



Restorative Practices at BCS

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Name _____

RESTORATIVE PRACTICES AT BCS

People are happier, more cooperative, more productive, and more likely to make positive change when those in positions of authority do things with them, rather than to them or for them. We at BCS use expeditionary learning core practices in crew and academic classes to encourage and support our students to feel empowered, think critically and for themselves, and be fully engaged in a collaborative learning process. BCS promotes a rigorous and engaging curriculum, active inquiry based pedagogy and a school culture that teaches compassion and good citizenship.

RESTORATIVE HOLISTIC DISCIPLINE:

A more holistic approach to discipline fits into this educational model in that it assumes that discipline should focus on teaching and learning, not merely on punishment. The word "discipline" at the root means to educate and that is our aim at BCS.

We know that zero tolerance approaches to discipline don't work because punishment doesn't address the underlying reasons for the sometimes poor choices our students make. It doesn't teach students what behavior is conducive at BCS and society at large or what skills will help them in achieving that kind of behavior.

Punishment, moreover, tends to push young people out, removes them from the community while expecting them to be accountable and take responsibility for their actions in that community. This is a contradictory notion, which is why at BCS we look to come together with students to address troublesome behaviors. To support this kind of work, we are moving toward a more restorative approach to discipline which means working with students to look at and reflect on their behavior and provide them with opportunities to make change (and where necessary to make amends).

CIRCLES TO BUILD AND RESTORE COMMUNITY:

The circle approach is grounded in a Native American philosophy and practice that values individuals as they build and maintain supportive relationships and communities. The circle process provides an alternative to the style of discussion that involves debate and challenging each other. Instead, circles create a safe and nonhierarchical place in which each person can speak without interruption. It encourages respectful listening and reflection; is inclusive of everyone; and invites participation from all involved.

Restorative Circles:

Restorative circles are used for conflict resolution, problem solving and disciplinary issues when behavior has caused harm to individuals and/or the community. We know, however, that restorative circles are more successful when they are seen, not simply as a response to extreme and harmful behavior, but when the principles and practices are in place throughout the school day. This is why at BCS we use circles in a variety of different settings and contexts.

Crew Circles:

Circles are used in crew at BCS to build and strengthen community. Through circles social and emotional skills are taught and practiced and students are part of a collaborative process in which they engage with each other, explore different opinions, problem solve and come together to celebrate, commiserate, welcome and/or say good bye to members of their crew. Crew, in this way, ends up being a supportive peer community within the larger BCS community. These circles are also used in our staff meetings and family workshops.

Academic Circles:

Circles are also used in the academic classroom, sometimes to introduce new material, other times to reflect on materials and develop what is known as a growth mindset (the idea that intelligence can be developed and that students get smarter through hard work).

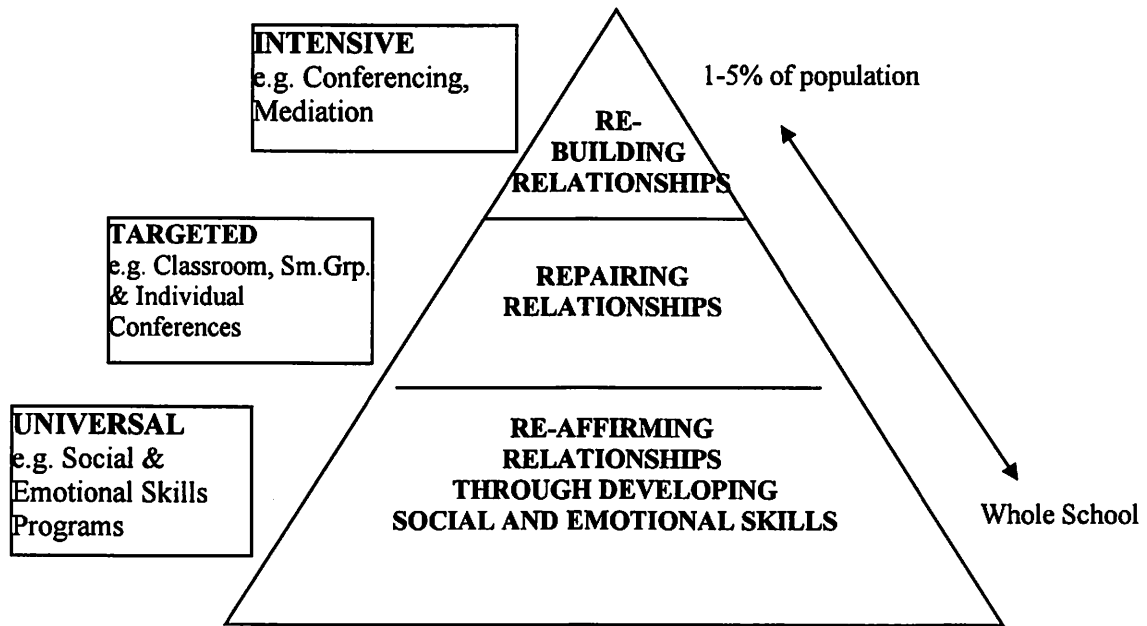


Figure 2: Hierarchy of Restorative Responses, Morrison (2004)

“Restorative practices” are an array of tools for creating a safe, respectful community and building positive connections among community members of the community. Through restorative practices, community members develop skills in relating well to others, and dealing well with challenges to harmony in the community. **“Restorative discipline”** is an approach to discipline based on restorative practices.

Refers to diagram on previous page:

BASE OF THE PYRAMID involves everyone in the school community and is ongoing. It is about building a community of care and a sense of shared responsibility for each other’s well being. Community & Skill Building Circles are a key component of this. “You can’t restore what you haven’t built.”

Restorative circles for community building and skill building: These circles build positive relationships and skills that prevent many harmful incidents from occurring in the first place. The power of circles lies in the fact that they are used for a variety of community purposes (building and strengthening relationships, celebration, support, transition, and also when harm has been done—see below). Circles become part of a school community in the same way that celebration, support, transition, and interventions are part of a school community.

CENTER OF THE PYRAMID involves a smaller segment of the school community and is relevant when minor issues occur. Conversations and conflict resolution practices like negotiation and mediation are key at this level.

Restorative conversations to address troublesome behavior
Mediation and other problem-solving processes to help people resolve conflict peacefully and constructively.

TOP OF THE PYRAMID involves an even smaller segment of the school community when major issues occur. Restorative Circles, Conferences and mediation are key at this level.

Restorative circles for situations in which harm has been done. When used as restorative interventions when harm has been done, circles work well precisely because students and staff are familiar and comfortable with the strict format which allows the content to flow.

Restorative conferences for situations in which serious harm has occurred.

BCS Restorative Discipline Guide

Drafted by BCS Culture and Character Committee (May 2015)

Guiding Principles in Restorative Discipline at BCS

At BCS, we believe that discipline is about teaching and learning, not punishment. People who make mistakes deserve guidance and compassion as well as accountability for their behavior. All individuals are capable of growth and change. Every situation is opportunity for learning. We strive to always be kind even in times of conflict and applying consequences. By providing instruction to develop students' social and emotional skills and encouraging them to self-reflect on their behavior, we can improve students' capacity to fulfill their needs and their responsibilities to others. Our aim is not to control students but to assist them to internalize the values and skills of responsible, productive members of a community and to model these behaviors for our students. Positive relationships are the foundation for an effective learning community.

BCS Constitution

| Rights | Responsibilities |
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| We have the right to be ourselves. <ul style="list-style-type: none">• We expect to be treated with kindness and respect. | We have the responsibility to respect ourselves and others and treat each other with empathy. <ul style="list-style-type: none">• We will express ourselves positively and be respectful and kind.• We will be open-minded in celebrating diversity. |
| We have the right to feel safe and secure, physically, emotionally, and intellectually. | We have the responsibility to resolve conflicts peacefully. <ul style="list-style-type: none">• We will treat others as we would like to be treated.• We will be courageous upstanders. |
| We have the right to experience and become part of a high-quality learning environment. <ul style="list-style-type: none">• We expect to experience support and develop to our full potential. | We have the responsibility to help create a high-quality learning environment. <ul style="list-style-type: none">• We will be present, on time, and engaged to be fully prepared to learn and succeed. |

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| <ul style="list-style-type: none"> ● We expect to achieve our personal goals; this can include any goal consistent with BCS's mission. ● We expect the learning process to be rigorous. | <ul style="list-style-type: none"> ● We will present ourselves with dignity and self-respect. ● We will be collaborative to enable ourselves and others to realize their goals and potential. ● We will be persistent by holding ourselves and others to high standards as learners and community members. ● We will cultivate a growth mindset. |
| <p>We have the right to have a voice and make contributions to the school community.</p> <ul style="list-style-type: none"> ● We contribute to decisions leading to positive changes in our school community. | <p>We have the responsibility to be positive members of our community.</p> <ul style="list-style-type: none"> ● We will be crew, not passengers. ● We will uphold the BCS core values. |

Definition, Norms, and Intervention Guidelines for Top Undesirable Behaviors at BCS

Support Team refers to the school counselors, DCCs, and L3.

BCS Restorative Questions:

- What happened?
- Who did it affect?
- How did it affect me and others in the community?
- Why do I think I behaved the way that I did?
- What do I lose out on when something like this happens?
- If I had to do it over again, what would I do differently?

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| Undesirable Behavior | Disrespectful Communication |
| Definition | Disrespectful communication is when one person intentionally uses words or actions to demean, insult, or ignore another person, AND the |

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| | action has a substantially negative effect on our community. |
| Norm (desired behavior) | We have the responsibility to respect ourselves and others and treat others with empathy. We will express ourselves positively and be respectful and kind. We will resolve conflicts peacefully. |
| Intervention Guidelines | <ul style="list-style-type: none"> ● The teacher will use tools at their discretion to inform the student about the harm. ● The teacher will use the restorative questions to engage the student in conversation about the harm. ● All parties will have a cooling off period, if necessary. ● The teacher will devise and utilize a dept/grade team strategy to support each other if a student needs a cooling off period (i.e. buddy teachers send students to each other's classrooms with a note that signals a need for cool off). ● The teacher will determine appropriate intervention, in consultation with a member of the Support Team, if necessary. Options will include: <ul style="list-style-type: none"> ○ parent outreach ○ restorative conversation ○ restorative conference ○ mediation ○ problem-solving circle ○ counseling intervention ○ classroom removal, followed by a re-entry conversation ○ suspension (to be used rarely when a longer cooling off period is needed or the DOE Discipline Code mandates it), followed by a re-entry circle ● The teacher will inform parents and/or crew leaders about the incident and the actions taken to address it. ● The teacher will collaborate with Support Team and/or crew leaders to follow up with the participants soon after the intervention to ensure that the intervention has been successful. |

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| Undesirable Behavior | Improper Use of Electronics |
| Definition | The improper use of electronics refers to using electronics at incorrect or inappropriate times, using electronics for improper or inappropriate tasks (especially sharing or posting inappropriate or harmful material), and/or damaging of electronic equipment. |

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| Norm (desired behavior) | We will use electronic equipment only at appropriate times for appropriate tasks as defined by the supervising adult. We will ask permission for appropriate use at undesignated times. We will treat electronic equipment with care and be responsible during use. We will use electronics in line with BCS core values. |
| Intervention Guidelines | <ul style="list-style-type: none"> ● The teacher will state clear expectations about proper use of electronics for the assigned task. ● The teacher will give a visual or verbal cue/warning to student when norm is violated. ● The teacher can use proximity or location so that computer use is more closely supervised (i.e. screen facing teacher). ● If the use is persistent, the teacher will determine appropriate intervention, in consultation with a member of the Support Team, if necessary. Options will include: <ul style="list-style-type: none"> ○ using restorative questions to have a conversation with student ○ asking to hold on to personal device (teacher assumes monetary responsibility for the device) ○ contact crew leader ○ parent outreach to inform them of the persistent pattern and/or to request parent to hold the device or restrict its use ○ restorative conversation with crew leader and/or a member of the Support Team ○ loss of privilege of use with substitution of alternate method to complete assignment (ie. paper) |

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| Undesirable Behavior | Students in Hallway Without Permission |
| Definition | Students are in the hallway without permission when they are using the pass for purposes other than direct/immediate use of bathroom, water fountain, or approved task, OR when they do not have a pass to be out of their class. Students are disruptive when they are loitering, hanging out in bathroom, congregating, or engaging in a disruptive behavior to the educational process (loud talking, phone use, music, etc.) When students miss class, they miss valuable instruction, impact the teacher and other students in the class because they now need to catch up, and disrupt classes in session. |
| Norm (desired behavior) | We use the pass with purpose and urgency. |

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| Intervention Guidelines | <ul style="list-style-type: none"> • The DCCs will seek volunteers to be in the hallway to collect data and report on students who are frequently in the hallway. Data is reported to staff/crew leaders on a regular basis. Referrals may also be made to DCCs via email. • The DCC and/or crew leader has a restorative conversation with student about the behavior. • The crew leader will contact parents that the behavior is being observed frequently and is impacting success. • The DCCs will hold a support circle every 2-3 weeks with students who are frequently in the halls. The circle may also include adults who are observing and are impacted by the behavior. • Any teacher may request or initiate a restorative conversation or conference with a student to discuss the impact of missing instruction and disrupting the community. • Students who are defiant when addressed in the hallway will be addressed using the intervention guidelines for disrespectful communication. • The student may be referred to a counseling intervention if the behavior is persistent. |
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| Undesirable Behavior | Not Completing Assigned Work |
| Definition | Students do not complete assigned work when there is a lack of effort to complete the task and/or apathy or off-task behaviors during the time allotted to complete the task. Work is the assigned task designed to develop and reinforce skills. |
| Norm (desired behavior) | We are persistent in completing work even when it is difficult. We are responsible for seeking resources and not making excuses. We are courageous by asking questions and attempting work even when we are not sure. |
| Intervention Guidelines | <ul style="list-style-type: none"> • The teacher will meet with student outside of class time to discuss pattern of lapse in responsibility for learning. • The teacher will contact crew leader. • The crew leader will support student in creating an action plan to address causes, create goals, and next steps. The action plan may include: <ul style="list-style-type: none"> ○ Engaging in a peer support system ○ Teach a lesson to the class ○ Being assigned a class job |

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| | <ul style="list-style-type: none"> ○ Utilizing available resources like Dial-A-Teacher ○ Daily planner checks ● The teacher or crew leader will inform parents. ● If the pattern is persistent, the crew leader will initiate a larger support circle with student, parent, teacher, and/or a member of the Support Team to discuss the behavior and its impact. |
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Restorative Approaches to Foster our Habits of Work and Learning (HOWLs)

In order for students to be self-disciplined, they need to develop successful life-long habits. At BCS, these habits are known as the BCS Habits of Work and Learning (HOWLs). We expect staff to explicitly teach students how to develop stronger habits by giving students feedback using the BCS HOWLs rubric. We expect students to self-assess using the BCS HOWLs rubric and demonstrate continuous progress on the HOWLs learning targets.

