but in the last decade or so, a new wave of conflict-resolution-based discipline has emerged in the form of restorative justice practices. In this paper, I will outline the pedagogical bases and development of each approach and, based on data and scholarly analysis, contend that restorative justice techniques are more effective in lowering instances of misconduct and creating a successful learning environment. I will present statistics on the effect and success levels of each, as well as case studies exemplifying the implementation of each discipline strategy. In my analysis of punitive discipline, I will, in part, focus specifically on the argument that these policies are particularly detrimental to boys of color. I will then pose the question: If the research is so conclusive, why aren't more schools transitioning from punitive discipline to restorative justice techniques? I argue that the foremost barriers to this transition are an ill-placed emphasis on safety in schools, and an unfounded perception of racial threat to order in the classroom.

Keywords: Restorative justice, school discipline, punitive discipline, conflict-resolution, school to prison pipeline

Introduction

Beginning in the late 1990's and early 2000's, a perceived surge in school violence associated with urban poverty and school shootings (Morrison & Vanderwaal: 139) sparked an increased use of punitive approaches to school discipline. Since then, these punitive practices have become commonplace across the country. In recent years, however, restorative justice methods of discipline have begun to replace punitive policies in some classrooms and schools, with very different implications.

"Discipline" at the classroom and school level, understood as the procedures and interactions between student and teacher surrounding behaviors deemed inappropriate within the learning environment, have, in recent history, been grouped into two domains: punitive discipline and restorative justice. While punitive justice policies include suspensions, expulsions, and reprimand without explanation to the offender (Morrison & Vaandering, 2012: 139), restorative justice often incorporates strategies of conflict resolution and discussion between the offender, the offended, and a mediator (Gonzalez, 2012: 86). Punitive justice methods saw increased usage in urban classrooms throughout the 90's and early 2000's but in the last decade or so, a new wave of conflict-resolution based discipline has emerged in the form of restorative justice practices.

In this paper, I will outline the pedagogical bases and development of each approach, present statistics and evidence on the effect and success rates of each, and offer case studies of each discipline structure in practice. In my analysis of punitive discipline, I will, in part, focus specifically on the argument that these policies are particularly detrimental to boys of color. Having done this, I will then contend that restorative justice techniques are more effective in lowering instances of misconduct and creating a successful learning environment. I will next pose the question: If the research is so conclusive, why aren't more schools transitioning from punitive discipline to restorative justice techniques? I argue that the most prominent barriers to this transition are an ill-placed emphasis on safety, in the form of police presence and security systems in schools, and an unfounded perception of "racial threat" to order in the classroom.

Analysis of Punitive Behavior

Punitive justice policies have been the de facto form of school discipline for decades, but the implementation and consequences of "zero tolerance"

programs (Morrison & Vaanderwal: 139), and programs involving police presence (Balmer, et al., 2007: 455) that have come about in urban districts in the past two decades have brought the effectiveness of such programs under renewed examination.

Punitive policies, as their name suggests, center around predetermined and prescriptive punishments for student infractions (Peterson & Skiba, 2000: 335), and are hinged on "the idea that removing disruptive students from school helps both the disruptive student and the general learning environment" (Hill, 2015). Morrison and Vaandering put it succinctly when they classify punitive policies as having four main attributes: punishment of offender as the outcome sought, a prescriptive decision-making process, the use of reason over emotion, and a rule-based motivation (2011: 141). In many U.S. schools, punitive policies are surreptitiously applied very early on in elementary school classrooms, often in the form of "green light, yellow light, red light, referral" systems or similar structures (Public Discipline Systems, 2015), and become more overt in higher grades. In middle and high schools, these practices tend to take the form of increasingly exclusionary practices such as detentions, suspensions, expulsions (Peterson & Skiba: 337) and, in recent years, on-campus police involvement (Gonzalez, 2012: 288) as responses to (often minor) student infractions. High schools that implement these policies also tend to interact regularly with the juvenile justice system (Gonzalez, 2012:289). Punitive policy systems, therefore, can be thought of as discipline methods that attempt to discourage unwanted behaviors in the classroom by creating explicit rules and reinforcing them with harsh penalties.

Punitive policies, in practice, have shown limited to no effectiveness in decreasing occurrences of repeated "offenses" and improving student behavior. Zero tolerance policies, which impose suspensions and expulsions on first-time violence and drug-related offenses (Gonzalez, 2012: 291), have made it more likely that a student will be arrested at school today than a generation ago, and the negative psychological effects of exclusionary, punitive discipline (300) actually increase the likelihood that a student will have disciplinary problems in the future (283). A study done in Texas found that students who had been suspended or expelled were three times as likely to face future interaction with the juvenile justice system the following year than those who had not been suspended (Fabelo et al, 2011: xii), and a study done by Ekstrom et al. report that "over 30% of sophomores who dropped out of school had been suspended, a rate three times that of peers

who stayed in school" (Ekstrom et al, 1986). Instead of decreasing repetition of "bad" behavior, punitive punishment appears to be pushing its offenders out of school entirely.

