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## **Criminalizing the School: An Investigation of How Current School Safety and Disciplinary Policies Contribute to the Overrepresentation of Traditionally Marginalized Students within the Criminal Justice System**

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**Criminalizing the School:**

**An Investigation of How Current School Safety and Disciplinary Policies Contribute to the  
Overrepresentation of Traditionally Marginalized Students within the Criminal Justice System**

by

Dia A. Clark

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by

**DIA A. CLARK**

Under the Direction of Dr. Patricia A. Carter and Dr. Tiffany Russell

**ABSTRACT**

This study focuses on the nature of school discipline policies and their impact on student sentiments about how they are viewed by school staff. The study follows the research to illustrate a connection between unremitting surveillance and discipline and corresponding higher levels of violence, drop-out rates, and student, as well as teacher, dissatisfaction. The study concludes that while violence must be met with consequences, too often the perception of potential student violence or criminal behaviors is influenced by racial bias. I contend that hostile school environments in which trust is lacking between school staff and students develops poor student self-perceptions and cause over-active disciplinary measures which can increase the presence of students from traditionally marginalized groups in the criminal justice system.

**INDEX WORDS:** school safety, school to prison pipeline, corporal punishment, restorative justice, racial bias in school discipline

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## **Introduction**

### *The Issue of School Surveillance and Racial Bias*

On November 5, 2003, the lives and the educational environment of the students of Stratford High School in Stratford, Connecticut, unbeknownst to the students, would be changed forever. On this day, the principal of the school, George McCrackin, contacted the Goose Creek police station and incited a raid on the school based on his suspicion of drugs being sold within the school. According to the American Civil Liberties Union (ACLU) (2006), the principal's suspicion revolved around one student's alleged possession of drugs, and although that student was not present, the officers proceeded with the raid. Despite African American students making up less than 25% of the school's student population, two-thirds of the students involved in this raid, which included the use of guns and drug dogs, were African American. In his recollection of this event, student Nathaniel Smalls expressed the raid's effect on his educational experience. In the ACLU's (2006) profile of the event, Smalls admits that this event fractured his relationship with school personnel stating "I don't feel like I can trust anybody at school now, especially police officers. They might pull a gun on me again." A study by J. P. Nance (2017) corroborates Smalls' feeling, noting that "intense surveillance environments in schools disrupt feelings of trust, cooperation, and respect among members of the community by sending a clear signal to students that they are dangerous, violent, and prone to illegal activity" (p. 786).

### *The Issues Around School Discipline*

The ACLU (2019) defines the school-to-prison pipeline as a practice that thrives on the existence of zero tolerance policies and preys on students from traditionally marginalized groups. Through harsh punishments, students are able to be "isolated, punished and pushed out" of schools and into the criminal justice system (ACLU, 2019). According to the Stratford High

School District Discipline report (2015), the disproportionate discipline of students at Stratford High School has not changed much since this incident. The Report indicates that while African American children only make up 22 percent of the total student body, they account for 41.2 percent of the in-school suspension rate and 50 percent of the out-of-school suspension rate. While on average, African Americans constitute only 15 percent of all students in U.S. schools they make up 31 percent of school-related arrests (“2015-16 Civil Rights Data Collection: School Climate and Safety,” 2018, p. 3). These percentages highlight the disproportionate interaction of African American student groups with police officers and the criminal justice system that result from school discipline policies, which, ultimately, contribute to the school-to-prison pipeline. Research provided by the American Civil Liberties Union (2019) indicates further that African American students are expelled and suspended three times more than their White classmates. Fabelo, Thompson, Plotkin, Carmichael, Marchbanks and Booth (2011) also reported that African American students are “three times as likely to be in contact with the juvenile justice system [in] the following year” (p. xii).

The ACLU (2019) charges that the intensification of zero tolerance policies mainly bear the responsibility for funneling students into the criminal justice system through the criminalization of “minor infractions of school rules” for behavior “that should be handled inside the school.” The organization highlights the existence of “learning disabilities or history of poverty, abuse or neglect” amongst this student group and argues that they would “benefit from additional educational and counseling services.” The National Clearinghouse of Supportive School Discipline (2014) criticizes zero tolerance policies for their disciplining of minor offenses such as being out of uniform, talking back to school personnel, using a cellphone, and bringing over the counter or prescriptions drugs to schools without a doctor’s note. Additionally, the

Clearinghouse claims that “research and data have indicated that racial/ethnic minorities and students with disabilities are disproportionately affected” by the inclusion and use of such policies and practices. Hirschfield (2008) describes the school discipline policies as a “shift toward a crime control paradigm in the definition and management of the problem of student deviance” (p. 80). This statement is borne out by Smalls’ testimony regarding the raid at Stratford High School, in which he noted “I don’t feel like I can trust anybody at school now, especially police officers. They might pull a gun on me again” (ACLU, 2006). The intensified security measures in schools resulted in the occurrence of flared up tensions between students, school personnel, and police officers, inside and outside of the school, damaging their educational opportunities and desires.

This study examines the incorporation of “prison-like” characteristics into school environments, such as metal detectors, security personnel, and zero tolerance for the infractions of the rules. Although such measures were once thought by some to provide a safer environment for all involved (Sasser, 2017; Reynolds et al., 2008; Sellors, 2017), more recent research indicates that such devices and the attitudes surrounding their use has led to unexpected consequences for already marginalized students. Fabelo et al. (2011) also argue that the inclusion of zero tolerance policies within schools have not proven to be “responsible for the reduction in crimes committed in schools” (p. 4). This thesis examines the current use of school safety and disciplinary protocols to acquire a deeper and clearer understanding of the issues, benefits, and the problems produced by their use. In the conclusion of the study I will identify alternatives being explored in some school systems, indicators of their effectiveness, and the likelihood of their wider replication.

## Need for the study

During my time as a student in different educational settings, both predominately African American and predominately White, I have witnessed the negative effect of the intense presence of discipline policies and security measures, in the form of school resource officers, metal detectors, and surveillance cameras, on students and school personnel alike. Fenning and Rose (2007) charge that “the process of singling out ethnic minority students through the use of the discipline policy was seen as contributing to ethnic minority overrepresentation in discipline” (p.545). The singling out of traditionally marginalized student groups through the use of the aforementioned security measures causes them to interpret the lack of trust, respect, and tolerance embodied in school disciplinary protocols as a lack of concern for their success and future. Weissman (2010) demonstrates this through a student’s testimony. She highlights that the students “perceive suspension [as] a mechanism to get ‘rid of’ them... [and as] the deterrent ideology that is infused in zero tolerance policies” (p. 184). The path of many students that have the desire and ability to excel academically is altered once they are exposed to the negative influences of school discipline measures. Students that experience the disproportionate use of school discipline policies are “among the same students who are most affected by the achievement gap” (Morgan, Salomon, Plotkin, & Cohen, 2014, p. 9). Kang-Brown, Trone, Fratello, and Daftary-Kapur argue “lasting negative consequences” occur in the lives of students exposed to discipline practices engrained in the zero-tolerance ideal contributing to the creation of an “unexpected relationship between misconduct in school and academic achievement” (p. 5).

This thesis reviews the literature which focuses on the impact of zero-tolerance school policies on the presence of African American and Latino students in the school-to-prison pipeline (STPP). It also examines the “disparate treatment” (Castillo, 2013, p. 49) that these

student groups are likely to experience through the application of school discipline policies, which places them more at risk of becoming involved in the school-to-prison pipeline. Carter, Skiba, Arredondo, and Pollock (2017) claim that recent research has proven that a higher African American student population is more likely subjected to the use of “a range of more punitive consequences, including suspension, expulsion, arrests, and zero tolerance” (p.216). Simmons (2017) suggests that the school-to-prison pipeline analogy is overly simplistic because “the ideologies and practices of the criminal justice system have become further embedded in public schooling” which has resulted in the dynamics of school discipline to be “neither so linear nor so unidirectional as the pipeline analogy would suggest” (p. 4). However, Simmons argues the insertion of prison practices into schools through school discipline policies has resulted in schools and prisons existing on the same side of a “metaphorical path” (p. 4). Sojoyner (2016) asserts that heightened security measures and intensified discipline policies have created schools that are no longer a place of “enlightened attainment” but as sites where “popular culture practices” “stage or reproduce social inequality” (p. 33). Several scholars consider what happens when “disruptive” students are taken out of the classroom and ultimately removed out of schools. Kamenetz (2014) argues that zero-tolerance programs correlate with the expansion of the school-to-prison pipeline. Additionally, researchers found that students of color were arrested in greater proportion to White students who were suspended or expelled from school. Barnes and Motz (2018) see “an increased probability of being arrested later in life” among marginalized groups (p. 2330). Unfortunately, the unequal application of school discipline policies has stood the test of time. Selmi (2016) notes that as early as 1975, according to a report presented by the Children’s Defense Fund, “black students were more likely to be suspended compared to White students” (p. 203). Fortunately, alternatives to the traditional methods of school discipline have

been examined as an attempt to disrupt and replace the practices that influence racial targeting. Simson (2014) argues for the use of the restorative justice to address the problem of racial discrimination and the inequitable application of school discipline measures. In defining restorative justice, he is able to emphasize the focus of this practice as one that offers “healing rather than hurting, moral learning, community participation and community caring, respectful dialogue, forgiveness, responsibility, apology, and making amends” in an attempt to resolve discipline problems without removing the student completely out of the school environment but instead incorporates “a collaborative process that focuses on repairing harms through reconciliation, dialogue, and greater inclusion” (p. 553). Studies regarding the use of restorative justice in schools have found positive results as it replaces zero tolerance policies and seek to repair the misbehaviors of students with a “keen eye towards a sense of community” (Ruiz, 2017, p. 827). Mallett (2016) has deemed this practice as appropriate for “helping the young person decrease future problems and recidivism” through a “school-community wide effort” (p. 300-301).

### **Purpose of the study**

Through this study I intend to gain a clearer understanding of the initial purpose of implementing school policies and discipline measures into the school setting, its effect on the education of students, and its impact on students’ relationship with the criminal justice system. I will use this study to further examine the history of school violence, the need for order within schools, the incorporation of zero-tolerance policies, and the role of legislation in allowing this practice to continue to exist. Furthermore, I will consider data regarding responses to discipline measures and the school-to-prison pipeline and analyze the success of suggested alternatives that

have been used to assist in removing the criminalizing methods that the United States' educational system has relied on for nearly two centuries.

### **Definition of Key Terms**

*School Violence:* The Center for Disease Control (CDC) and Prevention defines school violence as “acts that disrupt learning and have a negative effect on students, schools and the broader community.”

*Corporal Punishment:* The American Academy of Child and Adolescent Psychiatry (AACAP) defines corporal punishment as the discipline measure used by a supervising adult to inflict pain on a child as a response to their undesirable behavior or language. The purpose of this form of punishment, which is a legal act in 19 of the United States, is to disrupt the offense, prevent its recurrence, while also setting an example for other students.

*School Resource Officers (SROs):* The definition of SROs by the United States Department of Justice states that these officers possess the responsibility of providing a safe and crime-free school environment. In this role, SROs work closely with school administration and are allowed to make arrests. However, the Department of Justice advises that arrests should be used as a last resort action of SROs and that their mission is to “strive to employ non-punitive techniques when interacting with students.”

*School-to-Prison Pipeline (STPP):* The American Civil Liberties Union define the STPP as a practice that thrives on the existence of zero tolerance policies as it preys on students from traditionally marginalized groups. Through harsh punishments, students are able to removed out of the classroom and the school altogether, increasing their likelihood of coming in contact with the criminal justice system.

