



Zero Tolerance or Restorative Justice *Promoting Safer Schools for Our Students and Communities*

IMPLICATIONS OF ZERO TOLERANCE POLICIES

In 1999, following the Columbine High School shooting, zero-tolerance policies were embraced in schools across the country,¹ leading to the removal of youth from the classroom for minor infractions.

Zero-tolerance policies lead to more students falling behind. In a Texas study on how school discipline relates to students' success and juvenile justice system involvement, 31% of students with one or more suspensions or expulsions repeated their grade level at least once.² Of the students who received any suspensions or expulsions between 7th and 12th grades, 10% dropped out prior to graduation.

There is also a correlation between suspensions/expulsions and juvenile justice system involvement: according to a study by the Council of State Governments (CSG), **students who were suspended or expelled were approximately three times more likely to be referred to the juvenile justice system the following year** than their peers who did not receive a disciplinary referral.³

Another collateral consequence of zero-tolerance policies is the disparity among students who receive punishment.⁴ The CSG study also found that **black students were 31% more likely to receive a disciplinary infraction than their white or Hispanic counterparts.**⁵ In a study of prekindergarten through 5th grade students in Texas, males and students with disabilities were also disproportionately punished.⁶

Zero-tolerance policies are particularly detrimental for youth who have histories of trauma. In the juvenile justice system, 80% of youth have been exposed to trauma,⁷ and zero-tolerance policies fail to consider their experiences and the impact that trauma has on brain development. Instead, the behavior of these youth is construed and treated as criminal.⁸

IMPLICATIONS OF RESTORATIVE JUSTICE POLICIES

In Texas, when a youth inflicts harm on others, the response is often driven by law enforcement and the larger criminal justice system: arrest, then place under supervision or warehouse in a corrections facility.

Restorative justice policies are based on the founding principles of repairing the harm done by a youth and holding the youth accountable; making whole those who have experienced the harm and mitigating the possibility of the behavior reoccurring; and strengthening the community.

Restorative justice allows youth who inflict harm to explore and address the root causes of their behavior.⁹ Identifying and understanding the reasons behind their actions are essential to rehabilitation and allows youth to focus on these issues and make real and lasting change. **As youth learn to consider how their actions impact others, their ability to be empathic increases, which can lead to real and lasting change.**¹⁰

Completing a restorative justice program often results in a decrease in harmful behaviors, an increase in healthy relationships, and improves prosocial skills and self-esteem, thus bettering interactions with others and enhancing youths' ability to resolve conflicts.

Restorative justice practices help those harmed to:

- understand what happened and experience less fear of revictimization;
- undergo a positive healing process through interaction with the youth responsible for their fear; and
- isolate the *behavior* of the youth responsible from the youth,¹¹ thereby enabling them to feel safer in the community.

Restorative justice strategies benefit the community because they are efficient and cost-effective when compared to the costs incurred by taxpayers in order to place youth in the juvenile justice system.¹²

Restorative justice programs benefit everyone involved — youth who have inflicted harm, those harmed, and the community — by allowing all participants to take control of their lives.¹³

Through reparation, **restorative justice programs help youth live successfully in the community — including in schools — and avoid entering the juvenile justice system.**

A CASE STUDY ON A SUCCESSFUL RESTORATIVE JUSTICE PROGRAM

Yes Prep Northbrook High School in Houston could serve as a model for Texas schools, as restorative justice practices are integral to their program.

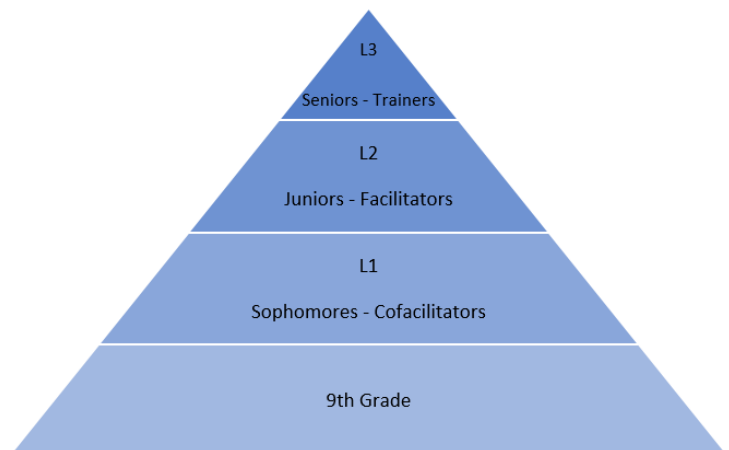
***“You get to speak your truth” and
“you can have your voice heard.”***
**- Students at Yes Prep
Northbrook High School**