Aside from ineffectiveness in discouraging the repetition of behaviors, punitive discipline procedures may actually have a negative impact on students' academic achievement and emotional well-being (Payne & Welch, 2013:
543). In a study of a large school system in the Midwest, Nichols found that suspensions increase likelihood of academic failure, grade retention, negative school attitudes, and drop-out rates (2004: 409). Negative emotional effects of punitive discipline include counter-aggression, habituation to punishment and othering, escalation of behavior, and an heightened view of school as a negative and unfair environment (Knesting & Skiba, 2001: 33).

Perhaps most significantly, exclusionary policies, by definition, take the transgressing student out of class for an extended period of time. Continued removal from class causes students who, because of the underlying emotional and behavioral reasons for their lashing out, are often lagging behind academically, to miss crucial instructional time (Fenning & Rose, 2007: 548). Missing considerable portions of class time due to suspension also increases antisocial behavior which, in turn, often leads to what is classified as "oppositional or conduct disorders" (Mayer, 1995: 468,471). Thus punitive approaches to discipline are self-perpetuating, not reparative (Payne & Welch, 2013: 539), creating a cyclical pattern of out-of-class time, feelings of alienation and distrust, disruptive behavior, removal from class, and on and on.

Aside from their ineffectiveness, punitive policies are flawed in that they disproportionately affect students of color, and particularly boy of color. African American students, and especially African American boys, receive more suspensions and expulsions than white students (Rudd, 2016). The statistics are striking. One study showed that African American boys are sixteen times as likely to be suspended as white girls (Gregory, 2010: 60). A study on Florida schools during the 1996–1997 school year found that by middle school, nearly half of all African American students had been suspended, as compared to twenty-five percent of white students. Another study found that African American students were twice as likely to receive a discipline referral as their white classmates (Fenning & Rose, 2007: 541-542). A study in Texas yielded evidence that 83 percent of African American male students had at least one discretionary violation, compared to 59 percent of

white males. In New York City during the 2006-2007 school year, "Black students accounted for 53% of the suspensions, but made up only 32% of the student population (Gonzalez, 2012: 284). In Portland in 2013, African American students were five times as likely to be suspended or expelled than white students (Cody, 2013). Furthermore, a 2009–2010 national survey revealed that while Black students in the Los Angeles and Chicago school districts made up nine and forty-five percent of the school's population, they were given 26 and 76 percent of the suspensions, respectively (Lewis, 2013).

While there is some evidence that higher levels of poverty amongst minority groups may account for this disparity (Fabelo, 2011: 7), it is certainly not enough to "explain away" the disproportionate punitive discipline of African American students; instead, racial biases must be examined as a possible factor (Gregory et al, 2010: 60-61). Even controlling for socioeconomic status and student behavior, nonwhite students still have higher rates of suspension than white students. Furthermore, school governance, teacher attitude toward students, and race have a higher correlation to number of infractions than student behavior and attitude (Skiba & Peterson (Wu et al), 2000: 339). Fenning and Rose further contend that "African American students, especially males, are overrepresented in other punitive school consequences... but not as a result of engaging in more severe behaviors" (2007: 540).

Instead, punitive discipline policies are used more (or less) furtively by teachers and administrators to legitimize their underlying racial biases. Bowditch contends that teachers will label particular students as "troublemakers" and use suspensions "to get rid of" these students; because the criteria used to identify troublemakers (low attendance, "disobedience", attention problems) are those brought about by conditions of poverty and lower socioeconomic status that often fall on people of color, "troublemakers" are disproportionately urban Black and Hispanic students (1993: 1). Similarly, Casella writes about the classification of (predominantly African American and Latino male) students as "dangerous" by teachers and administrators for committing small infractions, despite the infraction's absence of a violent or otherwise dangerous nature. Once classified, students were usually taken out of normal classes and put into an alternative education program, suspended, or expelled (2003: 60). The observed high rates of discipline for boys of color are not, therefore, an indicator of any racial or cultural predisposition, but are an indication of the racist manipulation of punitive policies.

The ineffectiveness of punitive discipline policies, specifically increased police presence, can be seen in the case study of the Impact Schools Ini-

tiative. The Impact Schools Initiative was a program designed to target seriously dangerous or violent behavior, chronically disruptive behavior, and minor infractions and disorderly behavior (463) in low-performing New York City public schools. In 2002–2003, middle and high schools in the city with above average rates of suspension, police incidents, safety-related student transfers, and below average student attendance (463) were chosen to participate in the program's trial run. Impact Schools received additional school safety agents, doubled numbers of police officers, and were routinely visited by Safety Intervention Teams to assess safety issues and monitor how the principle was responding to serious incidents (462). The program took a "broken windows"/ "zero tolerance" approach, aimed at matching minor infractions with severe punishments as a deterrent for future misconduct (461).