**Research Questions**

1. Does the research find that school disciplinary practices such as school resource officers and zero-tolerance policies are beneficial to school safety and better learning environments?
2. How has school discipline policies contributed to traditionally marginalized groups being overrepresented in school suspensions and the criminal justice system?
3. What alternatives/adjustments to these current disciplinary measures are suggested in the research?

## Chapter 1

### *History of School Responses to School Violence*

Since the formation of the educational institution, school violence has been an issue that has actively required attention and reformative efforts. Presenting itself in the forms of school bombings, bullying, and school shootings, school violence has proven to be an issue that the educational system seemingly cannot rid itself. Within each time period, discipline was expected to contribute to school safety and student self-discipline while also ensuring that the teachers were able to maintain control over the students. Although the official introduction of zero-tolerance policies does not occur until the 20<sup>th</sup> century, it is important to consider the many different ways that discipline operated in schools throughout time and how it has contributed to the school safety and disciplinary policies that we are most familiar with in our current educational system.

During the late 17<sup>th</sup> and early 18<sup>th</sup> century, boys were educated through the church, the school, and the family (McCabe and Martin, 2005, p. 12). Since education was considered to be a privilege reserved for those with wealth, early schoolmasters in the United States were allowed to discipline the students as they saw fit, including through corporal punishment (McCabe & Martin, 2005, p. 14). Punishment was merited out when students were disrespectful, did not memorize their lessons, or intermingled with students of the opposite sex (McCabe & Martin, 2005, p. 14). Prior to this time period, whippings were only used as a response to acts of violence. However, as the American educational system entered the 17<sup>th</sup> century, corporal punishment was considered “a basic teaching aid” (Newman & Newman, 1980, p. 6). Petry (1984) highlights that the use of discipline in schools was recommended by theologians and religious leaders as useful for restraining the student’s “impudence and as an aid to learning” (p.

4). Other disciplinary tools that were used by the teacher to ensure that the child was learning were the “hickory switch, the prism-shaped block on which to kneel, and the heavy book to be held at arm’s length” (Petry, 1984, p. 6).

After the 1830s, the average length of years that students attended school expanded, and more girls were provided the opportunity to acquire an advanced education in female seminaries during this time. An ever-expanding school population and continued lack of funding for and availability of teachers meant that there was a high student to teacher ratio and the escalation of “threats and physical punishment” (McCabe & Martin, 2005, p. 15) by teachers to retain their control amongst the students. In 1790, Noah Webster, an editor, author, and teacher, published a pamphlet, “On the Education of Youth,” to address educational reform. In this address, Webster argues that the ideal classroom is one that includes discipline since “moral and disciplined students ensured a stable political society” and, as a result, “serve a significant socialization role” (Altenbaugh, 2003, p. 52). Manning (1979) states that the use of corporal punishment to discipline the students was so prevalent that a schoolhouse in Sunderland, Massachusetts, “solidly embedded in the schoolhouse floor, an ominous whipping post” (p. 51) where a student was to be whipped by their teacher in front of their classmates. The limited function of schools during this time did not require collective policies. A result of this, as Kaestle (1972) notes, was that schools were able to enforce social discipline amongst the students without the occurrence of a “serious public debate” (p. 466). Although the enrollment rate of students increased during this time period, Grubb (1992) argues that a student’s enrollment did not ensure that they “acquired literacy” (p. 364) since the schools had more interest in disciplining and socializing the students rather than teaching them literacy. Kaestle and Foner (1983) argue that the focus placed on disciplining students prevented public schooling from placing its focus on “literacy as an

economic asset,” but instead on “educators’ increasing interest in moral training and discipline” (p. 66).

The first compulsory education laws were introduced to the United States in 1852, which required “every city and town to offer primary school, focusing on grammar and basic arithmetic” (FindLaw, 2019). This development ensured that the state was able to “strenuously [assert] the authority of teachers over children” (Kaestle & Foner, 1983, p. 67). Since reports had deemed discipline a necessary tool for “orderly procedure in schools as well as for the production of model citizens” (Kaestle, 1978, p. 3), teachers were expected to utilize discipline, including corporal punishment, to ensure that this expectation was fulfilled. Altenbaugh (2003) notes that one of the qualifications of a teacher during the 1800s focused on “the ability of the applicant to maintain classroom order” (p. 111). These expectations led instructors to practice “schoolkeeping rather than school teaching... [which] usually relied on large doses of corporal punishment” (Altenbaugh, 2003, p. 118). The ability to impose “discipline on a poorly taught and in consequence an unruly school” (Baker & Rubel, 1980, p. 10) was viewed as an essential asset of schoolmasters.

Horace Mann criticized corporal punishment as a “relic of barbarism” (Katz, 2015) and argued that students should be encouraged to learn self-discipline. As Massachusetts’ first superintendent, Mann wanted the state to take the necessary efforts to ensure that school systems were able and willing to offer every student an education. As he informed educators of this desire, he was intentional in reporting the effects of violence in schools as well as the ineffectiveness of corporal punishment on achieving this possibility. Mann was able to shed light on this issue by informing his audience of the closing of approximately “400 schools [on] an annual basis because of discipline problems” (McCabe & Martin, 2005, p. 17).

During the late 1800s through the mid-1900s, the public educational system began to witness a shift in the behavior of students, particularly from the clash of values that occurred as a result of the influx of immigrants and rural citizens into large cities. Since corporal punishment was quick and effective, it was considered the most “desirable, form of motivation” (Middleton, 2008, p. 253). The incorporation of whippings as a basic teaching aid was the response of educational institutions to the influx of immigrants into the nation as well as the classrooms. Fuentes (2011) claims that the efforts made by state and local personnel in the formation of public schools “were propelled as much by fears of social disorder and burgeoning crime as by high-minded ideals about forging an educated citizenry” (p. 2), especially in cities with high immigrant populations. This fear allowed for the belief that immigrant children were disobedient and uncontrollable, and that an uncontrollable child was an unteachable one. In order to fix this problem, school officials were given the autonomy by the states to discipline students so that they could properly assimilate to the expectations required of the American education system (McCabe & Martin, 2005, p. 16). The autonomy of schoolmasters allowed them to exert their power and possess control through discipline measures all while mentally and physically breaking down the student in attempts to reshape their behavior. As was common for the American educational system, the discipline method of whippings was harsh and used as a means to control the students. However, it was not uncommon for students to fight back against what they felt were unjustified punishments. Students would take control by taking on the role of the disciplinarian and “turn the teacher out” (Fuentes, 2011; Altenbaugh, 2003) in a show of strength they would sometimes attack the teachers. Fuentes (2011) claims that this was a practice that served as a “test of strength and wills” (p. 6). Altenbaugh (2003) corroborates this claim by highlighting one of the reasons that students would commit these attacks on teachers as being a

result of a teacher's use of "excessive cruelty when punishing a scholar" (p. 118). When considering the reality of teachers feeling threatened by the potential violence that could ensue at the hands of their students, it is understandable as to why discipline policies and security measures have been intensified in a prevention attempt. The mere possibility of juvenile crime taking place within American schools resulted in the school system altering the way that schools "conducted school business, defended themselves, and perhaps overreacted to the threat of juvenile delinquency" (Watson & Watson, 2001, p. 33).

### *Civil Rights and School Discipline*

During the Civil Rights era (1954-1968), educators intensified the use of disciplinary measures through the inclusion of police officers within the school building as a response to the violence that was taking place in schools. Community fears about "racial turmoil and property crimes" (Fuentes, 2011, p. 12) became centered within the schools. This fear resulted in feelings of suspicion and distrust to be formed between school personnel and integrated students, leading to the application of biased treatment and punishments. Although it is common for many people to immediately think of the Columbine High School massacre (Colorado) on April 20, 1999, as a contemporary marker in the history of school violence, incidents during the 1968 riots that took place after Dr. Martin Luther King Jr.'s assassination predates this. As Fuentes (2011) notes that the use of the police and national guard by Chicago's mayor to interject and end the riots began to affect the schools of the "West Side ghetto," causing "the level of school violence [to rise] dangerously" (p. 12). Watson and Watson (2001) also describe the time following Dr. King's murder as that of the "most explosive violence across the country" (p. 97).

Civil unrest was met in the schools with harsh punishments doled out by "tough, no-nonsense administrators" (Watson & Watson, 2001, p. 46). Racial biases tended to inform the perspectives

of these no-nonsense administrators. One example of this was seen in Englewood, New Jersey, at Dwight Morrow High School where the new principal, Dr. Abramowitz, suspended 20 students because of their alleged involvement in a stabbing and beating. Of those suspended, 19 were African American students and one was a White student. A *New York Times* report highlighted that “many black students felt that Dr. Abramowitz had acted unfairly” (Phalon, 1973, p. 75) in a school with a student body of 60 percent White and 40 percent Black. Phalon (1973) reported that the possible targeting of African American students in this suspension caused a division to form amongst the student body, with White students generally in support of the punishments meted out and African American students favoring the belief that “some of the suspensions were unfair” (p. 75).

In the late 1960s and 1970s, schools in Connecticut and New Jersey began responding to racial tensions by placing police officers within the schools (Watson & Watson, 2001, p. 102). Watson and Watson (2001) note that the police presence in schools in Hamden, Connecticut, and Newark, New Jersey, offered the schools with resources that would ameliorate issues of racial unrest that often emerged amongst schools’ student body. While some teachers expressed hesitation towards a police presence in schools, they were also receptive to it as it would keep “students and teachers from getting hurt in tense situations” (Watson & Watson, 2001, p. 102). Montgomery (1974) issued a report that reasons that an increased police presence in schools is necessary in order to “curb current outbreaks of violence” (p. 46). He discusses the Board of Education’s use of school officers as a solution to the flare-ups and reports of violence that followed the busing “efforts to integrate the schools” (Montgomery, 1974, p. 46). Though the presence of police officers could help diffuse altercations, it did not guarantee a peaceful school environment that was free of racially motivated activities. A 2003 incident at Stratford High

School in Goose Creek, South Carolina, provides an example. Video evidence from the school's security footage shows the Goose Creek police storming the school with guns drawn as they order the frightened students to lie on the floor and are placed in handcuffs as the police dogs searched for drugs. Although the student population is predominately White, the majority of the students that were cuffed and threatened were Black. And while Black students make up less than a quarter of the "2,700 students at the high school, [they were] two-thirds of the 107 students caught up in the sweep" (Lewin, 2003). According to Lewin (2003), the use of this raid to target the Black student population appears to have been the plan considering that the raid took place at 6:45 am, the very time that the school buses transporting the Black students begin to arrive at the school. Although the spokeswoman for the school district denied that this raid was done to single out Black students, Lewin (2003) reports that many of the students "saw the raid as an example of racial bias." Such incidents not only cause students to distrust school personnel and police, but it also heightens racial tensions. Three years later, with the assistance of the American Civil Liberties Union, the 150 students who filed against the city, its police department, and the school district, won a \$1.6 million law suit (*Alexander v. Goose Creek, South Carolina*), funds that would "compensate the students and help cover medical and counseling costs from the incident" (American Civil Liberties Union, 2006).