DRAFT (pending CCC decision): Students are assessed on their HOWLs at least 4x a semester in all their classes. The HOWLs score determines 20% of a student's course grade.

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| Options for a Restorative Approach to Foster the School Success Habit of "Being Responsible for My Own Learning" |
| <ul style="list-style-type: none"> ● Define the assessment(s) that determine if a student is being responsible for their own learning. Gather data to get a clear picture of the problem. Who is not passing RFL? Is it certain subgroups? Is it in certain classes? Are there patterns? ● Tailor the intervention to the student involved. Reasons will vary. Use the restorative questions to have a problem-solving dialogue with student about what they are seeing and what they feel is the problem. ● Go over the RFL rubric with student and ask them to explain their understanding. ● Use the HOWLs language daily in class and crew. ● Suggest before school, lunch, or after school tutoring with teacher. ● Organize structured academic time in crew. ● Track progress from a baseline and give shout outs to students and parents about improvements in effort. ● Be clear about what high-quality looks like in every assignment. |

- Post and update bulletin boards to support student pride in their accomplishments.
- Update a HOWLers corner on the BCS website to shout out students with improving and strong habits.
- State clear expectations for being collaborative in class, and use data to create supportive instructional groupings.
- Follow a stricter deadline policy and state high expectations for students. Communicate regularly with student, families, and crew leaders when students fail to meet expectations.
- Update and check Engrade regularly.
- Seek help from other educators to design curriculum with more effective differentiation and scaffolding so that all students have the opportunity for success.
- Help students with IEPs understand their own learning needs and how to advocate for accommodations and modifications to support their own learning.
- Read student IEPs and be mindful of instructional decisions that specifically address individual student needs.
- Help a student break down reasons for why they are late (ex setting out clothes night before, etc.) and setting an alarm clock.

Options for a Restorative Approach to Foster the School Success Habit of "Being Responsible to My Community"

- Define the assessment(s) that determine if a student is being responsible to their community. Gather data to get a clear picture of the problem. Who is not passing RTC? Is it certain subgroups? Is it in certain classes? Are there patterns?
- Tailor the intervention to the student involved. Reasons will vary. Use the restorative questions to have a problem-solving dialogue with student about what they are seeing and what they feel is the problem.
- Go over the RTC rubric with student and ask them to explain their understanding.
- Use the HOWLs language daily in class and crew.
- Update and check Engrade regularly.
- Articulate clear traffic patterns in the hallway to make transitions smoother.
- Tally participation in class dialogues so students can track their own contributions. Praise quality contributions, and make it competitive!
- Design role plays and stage them in crew/Town Halls to show what kindness and open-mindedness looks like in our community.
- Actively use crew to discuss applications to the real world and what community means.
- Coordinate school-wide initiatives like shout out boards/postcards, certificates, core value bracelets and t-shirts, weekly student email. Think of multimedia possibilities!
- Design a monthly challenge like which grade of students will do the most acts of kindness.
- Have a gratitude board.
- Interact with families more - invite them to more events.
- Link out-to-lunch passes with RTC feedback/assessments.
- Convene a circle with current upstanders and ask them how they might encourage more upstanding behavior in their peers.

- Re-use the “crew expedition” resources for grades 6+9 to reinforce what it means to be a student at BCS and what our values are. Post them on website.
- Make consistent positive phone calls home.
- Organize monthly celebrations/pizza parties for HOWLers.
- Consider new publicity materials like bumper stickers that shout out HOWLers.
- Share your best practices with a colleague about how you develop positive relationships with students.
- Start the school year with team building activities to help students get to know each other and to build a community identity.
- Do an end-of-week shout out circle with each class so that students hear continuous praise and have opportunities to shout out each other for exemplifying HOWLs and core values.
- Gather regular feedback from students about how to improve the classroom community through circles, email, Google survey, etc.
- Design a needed service project that will allow a student to potentially make up their HOWLs and restore to the community.

Ladder of Interventions Using Restorative Approaches To Re-direct Off-Task & Disruptive Behavior in the Classroom

A Ladder of Interventions using restorative approaches to redirect off-task & disruptive behavior in the classroom

A. PAUSE

1. Tune into your thoughts and feelings about the student and the misbehavior.
2. If necessary, use self talk or other strategies to calm yourself down.

B. PIVOT

1. Turn from focusing on what you don't want to focusing on what you do want in this situation. Decide exactly what you want the student to do. State the norm/expected behavior.

C. ACT

1. Your aim is to get the student back on task (participating in the lesson or doing the assignment) as soon as possible. The actions you take will depend on the situation. Here are some guidelines to keep in mind:
 - a. Get the student's attention without embarrassing the student and/or putting her/him on stage by:
 - i. moving near to the student and
 - ii. having a quiet one-on-one conversation or
 - iii. quietly saying the student's name or
 - iv. using your body language and facial expression to redirect the student.
2. Be assertive: state clearly what you want the student to do (rather than what you don't want the student to do).

3. Explain that you want the student to succeed in understanding the lesson and doing the work.
4. Acknowledge student feelings. Start with "How are you doing?"
5. Give the student a chance to regroup. This might include allowing the student to go to another part of the room for a few minutes until s/he's ready to return to the group.
6. If the student shares feelings or information that call for a longer discussion, say that you'll be happy to have that conversation later but now you want to resume the lesson with the students' full participation or see the student back at work on the assignment.
7. Continue the lesson.
8. Or, if the atmosphere is tense or the class is restless, you might consider engaging the group in a light-and-lively activity to restore a positive mood (and make participation inviting to the disruptive student). Alternatively acknowledge the tension or restlessness and facilitate a short check in activity to get a sense of what's going on. If an issue arises that needs follow-up with the whole class, you may want to address it through a circle or restorative conversation at another time.
9. Now continue the lesson.

NOTE: The effectiveness of the strategies above will depend on the quality of your relationships with students, especially those whose behavior is challenging. Make a point of having as many positive interactions as you can with these students so that you have a pool of good will to draw on when things get difficult. If you know a student is volatile and easily triggered, you may want to meet with the student and work out an agreement about what you and/or the student can do if s/he feels s/he's about to lose it.

BCS Habits of Work and Learning (HOWLs) Rubric 2015-2016

I AM RESPONSIBLE FOR MY OWN LEARNING

At BCS, students who are responsible for their own learning are ones who have all of their materials organized. They are persistent in completing class work and ask for help when needed. They strive for excellence in every assignment and are proud of the work they've accomplished. Responsible students are also collaborative, and work to teach others what they have learned.

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| Exemplary (2 points) | I have met the expectations for a 1, and I model the core values. For example, I am kind and responsible for my own success as well as the success of our learning community. |
| Accomplished (1 point) | I demonstrate preparation by bringing in all my homework and classwork. I meet all deadlines and make up work if I am absent. I am prepared with all needed materials every day. I am on time to class every day. |
| Developing (0 points) | I demonstrate preparation by bringing in most of my homework and classwork. I meet most deadlines. I am prepared with all needed materials most days. I am on time to class most days. |
| Beginning (-1 point) | I complete little of my homework and classwork. I meet few deadlines. I am prepared few days with all needed material. I am on time to class few days. |
| No Mastery (-2 points) | I do not complete my homework or class work. I do not meet deadlines nor check in about missing work. I do not have needed materials on a regular basis. I am rarely on time to class. |

I AM RESPONSIBLE TO MY COMMUNITY

At BCS, students who are responsible to their community are open-minded. They are kind, listen to, and collaborate with others. Through this they see the value in having a community of learners. They respect the space and people in our community. They are upstanders who make courageous choices to make BCS the best place it can be.

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| Exemplary (2 points) | I have met the expectations for a 1, and I model the core values. For example, I am courageous in sharing my ideas and open minded in considering the points of view of others. I encourage and actively help others to be open minded. |
| Accomplished (1 point) | I consistently treat others with kindness, use polite, academic language, and a respectful tone of voice. I am consistently on task and engaged, help create a clean and orderly space, and keep hands to myself. I consistently make contributions to class discussion and actively listen to others. |
| Developing (0 points) | I often treat others with kindness, use polite language, and a respectful tone of voice. I am often on task and engaged, help create a clean and orderly space, and keep hands to myself. I often make contributions to class discussion and listen to others |
| Beginning (-1 point) | I rarely treat others with kindness, use polite language, and a respectful tone of voice. I am rarely on task and engaged, and I rarely help to create an orderly space and keep hands to myself. I rarely make contributions to class discussion and listen to others. |
| No Mastery (-2 points) | I do not treat others with kindness, use polite language, or a respectful tone of voice. I am off task and not engaged. I do not clean up after myself. I do not keep my hands to myself. I do not make contributions to class discussion or listen to others. |



Circles in Schools: The Basic Elements

When the teacher picks up the stuffed black bear—the elementary school’s mascot—the children know that this is the signal to leave their work, push their chairs up tight, and sit at the meeting rug for Circle. Ms. Linda asks the students to close their eyes and breathe with her. They take eight breaths in and out. Then they open their eyes. The students read their agreements in unison:

talk when you have the bear;

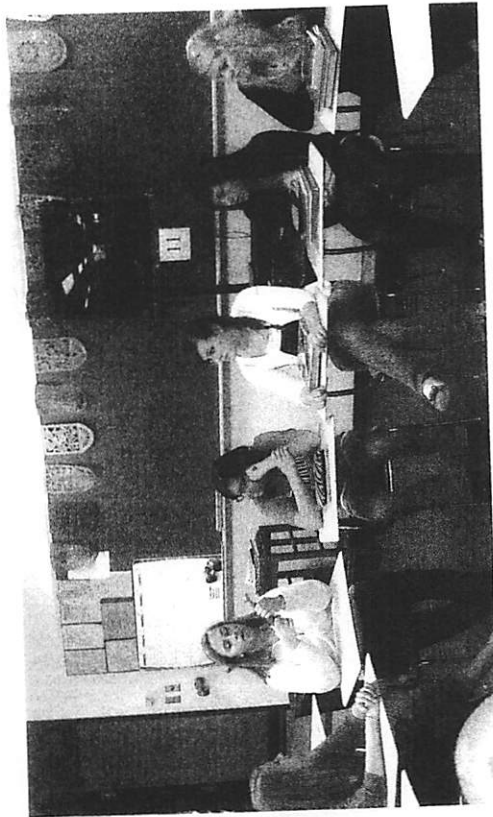
listen with care;

be kind;

our stories we will find.

Since the science lesson that day was about insects, the introductory round started with, “Say your name and answer the question, if you could be a bug today, what kind of bug would you be?” Most of the students wanted to be either dragonflies or butterflies. One boy wanted to be a mosquito, because then he could bug his brother. Another wanted to be a water strider but a big one, like a jet ski. The teacher noted that no one wanted to be a cockroach! The next question was, “What kind of bug would you definitely not want to be?”

The Circle was light and whimsical—just the thing to get people ready for the math lesson. In the final round, the students “send around the compliment”—they compliment the student to their



Connections between students and students as well as between students and staff develop as participants slow down and take the time to listen in Circle. Photo by Brenda Romerein.

left. The teacher closed the Circle by asking the students to stand and touch each other toes-to-toes. She thanked them for speaking out loud or in their head. It was a good Circle, because no one fell backward touching toes, like they did the first time they tried it!

The talking or peacemaking Circle is an intentional communication process guided by a community's values. It is based in the wisdom of Indigenous Peoples. The Circle can be used to help people get to know one another, direct a meeting, teach, support someone in need, or hold someone accountable for harm or rule violations.

The shape of the Circle illustrates equality—there is no head of the line or back of the room. It also suggests joint ownership of the process. The participants sit so that everyone sees each other. That means everyone can see if two people are holding a side conversation, and everyone can hear kind, direct, or harmful words.