Dr. Anita Wadhwa is currently the restorative justice specialist at Yes Prep, where she implements a restorative justice program based on the Youth Apprenticeship Model (YAM). YAM promotes youth leadership, training youth to facilitate restorative circles and to train other youth. The goal of the program is to empower youth to transform themselves, their relationships, and the school system as a whole.¹⁴

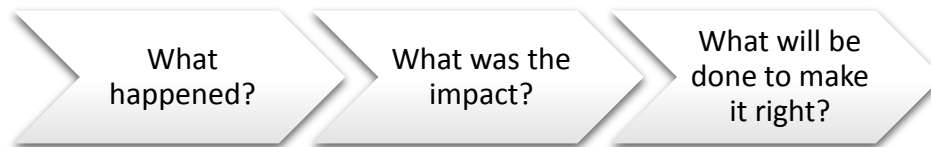
Every student at Yes Prep attends restorative circles once a week. This allows students to build a community by getting to know each other and becoming more comfortable with expressing themselves.

Students interested in facilitating restorative circles can apply to enroll in the leadership class, where they are taught the principles and benefits of restorative justice and trained to conduct circles.

During the restorative circles, three questions are asked: 1) What happened? 2) What was the impact? 3) What will be done to make it right? All participants are given the opportunity to speak, share their feelings, and be part of the solution.



Healing circles are the first and primary intervention used, rather than disciplinary referrals to school administration. In the event that a restorative circle is unsuccessful in holding a student accountable, the traditional disciplinary route is sought.



“You get to speak your truth” and “you can have your voice heard” are the resounding responses of students when asked why they prefer restorative circles. Students appreciate that circles provide a space for understanding, something that is not possible when students are removed from their peers and not allowed to engage in conversations to repair the harm caused.

RECOMMENDATION

Implement restorative justice practices in more Texas schools. Nearly 30% of referrals to Texas’ juvenile probation departments are for behavior that occurs in school or at school-related events. **Restorative justice practices can stem the flow of youth into the juvenile justice system.**¹⁵ The Institute for Restorative Justice and Restorative Dialogue, housed in the University of Texas at Austin School of Social Work, has trained more than 2,500 school administrators and developed over 600 trainers in the state in the last four years to provide restorative justice practices in schools. Unfortunately, the Texas Education Agency has discontinued the funding for this particular initiative.¹⁶ **The state should invest in a restorative justice approach, which will benefit students, school administrators, and their communities.**

Citations

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- ² Tony Fabelo, Michael D. Thompson, Martha Plotkin, Dottie Carmichael, Miner P. Marchbanks III, and Eric A. Booth, *Breaking Schools' Rules: A Statewide Study of How School Discipline Relates to Students' Success and Juvenile Justice Involvement* (Council of State Governments Justice Center and The Public Policy Research Institute, Texas A&M University, July 2011) https://csgjusticecenter.org/wp-content/uploads/2012/08/Breaking_Schools_Rules_Report_Final.pdf.
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- ⁴ Marilyn Armour, "Restorative Practices: Righting the Wrongs of Exclusionary School Discipline," *University of Richmond Law Review* (2016): 999–1037.
- ⁵ Fabelo et al., *Breaking Schools' Rules*, https://csgjusticecenter.org/wpcontent/uploads/2012/08/Breaking_Schools_Rules_Report_Final.pdf.
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- ⁸ Armour, "Restorative Practices," 999–1037.
- ⁹ Simon Feasey, Patrick Williams, and Rebecca Clarke, *An Evaluation of the Prison Fellowship Sycamore Tree Programme* (Research Centre for Community Justice, August 22, 2005), <http://restorativejustice.org/rj-library/an-evaluation-of-the-prison-fellowship-sycamore-tree-programme-based-on-a-statistical-analysis-of-crime-pics-ii-data/6107/#sthash.6x7T9o0Z.dpbs>.
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- ¹² Mandeep K. Dhimi and Penny Joy, "Challenges to Establishing Volunteer-Run, Community-Based Restorative Justice Programs," *Contemporary Justice Review* 10 (2007): 9–22.
- ¹³ Patrick Gerkin, John Walsh, Joseph Kuilema, and Ian Borton, "Implementing Restorative Justice Under the Retributive Paradigm: A Pilot Program Case Study," *SAGE Open* 7, no. 1 (2017): 1–10.
- ¹⁴ Living Justice Press, "Anita Wadhwa," http://www.livingjusticepress.org/index.asp?Type=B_BASIC&SEC=%7B503CE3B2-591E-444D-99AE-09D408C99A94%7D&DE=%7B4B94FCF3-DB40-4BED-B7D5-08760CAE0EEA%7D.
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- ¹⁶ Marilyn Armour, email to author, March 10, 2018.