### *Legal History*

The legal history concerning school discipline measures used within the United States' public education schools stretches back to the beginning of the educational system. The first instance exists in the form of the compulsory education law passed in Massachusetts in 1852. This law required that school-age children attend school for at least 12 weeks per year. This law not only offered school-aged children an opportunity to receive an education, it also shifted the power of

discipline from the students' parents to the educators. According to FindLaw (2019), this law states that the State "may impose such corporal punishment as is reasonably necessary for the proper education of the child." Kaestle and Foner (1983) note that while corporal punishment was not used by all teachers to discipline students, school committees defended its use as being necessary in shaping children into "industrious, frugal, temperate, subordinate, trustworthy, brave, clean, and reverent adults" (p. 67).

Though the government's role of enforcing the use of corporal punishment in educational settings has existed since the colonial period, it was not until 1977 that a legal decision regarding this practice is decided. On April 19, 1977, the U.S. Supreme Court found that corporal punishment as a disciplinary tool in public school settings did not violate the Eighth Amendment's prohibition of cruel and unusual punishment in the case *Ingraham v. Wright* ("Ingraham v. Wright," n.d.). Prior to the Supreme Court considering the legality of corporal punishment, there were only two states within the nation that had already banned its use, New Jersey and Massachusetts (Gershoff & Font, 2016, p. 18). Scutti (2018) identifies the following 19 of the 50 United States as those which have accepted and incorporated corporal punishment into their educational system: Alabama, Arizona, Arkansas, Colorado, Florida, Georgia, Idaho, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, Texas and Wyoming. Gibbs (2012) highlights data from the National Center for Education Statistics that indicate that "eight of the top ten states that most frequently use corporal punishment are also in the top ten states with the highest incarceration rates" (p. 114). Interestingly, Leins (2019) identifies ten of the aforementioned nineteen states, Georgia, Louisiana, Mississippi, Kentucky, Oklahoma, Missouri, Texas, Arizona, Alabama, and Arkansas, as the states with the highest incarceration rates. Wagner and Sawyer (2018) support this claim in

their research identifying all ten of the states listed above as those with the highest incarceration rates in the world. Wagner and Sawyer also identify Oklahoma as the “world’s prison capital” as they have the highest incarceration rate, 1,079 per 100,000 population, in the nation.

Though corporal punishment exists within the public educational setting to ensure that the undesirable actions and behavior of students are altered and prevented, it has not proven to be effective or conducive to the overall educational environment. It is important to consider the flaws that the use of physical punishment as a discipline practice within schools impacts the way schools function as well as the relationship between the students, teachers, administrators, and other school personnel. Research indicates that physical punishment strains relationships between students and school personnel and often result in the perpetuation of retaliating actions on the part of students. As early as 1979, researcher G. J. Williams claimed that studies indicate that “children who received corporal punishment in school when they are too weak to defend themselves may retaliate when they are older and stronger by assaulting teachers and vandalizing schools” (p. 35). The legitimization of violence that corporal punishment portrays to students not only fills them with the desire to exert their anger on teachers and other students, but to also become “depressed or withdrawn... [and] immune to the constant violence, accepting it as a part of their daily lives” (Human Rights Watch & ACLU, 2008, p. 4). According to Gibbs (2012), the states where corporal punishment has been accepted as an appropriate discipline practice within schools have suffered academically, whereas states that have abolished its use “have higher ACT scores and higher graduation rates” (p. 113). When considering the school discipline policies that exist within public schools across the nation, great deliberation should be applied to the legalization of corporal punishment as well as the consequences that ensue. Rather than solving behavioral problems, the existence of corporal punishment within educational settings has

proven to present new, long lasting mental and emotional problems within the educational and personal lives of the students exposed to this practice. Based on a study conducted by Gershoff, Sattler, and Holden (2019), students who experienced corporal punishment within school reported having “lower high school [grade point averages] at graduation and a lower sense of belonging to school,” while the adults who experienced corporal punishment reported “more current depressive symptoms [within adulthood] than those who were not” (p. 7).

The approval of corporal punishment by the United States Supreme Court resulted in an increased presence and intensity of school discipline policies and practices. The premise of pain infliction that corporal punishment relies on informs schools that any measures and tools incorporated with the intention of improving the behavior of the student is acceptable. However, the decision of *Ingraham v. Wright* did not mean that all forms of school discipline would be centered around the practice of corporal punishment. During Ronald Reagan’s administration, he addressed school violence and classroom discipline. In his speech to the nation, Reagan mentions the troubling school violence problem that our nation is facing and the active efforts of the Federal Government with a vow to “help parents, teachers, and administrators restore order to their classroom” (“Radio Address,” n.d.). Reagan’s agenda to tackle the issue of school violence led to the creation of the National School Safety Center by the Department of Justice in 1984 which published manuals for teachers and other officials that enlightened them of their legal rights as they manage the behaviors of disruptive students and to also assemble a computerized national clearinghouse for school safety resources. The National School Safety Center was able to seamlessly merge with the educational practices because it was a program that was established as a joint effort of the Departments of Justice and Education. Consequently, the partnership

between the two departments paved the way for the incorporation of a “zero tolerance” (Fuentes, 2011, p. 17) response in the educational setting.

Focus on school violence and discipline continued under the Clinton administration with his creation of the Safe and Drug Free Schools and Communities Act of 1994. Through this Act, Clinton was able to create “large-scale federal support” for the inclusion of “physical security enhancements to school buildings” (Brock, Kriger, & Miro, 2018, p. 8). The federal support for this Act was so widespread because of the growing concern of school safety, which was the year that more than 50 percent of adults named violence “as the chief problem of public schools” (Fuentes, 2011, p. 17). The passing of the Safe and Drugs Free Schools and Communities Act and the inclusion of zero tolerance laws, which expelled students for the possession of a weapon, directed the nation’s schools to shift their focus on solving school violence with the newly incorporated security measures functioning similarly to that of the correctional system. Watson and Watson (2001) highlights how this fear resulted in the installation of officers into schools, relieving “teachers and administrators of having to serve a police function in the schools [while also providing] an added measure of safety” (p. 178). By 1995, two hundred cities in the United States had employed security personnel, incorporated metal detectors, and installed security cameras as a result of Clinton’s political agenda (Fuentes, 2011, p. 19). As the years progressed, the severity of zero tolerance policies became enhanced. Like the increase of police officers in schools, the zero tolerance policies began to negatively affect the school environment. This undesirable result of the policy was not only exhibited in the lives of the students, but the teachers as well. According to Leland (2001), the presence of zero tolerance policies within school discipline policies has altered the ideal high school environment for some students and resulted in the creation of an environment that was overly monitored by the educators within

their schools. In this study, Leland (2001) found that teachers at Mountain Lakes High School in New Jersey voiced concerns about how zero tolerance policies interfered with their ability to foster meaningful relationships and “establish trust” (p. 6) with their students. As Nance (2017) mentions in his study, “trust and cooperation among members of the school community are fundamental to positive learning outcomes” (p. 785), however, a student’s educational experience is at-risk once schools develop an over-reliance on strict security measures. In fact, the policing that students endure within schools as a result of heightened discipline policies and security measures “compromises [the students’] abilities to form strong and trusting relationships with key adults including teachers” (as cited in Kayama, 2015, p. 27).

Unfortunately, the reliance of schools on strict security measures was further heightened after 15 were killed and 24 were injured as a result of the Columbine High School shooting in Littleton, Colorado, on April 20, 1999. President Clinton’s response to the Columbine tragedy was swift as he released a plan of action three days later. The “obvious solution” to this problem was to provide funding for the incorporation of school resource officers (SROs) into schools. To fund these officers, the Justice Department would provide a \$70 million grant “to help fund more than 600 SROs in 336 communities across the country” (“The White House at Work,” n.d.). Alongside the partnership of schools with law enforcement, a safe school guide would be distributed to schools across the nation and funds would be provided to assist schools and communities in the development of violence prevention programs. Actions, such as the ones taken by Clinton, prove that the discipline measures incorporated into the United States’ educational system has many faces when attempting to solve the school discipline problem. While it is not uncommon for the presence of SROs to be paralleled with the policing of students, the role that SROs would assume within schools was intended to be different from that

of police officers. Kupchik and Bracy (2010) identify the myriad of roles that SROs could have within a school as “watching the halls, administrative police work, investigating minor incidents, and mentoring” (p. 24). Sughrue (2012) emphasizes the need of an evolved role of SROs that would provide them with “multiple opportunities to interact on a constructive level” (p. 168), which would ultimately assist in creating a healthy relationship between students and SROs. Though their presence in schools still require them to protect and serve the citizens within the school, they are not to fulfill this duty in a manner that disrupts and negatively impacts the educational environment. According to National School Safety and Security Services, SRO programs act as successful preventative measures. This organization believes that “a lack of understanding of SRO programs by many representatives of academia, the media, elected officials, and others have resulted in misinformation and misrepresentation of the programs.” This source believes that the existence of SROs is instrumental and necessary in public school settings since they serve as a direct source of prevention.

The creation of a clear and distinguishable separation between SROs and school faculty is believed to be necessary. Kupchik and Bracy (2010) mention that although some SROs only existed to “enforce criminal laws” and not to involve themselves in school discipline matters, there has been a frequent occurrence of SROs “[inserting] themselves in situations that were clearly school discipline matters rather than legal violations that had little or no impact on overall school safety” (p. 26). When SROs assume the role of both disciplinarian and administrator, rather than just that of enforcing criminal laws, lines become blurred regarding the expected and appropriate level of involvement, if any, that SROs should have in matters that do not affect the safety of the school. Regardless of the advantages that SROs offer school administration, the presence can become problematic for the school administrators and the overall school

environment when an administrative role is assumed it causes confusion regarding administrative roles (Kupchik & Bracy, 2010, p. 29). As Alexander (2012) states, it is important that police officers in schools act solely as law enforcement rather than as an extension of the faculty and administration to prevent the further “criminalization of disciplinary offenses that used to be handled by teachers and administrators” (p. 162) especially amongst students of color.

### *School Leaders’ Attitudes and Resolutions*

Although there has been a police presence in schools as early as 1948, the incorporation of law enforcement officers as SROs into U.S. schools did not occur until the 1960s (French-Marcelin & Hinger, 2017, p. 5). After the late 1960s, the presence of law enforcement in schools in the form of SROs grew in number and authority. These sworn law enforcement officers are responsible for offering safety and preventing crime in schools. When they are in these environments, it is typical for SROs to work closely with school administrators “in an effort to create a safer environment” (“Supporting Safe Schools,” n.d.). Since it is common for school leaders to be equipped with the power to “apply considerable discretion in their judgments and decision-making about student searches” (Gastic & Johnson, 2015, p. 300), the cooperation of SROs and school leaders is important in the creation and incorporation of discipline policies that they believe will positively impact the school environment. Although this partnership was considered integral to the education of students, some teachers opposed the integration of police officers into the school setting. One example was in 1970 in Washington D. C. when a director of school safety was introduced into their public-school system. The D.C. school administration believed that a police presence in the schools could serve as a “part of a renewed effort to protect city schools against violence and disorder” (D. Watson, 1970, p. C1). The negative impact that the educators believed this partnership with police officers would have on the students resulted in

a denouncing of this practice by the Washington D.C. Teachers Union. Carter et al. (2017) confirm this concern as their research proves that “the increasing presence of police officers on school staff exacerbates potential punitive responses” (p. 216). The president of the teacher’s union exclaims, “you cannot dispense education under armed guard” (as cited in Fuentes, 2011, p. 13). Unfortunately, the concerns of the teachers did not alter the decision of the city. Although this was an instance where teachers expressed their concerns about the inclusion of SROs, Bloom (2011) highlights how the attitudes of teachers vary concerning the presence of police officers and school discipline measures incorporated into schools. In his study, Bloom (2011) mentions that “safety and security issues remain important issues with school campuses. Teachers appreciate principals who implement and enforce strong discipline policies” (p. 225). Curran (2017a) highlights the authority and responsibility of principals “of setting school-wide behavioral expectations and administering discipline for major infractions” (p. 5). In embracing the responsibility of creating and ensuring a safe and functional school, principals significantly influence how students are disciplined and the discipline policies that are incorporated into schools. As a result, we recognize a normalizing of police in schools, not only in Washington D.C., but in schools all across the nation.