The results of the program were, on the whole, negative. Academic indicators, such as percent of students taking the SAT and student attendance rate, decreased after the program's implementation. The program also caused "dramatic increases in school suspensions and non-criminal incidents" (469), even though the program was designed specifically to *decrease* the number of non-criminal incidents. Furthermore, both major crimes and noncriminal police incidents increased after the program's implementation (Balmer et al, 2007: 473). Consequently, the Impact School Initiative program demonstrates the ineffectiveness of increased police presence on decreasing student behavior-related problems.

Analysis for Restorative Justice

Restorative justice policies, with focus on reflection, communication, restitution, and repair, are in staunch opposition to the theory and practice of punitive policies explained above. Morrison and Vaandering classify restorative justice policies as focusing on reparation of harm, resolution, reconciliation, and internal engagement (2012: 141). Restorative justice techniques rely on community (Gonzalez, 2012: 285) and aim to heal, not exclude. These practices often take the form of conflict discussion with a trained mediator, peacemaking circles, and student juries (Gonzalez: 301-303). In many schools, restorative policies have replaced zero tolerance programs and are used to provide an opportunity for reflection and reform *before* the student is suspended or expelled. Restorative justice practices are not, however, fully encompassed by reflective, retroactive policies. An integral part of restorative justice is rooted in proactive (Gonzalez: 300) and preventative (Gon-

zalez: 331) measures, and fostering a classroom and school atmosphere of understanding and shared interest of coming to a solution between students, teachers, and administrators (Gonzalez: 302).

Although programs of restorative justice are comparatively new and their implementation fairly limited, some evidence has already been found regarding their effectiveness in schools. A California school system that implemented disciplinary circles for students to talk through disputes in 2007 saw significant drops in both suspension and expulsion rates; one middle school saw a drop in average suspension rates from fifty to six suspensions per one hundred students (Gonzalez, 2012: 306). The Baltimore Curriculum Project, which implemented school-wide restorative procedures and facilitation training in 2008, saw suspension rates decrease by 88 percent (Gonzalez: 312). At Long Middle School in St. Louis, Missouri, the discipline program was extensively reorganized to include biweekly talking circles for students led by teachers and staff, a six-week curricular program to teach students how to utilize restorative justice techniques, and special circles for students with consistent behavioral problems and suspended students reentering the school. After two years of implementation, suspensions decreased in severity by 27 percent, and affinity group-based violence decreased by 18 percent (Gonzalez: 314).

The success of these programs is not limited to decreases in use of punitive policies, however. Increased rates of student satisfaction and positivity towards school as a result of restorative programs have also been documented. The Parkrose School District in Oregon reported that after implementation of conflict intervention and restorative meetings in 2008, 89 percent of students "felt confident in their ability to complete their agreement", 85 percent "felt satisfied with the restorative intervention process", and 75 percent "felt the harm had been repaired" (Gonzalez: 310).

Academic outcomes were also improved by the new policies. After implementing restorative conferences in 2006, Pottstown High School in Pennsylvania was removed from academic probation and saw increases in student test scores (Gonzalez: 316-317). After the implementation of the Baltimore Curriculum Project, the Baltimore City Schools saw an increase in their Maryland state assessment scores, and "the number of students functioning at grade level tripled," (Gonzalez: 312). Although restorative justice policies are just beginning to take hold, they have already demonstrated positive behavioral and academic outcomes.

The case study of three California high schools, (one urban, one sub-

urban, and one rural) effectively demonstrates the possibility of success of restorative justice policies in decreasing student behavioral problems and levels of disruption. The first high school (RJHS#1) was located in a rural community, with over 78 percent of community members self-identifying as Hispanic or Latino, and more than 78 percent of students qualifying for free or reduced lunch (Zulfa, 2015:53). At RJHS#1, implementation of restorative justice techniques occurred in the form of peace circles, used to mediate student/student and student/teacher disputes, as an alternative to suspension. The policies were designed to "help students remain in the educational environment while still addressing behavioral issues", and as a result of the policy adoption, suspensions fell by more than 40 percent each of the two years after its initial implementation (67).

RJHS#2, located in a suburban community, had 49 percent of residents identify as Hispanic or Latino, and 73 percent of students qualify for free or reduced lunch (53). At RJHS#2, restorative policies were designed to decrease bias against minority students in discipline procedures and decrease suspension rates through the use of mediation and other in-school alternatives to suspension. The mediation was usually facilitated by an administrator, and only included the parties directly involved in the incident. Since implementation, the school has seen a 60 percent decrease in suspensions, and a 95 percent decrease in expulsions (68).