The shape has metaphorical meaning as well. As Indigenous people point out, the earth is a circle. Our head is a circle; there are circle shapes all over the human body as well as in plants and animals. Black Elk, *Hehaka Sapa* (1863–1950), a famous Oglala Lakota Holy Man, described the wisdom inherent in the circle:

Everything the Power of the World does is done in a circle. The sky is round, and I have heard that the earth is round like a ball and so are all the stars. The wind, in its greatest power, whirls. Birds make their nests in circles, for theirs is the same religion as ours. The sun comes forth and goes down again in a circle. The moon does the same and both are round. Even the seasons form a great circle in their changing, and always come back again to where they were. The life of a man is a circle from childhood to childhood, and so it is with everything where power moves.¹

But the most practical part of the Circle is its transparency. One need know only that the talking piece moves in order around the circle of participants. Any question about “when can I talk?” and “when can I listen?” is answered by the talking piece. I do not have to think, “Did I as the teacher call on that student? Is there someone I missed?” The talking piece guides the eye and the attention to each participant.

A Circle is not directed by a person who is in the role of a teacher, social worker, or administrator. Rather, it is guided by a person who assumes the role of Circle keeper. The keeper does not make decisions for the group but allows and encourages all Circle participants to work together to find their own answers. Circle decisions are made through consensus. Using the values articulated by the members, the participants develop agreements or guidelines that everyone in the Circle agrees to follow. In this way, Circles are fundamentally democratic.²

To be most effective in a school or youth program, the Circle should be used on a regular basis as a communication process. All students and staff come to understand the basics: the purpose of sitting so that everyone can see everyone else's face, what a centerpiece is for, and how the talking piece works. Some uses of the Circle require only a basic understanding of the process and a willingness to try it. Other uses require more skill and experience. Using the Circle process to repair harm, for example—disruption in a classroom, bullying, or a fight—requires training, practice, and mentorship for the keeper.

The Elements of Circles in Schools

The boys gather once a week for their Circle in Mr. Reed's room. They start the same way. Once everyone is seated, they stand and follow the leader going around and shaking the hand of every boy in the Circle. Seated again, they sit in silence for a minute. Then the talking piece—a large seashell someone brought from a trip to see relatives on the Gulf coast—goes around. Each boy says his name and one of the guidelines that he resonates with that day.

The co-captain, who is the Circle keeper for the session, asks for a check-in. Many boys are particularly concerned about a rumor of a fight that may take place later in the day. Others are worried about the upcoming MCA tests (Minnesota Comprehensive Assessments—state tests). When the shell comes back to him, the keeper asks for suggestions about how to deal with the fight. Several ideas are offered. A few boys know one of the possible fighters, and they are going to go sit with him at lunch. Maybe they can find out what the deal is and help him avoid trouble.

In the midst of these suggestions, one boy asks for after-school tutoring for math. Three speakers later, Mr. Reed, who is the restorative justice guide in the school, takes the shell and offers to talk with him and the math teacher. The boys end the session with one more go-round: "In one word, how was the Circle for you?" As

the shell comes back to the keeper, the bell rings and, like students everywhere, they all get up and leave. Next week, during a different hour on a different day, they will do the same thing.

Circles in schools have many applications. The process certainly works well for building community, solving problems, or handling discipline situations. A number of educators have also used it to teach and organize their classes. Some just introduce the talking piece and the basic guidelines: "When you have the talking piece, you may talk, and when you don't, you may listen. Let's send this around the circle in order. Now, tell me one thing you know about the American Revolutionary War." Other teachers have found it useful, even necessary, to teach the elements of the Circle as a way to build a community of learners.

The physical elements of the Circle as a communication process include

- a circle of chairs or participants sitting on the floor in a circle
- the talking piece
- a centerpiece.
- The elements that provide the communication structure for the process include
- discussing values
- developing guidelines or common agreements
- making decisions by consensus
- honoring confidentiality
- creating a safe place
- maintaining the option to pass.

A keeper facilitates the process. When working with children and youth, adults need to consider how to discuss their mandated reporting responsibilities and their concerns for the safety of all participants. The historical Indigenous roots of the process

provide a rich context for the elements and can inform how Circles are applied.

Like learning to play basketball, youth can learn about each element of the Circle either through explicit instruction or simply by practice. Here are descriptions of the basic elements of Circles. I also offer some examples of how elementary and secondary teachers, social workers, and youth workers who have become "RJ School Guides" have taught and used these elements.

How to Build a Circle

The Talking Piece

Jack came with his collection of children's books to talk with teachers and principals about using children's literature to teach values and address harm in elementary classrooms. But first, he pulled out a bleached white turkey feather. "If you are going to use Circle and restorative measures in your school," he said, "get yourself a feather. The feather provides a wonderful metaphor for students. If the tines of the feather are ruffled, and messed up"—here he ran his hand from top to bottom of the feather—"the bird cannot fly. Just like if there is hurting in a classroom or the students are not working together with their teacher, they cannot learn. But if the tines are in order, smooth, and going upward"—here he stroked the feather bottom to top—"then the bird can fly, and fly all the way from the Arctic Circle to Antarctica. As the feather goes around the Circle and each of you has the chance to talk, I invite you to give the feather a stroke to smooth it out. We may put this feather back together, like we can talk and put a class back together. So if you are going to do Circles in school, I recommend that you get yourself a feather."

The basic tool of the Circle is the talking piece. The talking piece directs the conversation. When a person has the talking piece,



The talking piece is passed in order from one person to the next around a high school student Circle. Photo courtesy of St. Louis Park High School (SLPHS).

he or she may speak, hold the piece in silence, or pass it on to the next person. People speak of "respecting the talking piece." That phrase has several meanings. One is that when you don't have the talking piece, you listen. This offers simple control over the conversation. "Honor the talking piece" also means that the person holding the piece is respectful in his or her words and honest in what he or she says. "I have been in Circle," one Ojibwe keeper said, "with teens involved in gangs. And they have passed the eagle feather, because they would not lie. To speak the truth would be to admit to crimes. So they passed, out of respect."

A talking piece is much like a baton in a conductor's hand. The musicians agree to follow the baton and to work together under its control. Like the direction of the baton, the talking piece directs the group. No one has to wonder, "Should I jump in here? Can I interrupt? Do I have my hand high enough in the air?" The talking piece brings together the members of the Circle to work together in a respectful way.

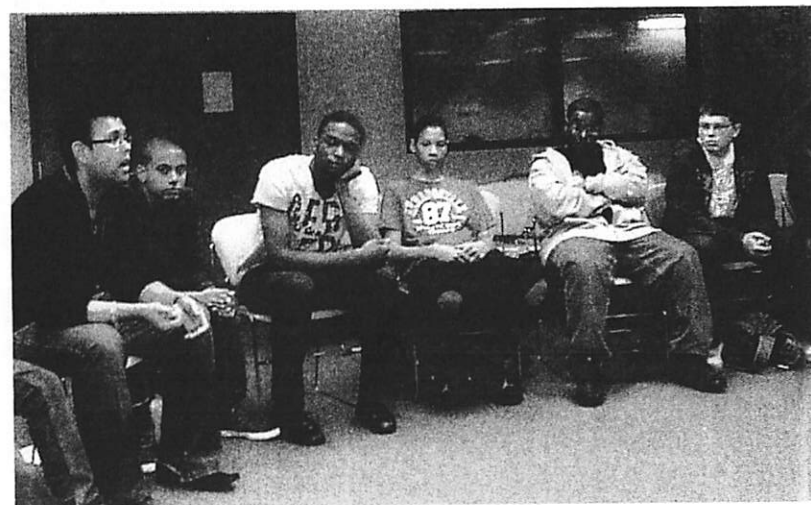
Self-control, speaking respectfully, being honest: these are the components embodied in a talking piece, and they can be taught in a number of ways. One way is to simply let Circle participants

An Ojibwe Elder speaks of values as she holds an eagle feather talking piece at the Anishinabe Academy Girls Circle. Photo by Kaori Sakagami.



experience the Circle. As the piece goes around, they will see how others honor or respect the talking piece and the person who holds it. In Minnesota Ojibwe hands, the talking piece is usually an eagle feather, which is sacred in many Indigenous traditions. Respecting the talking piece when that piece is sacred to your tradition is pretty straightforward. So, too, if you understand the meaning behind the object—be it a rock from Lake Superior, Grandmother's prayer book, or a carved, ebony figure from Kenya—you naturally respond to the talking piece's use with respect.

But how does one communicate the idea of respect of an object to a group of third graders in a suburban elementary school or to a multi-aged group in the inner city after-school program? One teacher from a small town addressed the issue by having students make their own talking pieces. She brought in feathers,



The person holding the talking piece speaks, while the other Circle participants listen. Photo courtesy of St. Louis Park High School (SLPHS).

sticks, beads, shells, rocks, ribbon, yarn, and other items. With the help of a scissors, glue, or a hot glue gun, the students set out to make their own talking pieces.

The students had two tasks: to make a talking piece that could be used in the classroom and to make one to give to someone outside of the school who had taught them something. The class discussed symbolism—what colors could represent and what meaning besides being a stick an object might have. For instance, if the student learned how to fish from her grandfather, she might select a stick to represent the pole and then tie green and blue ribbons to it to represent the fish and the water.

Creating a talking piece to give away offered the class the opportunity to discuss numerous topics—the process of lifelong learning, of finding teachers in all parts of their lives, of practicing generosity, and of showing respect to people who help them. With older students, the activity can be connected to a story or novel. It can involve an essay or a research project on

cultural objects and their meanings. The second talking piece can become part of the collection of talking pieces that can be displayed in the classroom and used when it is a student's turn to keep the Circle.

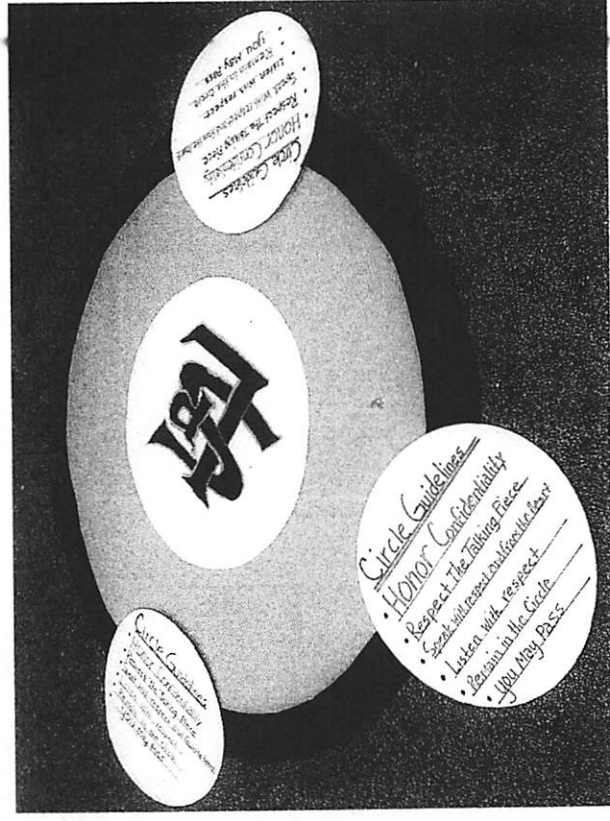
Another way to illustrate the symbolic meaning of the talking piece is to discuss objects that hold meaning for people. Participants in a seminar on restorative justice are sometimes asked to bring in an object that means something to them and explain it as a way of introducing themselves to the learning community. While their name tag may indicate that they are a principal or a social worker, what the participants say about their object of significance provides a broader picture of who they are. This exercise works well with young people too.

People have brought in, for example, pieces of jewelry that are valuable not for their monetary worth but for what they symbolize: the love of a life partner, the guidance of a grandmother, or the memory of a deceased friend. One person held out his police badge. He explained that it not only officially identified his office but also connected him to his family: his father, grandfather, nephews, and a niece were also police officers. Rock climbing links, water bottles, and swimming caps identify favorite activities. Stuffed animals, a lanyard made by a child at camp, or a photograph might represent the person's relationships with children or students.

Whether by making their own object or by bringing in an object and describing what it means for them to others, students learn that if they want their talking piece respected, they need to respect other talking pieces.