Curran (2017a) argues that schools with large proportions of minority students experience a higher use of exclusionary and zero tolerance policies “while restorative practices are less likely to be used” (p. 5). And though some may want to fault school principals for such policies, Curran notes principals in such schools “feel greater pressure from higher levels of governance with regard to decreasing disproportionate rates of discipline” (p. 19). However, Curran (2017b) notes that this pressure exists in the practice of principals and the government since public sentiment can force local governing agencies to “modify, expand, or otherwise revise the policies they

implement and are influenced to do so by the unique characteristics of their policy environment” (p. 324).

Curran (2017a) states that “the role of the principal in setting such school-wide disciplinary policies and administering discipline becomes a highly relevant driver of both rates of discipline and racial disparities in discipline.” (p. 5). According to Bloom (2011), “approximately 82% of the principals [in this study] indicated that they had a major influence on discipline policies at their school” (p. 222). The influence on school discipline policies have led school leaders to incorporate discipline practices that leave more students from minority groups more at risk to its application. Gastic and Johnson (2015) highlights that this power displays that “school leaders are more likely than other constituents” to consider criminalized tools, such as metal detectors, as an effective source for discipline (p. 301). Research by Diliberti, Jackson, Correa, and Padgett (2019) indicates in the 2017-2018 school year, 8.2 percent of principals at U.S. schools with an enrollment of over 50 percent minority students reported conducting random metal detector checks, compared to the 2.1 percent of principals in schools with between 5 and 50 percent minority enrollment. In the same study, 4.6 percent of principals reported using daily metal detector checks in schools with over 50 percent minority student population, but only 3 percent of principals do daily checks in schools with 20-50 percent minority enrollment (p. 13).

Research indicates school leaders who are not offered dependable alternatives to security measures such as metal detectors are likely to continue with the tools provided them. Diliberti et al. (2019) highlight that 33.9 percent of principals interviewed in their research reported that the limited alternative program options that are available to combat student discipline effects their efforts to reduce crime in a major way (p. 17). Gastic and Johnson (2015) report that only one percent of all U.S. public schools used metal detectors in 2007 to conduct daily searches, the

schools within that one percent are more likely to be urban (79 percent) and minority students (90 percent) (p. 306). However, contrary to the common belief that metal detectors were more likely to be used in schools with high levels of violence, the authors found that only 45 percent of schools “that search students daily were among the most violent in the United States” and that that “daily searches were not limited to the most highly violent schools nor did all highly violent schools use metal detectors to search their students on a daily basis” (p. 306). Diliberti et al. (2019) note that 33.9 percent of principals interviewed in their research reported that the limited alternative program options that are available to combat student discipline effects their efforts to reduce crime in a major way (p. 17). In hopes of changing the discipline policies that exist to work with rather than against the education of students, especially those from traditionally marginalized groups, school leaders must research and locate successful alternative models. Gastic and Johnson (2015) further argue that the public dollars spent on the purchase and maintenance of metal detectors could be better used in “meeting learning standards” (p. 311) considering that there is little research evidence to support the efficacy of metal detectors in schools. The knowledge acquired from this research and alternative methods will assist school leaders in their development of a more extensive understanding of providing safe and conducive environment for improved academic achievement for students within schools that are both high- and low-performing while also preparing districts to “train future principals in discipline models that work for low-performing schools” (Bloom, 2011, p. 227). By using their leadership role to disrupt the unequal application of discipline policies and prevent metal detectors from operating “as part of [an] overall, militarized reconfiguration of public schools as conduits to incarceration (i.e., the school-to-prison pipeline) that perpetuate stereotypes of students of color... as criminal and violent” (Gastic & Johnson, 2015, pp.301).

*Responses to School Discipline by Other Countries*

It is important to consider and understand the impact and grandiose nature of school discipline globally. This fear of violence through discipline measures and policies within school settings is widespread and, unfortunately, not an issue that is specific to the United States. UNICEF (2017) reports that although schools possess the responsibility of providing a safe learning environment for students, the lack of laws forbidding the presence of violent discipline in schools has resulted in “732 million school-age children, half the global population aged 6 to 17, [to] live in countries where they are not legally protected from corporal punishment at school” (p. 8). Howard (2018) notes that the occurrence of violence in schools as discipline measures “suggests that younger students are more at risk of physical punishment from teachers than adolescent students.” Global Initiatives to End All Corporal Punishment reports that the use of corporal punishment has been legally banned in “128 countries and allowed in 69” (as cited in Gershoff, 2017, p. 225). The United Nations’ Convention on the Rights of the Child emphasize that states are required to ensure that “school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention” (as cited in UNICEF, 2017, p. 45). In spite of this declaration, schoolhouses on a universal spectrum have not adhered to this and have continued to allow the use of corporal punishment as a discipline method. According to Gershoff (2017), students in different countries across the world, such as India, South Africa, and Zambia, have reported the active use of corporal punishment in the educational realm. These students describe the use of this practice as a disciplinary tool is able to be used on students for a variety of reasons that extend beyond the prevention of violence. The student actions include “not doing their homework, coming late to class, bringing cell phones to school, running in the hallway, sleeping in class, answering questions incorrectly, having an

unacceptable appearance, using bad language, writing in a text book, failing to pay school fees, making noise in class, and being absent” (as cited in Gershoff, 2017, p. 225). Through the descriptions of violent school discipline measures offered in Bahou and Zakharia’s (2019) research, the schoolhouse is considered as one “that was not conducive to them feeling like they were there to learn” (p. 6).

Researchers argue that the use of corporal punishment as a discipline method in schools outside of the United States also has not shown to improve the educational outcome of students. The authors state that the application of school discipline in the form of violence have resulted in the education of the children in Jamaica to suffer. Baker-Henningham et al. (2009) used their research to identify the correlation, if any, that school discipline had on the students’ ability to excel in spelling, reading and math. Through this study, the authors concluded that the exposure of students to violence amongst peers, violence at the hands of their instructors, and the exposure to violence in their community functioned “over two grade levels below their peers experiencing little or no violence in spelling and nearly one grade level below in reading and mathematics” (Baker-Henningham et al., 2009, p. 302). The problem of corporal punishment contributed to these students’ ability to learn and their detachment from school, and, ultimately, their removal from school. According to research conducted in Lebanon, there has been a direct correlation with the act of violent school discipline and school dropout. Al-Hroub (2015) conducted a study focused on the cases of five students who dropped out of Lebanon’s Palestine refugee camps. Although the multiple factors contributed to the decision of the students to drop out of school, four of the five students reported corporal punishment as “one of the most unpleasant aspects of schooling” (Al-Hrouh. 2015, p. 73) considering it the “primary reason for dropping out of school” (Bahou & Zakharia, 2019, p. 4). In spite of researching confirming the negative impact

of corporal punishment on the education of students, this is not a shared belief by all educators. Research proves that some educators believe that “discipline is nothing but an unfailing method by which we may make our scholars, scholars in reality” (as cited in Norlin, 2016, p. 269). The belief that violent school discipline measures are positive for the student’s educational development has assisted in the present and active use of violent discipline practices.

This belief was exhibited in English schools in 2002 through their incorporation of a police presence as an attempt to diminish the occurrences of street crime. However, Henshall (2018) argues that the use of police officers as an attempt to solve violence in and around schools was done so discriminatorily. Since the street crimes took place in areas where the students were within a more socially disadvantaged group, Henshall (2018) states that the “police officers are more likely to be based in schools with higher levels of pupils eligible for free school meals” (p. 597), and as the percentage of students receiving free meals increases, so does the percentage of schools with a police officer. Gordon (2014) claims that the adoption of discipline models in New Zealand schools “have seen children suspended for relatively minor infractions, and excluded for ‘three strikes’” (p. 216). He notes that these are a part of the “exclusionary policies [that] reinforce the status of these young people as social outcasts” (Gordon, 2014, p. 216) while also increasing the likelihood that they will become exposed to activities that could place them in jail. This correlation of student discipline and the criminal justice system amongst different countries implies that there is a need for a new response to discipline problems in these schools. Norlin (2016) states that the decree of 1724 removed methods of corporal punishment “out of formal instruction” and allowed students to be disciplined in a “softer, more coercive” manner rather than through the use of “tough, repressive strategies” (p. 279). This shift in how students were disciplined “validated acquired knowledge along with moral and social conduct, and

integrated it into pedagogical practice and study progression” (Norlin, 2016, p. 281). In the event that this decree was ignored, the teacher could either be imprisoned, lose their wages, or be dismissed from their position (p. 271), holding educators accountable in ensuring that the system is reformed and that school administrators and teachers are taking the necessary actions to prevent their use.

Gordon argues that “models of punitive discipline in schools come to mirror the same regimes that distribute punishment in the penal system, thus leading to a parallel victimhood, educational failure and the reproduction of criminality into the next generation” (p. 216). A student testimony in Mukherjee’s (2007) research asks an important question that the world should consider in the incorporation and application of school discipline policies: “In South Asia, it is said that schools are a temple of knowledge. So, what about America--should we have to say that schools are prisons for criminals?” (Mukherjee, 2007, p. 23). When considering the unfortunate similarities that students across the world experience at the hands of violent school disciplinary practices, this question highlights the importance and need for an altered discipline system around the world to improve the overall educational outcome of students globally. Gershoff (2017) emphasizes that for the countries included in his study, the use of corporal punishment as a school discipline measure did not “predict better school performance at age 12” (p. 231). In recognizing the issues with corporal punishment, Norlin (2015) offers a different approach that emphasizes intrinsic pedagogical practice, intellectual training and study progress” (p. 282). Bahou and Zakharia’s (2019) research in Lebanon supports a Human Rights Watch report that advocates for “teacher training in nonviolent approaches to classroom management and positive discipline” (p. 11) to conduct the use of corporal punishment. Research illustrates that an adjusted approach to student discipline can result in an increased desire to learn and

succeed amongst the students and a restored relationship between students and authority figures. The replacement of one system with a more effective one resulted in the instruction of students by teachers to reject the practice of corporal punishment while also “requiring the teacher to get to know his students socially, gain their confidence and gauge their individual temperament, age and mental state before deciding on the appropriate reprimand” (Norlin, 2015, p. 281).

Research about school violence and the use of disproportionate disciplinary measures around the globe allows for a better understanding of the commonalities of issues and the potential steps to take in resolving the problem. Overall, the research suggests that solving school violence depends on better teacher and school personnel training in developing an environment of effective communication, trust building and student participation in resolving conflicts. Many foreign countries, although their ratio of students that are introduced to the prison system are not as high as the United States, have used the model presented by the United States to learn from. This knowledge has led some of the countries to recognize the impact of the educational system and how this impact can and should be used to prevent crime rather than “fostering its development” (Gordon, 2015, p. 220). Ron Avi Astor, a professor of school behavioral health, admits that research focusing on the violent school discipline practices within other countries allows for schools to be impacted worldwide. Astor believes that since it is common for people from different countries to migrate to other countries, the consideration of universal school discipline methods and an approach to ameliorating this issue could disrupt students from “[experiencing] violence due to prejudice or bullying” (Howard 2018). Gordon (2015) states that the implementation of a restorative practice model into schools could cause the educational system to experience a positive shift. Through a restorative discipline approach, schools would adopt uplifting techniques that allow the school to function as an “open, friendly,

warm places, where rules are in the background and self-regulated behavior is to the fore”  
(Gordon, 2015, p. 219).