RJHS#3 was located in an urban area within a very diverse community (34% White, 33% Hispanic/Latino, 20% Asian, and 10% African American). Approximately 65 percent of the student body qualified for free or reduced lunch (54). The predominantly used form of restorative justice at the school was peace circles. The peace circles were used both to resolve student/student conflicts and to allow other students to watch and interact with the reflection on the incident in the hopes that future incidents would be avoided by all students. As a result, suspensions decreased by 40 percent and the number of days students missed decreased by 60 percent (68). Thus, restorative policies in the form of mediated conversation, peace and discussion circles, and reflection have already shown success, despite their recent application.

Why isn't it changing?

The analysis of punitive policies and restorative justice techniques indicates that the latter is drastically more effective in decreasing out-of-school

time, behavioral issues, and generating a positive response from students. Why, then, if the proof is so overwhelmingly against it, do so many schools continue to use punitive discipline policies? The answer is twofold. First, society's belief in the "racial threat" (Payne & Welch, 2010: 25) of minority students leads schools, specifically urban schools with high percentages of minority students, to use more punitive, severe punishments. Second, an ill-placed emphasis on safety in schools that has occurred as a result of the Columbine shooting and other acts of violence in schools in the late nineties has led to an increasingly large presence of police and punitive security measures in schools.

The racial threat theory, as Welch and Payne describe it, "suggests that as the proportion of blacks increases in relation to whites, intensified measures of control will proliferate in response to the perceived growing threat derived from closer proximity to minorities" (2010: 29). This perceived threat is derived, as Blalock argues, by the majority's fear of losing economic and political power to "racial competition" (2010: 29). Racial threat also relies on "the widespread associations made between Black and dangerous predatory criminality" (2010: 29). Because of this, white members of the community (parents, administrators, state and national legislators) are lead to act on their ill-formed and unfounded perception of "racial threat", in part, by enacting more punitive and harsh discipline measures in schools with high numbers of minority students. In their national study, Welch and Payne found this to be true; the percent of Black students is significantly and positively correlated with punitive disciplinary responses, harsh forms of punishments, and the implementation of zero tolerance programs (2010: 35-36). In a later analysis of the effect of racial composition of schools on likelihood of using restorative justice methods, Payne and Welch found that Black student composition is significantly and negatively related to schools' use of student conferences (a restorative justice technique) (Payne & Welch, 2015: 459). Thus many urban schools with high percentages of minority students continue to use punitive policies due to the influence of unsubstantiated racial biases in the schools' policy-making processes.

The other primary factor contributing to the continued use of punitive policies, in the vein of increased police presence and security measures in schools, is the increased parental, student, and administrative fear of school violence that occurred in the wake of a perceived upsurge in school violence. In the shadow of the Columbine shooting and 9/11, the passage of the U.S. Gun Free School Zones Act "encouraged the growth of school discipline

codes that prescribed the use of suspensions and expulsions as the primary way to maintain orderly schools," (Morrison & Vaandering, 2012: 139). The trend in safety tactics has also increased the use of zero tolerance policies for possession of contraband items like knives and over-the-counter medications (Payne & Welch, 2015: 542), as well as increased use of security technologies like metal detectors and surveillance systems (Skiba & Peterson, 2000: 337). The fear of school violence has created a zero-tolerance school environment "brimming with suspicion", leading to suspensions and expulsions of students (predominantly of color) for infractions such as bringing a nail clipper or Alka-Seltzer tablets to school (Cloud, 1999). However, as shown in the statistics above, punitive policies like these have not caused a significant decrease in school violence or an increase in school safety.

Conclusion

Though punitive policies have been the de facto form of discipline in American schools for centuries, the research shows no reduction in school violence, disruptive behaviors, or out-of-school time as a result. Punitive policies are, in fact, detrimental to students of color, particularly Black boys. Restorative justice policies, however, have been documented as widely effective in creating a less violent, less conflict-filled learning environment for all students. Furthermore, restorative policies offer the opportunity to insert an increased level of care, compassion, and personal attention into the lives of children during their most formative years that may stay with them throughout their lives. The barriers we now must work to overcome in doing away with punitive discipline and implementing restorative justice are an unfounded perception of "racial threat" and an ill-placed emphasis on safety in schools. Perhaps as more studies of schools implementing restorative justice programs are done, and knowledge of the technique's effectiveness in comparison to punitive policies continues to disseminate, we will begin to see a growing shift towards the use of reflective, reparative, and emotionally healthy discipline methods.

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Portrait (2016). [Portrait of Elizabeth against dark background] [Photo] Photograph by Martin Froger-Silva

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