The Centerpiece

Even though it is not essential to the Circle process, a centerpiece can help welcome people to the process and provide a physical representation of the Circle community. A quilt that includes an



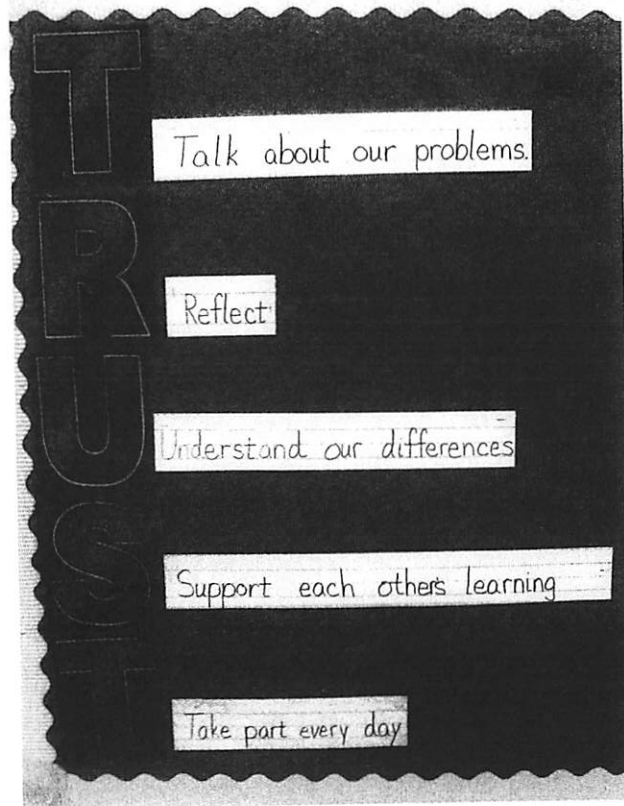
The centerpiece used for Circles at St. Louis Park High School is made with the school district logo and the school colors. Photo courtesy of St. Louis Park High School (SLPHS).

embroidered Hmong square, a piece of Kinte cloth, a piece of Scottish tartan, and a piece of fringed deerskin or beaded cloth, all bounded by the colors of the school, can provide an easy way for students and other Circle participants to see themselves welcomed to the Circle in the centerpiece. A centerpiece provides focus for participants. It also offers a place for participants to rest their eyes without being disrespectful to the person speaking.

One way to make a centerpiece is to simply lay a scarf or piece of cloth in the middle of the circle and invite students to place small objects of meaning on the cloth. At the end of the Circle, the piece of cloth can be rolled up and stored for the next Circle.

Creating a weaving is another idea for a centerpiece. Sarah Smith, a fourth-grade teacher, provided each student with a strip of cloth and markers. The students were asked to draw a picture

The values of the Circle can be incorporated into other classroom lessons. A third grade class made an acrostic from the value, trust. Photo by Sarah Smith.



or write words that described one or two things that they valued. Or, they could draw a picture of themselves and the important people in their lives. These strips were woven together and sewn into one large piece of cloth. The class then discussed what was seen and what was hidden and how one side looked different from the other. They also talked about how these ideas of seen and hidden, similar and different factored into friendships, how people work together, inside and outside traits and strengths, and ways of getting along with each other.

Using a quilt as a centerpiece offers a symbol of community: individual pieces are stitched together and supported by

a common backing. I use a white bedsheet with the red, yellow, and blue handprints of children who were part of a peacemaking retreat. It folds up quickly and washes easily. Some people use a candleholder, such as a circle of figures holding hands. Others put a bowl of water on a scarf. A vase of flowers cheers any space. For practical purposes, it helps to have a box of tissues handy.

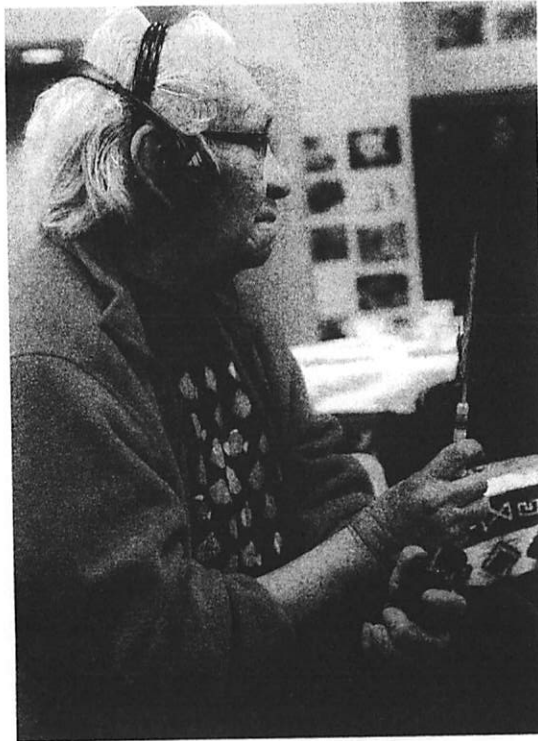
After creating talking pieces and, as a group, chosen or created a centerpiece, the next step in building a Circle community is to discuss the values that students bring to their school, their class, and the Circle space.

Circle Values

The Circle gathered in the atrium of the school. Third-grade and eighth-grade girls had just served tea to a group of grandmothers—elders from the community. The group meets for tea, Circle, and lunch once a month. The talking piece was an eagle feather brought by one of the elders. The girls and women started the Circle by sitting in silence a moment. Then the feather circled, and everyone said her name. The feather went around again, and the girls read from laminated pieces of paper the seven Ojibwe values of their Circle: Honesty, Humility, Truth, Wisdom, Love, Respect, Bravery. Each of the elders shared a value that had directed her life and that she wanted to pass on to the girls. The elders and the girls then talked about what one of the values means to them. They closed the circle with one of the eighth-grade girls reading a passage from a book of her choice that illustrated one of the values. Then everyone ate lunch together. After lunch, the girls went back to class, and the elders returned to their homes.

Communities organize themselves according to their values. Rules, ways of acting, protocols, and etiquette make the most sense when we understand the values they represent. Some cultures expect people to look each other in the eye when they greet

Anishinabe Academy in Minneapolis invites Ojibwe Elders to their school for tea and Circle. Here, an Elder holds the talking piece and thanks the 8th and 3rd grade girls for the refreshments. Photo by Kaori Sakagami.



one another. Eye contact indicates that they respect each other, that they are open and honest, or that they are glad to see one another. Yet, in many other cultures, a younger person would not look an elder in the eye out of respect for the elder's wisdom and experience. A Muslim woman from Sierra Leone explained that her grandmother expects her to bow when she greets her. The grandmother has been to Mecca. She deserves the respect of a bow from her granddaughter for completing the pilgrimage.

Schools have rules, like no running in the halls, to ensure the safety of all students and staff. The expectation or rule to wear school uniforms may be intended to represent equality among all students, regardless of class or economic status. Games have

rules to make sure that everyone plays fairly. There are rules or laws that require people who work with children and youth to report any suspected abuse of a child, because civil society values children and wants them to be safe and healthy.

Oftentimes, schools make a new rule each time some confusion or trouble arises. But reviewing shared values can help to keep everyone going on a "good path" more effectively than imposing yet another rule.

A colleague of mine, Rick, told me how he solved the problem of a chronically absent student. The boy was ignoring the attendance rule, namely, that students must go to school unless they have a signed excuse from their parents. This student simply did not show up for days at a time. One day, Rick decided to illustrate what he explained on the first day of class: you are all important to our learning. So, he took his class outside the school and walked up the block to the absent student's house. They rang the doorbell. The student opened the door. Rick said, "We would like to have class with you, because we miss you and you are important. May we come in?" The boy let his classmates in. After that hour of home instruction, he was a regular participant in Rick's class in school.

Moving the dialogue up to the value—that everyone is important to our learning—was more effective for this student than going down to the rule. Making a new rule for him or imposing a punishment would not have been nearly as effective. So, participants first need to discuss their values before setting the common agreements or rules of a Circle.

One way to do this is to think, write, and speak in Circle. Give each student a small paper plate or piece of paper and colored markers. Ask them to think of what helps them learn and get along in the classroom and then write a word that expresses this on the paper plate. For example, they might come up with words like "respect," "fun," or "honesty." Then convene the Circle by

introducing the talking piece. For an opening, explain the metaphor of the talking piece—what it represents to you or what it might mean for the class.

For introductions, ask the students to say their name and the word they wrote on the paper plate: “My name is Gus, and my word is ‘truth,’ because I believe we all have a part of the truth, and by sharing it, we can work together well.”

As each word is introduced, the plate is added to the center-piece on the floor. In the next few rounds, the group can explore the words with questions: “Is there a word that someone else put into the center that you would like to pick up and talk about, because you like that word a lot too?” “Is there a word you have a question about?” “Do any of these words contradict each other?”

After discussing the meaning of the words, the keeper may invite the students to illustrate one of the values with a story: “Pick one of the words on the plates, and share a story of when you felt the power of that word. For instance, I will take the word ‘community.’ I went to a picnic once where I knew no one, but the person who organized the picnic sat with me on my blanket. She explained some things about the school I was going to attend and shared her cookies with me. By the end of the picnic, I felt like I could be part of this school community. I felt welcomed.” Finally, ask the students to talk about how they can contribute a value to the classroom: “People will know I respect them because I . . .”

The questions can move from the general to the personal to a challenge: “What do you value in this class?” “Share a time when you experienced that value.” “The next time I see someone being left out, I will . . .”

A closing for this Circle about values can be as simple as a final pass with this question: “In one word, how was this Circle for you today?” Or, it can be specific: “Share a value you like other than the one you expressed today.” It may help students who are new to the Circle for the keeper to encourage talking by taking the lead and answering each question first. Or, if everyone seems

to understand, the keeper can pose the question and answer it herself at the end when the talking piece comes back around.

Jack Mangan, a behavior specialist in an inner-city K–8 school, closes his Circles by asking students to stand, touch each others’ toes around the circle, and then give the talking piece to a student who is a leader-type and pose the question, “How did you think the Circle went today?” The toe-touching ending illustrates connectedness and gives students a safe, respectful way to touch. Asking a student to close the Circle would give that student the opportunity to lead in a good way.

At the end of the Circle, the paper plates can be gathered up and kept as part of the classroom. They can be posted, reviewed, used as spelling words, or used as prompts for writing projects. They can also tie in with other social skills curricula, such as character education, bullying prevention education, or social studies. Some people start their Circles by referring to values. In the introductory pass, each student can say his or her name and a value, even if they say no more than, “Sam, confidentiality.” Quiet people are more likely to talk if you make it easy for them to put their voice into the room just once.

Guidelines

After the values of the Circle community have been discussed, then the common agreements or guidelines can be created. Here are some common questions that keepers use to start the discussion about agreements for the Circle:

- How do we need to act so that we are true to these values?
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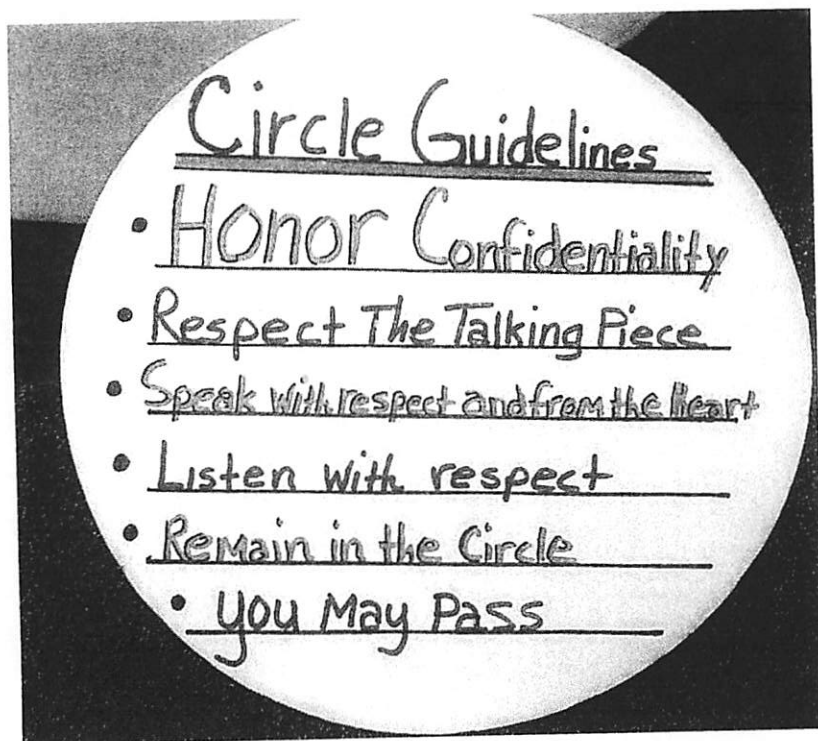
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The St. Louis Park High School Circle guidelines were developed by the youth in the Circle. Photo courtesy of St. Louis Park High School (SLPHS).

Many keepers prefer to use the terms “common agreements” or “guidelines” rather than the word “rules.” “Rules” suggest rigidity and are found in the student handbook, which is a legal document. Rules tend to be set by authorities. In Circles, the participants generate the guidelines, which everyone agrees to follow. The spirit of “guidelines” or “common agreements” can be found in the poetic agreement suggested by one boy in a middle school Circle: “Don’t step on anyone else’s dream.”

Some basic agreements guide most Circles, and keepers can use these to help the class begin to develop its own list for a specific

Circle. The “You’re the One Who Can Make the Peace” media campaign sponsored by the Minnesota Department of Public Safety published a flyer about using Circles in the classroom. It opened with some guidelines around the use of the talking piece:

When holding the talking piece, you show respect to the Circle and to each other by doing the following:

- speaking from the heart
- speaking with respect (no name-calling or put-downs)
- speaking briefly, so that everyone will have time to speak
- speaking on the topic.³

In her book of middle school Circle activities, *Behind the Green Glass Door*, written for the Minneapolis Public Schools, Marion London listed these common agreements:

- Everyone is respected.
- Everyone gets a chance to talk without interruption.
- We explain ourselves by telling our stories.
- Everyone is equal; no person is more important than anyone else.⁴

A youth group in a Minnesota high school uses the following guidelines. They are written on a piece of white tag board that can be carried easily to any room in which a Circle is conducted:

- Speak only when you have the “TP” (talking piece).
- Speak from your heart.
- Honor confidentiality.
- Listen with respect.
- No swearing.
- You may pass.