## Chapter 2

### *Federal Data about Responses to School Discipline*

The data that is collected and kept at the federal level offers insightful information that addresses the success and shortcomings of implemented responses to school violence. The federal government requires the assessment of school discipline measures “as metrics for school accountability plans” (as cited in Curran, 2017a, p. 4). The National Center for Education Statistics (NCES) collects and analyzes data on school disciplinary issues including “bullying, victimization, school conditions, fights, weapons, the presence of school security staff, the availability and use of drugs and alcohol, and student perceptions of personal safety at school” (as cited in Brock, Kriger, & Miro, 2018, p. 53). Research has highlighted the impact of the federal government on the incorporation and regulation of school discipline policies. Federal policies such as the No Child Left Behind Act required annual reporting on school violence. Public schools that were categorized as “persistently dangerous” under this Act gave parents the right to move their student to one of the designated “safer” schools in the district (Snell, 2005). Snell (2005) suggests that the data collected by the federal government concerning school violence is the best strategy to use to control “crime before it is serious enough for metal detectors, locker searches, and video cameras” (p. 32). Unfortunately, the symbolic nature of these recommendations and initiatives have not influenced the prevention of discriminatory practices of disciplinary policies within the nation’s public education system. McNeal (2016) argues that “the federal response to addressing the school-to-prison pipeline has been symbolic as opposed to substantive through a series of policy recommendations, program initiatives, and suggested guidelines on how to eradicate the harmful school disciplinary policies” (p. 299).

Such symbolism seems to have had little impact on racial biases involved in student discipline as demonstrated in a 2018 Government Accountability Office (GAO) report. The GAO revealed that Black students, boys, and students with disabilities have been disproportionately disciplined, in the form of suspensions and expulsions, in the K-12 educational system. The federal government issued this report with the intention of highlighting “the patterns in disciplinary actions among public schools, the challenges selected school districts reported with student behavior and how they are approaching school discipline” (U.S. GAO, 2018, p. 42) as well as the outcome of these students’ lives and education when they are exposed to the negative application of certain discipline measures. Balingit (2018) acknowledges that this is an issue that should not be ignored since the efforts that have been used to solve the disparate application of school discipline policies upon students in the aforementioned group have not changed the rates of “suspension, expulsion and arrest” that these students endure. Through her research, Balingit (2018) offers insight from Judith Browne Dianis, the executive director of the civil rights group, the Advancement Project, where she expresses that “[federal] data clearly shows that black students are less safe, more restrained and pushed out of school more than other students” and the need for the Department of Education to “commit to the vigorous defense of students’ right to be free from discriminatory school discipline.” McNeal (2016) also expresses the issue with the federal government’s involvement in reforming school discipline policies. She states that “despite the overwhelming empirical data indicating the proven harmful effects that school disciplinary policies have had on the education and lives of students from traditionally marginalized groups, there has been an absence of “systemic reform efforts to address this phenomenon on the federal level” (McNeal, 2016, p. 298). However, under

the Obama administration, actions were taken to disrupt the pattern of disproportionate application of discipline policies.

This took place in the form of the “Dear Colleague” letter. Through this letter the U.S. Department of Education, along with the U.S. Department of Justice, offered the nation with a guide addressing discipline issues such as exclusionary discipline and corporal punishment. Within this letter, the two federal departments inform the nation of their responsibility of initiating “investigations of student discipline policies and practices at particular schools based on complaints [received] from students, parents, community members, and others about possible racial discrimination in student discipline” (U.S. Department of Justice & U.S. Department of Education, 2014, p. 2). Even when there is an attempt by the federal government to reform this issue, there is no guarantee that it will remain present through different administrations. Unfortunately, this was the reality for the reform effort of the “Dear Colleague” letter. As of December 21, 2018, this federal intervention in school discipline practices has been rescinded because of the belief that “states and local school districts [possess] the primary role in establishing educational policy, including how to handle specific instances of student misconduct and discipline” (U.S. Department of Justice & U.S. Department of Education, 2018, p. 2). The rescission of the role of these federal departments in the school discipline policies and practices, ignored the concerns of this decision that The Leadership Conference on Civil and Human Rights expressed to the Secretary of Education, Betsy DeVos, earlier that year. On March 22, 2018, this coalition expressed that the rescission of this discipline guidance would send a message to the nation that would “hamper progress and undermine children’s pursuit of their education” (p. 2).

French-Marcelin and Hinger (2017) compare the federal funds that have been provided to schools to fund the placement of cops and counselors within schools in an attempt to combat the student discipline problem. The desire for an enhanced police presence and federal support occurred as the result of the Sandy Hook shooting. On December 14, 2012, in Newton, Connecticut, 20 children and six staff members were murdered at the hands of a school shooter at Sandy Hook Elementary School. As a result of this event, the U.S. Department of Education (2013) reported the awarding of \$12.3 million to 35 school districts to “establish or expand counseling programs,” while SROs were awarded a federal grant of \$46.4 million to expand their presence in schools (U.S. Department of Justice, 2013). The disproportionate spending that schools would make on incorporating police officers into schools in comparison to the amount spent to bring counselors into schools tells our schools and students that the role of one is more important than the other. The preferential treatment of the federal government to SROs over school counselors emphasizes the reliance of the government on incorporating correctional practices into schools to solve the school violence problem instead of mental services and assistance that school counselors would provide. Although the increased police presence would assist in possibly preventing attacks on schools from happening in the future, its incorporation sends the students another message as well.

In their report, Losen and Whitaker (2018) highlight how resources are disproportionately catered to creating a policed school environment, which ensures the presence of police officers and school resource officers (SROs), rather than qualified special education teachers as well as mental and physical health personnel. As a result, these practices prevent the presence of useful and necessary resources in schools by “investing in policing when resources are scarce [which] means [that there is] less money for counselors, teachers, and other student support personnel”

(Losen & Whitaker, 2018, p. 10). Whitaker, Torres-Guillén, Morton, Jordan, Coyle, Mann, and Sun (2019) highlight the American School Counselor Association's recommended student to counselor ratio of 250 to one, which is only adhered to by three states across the nation, Montana, Vermont and New Hampshire. As a nation, the average student per counselor ratio is 444 students to one counselor, which "suggests counselors are seriously overworked with student caseloads 78 percent greater than what is recommended" (Whitaker et al., 2019, p. 11).

Neglecting one area of the educational environment to service another harms the manner in which the overall system is able to function. The focus and resources given to fund and ensure the presence of officers in schools places the American criminal justice system above that of our educational system. The U.S. Department of Education (2016) reiterates this in their report on the increased funds spent on corrections rather than education. According to this Report, funding for the correctional system has "quadrupled from \$17 to \$71 billion" while spending on higher education over the past 30 years has only "doubled from \$258 to \$534 billion," an increase in expenditures that was triple the rate of the increase in educational funding (U.S. Department of Education, 2016). The drastic increase of funds being used for the correctional system highlights the United States' commitment to the criminal justice system as a system that is more important than the education of its citizens. The Report notes that the practices that exist as a result of the nation favoring the correctional industry over education neglects students and increases their chances of dropping out of school and becoming incarcerated, which is more likely to be the fate of Black men between the ages of 20 and 24 (U.S. Department of Education, 2016). Former U.S. Secretary of Education, John B. King Jr., argues that the constant rise of our nation's funds being used for correctional development rather than for that of the educational system is a reflection of the United States' values. King believes that in order to disrupt this system of inequity, it is

important that more is invested “in our children’s future... [and] in prevention [rather] than in punishment; in schools, not prisons” (U.S. Department of Education, 2016).

The acceptance of an increased police presence and a diminished counselor presence not only presents an extreme measure of control for school police personnel, but it also reiterates racism and discriminatory practices in its application. Researchers express that the criminalizing of these students in the school context has made many students from the aforementioned groups more susceptible of being funneled into the criminal justice system. These discriminatory practices exist in the manner in which SROs view students, particularly African American and Latino students, through a criminal justice lens. When considering the perception that SROs have on students from traditionally marginalized groups, it is not difficult to recognize that these school disciplinary policies have resulted in African American students being targeted at a greater rate by SROs and school faculty than White students. Fenning and Rose (2007) offer insight about research concerning the application of school discipline policies and practices in the lives of African American students, which they express has resulted from the belief that “African American youth engage in more severe behaviors to warrant such severe discipline” (p. 540). The possession of this mindset by an SRO led to an African American boy receiving harsh discipline for a minor occurrence. When Marshawn Pitts was told to tuck in his shirt by a police officer at his school and adhered to this instruction, he was met with an attack. The officer “pushed Pitts into a locker, punched him repeatedly in the face, and then slammed him to the ground and pushed his face into the floor... [leaving] Pitts with a broken nose and a bruised jaw” (Finley, 2011, p. 384-385).

In spite of the abundance of research conducted that proves the need for an adjusted approach to school discipline, be it through a call to action, less SROs, or an increased school counselor

presence, there have been policymakers who suggest “that safety problems were made worse by federal civil rights guidance that prompts schools to ‘rethink’ discipline policies that may contribute to unjustifiable discipline disparities” (Losen & Whitaker, 2018, p. 3). Beliefs such as this further demonstrate the importance of the collection of federal data concerning school discipline policies and the use of this information to assist in its reform and future application. To prevent school discipline practices from serving as exclusionary practices to students from traditionally marginalized groups, the GAO report offers viable solutions. These solutions explicitly address disparities for certain student groups through the implementation of efforts to better address student behavior or reduce the use of exclusionary discipline, which the report offered by the Safe Supportive Learning Environments identifies as achievable through alternative interventions to school discipline with school counselors, which would prepare them to “provide behavioral counseling and other supports” (Osher, Fisher, Amos, Katz, Dwyer, Duffey, & Colombi, 2015, p. 64). The preparation and inclusion of school counselors into the school discipline system would shift the focus from disciplining students to focusing on the creation of a school environment that “[supports] individuals and the school community” through “positive behavioral interventions and supports (PBIS), restorative justice practices, and social emotional learning (SEL)” (U.S. Government Accountability Office, 2018, p. 27)

### *The Influence of Bias on Student Discipline*

The role of teachers has been and continues to be integral in the manner and reasons that students are disciplined in schools. The presence of school discipline policies has resulted in teachers having to acquire many roles as they educate their students. The teachers are the adults in the school who know the students in a unique and impressionable way. Their relationships with the students can offer students with the proper tools and guidance to excel in their

education, but it could also be the determining factor in how they are disciplined and how they ultimately view their educational opportunities. Entering different environments, we all often carry our biases with us, both consciously and unconsciously. In the disciplining of students, school faculty often express their biases toward students based on factors such as their race, gender and socioeconomic status. Nance's (2017) research suggests that "student race influences school officials' decisions to implement tighter security measures among the student body" (p. 816). This phenomenon is recognized as implicit racial bias. According to the *Washington Post* (2018), this form of bias has caused educators to "judge students' behaviors differently based on the students' race and sex" and, as a result, has been responsible for the over disciplining of African American boys, as compared to their White counterparts.

Strauss (2018) reports that a school district in California has attempted to combat the issue of implicit racial bias through multiyear trainings. However, Strauss (2018) expresses how difficult it is to attempt to implement alternative discipline practices because of "limited resources, staffing turnover, and resistance on the part of some parents." Although there has been an abundance of research that has recommended viable solutions to eliminate the existence of school discipline disparities, it is important that we question what to do when these alternative solutions are faced with pushback from parents, students and teachers. Interestingly, policymakers have considered increasing the police presence within schools while also suggesting that "safety problems were made worse" through recommendations to "rethink discipline policies that may contribute to unjustifiable discipline disparities" (Losen & Whitaker, 2018, p. 3). This rejection is similar to that expressed by critics to President Obama's alternative to harsh discipline practices. The guidance that President Obama issued to schools in 2014 rejected disciplinary practices that unfairly and disproportionately punished boys, African

American students, as well as students with disabilities. Instead, President Obama's suggested approach was for educators and students to collaborate in solving disciplinary problems in a manner that does not result in the student missing "considerable classroom time," which critics considered ineffective because "troubled students act out in the absence of robust discipline" (Strauss, 2018). Balingit (2018) offers insight from Max Eden, a senior fellow at the Manhattan Institute, concerning a reformed educational approach to school discipline. Eden believes that there is not a sufficient amount of research to change federal requirements for school discipline policies and that the blame for the disparities of discipline application has been "unfairly" placed on teachers and administrators.

However, the Report presented by the U.S. Government Accountability Office (GAO) proves otherwise. According to this report, the discipline disparities amongst black students, boys and students with disabilities are very much influenced by the implicit biases of teachers. The GAO report (2018) states that it is common for teachers and staff to make personal judgements on how a student should be disciplined in school. In fact, the Report concludes "that the types of offenses that Black children were disciplined for were largely based on school officials' interpretations of behavior" (U.S. Government Accountability Office, 2018, p. 4). In an experiment conducted by Linda van den Bergh and her colleagues, they discovered that "teachers' negative implicit racial biases towards minority students were associated with lower academic achievement for those student groups" (Nance, 2017, p. 827). This study shows "a strong association between student race and the use of punitive disciplinary measures" (Nance, 2017, p. 828). Aligning with the data from the GAO report, Nance's study and research reiterates the impact of implicit racial biases on the disproportionate and unfair disciplinary practices bestowed upon students within traditionally marginalized groups. Implicit racial biases perpetuate the school-to-prison pipeline

and further contribute to intensified and disproportionate discipline measures being used on students from traditionally marginalized group through school disciplinary decisions. McNeal (2016) emphasizes that “the majority of school disciplinary sanctions are the product of split-second decisions, which, as implicit bias research reveal, is the context in which our unconscious biases have the greatest influence” (p. 297). Research argues that the impact of implicit biases extends beyond the manner in which students are disciplined onto how their parents are able to contest this issue. According to Finley (2011), the overapplication and disparate use of school discipline policies on their African American students led parents to complain, which resulted in the students receiving further discipline and their parents being banned from the school and “threatened with arrest for complaining” (p. 384). Fenning and Rose suggest that practices such as this contribute to the discriminatory application of discipline policies and is a result of “the school staffs’ perception of ethnic minority parents as powerless to prevent removal of their child for discipline reasons” (p. 544).

George (2015) suggests that school discipline practices function as a tool that contribute to the criminalization of “African American youth and [reinforces] cultural beliefs about perceived inherent behavioral deficiencies” (p. 102). He further argues that analyzing school discipline practices serves as a “salient lens through which to view how stereotypes impact educational outcomes” (George, 2015, p. 102). The suspension rates of Black girls as a result of the disparities that exist from school discipline policies are overwhelming. According to the report offered by Losen and Whitaker (2018), Black girls “lost 1.7 million days of instruction... nearly twice the national average for all students” (p. 4). Failure to acknowledge and discuss the implicit biases that exist within educational environments amongst educators, attribute to students, especially African American girls, falling victim to the school-to-prison pipeline.

George (2015) states that the correlation between discipline policies and the STPP is “currently operating to make African American girls the fastest-growing segment of the juvenile justice system” (p. 104). These implicit biases are rooted in the discipline policies specifically for African American girls through the stereotypical behavior assumptions placed upon this group as well as within the school dress code— prohibiting them from wearing natural hairstyles because they are “not presentable” (as cited in George, 2015, p. 105). The impact of implicit bias presented itself in the life of six-year-old Kaia at her elementary school in Orlando, Florida.

Palma (2019) reports that the response of a school officer to this first-grade student’s action of a tantrum was to put her in handcuffs, place her in a cop car, transport her to a juvenile detention center, fingerprint her, and take her mugshot. Although her behavior was unfavorable, the punishment did not match the misconduct, and the ease of the police officer to arrest a six-year old not only highlights the problem of school discipline procedures, but the implicit biases that are carried within the system that would cause teachers, SROs, and administrators to believe that the first response to this action by a Black girl deserves the harshest punishment. In the study conducted by Gibson, Haight, Cho, Nashandi, and Yoon (2019) they highlight the abundance of participants involved in their research that have described the “sanctions imposed on Black girls [as] “harsher” (p. 172). Selina Garcia is another Black girl who was negatively impacted by the disparate application of discipline policies upon Black girls. In her testimony of being arrested at school, she exclaims that the school resource officer told her that “he was making an example” of her and that she needed to learn her lesson (National Education Association, 2015, p. 11).

Selina missed over a month of schooling as a result of this arrest. George (2015) claims that one of the significant disadvantages of the presence of exclusionary discipline practices within schools “is the loss of instruction time, which leads to disengagement with the learning

environment” (p. 117). This would have been the case for Selina Garcia had she not been provided support by her teachers during the time that she was placed in jail and suspended from school. Unfortunately, all students are not provided with the resources and help of a community of teachers that Selina had. Poole (2019) argues that the treatment of Black girls as Black women is a result of the “Adultification of Black girls” and allows for adult to handle them in “rough and inappropriate ways” (p. 388). The increased presence of Black girls inside of the criminal justice setting is a result of the disparate application of school discipline practices and reveals the absence of care that exists for this group of students within the school setting.

In considering the loss of instruction time that students from each racial group experience as a result of discipline measures, Gibson et al. (2019) illustrate the disproportionality index (DI) of students in out-of-school suspension based on their race. The results of this study concluded that African American (DI: 4), Native American (DI: 3), and Latino (DI: 1.7) students were overrepresented in out-of-school suspension while their White (DI: 0.6) and Asian (DI: 0.4) classmates were underrepresented (p. 172). The Human Rights Watch and the ACLU (2008) argue that the overexposure of African American girls to school discipline practices have made it increasingly difficult “for these students to succeed” (p. 5). Researchers emphasize the importance of understanding that implicit racial biases are not only possessed or distributed by White teachers. Carter et al. (2017) highlights that “middle-class teachers of color are no less likely to evaluate students subjectively than their White middle-class counterparts” (p. 214).

A solution to the issue of implicit bias offered by researcher Anthony Greenwald is identified as the Implicit Association Test (IAT), a test that serves as a resource to measure implicit bias. According to Nance (2017), this test “seeks to measure the connectedness, or valence, of concepts that underlie attitudes and stereotypes” (p. 821). Carter et al. (2017) mention

that studies that have used the IAT have proven that the biases that people have contribute to the sustaining of discriminatory discipline practices, and the recognition of our biases can “increase positive social interactions” (p. 216). McNeal (2016) argues that IAT is a beneficial tool in combatting the disparate application of school discipline policies since it “promotes prejudice reduction because individuals that are made aware of their unconscious bias are more likely to engage in self-correction during decision-making” (p. 295). Staats (2016) claims that through the use of this test, educators will be able “to become consciously aware of some of the unconscious associations they may harbor” which could serve as a “first step for counteracting [the] influence [of implicit bias]” (p. 32). According to a study conducted by Stanford University, the use of a “de-biasing intervention” could result in a reduction of the number of school suspensions; by assisting teachers in the reframing of their minds, which allowed them to “view discipline as opportunities for growth as opposed to strictly punitive” (McNeal, 2016, p. 298), school suspensions in this study were reduced by 50 percent.

### *Student Responses to Discipline Practices*

In evaluating the impact of school discipline policies in the lives and education of students, it is important to consider the experiences of these students within surveilled school environments and why the students who are more vulnerable to school discipline policies feel differently from their White classmates. According to Fuentes (2011), school discipline measures and policies assist in the comfort and discomfort of students with adults in authoritative positions. She highlights this in her comparison of the relationship of students with SROs. Fuentes (2011) states that “white students were more comfortable reporting crimes to an SRO than non-White students, which likely reflects a generally less positive image of the police among Black and Latino communities” (p. 159). Weiss (2010) reports that the constant exposure of students to

disciplinary tools “condition and socialize [them] to feel consistently watched, to distrust, hide from, and avoid authority figures” (p. 227). In Weissman’s (2015) research, a student, Kendra describes how her run-in with a school police officer in the hallway led to her suspension.

Weissman (2015) argues that the interaction between Kendra and the police officer escalated a minor situation to one that removed the student from the school; “the lack of credence given to the student: Kendra is not believed when she insists [that] she has a pass” (p. 136) further ensures that discipline practices are applied in a disproportionate and excluding nature. A student account addressing the role of police officers in the implementation of school discipline policies further address this concern. According to a student, Mike, interviewed by Caton (2012), he expressed his disdain for a policed school environment because it is made to feel like a jail and he believes the police presence “instigates the students to do bad things because many times the guards would escalate minor issues” (p. 1065). The literature highlights the role that police officers contribute in the punishment of students when they are present within schools. The power that discipline policies provide school officers with causes them to punish the students without going through proper school suspension protocol. Weissman (2015) displays this through the testimony of a student, Damian. Damian states that the authority attained by school police officers under school discipline policies resulted in a violation of school policy, “which requires that a school administrator (not a police officer) impose the initial suspension” (Weissman, 2015, p. 137).

The incorporation of measures in the attempt to provide a safer school environment has resulted in students becoming uncomfortable within schools and, as a result, reject the role of discipline practices. Weiss (2010) explains that it is common for students to respond to the discipline policies and measures enforced upon them in schools in attempts to “exploit and resist some of the most problematic dynamics of school and community surveillance” (p. 214). At a

public high school in Bronx, New York, the students responded to the incorporation of metal detectors and a heightened police presence within their school with a walk out, which had the support and participation of fifteen hundred students within the student body. Unfortunately, the desire to overturn the incorporation of these unwanted security measures was short-lived. In a matter of months, the students had grown “used to things” and became “less aggravated” (Weiss, 2010, p. 218). Although the decision to become “used to things” may have been perceived by the students as the best solution for their personal school lives, this decision seems as though it would result in school officials, educators, and police officers to dismiss the valuable feelings and concerns of the students. Research highlights this in the continued exposure of students to these unwarranted, and seemingly unnecessary, discipline measures. Unfortunately, the active presence of criminalized discipline practices has caused students to become less inclined to speak out or organize in response to issues that bother them (Weiss, 2010, p. 227).