One of the most comprehensive resources for the Circle process is *Peacemaking Circles: From Crime to Community*.⁵ In the book, authors Kay Pranis, Barry Stuart, and Mark Wedge describe the basic guidelines for Circles:

Along with additional guidelines participants may agree upon for a specific Circle, the following six guidelines are essential for Circle dialogues. Collectively, they translate the values and principles into concrete behavior that makes it easy for newcomers to adapt to the Circle atmosphere. These core guidelines are:

- respect the talking piece;
- speak from the heart;
- speak with respect;
- listen with respect;
- remain in the Circle; and
- honor confidentiality.⁶

Each Circle community develops its own guidelines. But, as these lists indicate, Circle groups tend to agree on the need for guidelines around the talking piece, listening and speaking with respect and from the heart, and confidentiality. One class developed their agreements by first listing on poster paper everyone's response to the question, "What would make the Circle a safe place for me?" Then they looked at all the suggestions and started grouping them into categories. Finally, they selected key words that all the students could agree on and made action statements around those words. These became their agreements. Instead of voting on the statements, they kept passing the talking piece around until everyone said, "Yes, I agree; I can live with these words." By taking the time to work things out in this way, the class was able to run their Circle smoothly for most of the year.

Ron and Roxanne Claassen state in their book *Discipline That*

Restores, "It is in making and keeping agreements that trust is built."⁷ The exercise of coming to consensus around guidelines gives students the chance to make simple agreements, follow them, and start to build trust with each other. Trusting that people will respect each other enhances the climate in the classroom, both socially and academically.

Occasionally, a class might decide that they want to review the agreements. For example, do they need to change the words, or do they simply need to follow them more closely? Usually, they find that the words work just fine, so they use the exercise to recommit to their agreements.

Components of the Circle Process

The Keeper(s)

Jamie and Oscar came to the Circle training for teachers and school administrators with four students from a high school Circle that Oscar runs every week. Everyone sat in a circle, and Jamie started the session by reading a poem about awareness from a favorite poet. Then she introduced herself and the talking piece she brought—a long, hand-carved stick given to her by a mentor. She sent the stick around, asking each person to introduce himself or herself. When the talking piece came back to her, she invited Oscar and the students, who were sitting to her left, to talk about their Circle. As the stick made its way around the Circle, the participants asked the students questions, which they answered in the moment. Some people just offered comments, and some passed the stick without talking. When the stick got back to Jamie, she sent it around again for “anything else anyone had to say.” People thanked the students or offered them praise for their insights. Being teachers, many suggested that the students go into education. Jamie took the stick and read a closing text from Martin Luther King Jr. The boys got up and ended the session, leading everyone in a handshake around the Circle.

The person who facilitates the Circle is called a “keeper,” as I noted earlier. In *The Little Book of Circle Processes*, Kay Pranis describes the keeper as one who “assists the group in creating and maintaining a collective space in which each participant

feels safe to speak honestly and openly.”¹ According to *The Little Book of Restorative Discipline for Schools*, keepers “do not control the Circle, but help participants uphold its integrity.”² They are equal participants in the Circle. “It is not a position of power, but it is a responsibility to others to keep to the values of the Circle.”³ Instead of running the process, the keeper *serves* it.

To be a teacher and a Circle keeper in the classroom present an interesting juxtaposition of roles. Generally, a teacher wants to be in control of his or her classroom—the ebb and flow, what is taught, what happens when. With Circles, however, it is the participants who ultimately set the flow. The keeper serves their interests and follows their lead. The teacher’s goal in using Circles is the same as with any educational tool. The idea is that students eventually are able to use the knowledge or skill being taught for their own purposes. A Circle teacher not only lays the groundwork of skills but also encourages a sense of curiosity and wonder, so the students are inspired to take charge of their own learning. As Circle keeper, the teacher provides instruction and the opportunity to practice. Slowly, though, the keeper-teacher lets go of “what needs to be taught when” as the students become the keepers of their own Circles, as this story illustrates:

A breathless first-grader runs up to the school administrator supervising the playground. “Mrs. Ticiu, Mrs. Ticiu!” he exclaims, “I need a talking piece!” Mrs. Ticiu reaches into her pocket, extracts a small plastic dinosaur, and offers it to the child. He grasps the dinosaur tightly in his fist and dashes off to join several other students, who moments earlier, were arguing. With the help of the talking piece, they discuss their disagreement and find a solution they all like.⁴

This may sound like utopia. However, just as we don’t think twice when children start to read on their own, so, too, is it normal for students to use, on their own, well taught social skills.

Cindy Skalsky describes one approach she uses to teach the Circle process. She turns the Circle over to the students, posing the question of how they might improve both the school and themselves.

What I did a couple of years ago with a challenging group of fifth graders was to introduce the Circle slowly. Then I would have one quick question for fun—“what do you think or feel about . . . ?” and “how can you solve it?” My question was, “If you could change one thing in this school, what would you change and why?” From that, several students indicated they didn’t like the options for school lunches. So, I asked all of the class. We talked about what they thought or felt about school lunches, and then I asked, “What ideas do you have to improve it?” One student took notes and another typed up the ideas and shared it with the lunchroom staff. Some changes were made based upon their input.

Eventually, after we talked about their ideas to improve the school and other ideas about how to improve the world, we talked about what ideas they have on how we could improve this classroom or themselves. They ended up developing silent signals to remind each other not to gossip or talk behind each other’s back. They developed a list of classroom rules that they felt were important, so students had a good environment to learn.⁵

How Does It Work? Ceremony and Storytelling

The process of speaking and listening in Circle is as simple as “circling up” some chairs, picking up a stress ball in the shape of an apple, and passing it to your left with a question that invites simple but thoughtful sharing: “Who are you?” “Why are you here today?” “What do you like?” “What problem do we need to

solve together?" "How can we help?" A Circle keeper could then just follow her or his own intuition and the thoughts and interests of the group to complete a "Circle."

But Circle keepers and participants in and out of schools recognize core elements that organize the Circle process. These elements encourage a sense of safety, deep listening, and honest speaking. They also provide a framework for problem solving. Dimming or bringing up the lights signals the beginning of a concert or the intermission to a play. It sets the stage for listening and responding to a performance. So, too, there are ways of opening and closing a Circle and organizing the middle portion. Ceremony, ritual, and storytelling complete the space, while the wisdom and experience that Indigenous Peoples have with the talking Circle offers a deeper understanding of the process.

Some cultures open any social gathering with a prayer. It represents an intentional call to the participants to recognize the group, the purpose of the gathering, and the reality or presence of something that is greater than them. In the United States, common public openings include playing or singing the National Anthem or reciting the Pledge of Allegiance. People respond to these openings consciously, aware of the words and the symbolic meaning of the act. They can freely choose whether to participate or to respectfully watch. Opening rituals or ceremonies are intended to gather the group together and signal the beginning, whether the occasion is a meal, a wedding, a political debate, or a ball game.

Some American Indian people open a Circle with a prayer or with burning sage or sweetgrass, a process called "smudging." "Sage is a medicine in my life," said the late Chuck Robertson, Ojibwe and Dakota educator and Circle trainer. "Burning sage helps cleanse, clear, and open the mind." Besides its spiritual value, the opening signals the beginning of the process. It helps participants set aside other issues, so they can be present in the moment at the Circle. Likewise, the Circle may close with a prayer or good words that once again recognize the community,

its work, and the beliefs and aspirations of the community to be together in a good way.

Children respond positively to rituals, namely, the intentional repetition of actions that signal something different and special. Think of the ritual of Thanksgiving dinner at your house or the ritual opening of a baseball game. Actors and athletes have rituals that they hope will prepare them mentally for performance or bring them luck. Establishing the routine or ritual of an ongoing Circle helps participants quickly focus on the current moment and be present to the process. In a public school or in any setting that includes multiple beliefs and cultures, the opening and closing of a Circle can provide symbolic welcome and, like the objects that are chosen for the centerpiece, suggest inclusion.

The most generic of openings is to invite students to sit in silence for a minute or to participate in simple yoga breathing. Regardless of where we come from—if we are tall or short, old or young—everyone has to breathe. Breathing together or inviting people to be intentional in recognizing their breathing calls attention to our similarities, despite our differences.

Oscar Reed, Circle keeper and trainer, tells of one of his first forays into using Circles with a group of special education, middle school students from the inner city: "I asked them to sit in silence for a minute—sixty seconds—and they would complain, 'Man, that is too long!' But once they got used to it, they could sit easily for two or three minutes. They always expected to be silent; sometimes they would ask for silence if I did not start the Circle that way." He concluded, "The kids seldom have silence in their world. They longed for it, once they discovered it."⁶

After people have taken time to be aware of their breathing and, hopefully, the present moment in which they sit, another part of opening the Circle can be added—a reading or story. The selection of the opening can further set the stage for the Circle. Stories illustrate values or problems. They provide perspective for the discussion that will follow.

Cordelia Anderson used the following story, one of the legends of the Cherokee People, to open a Circle with a group of middle school boys of different races who had continual scuffles on the playground.

The Wolves Within

An old Grandfather said to his grandson, who came to him with anger at a friend who had done him an injustice, "Let me tell you a story.

"I, too, at times have felt a great hate for those that have taken so much, with no sorrow for what they do.

"But hate wears you down, and does not hurt your enemy. It is like taking poison and wishing your enemy would die. I have struggled with these feelings many times."

He continued, "It is as if there are two wolves inside me. One is good and does no harm. He lives in harmony with all around him and does not take offense when no offense was intended. He will fight only when it is right to do so, and in the right way.

"But the other wolf, ah! He is full of anger. The littlest thing will set him into a fit of temper. He fights everyone, all the time, for no reason. He cannot think because his anger and hate are so great. It is helpless anger, for his anger will change nothing.

"Sometimes, it is hard to live with these two wolves inside me, for both of them try to dominate my spirit."

The boy looked intently into his Grandfather's eyes and asked, "Which one wins, Grandfather?"

The Grandfather smiled and quietly said, "The one I feed."

The story poses the question for the boys to answer: Which wolf would they feed? Would they work to build understanding and

have control over their actions, or would they focus on fighting and anger? The story helped to frame the discussion that followed and quickened their insight. Thereafter, they could refer to "the wolves in their lives" as a metaphor for their personal challenges and their struggles to respond with insight. Anderson notes that this story provides a useful opening for a Circle on burnout with a school staff as well.

Chicken Soup for the Teenage Soul is a book I have seen used in many middle and high school Circles. *Bartlett's Familiar Quotations* or a quick search on the Internet can also help Circle keepers who are pressed for time to find pertinent openings. Literature, poetry, songs, and personal stories can provide the literal and the metaphorical direction for a Circle. One Circle keeper uses the metaphor or the symbolic meaning of a talking piece she has chosen for a Circle and the objects on the centerpiece to set the stage for a meaningful Circle.

Closing the Circle should also be obvious and predictable. Most Circles close with one final pass of the talking piece, so that everyone can essentially "check out." The Circle keeper may solicit final thoughts by asking, "In one word, how was this Circle for you?" or "Is there anything else anyone has to say?" Especially if the keeper is a teacher, he or she can use this last pass as another opportunity to look specifically and directly at each student, whether or not the student says something. Then the keeper closes the Circle. Closings can be formal with a reading of another quote or story, or they can be a summary of the discussion. A closing might also be a time for the keeper to highlight one idea discussed in the Circle. Or, the keeper can close with a simple, "Thank you for talking and listening today." A clear ending sends the signal to participants that it is time for them to transition from the Circle to their next activity: math, recess, lunch, or going home.

Once all the participants are present and the Circle has established its focus through the opening, the Circle becomes a space where people listen and speak. In *The Little Book of Circle*

Processes, Pranis outlines four elements of the Circle process. These elements first develop relationships and then focus them into action. They provide the general outline of the conversation:

1. Meeting, getting acquainted
2. Building understanding and trust
3. Addressing visions and issues (content)
4. Developing plans and a sense of unity.⁸

This outline is particularly helpful when participants are engaged in problem solving, such as a planning meeting or using a Circle to repair harm. Each element creates the foundation for the next. It is logical that people introduce themselves to each other, share their job or position, and make simple connections, which could be anything from agreeing on the weather to finding out if anyone has a mutual friend or common experience. Small talk helps people warm up before discussing whatever issues are at hand: from a staff meeting to sharing information to addressing a fight.

Getting Acquainted

After the opening (breathing, singing, listening to a reading, or silence), participants use the Circle space to meet and get acquainted. As the first pass, the keeper sends the talking piece around and invites participants to introduce themselves. "What is your name and what brings you to the Circle?" is one prompt for the beginning of a Circle. It also provides an easy way for students to "check in."

If the keeper invites people to say their name and answer a metaphorical question about how they are feeling, the answers can give the teacher and the other students insights into each student's emotional state that day. The questions could be direct. One alternative learning program asks the students at the

Wednesday weekly Circle to share a high and a low of the week so far. Or, the question could be less direct: What kind of weather are you today? If everyone feels partly cloudy or like a thunderstorm, perhaps a quiet session of journal writing could help them process what they are feeling and start the day with everyone being mindful of their emotions.