Research indicates that students often lose interest in their education when they believe that punishments are unfair and their well-being is not a high priority of school staff. One example is the qualitative study conducted by Weissman (2015) in which she interviewed twenty-five students who offered her insight concerning their experiences and insights on school suspension. The testimonies provided by these students enlightened Weissman of the role of the disparate use of discipline practices in pushing students out of schools by wearing down their “confidence in the educational system” and causing them to adopt the belief “that schools are complicit in their inability to learn” (Weissman, 2015, p. 126). This belief has led Carlos to actively consider dropping out of school, which Zared has already done. Weissman (2015) argues that the belief that students possess concerning their increased likelihood of being suspended unjustly “[erodes] their commitment to education” (p. 127). The impact of school

discipline policies does not only affect the lives of the students and whether or not they will continue to pursue their education, it also impacts their perception of self. Kayama et al. (2015) identifies this as the development of a “criminalized self” (p. 27). For African American girls and other students of color, the increased police presence has also resulted in increased security through security screenings, video cameras, metal detectors, and other “instruments of surveillance” in schools predominantly attended by African American or Latino students. In this environment, “daily exchanges and interactions with law enforcement expand the surveillance of youth of color and normalize prison terminology (and culture) in the school setting (George, 2015, p. 116). Errol, a student from Canton’s (2012) study, describes the school environment under the use of intense school discipline measures as one that “was not good for students’ morale” (p. 1065). Kayama et al. (2015) argues that the exposure of particular students and student groups “to exclusionary discipline practices can have a powerful impact on the social- and self-identity development of these youths and their peers” (p. 27). An eleven-year-old girl interviewed by Gibson et al. (2019) stated “whites don't get in trouble as [much], as we do. Like if we [both] do something we [Black students] gotta take more consequences than they have to” (p. 172), expressing her belief that the educational system values White children more than African American students. Caton (2012) offers a testimony from a student, Cliff, who illustrates his awareness of the intensified application of school discipline measures as something that is not common for all school demographics. Cliff states that his desire to attend school decreased once he became uncomfortable in the school, which was a result of the actions of school security guards and the constant intensified surveillance. Cliff recognizes the inequitable treatment of school security guards on the students depending of the school demographic, expressing that schools with a White and Asian student demographic did not have cameras nor did they conduct

body searches, instead, security guards were placed “at the entrance of the building checking IDs” (Caton, 2012, p. 1065) without shouting at the students. The differing application of school discipline practices on schools with a predominately White and Asian student demographic as opposed to that of a school with predominately African American and Latino student populations sends a clear message to the students, which Alberto, a Latino student, believes is done to prevent students from this group from achieving social advancement... a struggle that “White kids at [a suburban school in a wealthier community] don’t have to deal with” (Irizarry & Raible, 2014, p. 339). The actions of the school officers to treat the former group more humane than the latter group further increases their chances of being exposed to the school-to-prison pipeline paradigm. Researchers emphasize that “students who are aware of their ‘throw away’ status may become disengaged from their educations and positive futures, and engaged with the juvenile justice system” (as cited in Kayama, 2015, p. 27). Kupchik and Ellis (2008) believe that the disparities that exist in the application of school discipline practices makes it “reasonable to expect that both African American and Latino/a students’ perceptions of school rules and rule enforcement will vary from those of White [students’]” (p. 533).

The treatment that students endure due to school discipline policies under the guise of school safety has resulted in many students feeling as though they are criminals. Elizabet Vincent describes being constantly scanned by metal detectors and school officers as “very uncomfortable” and insists that there is a need for an adjustment to school discipline measures that would “make the school feel safe but not feel like a prison” (Mukherjee, 2007, p. 23) and, most importantly, not treat the students as prisoners. In his description of police use in schools and its effects, Maksuda Khanadaker offers an insightful piece of knowledge that school administrators, teachers, and police personnel should consider in future application of school

discipline policies. Khanadaker states that the manner in which police officers are trained for the task force prevents schools from being safe places. He emphasizes that since police officers are trained to “work with criminals” (Mukherjee, 2007, p. 23) students are, in turn, treated as such. The current practices linked to school disciplinary policies have resulted in a lack of distinction between street criminals and students with mere disciplinary problems. Ramiro claims that school disciplinary practices have caused students to be treated like criminals in school and led him to question if that is what these policies are placed into schools to do. He states that the overreliance and emphasis placed on the rules to discipline students has caused the teachers to “care more about the rules and keeping you in check than teaching you” (Irizarry & Raible, 2014, p. 439). The intense presence of school discipline practices, rules, and expectations inhibit students from acquiring a quality education because school personnel are more focused on controlling the actions of students than providing them with knowledge. Another student, Roland, describes the actions of his teacher in a similar manner to that of Ramiro’s account stating that he “sees himself as being set up by teachers, much as kids on the street believe they are set up by the cops” (Weissman, 2015, p. 127). His testimony offers a valuable piece of evidence to research focusing on the effect of school discipline policies and their application within schools: they bring the negative practices and beliefs of traditionally marginalized students into an environment that is meant to serve as a tool to help them advance socially and academically. Irizarry and Raible (2014) argue that the presence of “new perspectives” allowed students to gain a clearer understanding of the “larger systems and social forces at play that stimulate an exodus of Latinos/as from school and into prisons” (p. 440), which offers a clear “connection between disparities in educational opportunities and high rates of incarceration” (p. 339).

Brown (2007) highlights how students who were suspended at a higher rate than their peers were more than three times more likely to believe that adults within the educational setting are not concerned about their well-being (p. 448). These sentiments led many students, Black and White, to believe that there should be a change in school discipline policies that are “liberally imposed and often unduly harsh” (Brown, 2009, p. 449) to prevent students from being disproportionately and inappropriately punished. Caton (2012) conveys the impact of the inclusion of counter-storytelling narratives in analyzing the current school system and discipline practices. Caton (2012) believes that these narratives would “expose, critique, and refute dialogues on the premise that the United States has transformed from a race-conscious to a color-blind society” (p. 1063). Although Canton uses this study to highlight the effects of school disciplinary policies on the education of black males, their experiences are shared amongst members of other traditionally marginalized groups. Their shared experiences inform the educational system that there its current discipline practices are problematic. The inclusion of counter-story narratives by the students within this section offers a direct insight into their educational experiences under the rule of our current and popular school discipline practices. It offers necessary insight on how the system works through the lens and within the lives of the students and how a closer look at school discipline policies could contribute to interrupting the inequitable practices exerted upon certain student groups.

### Chapter 3

Though the use of school disciplinary practices has been responsible for the “school disengagement” (Rocque and Paternoster, 2011, p. 635) of Black students, students have also responded to the disparate application of school discipline policies by taking extra precautionary measures to avoid the gaze of the security without having to leave the school. Weiss (2010) identifies this method as tactical avoidance. Rather than expecting the system to change and continuing to fight to have their concerns regarding school discipline practices heard, it is common for students to use tactical avoidance. Weiss (2010) argues that the use of tactical avoidance by the students serves as their way of “[coping] with difficult conditions emanating from multiple sources of power” (p. 220). Research offers recommendations and successful intervention attempts that avert students from coping with the discipline measures enforced in schools and transitions the school environment into one that is more conducive for all students. Ruiz (2017) indicates that the incorporation of intervention practices “can equip students with new skills to solve problems in tough situations (p. 835). Simson (2014) corroborates Ruiz’s claim of new intervention methods being effective noting that it “encourages meaningful interaction and gives a voice to those who otherwise might not have a safe place to express their thoughts and emotions” (p. 558). Schiff (2016) claims that through this practice, students that are usually negatively impacted by school discipline measures are offered an alternative that “[redefines] school disciplinary options to minimize the use of exclusionary school discipline” (p. 134). Furthermore, Sumner, Silverman, and Frampton (2010) argue that the incorporation of a restorative justice approach into school settings can assist in keeping “students, particularly students of color and those from low-income families, in schools and out of the juvenile justice system” (p. 3).

Fuentes (2011) states that the use of control and violence as discipline practices reiterates rather than solves the disorder within schools that these practices intend to ameliorate.

Researchers argue that the popular use of suspension and expulsion as school discipline protocol has proven to be ineffective and “exacerbate the very problems they are attempting to reduce (as cited in Fenning & Rose, 2007, p. 539). Fenning and Rose (2007) state that the solution to the disparate application of school discipline policies is not to apply them equitably to all student demographics “because these reactive practices do not work for anyone” (p. 539). Fuentes (2011) suggests that schools shift their focus from that of control to that of “effective communication... to establish the legitimacy of the school’s system of laws in the minds of the students” (as cited in Fuentes, 2011, p. 183). Simson (2014) finds that the use of a restorative justice approach offers rehabilitation rather than retribution and holds as core values “healing rather than hurting, moral learning, community participation and community caring, respectful dialogue, forgiveness, responsibility, apology, and making amends’ in an attempt to restore victims and offenders, as well as broader affected communities, to a more positive place after something bad has happened” (p. 553).

A recommendation similar to President Obama’s restorative approach to combat school discipline, the “Dear Colleague” letter, was made by Losen and Whitaker (2018) in their report addressing race, discipline and safety in public schools. They reported that the days of suspension that traditionally marginalized students experience, especially compared to their White classmates, and recommended the pursuit of reform efforts by states through legislation to “include disparities as part of the Every Student Succeeds Act (ESSA) indicators” as a possible solution (p. 11). The desire for legal action is one shared by other researchers as a method to reform school discipline practices. Ruiz (2017) highlights the legislative approach taken by the

Texas public educational system to disrupt the school discipline practices that enable the school-to-prison pipeline through their passing of “legislation aimed at curtailing zero tolerance policies’ dominance” (p. 826).

### *Alternative Practices to School Discipline*

As the Government Accountability Office emphasize in their report addressing the disparities in school discipline policies and practices, the incorporation and consideration of alternatives is necessary in disrupting this practice and altering the education and lives of students that have suffered the most from school discipline measures. A suggestion that the federal government offered in this study was that of positive behavioral interventions and supports (PBIS), restorative justice practices, and social emotional learning (SEL) (U.S. GAO, 2018, p. 27), which are alternative approaches incorporated in school systems such as Philadelphia and Clayton County, Georgia. Through the use of these alternative approaches to school discipline, these public-school systems are able to offer a “nurturing school environment in which students can meet and exceed academic targets” (Human Rights Watch & ACLU, 2008, p. 60). Shifting the focus from discipline to one that works with the students to alter their behaviors in a positive manner allows for the practice of funneling students out of schools and into the juvenile justice system to be disrupted.

### *Philadelphia School-Justice Collaboration*

The Philadelphia school district has taken strides to remove and replace the use of school discipline policies and measures on their students. Since the city’s student population is predominately made up of students from traditionally marginalized groups, the school district was able to recognize the overuse and disproportionate application of discipline practices on

students from certain demographics. According to the UCLA Center for Civil Rights Remedies (2013), African American, Latino, students with disabilities and students who were English learners possessed a “greater risk for suspension at the secondary level” (p. 2). Philadelphia Spotlight (2018) states that the 33,041 suspensions and 1,555 arrests that occurred during the 2013-2014 school year emphasized the need for school systems to adopt a new approach in treating student behavior problems. Gray, Sirinides, Fink, Flack, DuBois, Morrison, and Hill (2017) express that the commitment of the Philadelphia school district to adjust and shift their approach to school discipline practices has allowed their district to take steps toward reducing the use of out-of-school suspensions while also promoting “the use of non-punitive disciplinary practices more generally” (p. 10). In the adjustment of their school system’s discipline policies into non-punitive approaches, the Philadelphia school district has adopted and influenced the use of PBIS.