The routine of having students say their name as the first go-round helps them affirm their presence. As I mentioned before, getting students to speak just once can encourage verbal participation throughout the day. This opening round provides a simple way to do this: everyone can say his or her name. If a new person is in the Circle, he or she will hear each person's name and say his or her own. This is a naturally welcoming process and a quick way for a new student to learn names.

Building Understanding and Trust

Storytelling provides a natural way for people to connect, and it sets up a process for developing empathy. Students may see themselves in a peer's story of running to the bus on a snowy day and then falling down and getting all wet. Or, they might remember when they felt sad at the death of a pet, just like their classmate is feeling when she says her dog died. Collective narrative therapy practitioners David Denborough and Cheryl White point out that helping others tell their stories enables "people who are experiencing hardship to make a contribution to others who are also experiencing hard times. The experience of making a contribution sustains and generates hope."⁹

Social emotional learning practices and ideas can be applied in the "meeting, getting acquainted" phase of Circles. What students say in response to the quick opening question, for example, can give the Circle keeper ideas for the "building understanding and trust" element that follows. According to the Collaborative on Academic, Social and Emotional Learning (CASEL), "Social

and Emotional Learning (SEL) is the process of developing social and emotional skills in the context of a safe, caring, well-managed, and engaging learning environment." SEL components include self-awareness, responsible decision-making, relationships skills, social awareness, and self-management.¹⁰

All aspects of the Circle give students practice in developing not just social skills but skills that are valuable for learning other subjects as well. Certainly listening and speaking skills—essential elements of communication—are enhanced through participating in Circles. Storytelling helps support literacy teaching. Students tell stories when they do journal writing or write fiction. By hearing each other tell stories during Circles, they can begin to hone their own skills for shaping a "beginning, middle, and end" of a narrative. Including storytelling during a round of a Circle can build students' confidence in their ability to stand up and speak in front of peers when they go to speech class.

Circles are definitely a community-building process. The word "building" suggests that the process is most effective when it is used on an ongoing basis—regularly. It is not the best practice to use a Circle only under certain circumstances or when trouble arises. Building understanding and trust take time.

By building community, Circles serve preventive functions. They strengthen relationships and increase protective skills and assets. During regular Circles, misunderstandings are more likely to surface and can be addressed constructively before they erupt in conflicts or harmful behaviors. When harms do occur, the stronger the relationships and the more skill and trust students have in the Circle process, the more readily conflicts can be resolved in a good way. Ongoing Circles create a positive space that is already in place when difficult issues come up.

Using Circles to repair harm requires a deep understanding both of the Circle process and of how to apply restorative principles. It also requires knowledge and skills about how to conduct preparatory meetings or Circles before the main

Circle to address the harm. During these preparation gatherings, people—victims, offenders, and other affected parties—are invited to participate in a restorative process. These preparatory steps are well outlined in books on restorative measures, such as *Peacemaking Circles: From Crime to Community*. But skill in using the Circle process to repair harms also requires experiential training and Circle-keeping apprenticeships.

Used in classrooms, Circles typically have an opening and a closing. In the middle, they might include storytelling, sharing, reflecting on an assignment, or discussing a topic, depending on the situation. In any Circle, the process is deliberate, thoughtful, and intentional.

Confidentiality

I was once called to a parents' meeting at a small charter school. The school had recently started using the Circle process as a way to hold their daily class meetings. This practice had become controversial for some parents. At the meeting, it did not take long to find out that they were concerned with what one parent called the "secrecy of Circle." It seems that children had come home and with enthusiasm said, "We have this really great way to talk in school. It is called a Circle." "Really," the parents replied, "and what do you talk about?" "Oh, I can't tell you," the children would say. "It's a secret."

The elementary-age children had taken very seriously a common guideline for Circles, namely, "What is said in Circle stays in Circle." They did not yet have the skills to explain the process and to give a summary of what happens in a typical Circle meeting. The idea of secrets in a classroom would raise interest, if not concern, with any engaged parent.

Once the purpose of the confidentiality guideline was explained, however, parents were more inclined to give the new

process a chance. When they learned that they were invited to participate in any classroom Circle at any time, the tension in the room subsided considerably.

"What is said in Circle stays in Circle" is a commonly agreed-upon Circle guideline. Yet Circle members may agree together on what may be shared outside of the Circle. Keeping the confidentiality of Circle communication encourages honest conversation. Participants are more ready to share deeply held values, beliefs, and feelings. If the other members of the Circle can truly honor this sharing, then the guideline can help students develop empathy, caring, and connection among all involved. Deeper, more serious conversations can be held—conversations that can enhance feelings of safety and respect even in trying times.

For instance, a group of multi-cultural, multi-political high school students gathered once a week for a one-credit semester course in Circle after the September 11 (2001) attacks in New York and Washington, DC, and during the first months of the war in Afghanistan. Feelings ran high regarding what was happening in the world: the attacks, patriotism, racism, classism, religion, war in general, and a war in Afghanistan in particular. The students were glad for a place to talk, and the agreement, "What is said in Circle stays in Circle"—confidentiality—enhanced the process. "I was able to respect someone who was so opposite of what I believed, because of our talk in Circle," one young woman said later. "I had to listen, and even though I did not agree—I would never agree—I found a way to see him as an honest person with honestly held ideas. It was hard. Keeping confidentiality made the discussion safe."

This seventeen-year-old high school student had the skills to convey the flavor and feeling of the Circles she participated in without breaking the confidentiality of her fellow students. The second graders had not yet developed these communication skills. Part of teaching the Circle process to students and adults is to help them understand how to tell the "story" of the Circle.

I recommend starting with helping students understand what is personal in nature. For example, the names of the persons who told stories about their experiences or feelings should be kept in Circle. However, general topics, such as "we talked about families," "we talked about pets and hobbies," or "we had an intense talk about the election" are okay to describe to others outside the Circle.

Another teacher offered her students this guidance: "Speak about what you said, not about what others said, unless you have their permission to do so." Yet in some situations, telling the story of the Circle is precisely what everyone in the Circle wants. For instance, students from an English Language Learners program and students from an Alternative Learning Center told the following story at a state conference as part of a workshop on the use of Circles to repair harm.

A group of newly arrived Karen students from Myanmar (Burma) got into a fight on a bus with a group of American students. Both groups attended the same small school but were in different programs. Neither group spoke the other's language. This inability to communicate was part of the reason for the fight. Students agreed to sit in Circle with a translator, the school principal, two educational aides (one African American, the other Karen), and the Circle keeper, who was the school's social worker.

Doing a Circle with a translator provided a lot of insight for everyone participating. The process slowed way down, as the translator had to repeat everything anyone said. It showed how complicated communication can be and how much time it takes for people to learn about each other. The participants agreed to go back to their friends and tell them about the Circle, explaining that everyone in the Circle had agreed not to fight. In this situation, transparency and openness were essential to the success of the Circle process.

In other instances, however, honoring the confidentiality guideline—"what is said in Circle stays in Circle"—is essential.

Learning how to tell the story of the Circle, as in a Circle to teach elementary school students social skills, is important. Telling others the story of a Circle that was convened to repair harm can show that there was accountability and agreement. This knowledge can help a community to heal, as the bus-fight incident illustrates.

The confidentiality guideline is not about secrecy but about learning respect, discretion, and how to develop trust, so that people feel safe enough to share openly. Even in the simplest, most topic-focused Circles, deeper sharing can surface unexpectedly when confidentiality is ensured. To ensure that all involved have the same expectation of confidentiality for a particular Circle, Circle keepers can ask, "What will we tell others about this Circle?" Coming together with the mutual intent to share and to care for the feelings of the other participants allows people to express their feelings honestly. Participants can assume a baseline of respect and trust, assured that their emotional vulnerability will not be used against them.

Hopefully, two things will prevail: common sense and a respect for the Circle community. Circles help students of any age learn how to respect each other by not using personal information about others in mean ways. The fact that a girl is sad because her cat died or a boy is worried about his uncle in the military does not become a focus for teasing or taunting. Developing respect is part of the skill building that Circles offer. If the keeper or any member of the Circle is concerned about how personal information shared in Circle might be used, then this concern should become part of the Circle discussion. This very discussion can help foster deeper respect among the participants.

Handling Disclosures

Children may tell adults whom they trust any number of things. Sometimes, what they say may be that someone is harming them, that they may be harming themselves, or that they are harming

someone else. If you are a teacher, this could come up in math class or in Circle. However, it is less likely that a disclosure of harm will occur in a math Circle on integers than in a Circle to repair harm.

Adults who work with children—teachers and other school personnel included—are required to contact Child Protection if they suspect that a child is being neglected or physically or sexually abused by a family member. All fifty states have passed some form of a mandated reporting law. Professionals must report suspected child abuse or neglect in order for their school, agency, program, or institution "to qualify for funding under the Child Abuse Prevention and Treatment Act."¹¹

Telling students about mandated reporting in language that they can understand is important for Circles to repair harm. Circle participants may share personal concerns if they feel that they will be respected in Circle. Students may see a teacher, a student-support staff member, or a coach as a trusted adult, because they see the adult treating them with respect and listening closely to them in Circle.

Safe Place

As students and teachers discuss values, share objects and describe their meaning, make meaning out of ribbon and sticks, and decide together how best to run their Circle, a sense of safety may begin to develop. Students and staff take risks in speaking, because they believe they will be heard and respected. Increasing students' sense of safety can aid them academically. They will be better able to concentrate on lectures, studies, and reading without added emotional stress. They will also be more able to work together on projects without fear of being teased or bullied, put down, or excluded. Likewise, if students feel safe, they will be more likely to ask questions during class, which gives teachers cues as to what students understand and what they need more help in mastering.

Using Circles regularly in a classroom helps to develop a sense of safety. An art exercise can even focus on the issue of safety specifically, providing food for thought and discussion about the concepts of safety, academic safety, and the phrase “safe place.”

For instance, provide each student a blank piece of paper and markers, crayons, or pencils. Ask students to draw a picture of a place where the physical environment helps them feel good, comfortable, welcome, or secure. For some, it may be their house or a place where their family goes on vacation. It may be an imaginary location, or it may be the neighborhood basketball court. I find the backstage of a theater during a performance a very safe place—warm, welcoming, comfortable, and exciting all at once.

After the students have drawn their picture, discuss the pictures in Circle. As with the values plates, each drawing can be placed on the floor around the circle and later, if the students agree, displayed on the classroom wall.

Passing

People will talk openly when they feel safe, and one way to cultivate that feeling is for participants to have a choice about what they say or do. In Circle, each person has a choice about whether to speak, to pass, or to hold the talking piece in silence for a time. The choice to pass in Circle is to be honored. Teachers sometimes feel uneasy if a student does not speak. But some children are introverts who simply may not want to speak in a group one day, or they take their time processing. They may well have something brilliant to say at the next Circle. Be warmly encouraging about speaking, but also allow the option to pass. Allowing participants to pass indicates that you respect their privacy. Showing such respect will lay the groundwork for future Circles. Allowing someone to pass may actually encourage speaking.

Circle keeper Jamie Williams encourages people to “have patience for silence,” as it can be a powerful tool. She continues,

“When no one speaks, I ‘use’ the silence to speak for itself. Silence isn’t just the absence of sounds; it is a living quality and promotes community when explored.”

Ali Anfinson, a Circle keeper and trainer, speaks of the “rule of three” for passing around the talking piece. “Passing the talking piece around three times on a topic or questions usually elicits a response or comment from everyone in the Circle. For some people, they need time to process the question and process what others say before they wade into the discussion.” Patience on the part of the keeper and other Circle members may be richly rewarded.

Kay Pranis tells of one Circle and the shift that transpired with each pass of the talking piece. Sitting in a Circle with a fifteen-year-old boy and his mother, one man passed (chose not to speak) the first time the talking piece went around, but on the second pass, he spoke up. “At first I was thinking, how could you do such stupid things that cause so much trouble for your mother? I was thinking like a parent. But now I am remembering what I was like as a teen. I think I understand better what you are dealing with.” This remark changed the tenor and focus of the Circle conversation for everyone; the next round addressed the man’s insight and allowed the boy to explore his behavior more critically.

Trainer and Circle keeper Terry Anfinson noted that, in sentencing Circles, people need three times around to start generating ideas for an agreement that are centered on relationships.

At first, Circle members would suggest fines or even jail time. On the second pass, the conversation would be about getting all As in every subject. But on the third pass, people would come up with practical, doable ideas for repairing the harm, such as, “Can you shovel the walk and driveway of the person you harmed?” “Can you commit to doing the dishes every night for your parents?”

“How about helping the teacher with research on the

next unit?" The third time around, people would think about relationships and about how people could give back to the community in a real way.¹²

In teaching the Circle process, particularly to younger children, some keepers have found it beneficial to cover other aspects of the Circle process before introducing the idea of passing. Cindy Skalsky describes the way she teaches students the Circle process:

When I introduce talking Circles, I introduce only one rule at a time. Only the person holding the talking piece has a right to speak. I use questions that are fun and simple that anyone can answer. I learned the hard way not to introduce the right to pass right away. Kids get hooked on sharing. Then when we need to get to feelings and opinions, the right to pass will be introduced. Teachers who have introduced it this way have had little to no problems with students thinking it is cute to pass and mocking those who say anything.¹³

Circle in the Square

The shape of a circle has no beginning or end, making it an ideal, practical arrangement for talking or meeting with others. Think of its earliest use, when a family or clan sat around the fire at night. Sitting in rows on a winter night in front of a fire would have been impractical and dangerous—the folks in back would have been pretty cold, if not frozen, by dawn.

The architecture of the Circle provides natural controls. Think of an ordinary classroom. The desks are in rows or clusters. The teacher and the students cannot see everyone at the same time. It seems to be just ordinary human nature that students think that they can have side conversations in the back corner of the room. After all, they are so far away from the teacher, and the

other students cannot see them unless they have eyes in the back of their heads. Who is to know or, for that matter, care?

And side talking is not limited to students. I have presented to many a staff meeting and observed similar behaviors among the adults. I have done it myself. It seems so easy. The speaker is so far away, and who is being bothered? Desks and a table contribute not only to side conversations but also to side texting and side checking of smart phones for messages.

In Circle, however, everyone can see everyone else. The teacher or keeper does not need to spend too much energy policing side conversations. The people who are looking at cell phones are obvious. Everyone can see who is talking, just as everyone can see who has the talking piece. The shape of the Circle provides a natural control that encourages respectful behavior.

How, then, can one have a Circle when the desks are screwed to the floor, or when the district budget is so small that the class size has ballooned to thirty-five students in a room designed for twenty-four? The talking piece offers some small help in these situations. However, the keeper has to do more to ensure that the piece is honored—that is, that whoever holds the talking piece is given the chance either to speak or to hold it in silence. One teacher in a middle school used a three-foot-long peacock feather as the class talking piece: pretty charming and easily seen, in spite of rows.¹⁴

Another teacher holds fifteen-minute Circles with the students as they stand circling the classroom. While not ideal for a long Circle, standing serves numerous functions—providing students with a break from sitting, some movement, and, of course, practice in patience. Standing in place for fifteen minutes is good training for waiting to vote in a highly contested election, buying tickets for a playoff game, waiting for the bus or subway, or standing in line to get on the newest ride at the amusement park.

Consensus

Fires and feathers aside, the Circle is a basic communication process. Like Robert's Rules of Order, it ensures that people can communicate, deliberate, and make decisions in a good and fair way. Robert's Rules of Order depend upon the facilitator's skill and on all the participants knowing the rules in order for communication to proceed and for the decision-making to be fair. Participants can be at a distinct disadvantage if they do not know how to "Call the questions" or if they do not know that a "second" is needed to put forth a motion. In Robert's Rules of Order, decisions are made through votes and majority rule. Unless a decision is unanimous, this means that someone is always in the minority; there is always someone who has to accept the loss. The process offers participants ample opportunities to practice humility.

The Circle process also offers a way of communicating, deliberating, and making decisions. Instead of using a facilitator to call on people who would like to speak, however, the facilitator of a Circle—the keeper—passes the talking piece around the circle, which gives all the participants a chance to speak. Decisions are made not by voting and majority rule but through consensus. This process takes longer. People need time to deliberate. They have to explore possible solutions or decisions that incorporate all the viewpoints and ideas that have been raised. The goal is to devise an agreement that everyone can support.

Even though coming to consensus may be slower than voting to make a decision, the benefits are enormous and can even save time in the long run. With majority rule, there are clear winners and losers. The losing minority may well feel that they are then free to try to get what they want in other ways. They may seek legal action, like challenging a decision in court, or they may pursue non-legal means to change the ultimate outcome. In a school, this may take many forms—anything from subtly undermining a

decision through gossip and misrepresentation, to not fulfilling terms of an agreement, to refusing to act on the agreement at all, to insubordination. In the most serious situations, the minority may seek retaliation against the majority.

If all the people affected by some harm—say, a fight—come together in Circle, then they as a group must reach consensus on how to repair the harm, how to make amends, how to help all those who have been hurt, and how to give back to the community. The likelihood of all these things actually happening, then, is much greater than if a principal simply told the students who were fighting to "leave each other alone." Active participation and having a true voice in decisions is the glue that can hold people together through an agreement. The inclusive, respectful, and authentic nature of the process helps people actually do what they said they would do. And if they do not follow through, then they simply have to get back in Circle and work it out.

A Somali story tells of a man who had several sons. As they grew, they began to fight with each other. The father was in danger of losing his farm because his sons were so busy fighting that they were not attending to the animals and the crops. So, he called them all together and gave each of them a stick. He asked them to break the stick. Being strong young men, they could do so easily. Then he gathered all the broken sticks into a bundle, tied it, and gave it to the sons. He said, "Now break the sticks." They could not. "You must work together," he said, "or your enemies will easily break you, one by one, like a single stick."

Likewise, the consensus process makes a bundle of sticks and ties it together through the process of everyone accepting the agreement in front of everyone else. Retaliation is less likely, because everyone agrees publicly. This agreement is not forced or imposed. It is authentic. Everyone has spoken from their hearts about their issues, needs, and concerns, and the group has listened. The consensus agreement takes into consideration what everyone has expressed, so that everyone can agree to it. The

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Likewise, the consensus process makes a bundle of sticks and ties it together through the process of everyone accepting the agreement in front of everyone else. Retaliation is less likely, because everyone agrees publicly. This agreement is not forced or imposed. It is authentic. Everyone has spoken from their hearts about their issues, needs, and concerns, and the group has listened. The consensus agreement takes into consideration what everyone has expressed, so that everyone can agree to it. The

agreement embodies the combined wisdom and experiences of all the participants together. This is why it takes time.

The time spent working toward an agreement pays off. Completing the actions in an agreement is more likely, because the “sticks are standing” with each other. The student is not out in the community alone but is supported by all the people who came to consensus with him or her. Surveys indicate that Circle agreements and restorative conferencing agreements are completed 95–100 percent of the time.¹⁵ These high rates of completion and follow-through hold because the communication process is clear and because everyone takes part in forming the agreement and accepts it. Because decisions are made by consensus, agreements carry the strength of the community to hold people to their word. Everyone becomes part of the strong bundle of sticks.

When given responsibility, students are true to their word. They have high expectations of each other. When I trained students to perform in *Touch*, the child sexual abuse prevention play I mentioned earlier, I witnessed the capacity youths have for building mutual trust. As actors, we talked about the importance of being able to trust each other on stage, so that we could perform a play on a difficult and sensitive subject. Trust meant that mistakes made in rehearsal or in performance stayed within the company. The last thing any actor needs is for the school to know how she muffed a line or how he dropped the prop and blew the scene. The student actors always took this seriously, and if anyone did talk out of turn, the cast called them on it. As I learned at the elementary school parent meeting, the high expectation of confidentiality—“what is said in Circle stays in Circle”—can be met even by first graders.

Free Expression of Feelings

The Circle process allows participants to express their feelings freely, as long as they are respectful in how they do this. Yet,

some adults are uncomfortable with students expressing feelings during a Circle. Sometimes they say, “I am not a social worker” or “I don’t want to do any touchy-feely things; I teach.” It is as if feelings are the domain of people who have certain degrees, instead of something that all human beings experience. Children learn about feelings and how they are expressed just by being around adults—in school, in the grocery store, at home, on the playground, and in the media. Teachers teach their subject, and they teach how to be a human being.

Sometimes the answer to the question, “How are you?” is, “I am sad” or “I’m afraid.” The human condition is such that people have accidents, they get sick, and people they know die. Even during simple check-ins, it is entirely possible that a person might cry in Circle. Something about feeling safe allows feelings to flow.

But Circle is not therapy. Neither the keeper nor any other Circle participant has to heal or fix a person’s tears or anger. It is a place, though, where sympathy can be expressed, where people can see the sadness or hear anger, be present for it, and offer care. Listening is offering care. Listening is an action. Children can learn from our response.

If a child expresses grief or shares an experience of a traumatic event, the teacher can offer to the child an opportunity outside of Circle to meet with someone from the student support staff, such as a social worker, counselor, school nurse, or even the principal. So, if someone cries in Circle, everyone can learn to listen with care. They can say, “I am sorry you are sad,” “I am sorry this happened to you,” and ask, “Would you like to talk about this more?” This is a life skill, one that can be used over and over again.

While the criminal justice system in Minnesota started exploring the use of Circle sentencing in the mid-1990s based on a model from the Tlingit First Nation in Yukon, Canada, teachers had been using talking sticks and Circles in classrooms well before that. For instance, the Friends School of Minnesota

developed the *I-to-I Conflict Resolution Curriculum* in 1988. It uses “two basic techniques: conferences or I-to-I’s, and group gatherings or sharing Circles.”¹⁶ With the curriculum, teachers use the Circle process as a means of conducting group problem-solving sessions as well as class meetings.

Even before the Friends School curriculum, elementary school teachers in Minneapolis public schools used the “Magic Circle” to start or end the day. Magic Circle was a self-esteem and drug abuse prevention program used in the district elementary classrooms in the early 1980s. Marion London served as a teacher and trainer in the district. “The teachers and students sat in a circle, and, even though there was no talking piece, communication went around in order. Everyone had a chance to share. There was no judgment and no grade. It was all about kids having a say in their education. I thought, ‘This is a cool thing!’”

London developed a number of prevention education curricula, including Project Charlie and Peaceful Partners: “With Project Charlie, the content was delivered while the kids were at their desks, but then I would have them do an activity in a circle.

“We would use a feeling cube in the circle,” she said. “The kids liked it, and so I started all activities with the cube. It became our talking piece. When I learned about restorative measures and the Circle process from that vantage point, it resonated with all my other experiences, with the feeling cube, the morning meeting from Responsive Classroom, Olweus’s class circle, the old Magic Circle. I heard this here and that there, but the RJ Circle put it together.” Giving voice to students, she noted, strengthens their sense of connection. “It is good education,” she said.¹⁷

Spirituality

Mel welcomed everyone to the Circle. He invited people to sit for a bit in silence and let our travel to the workshop for the day leave our minds. He offered a prayer in the Ojibwe

language for everyone and for the earth. He translated the prayer. He held up the eagle feather and explained its significance: the eagle is the link between the earth and the creator, a messenger.

Then the feather went around for people to introduce themselves—name, agency or school, and why they came to the session on historical trauma. Mel told a story about his father’s experiences with several Indian boarding schools. The feather went around. Participants shared many things: their knowledge, their sadness for the pain of history, their guilt for not knowing more, experiences with families, new insights they now had about students they worked with, concerns about relatives, as well as technical information about working with children who have been hurt.

Another round brought out resources, ideas for interventions, and policy changes. Some people committed to actions—pursuing further research, getting more training, talking to a colleague, and changing a practice.

The final round was short. Mostly, people thanked Mel and each other for insight, honesty, and for listening. Mel ended the Circle with a saying from his grandmother about joy.

The Circle embraces and reflects many of the spiritual values of Indigenous Peoples in North America—values such as respect, honor, compassion, forgiveness, and generosity. But we need to distinguish between the Circle as a communication process, teaching process, or problem-solving process and spiritual practices. “The Circle in itself is not a ceremonial practice of Indigenous people,” explained Stephanie Autumn, member of the Hopi Nation and a restorative justice practitioner. “In Indigenous communities, the Circle is utilized by Indigenous people to repair harm, strengthen relationships, and improve communication, to find learning-based outcomes and equitable solutions.”¹⁸

I have heard two main concerns raised in school settings by non-Indigenous adults about using Circles. One concern is that, by using the Circle process, a religious practice is being expropriated by the majority culture and used in ways far from its original meaning and intent. Other people see the Circle process as "an American Indian ceremony" and, as such, they believe it doesn't belong in a public school.

"In my experience," Autumn said, "there has been a common misunderstanding of the Circle process and values being an Indigenous ceremony by many non-Indigenous people. Some Indigenous Circle facilitators bring 'cultural items' for use as the talking piece or to place in the center of the circle. While those items can be identified as 'sacred' to Indigenous people and used in Indigenous ceremonies, the Circle process is not a traditional ritual or ceremony."¹⁹

Not surprisingly, Circle keepers who are American Indian follow their own set of practices. An American Indian teacher working in an American Indian magnet school, for instance, may use one kind of talking piece in part to teach the cultural meaning of the object. Others may introduce themselves in their Native language but would not begin with a prayer. Laurie Vilas, a trainer, Circle keeper, and member of the White Earth Band of Ojibwe, talked about conducting a Circle to repair the harm of vandalism. Because all of the participants in the Circle were members of her Nation, she assumed that all would appreciate an opening prayer in Ojibwe. However, some of the participants were Christian and objected. "I learned never to make assumptions," she said. "Now I ask people what would be a good way to open the Circle."

I first learned about Circle use in the classroom when I read about a teacher using a talking stick to teach students about an African tribe's cultural practices. Besides learning about American Indian, especially Ojibwe, Circle practices, I have also

learned a bit about the Xeer Soor or traditional Somali restorative justice process. In the Somali countryside, the elders would sit in a circle under a tree and handle village disputes, marital conflicts, or crime. People had to repair harm in order to keep the peace.