School-Wide (2019) defines PBIS as a multi-tiered framework that focuses on creating a school environment that provides behavioral supports that are considered to be necessary in improving “social, emotional, behavioral, and academic outcomes for all students.” Horner, Sugai, and Anderson (2010) explain that this practice is not a new one since it is based on “several decades of research, demonstration and innovation in education, mental health, and behavior analysis” (p. 4). This framework has three tiers. The first tier, universal, offers behavioral support to the entire student body addressing the expectations of student behavior within the school setting. The second tier, targeted, is offered when the Tier 1 supports were ineffective for students. Through this tier, students are offered targeted intervention, often taking place in a group setting, to assist in the adjustment of their behavior. The final tier, intensive, individualized, is implemented when a student requires an individual plan to address behavioral

problems. This multi-tiered framework is a system that does not require school systems to implement it in the same manner. In fact, PBIS encourages schools to “implement the core features of evidence-based practices” (School-Wide, 2019) while adjusting it to fit cultural, regional, and societal values of different school districts.

Philadelphia Spotlight (2018) states that this new approach to reacting to undesirable student behaviors within school settings led the Philadelphia police department to become involved through the creation of the Philadelphia Police School Diversion Program (PPSDP). The Philadelphia Police School Diversion Program (2016) describes their function within the educational system as one that offers students with alternatives to arrest while also providing students with “access [to] prevention services that meet their underlying needs.” The Stoneleigh Foundation (2018) highlights the importance of not using a “one-size fits all” model to responding to student behavioral problems, similar to PBIS, that is common of zero-tolerance policies because it “disregards the... traumatic events” (p. 3) that students with behavioral problems could have endured. Since 2014, this program has successfully worked within the Philadelphia PBIS framework and assisted the school system in achieving a 71% decrease in student arrests (Philadelphia Police School Diversion Program, 2016). The Stoneleigh Foundation’s (2018) analysis of this program working within the PBIS framework of educational settings has assisted in its success, achieving a 54% decline in the number of arrests within the program’s first year (p. 2). The School District of Philadelphia Office of Research and Evaluation (2019) reports that the incorporation of this approach to address behavioral problems within schools have proven to be effective in decreasing the number of student suspensions.

In analyzing the success of PBIS and its distinctive application within each school, cost must be considered. Horner et al. (2010) highlight that although this practice offers benefits to all

student demographics, the “initial changeover costs and ongoing operation costs” (p. 10) should not be overlooked. Where some schools whose students have not had to endure the disparate application of school discipline measures, it is likely that their implementation of this practice would not alter their school environment. Whereas schools with a student demographic that is predominately made up of traditionally marginalized students would possibly require additional expense to fund the “cost of curriculum or materials” (Swain-Bradway, Johnson., Bradshaw, & McIntosh, 2017, p. 2). However, the small cost to implement this practice offers an abundance of benefits. Not only is this framework highly likely to reduce disciplined students’ chances of being funneled into the criminal justice system, it also ensures a fiscal benefit. Swain-Bradway et al. (2017) report that every dollar that is invested in implementing PBIS “resulted in a fiscal savings of \$104.90” (p. 5) for the state by keeping students out of the juvenile detention system.

#### *Clayton County School-Justice Reform Initiative*

Through the consideration of an alternative educational approach to Georgia’s “substantial increase in the number of juvenile complaints” (Clayton County, n.d.), a restorative justice approach was incorporated into the Clayton County educational system as an alternative to the system’s reliance on discipline policies that refer students to the juvenile justice system. The school system of Clayton County, Georgia, and the juvenile court has been working together since 2003 to offer its students with a school-justice partnership that provides its students with a reformed system that would keep them in school and out of court. This partnership began with the newly appointed juvenile judge, Steven Teske. In an interview conducted by the “Georgia Project Aware Digest” (2018), Judge Teske expresses that he chose to analyze how the Annie E. Casey Juvenile Detention Alternatives Initiative (JDAI) could be used within education to help shift the focus of both systems from juvenile arrests to

graduation rates. Since Clayton County has had this restorative justice practice incorporated into their system for over 16 years, it is a model that other governments, locally, nationally, and globally, could consider in the incorporation of their individual models.

Clayton County takes a step further with the school-justice partnership to incorporate another model of restorative practices into its school system. According to Clayton County's Code of Conduct, the joint Multi-Tiered Systems of Support for Behavior (MTSS) and the PBIS frameworks serve as the intervention system used to address and solve matters concerning student behavior and discipline. This model allows for school personnel to recognize the importance of a school discipline approach that offers students with corrective instruction and guidance through the implementation of equitable, fair, and non-discriminatory practices. The Student Code of Conduct places emphasis on the use of the restorative justice philosophy in the MTSS and PBIS practice because it offers the following principles used to respond to conflict: accountability, used to assist offenders in repairing harm caused; community safety, builds relationships that allow the community to "take the responsibility for the well-being of its members"; and competency development, used to increase the positive social skills of the offenders while also addressing "underlying factors that promote delinquent behavior."

The information outlined within Clayton County's Code of Conduct allows for a connection between the PBIS/MTSS framework and the school-justice partnership model to be made. Rather than focusing on a segregated system, the school-justice partnership provides its students with opportunities, through the tiered system, to remain within the school and out of the courtroom and jails. This model introduced by Judge Teske consists of three tiers. The first tier focuses on the minor offenses that students commit that could be solved with a warning or through an apology provided by the student. Tier two is the level where the use of restorative

justice practices is implemented to educate juvenile offenders. This tier is used if the offense made by the student “caused property damage or visible non-serious physical injury” and requires the assistance of the victim in the formulation of a solution (Georgia Project Aware Digest, 2018). The final tier is used when the first two tiers were not effective for the student. This tier offers students with ongoing disruptive behavior with clinical intervention through the System of Care. According to “Spotlight on Clayton County School-Justice Collaboration” (2018), the System of Care provides: mental health solutions for families and youth, intervention options preventing student dropouts, school discipline alternatives that do not push students out of school, as well as career training programs. Through these tiers, the restorative justice principles that PBIS/MTSS framework layout in the county’s Code of Conduct is able to be actively applied in this school-justice partnership.

While analyzing the long-term presence of this school-justice restorative practice, it is important to consider the effectiveness, cost, legality, and feasibility of this partnership. In terms of effectiveness, Clayton County’s school-justice partnership has allowed for an outstanding decrease in school arrests and increase in graduation rates to occur within the county. Tuiz (2017) reported that this alternative discipline approach resulted in the 67.4 percent decrease of juvenile court referrals, 86 percent decline of “student detentions based on school offenses, [the 51 percent decline in] juvenile felony rate in the county, [and a 20 percent increase in] graduation rates” (p. 825). This model has received a great deal of national attention and led officials in different counties across the nation, such as Broward County, Florida, to seek Clayton County’s assistance in their duplication of this model (Georgia Project Aware Digest, 2018). The goal of this restorative practice to improve the school climate as well as the school safety has allowed for students dealing with trauma to receive necessary and beneficial treatment

through the System of Care. As a result, the Annual Report (2018) reports that the System of Care, along with the Juvenile Court, the Clayton County Public School system, and the county's law enforcement, has been able to provide technical assistance to over 50 jurisdictions across the nation in their reproduction of this model.

Though the program has existed for 16 years, one would want to know how funding is provided to this program, especially when considering how the partnership could be duplicated across the nation. According to the Juvenile Court's Annual Report (2018), the county's Board of Commissioners is responsible for the operational funds provided to the juvenile court. This provided funding is distributed to the salaries and benefits of the court's employees. However, this program has not been able to exist long-term through this funding alone. The juvenile court also relies on grant funding and the supervision fees received from juveniles, which are used to provide evaluation, education, treatment and supervision to the juveniles while they are under the court's jurisdiction. Through this funding, students displaying chronically disruptive behavior will be able to participate in the System of Care where they will be able to receive services that address their possible trauma and offer mental health solutions.

The school-justice partnership's compliance with IDEA and ADA through their tiered system eliminates concerns that could arise regarding the program's legality. Its compliance to the standards of these acts contributes to its political and administrative feasibility because the school district and the juvenile courts are working closely together to provide a less harmful alternative to disciplining students, especially students that have commonly suffered from the disparate application of discipline policies. The popularity of this restorative justice practice has gained national attention and is leading the administrators and judicial systems in other school districts to duplicate this partnership model. The increased demand for this model could not only

provide the students with a better alternative to the current discipline system used around the state, but it could also limit and possibly eliminate the use of zero-tolerance policies altogether.

### ***Recommendations for Future Research***

To contribute to the active efforts that are being made to remove school discipline practices that negatively and disproportionately affect traditionally marginalized students, there is a need for future research that focuses on issues that the research has identified as impacting students removed from schools and placed in the criminal justice system. One area needing further research is highlighted by George (2015) in her work on school disciplinary practices as they impact Black girls, the fastest growing population with the juvenile detention system. Why are Black girls disproportionately targeted, what are the predominant biases about them that teachers, school administrators, and SROs likely hold, and what alternative approaches might be utilized to affect discipline while maintaining a love of learning and self-confidence? Given that the overwhelming research on school discipline has tended to focus on Black boys, research on Black girls is a responsible and necessary sphere of investigation. Furthermore, comparative research on the treatment of the two groups may provide information as to how race and gender intersects to exacerbate bias.

Another subject for further research involves the role of implicit bias in disproportionate school discipline practices. The Implicit Association Test introduced by Greenwald is a seemingly influential tool that can be used by educators, administrators, and school resource officers in disrupting and removing harmful school discipline practices that disparately impact the lives and education of students from traditionally groups. Though the IATs could be a means of starting a conversation, it should not be relied on for evidence of individual bias, and does not provide a remedy to the overarching problem of disproportionate suspensions amongst African

American and Latino students. However, there is limited research provided that confirms whether or not this Test is useful in disrupting the disproportionate application of school discipline practices. As a result, I believe that there is a need for more research that focuses on the professional development of educators and other school personnel to address and solve their implicit biases. Mallett (2007) notes that offering professional development to school personnel would not only improve the overall school climate, but it would also assist in “reallocating resources” (p. 300). By considering this is future research, educators along with local, state, and national government actors could potentially alter the way the extensive funds granted to SRO programs are spent.

The research that contributes to the conversation about the impact of the disparate application of school discipline practices is constantly growing. It is important to focus the extensive literature on the aforementioned areas to ensure that these topics receive proper and necessary attention. Focusing research on these areas will not only offer scholars with insight on how to change the educational system, but it will also assist in ensuring that the students who are most impacted by school discipline policies are provided with a school environment that is safe, caring, and equitable.

## Conclusion

Though it has been argued that the inclusion of zero-tolerance policies would ensure that students, teachers, and other school personnel are provided with a safer school environment, the inclusion of alternative methods to address and solve student behavioral problems are desperately needed to ensure that students do not suffer due to biased disciplinary practices. Research highlights that zero-tolerance policies have not proven to improve a school's climate nor has it positively impacted the educational and personal lives of African American and Latino students. The adverse school climate that African American and Latino students have endured as a result of the disparate application of school discipline practices demands the educational system to take action to solve this problem. Recommendations such as the incorporation of PBIS, school-justice partnerships, increased counselor services, amongst other services, offer a hopeful future for both the United States' educational system as well as that of other countries. Research highlights the importance of acknowledging the problems that exists within the public education's current system of addressing discipline problems in order to take strides on a different, more beneficial path. The intentional replacement of zero tolerance policies with those involving restorative justice practices have proven to decrease the rate of traditionally marginalized students being funneled into the criminal justice system. By focusing on the reform of school discipline efforts, the public educational system would be able to continue to "refocus the schools' intentions behind discipline towards rehabilitative measures" (Ruiz, 2017, p. 815).

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