Child development theory describes the importance of looking at the whole child and of attending to the emotional, physical, mental, and social development of each child. Similarly, the Medicine Wheel epitomizes the philosophy of many Indigenous Peoples. It provides the philosophy and values underlying Circles, which encourages a "whole" worldview. The Medicine Wheel is divided into four quadrants that can represent many things, among them the physical, emotional, mental, and spiritual aspects of life. In *Peacemaking Circles: From Crime to Community*, Pranis, Stuart, and Wedge discuss the way in which the Medicine Wheel philosophy describes being human:

We're not only matter or only mind, neither are we only our emotions or even only spiritual beings. We are all these together—physical, mental, emotional, and spiritual. All four facets are essential to our existence, and they must be balanced for an activity to be successful or for a person, family, or community to be healthy.²⁰

In community practice, Circles can start with prayer, good words, a quote, or a song, as long as all the participants agree and would feel welcomed by such an opening. In a public school, however, building a Circle community must start with the recognition that the students are diverse: religiously, socioeconomically, ethnically, and otherwise. Each group, which most likely includes this diversity, establishes its own ways of opening a Circle.

Around one hundred different languages are spoken in Minnesota public schools—urban, suburban, rural, and tribal.

Minnesota is more than Lake Wobegon. It is a tapestry of the original keepers of the land—the Dakota, Ho-Chunk, and Ojibwe Nations—as well as all who immigrated here, were forced here, and all who continue to come here.

Yet within this diversity are shared values. Children have a common need to see that they are part of a larger whole. Oral stories, literature, and poetry provide us with a way both to articulate common values and to illustrate differences. A moment of silence at the beginning of a Circle offers each student and staff person the chance to at least breathe and be aware of where he or she is at that moment in time. We know oxygen is required for brain function.

The opening routine at one school Circle is to circle up, sit in silence for a minute, and read a quote from one of the historical figures whom the class is studying. Then they go around, say their name, and mention one common agreement that they appreciate that day (the agreements have been posted on the wall). To start the discussion, they each respond to a check-in question, such as “How was the weekend?” “If you were a bird today, what kind of bird would you be?” “What is your favorite dessert?” “What did you think about the hockey game last night?”

Taking time to be present, to connect to each other, to discuss a value shared by the group, and to sit in silence—this can be sacred for any participant. It can also be comforting for any participant, or it can be routine. People bring who they are to the Circle and take what they need. Mostly, the process needs to be conducted in a way that is comfortable for everyone and can evolve as the community grows in appreciation of each other.

Our stories are our lives. Even if a story is made up or has only half-truths in it, the story tells the listener something about who the teller is as a person. When we tell a story, we are exposed. It is an act of humanity, and it connects us to our selves, to each other, and to our ancestors. Telling our stories can be a spiritual act, wherever and whenever it is shared.

A group of teachers and administrators had been participating in a Circle training for two days. They had engaged in an exercise where they role played—with great accuracy—middle school students. The laughter subsided, and the talking piece—a spiral bookmark made of recycled aluminum—went around to discuss the role-play. The conversation turned to important teachers they had had in their lives: the coach who expected high grades and high jumps; the math teacher who gave them a second chance; and the janitor who asked, “Do you know who your dad was?”

Janice then told the story: “My dad died when I was six. He was a principal, but I never really knew him. When I was in eighth grade, I started running with a fast crowd, and we started skipping school and such. One day, the janitor pulled me out from a group of kids who I think were getting ready to fight. He said, ‘I’ve been watching you. This is not your path. This is not you.’ He took me to his office and gave me a carved wooden apple. I kid you not. He said it was given to him by my dad. I did not know this man, but he knew my dad, because he was a student in Dad’s school. He said when he was in middle school, he was going the same way I was. He had gotten arrested even. But my dad talked to him, followed him, watched him, asked him for his homework even before his teachers did. Because of my dad, this man graduated, got a job, and now has a family. Not everyone in his family had the same outcome. I took that apple, and I still have it. On my desk. Next to my framed PhD. Next to the pictures of my family. I never really knew my dad, but that man, he let me know who my dad was, and who I am.

Chapter 1: *From Zero Tolerance to Restorative Discipline*

“The secret of education lies in respecting the pupil.” Ralph Waldo Emerson

During the past two decades schools across the U.S. adopted “zero tolerance” and other punitive approaches to discipline. Schools set strict rules for student behavior and prescribed punishments for rule-breakers, often without regard to the context or extenuating circumstances. Over time, school districts expanded the reach of zero-tolerance policies to include many nonviolent offenses.

In recent years a growing chorus of educators, students, and policy-makers has begun to question zero tolerance policies. Research shows that they lead to more suspensions, expulsions, and school dropouts and to *more* challenging student behavior, not less. [Skiba, Russell J., “Zero Tolerance, Zero Evidence: An Analysis,” Indiana Education Policy Center, 2000; see APPENDIX 1]

What’s more, zero-tolerance discipline policies disproportionately affect students of color, low-income students, LGBTQ students, students with disabilities, and English Language Learners. African-American students are the most frequently targeted. According to the US Department of Education, “the data show that African-American students without disabilities are more than three times as likely as their white peers without disabilities to be expelled or suspended.” [*Guiding Principles: A Resource Guide for Improving School Climate and Discipline*, U.S. Department of Education, January 2014; see APPENDIX 2]

There is no evidence that racial disparities in discipline are due to higher rates of misbehavior by African-American students. If anything, African-American students are punished more severely for similar or less serious behaviors than their peers. [“Discipline Disparities: Myths and Facts,” The Equity Project, Center for Evaluation and Education Policy, Indiana University; see APPENDIX 3]

In 2014 the U.S. Departments of Justice and Education cited this evidence as they issued new guidelines urging schools to move away from zero tolerance. Such policies, they said, were pushing young people of color out of school and, all too often, into the “school to prison pipeline.” Instead, they argued, schools should encourage positive student behavior by fostering social and emotional learning (SEL). And they should adopt restorative approaches to discipline that engage students and keep them in school.

Educators across the nation surely heaved a sigh of relief. After all, we didn't come into this profession with the desire to be "enforcers."

But of course schools *do* need a clear discipline policy that is understood by all students and staff and that is applied fairly and consistently throughout the school. In fact schools need much more than a policy: They need a clear framework for their discipline policy that is based on principles and a shared understanding of the school's needs and values.

All school and district discipline plans are based on assumptions about human nature and development, even if those assumptions are not openly stated or questioned. On what do we base our discipline policies? How do we encourage positive student behavior?


A school's approach to discipline often reflects how the adults (teachers, administrators, parents, and staff) experienced discipline in their own childhoods. For many of us, "discipline" came with feelings of shame, pain, and isolation. And yet punishment or shaming is almost never what comes to mind when adults envision a great school.

The way we approach discipline in schools sends young people a strong message about what we *really* believe. We can talk about a caring school community, but if we revert to punitive strategies in response to student misbehavior, we may be showing students that we are not as committed to that caring community as we say we are. Our conflicting messages often create confusion and distrust that can permeate the whole relationship between students and the school. A discipline program that sows distrust affects all of the students, not just those disciplined in punitive ways.

Now a growing number of schools are creating intentional discipline policies that are based on principles that all members of the school community – students and adults alike – help shape. Instead of complying to get the "carrot" or avoid the "stick," students in this kind of school aspire to behave positively because they want to contribute to a community that respects and nurtures them and supports them in fulfilling their responsibilities to others.

Rethinking Discipline is an intentional, collaborative process that helps schools move from discipline policies that shame and punish to a restorative approach¹ based on principles of

¹ We prefer the term "restorative practices" or "restorative approaches" to the term "restorative justice" as the latter is most commonly associated with the criminal justice system. We believe strongly that schools need a vocabulary that is distinct from that used within the prison system.




inclusion and shared community. It is a detailed, step-by-step way to reclaim the very heart of discipline in our schools.

Schools that “rethink discipline” model the kind of community we all want: a community that gives adults and young people alike the tools and opportunities to learn from mistakes, to treat each other with humanity, and to be our best selves even when we are having a hard time.


Rethinking Discipline asks us as adults to take the brave step of examining our own experiences, assumptions, and shortcomings. To make different choices about discipline, we need to look at where things are now. Then, through an open and collaborative conversation, we can envision how we want things to be in the future. Finally, we develop systems and procedures to translate that vision into a practical plan that creates a new daily reality for the whole school community.

Restorative discipline is based on the belief that conflicts and challenging behavior are opportunities for learning, growth, and community building.



Restorative approaches to discipline assume that for the most part, human beings make the best choices they can based on the range of options that they can see in a given situation. Challenging behavior often results from a lack of well-developed skills, and provides the opportunity for a teachable moment. A teachable moment can lead to growth and learning if the student’s dignity, humanity, and relationship to the community are preserved. Restorative approaches allow us to return to the original definition of “discipline.” It comes from the Latin word “disciplina,” which means instruction or knowledge.

The goal of restorative discipline is to encourage reflection and thoughtfulness and to help students develop the skills or perspectives they need to choose better next time. Restorative discipline creates opportunities for students to make mistakes, learn skills, and practice positive and productive behaviors.



Science informs this approach. The latest neuroscience tells us that the adolescent brain is a work in progress: the prefrontal cortex, which controls impulses and good decision-making, doesn’t fully mature until the early to mid-20s. This means that school should be a place where young people can practice their decision-making skills. If our young people lose the

chance to practice these skills in a safe and supportive space at school, they will be ill-equipped for membership in a broader community when they leave school.

Rather than seeing a student displaying challenging behavior as an opponent to be controlled or punished, restorative discipline sees young people as works in progress, in need of love, attention, patience, and guidance. We don't just ask students to relate positively to their teachers, but to see themselves as members of a community to which they are accountable, and which is accountable to them. Accountability is not about punishment or compliance but about taking responsibility, and in some cases, finding ways to repair harm.

In a punitive discipline model, when a student does something hurtful or disruptive, we ask questions such as:

- What rule was broken?
- Who broke it?
- What punishment is appropriate?

In a restorative model, we ask:

- Who was harmed?
- What are the needs of each affected party?
- What are the responsibilities of each affected party?
- How do all affected parties collaboratively address needs, repair harm, and restore our community?

The restorative discipline model makes a number of explicit assumptions:

- We take better care to be good members of our community when we feel that the community embraces us;
 - We are more willing to receive feedback from people we believe care about us;
- All human behavior is motivated by a desire to meet one of the following basic needs: survival, belonging, power, freedom, and fun. Restorative approaches to discipline elevate these needs, rather than trying to tame or control them.
- Young people are more likely to do the right thing when adults work *with* them, rather than trying to work *for* or *over* them.

Zero Tolerance, Zero Evidence

An Analysis of School Disciplinary Practice

By
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Policy Research Report #SRS2
August, 2000

The Indiana Education Policy Center is funded by Lilly Endowment, Inc. and Indiana University to provide nonpartisan information, research, and communication on education issues to Indiana policymakers and other education stakeholders to improve education. The views expressed in this Policy Research Report do not necessarily represent the views of Indiana University, the Lilly Endowment, or other supporters of the Policy Center.

Abstract

Despite the controversies that it has created in school districts throughout the country, zero tolerance continues to be a widely used response to school disruption and violence. This paper explores the history, philosophy, and effectiveness of zero tolerance school disciplinary strategies. Growing out of Reagan-Bush era drug enforcement policy, zero tolerance discipline attempts to send a message by punishing both major and minor incidents severely. Analysis of a representative range of zero tolerance suspensions and expulsions suggests that controversial applications of the policy are not idiosyncratic, but may be inherent in zero tolerance philosophy. There is as yet little evidence that the strategies typically associated with zero tolerance contribute to improved student behavior or overall school safety. Research on the effectiveness of school security measures is extremely sparse, while data on suspension and expulsion raise serious concerns about both the equity and effectiveness of school exclusion as an educational intervention. Community reaction has led some districts to adopt alternatives to zero tolerance, stressing a graduated system matching offenses and consequences, and preventive strategies, including bullying prevention, early identification, and improved classroom management. Building a research base on these alternatives is critical, in order to assist schools in developing more effective, less intrusive methods for school discipline.

The Zero Tolerance, Zero Evidence: An Analysis of School Disciplinary Practice

On September 17, 1999, an intense brawl between students rumored to have been members of rival gangs cleared the stands at a football game at Decatur High School in Decatur, Illinois. On October 1, the Decatur School Board accepted a recommendation from its superintendent that seven students, all of them black, be expelled from the school for two years. The decision sparked a local outcry that escalated dramatically with the involvement of the Reverend Jesse Jackson and Operation PUSH. Over a thousand protesters marched to the school on November 14, and two days later Rev. Jackson and several of his supporters were arrested. Despite an offer to reduce the expulsions to one year and enroll the students in an alternative school, Operation PUSH filed suit against the district on behalf of six of the students (the seventh had elected to drop out), alleging procedural improprieties, harsh punishments exceeding the offense, and racial bias. On January 11, 2000, in a decision posted on the Internet, Judge Robert McLoskey turned back that suit on all counts, ruling that the Decatur School Board was well within its rights when it expelled the students.

Despite the apparent vindication of the board's actions, the case has opened up an intense national dialogue on the practice of zero tolerance discipline. In many ways, the Decatur case provides a fitting example of the conflicting values and emotions that swirl around the topic. In the wake of Columbine and other shootings, there can be no doubt that schools and school boards have the right, indeed the responsibility, to take strong action to preserve the safety of students, staff, and parents on school grounds. On the other hand, two-year expulsions for a fistfight without weapons when weapons incidents in the same district received less severe punishments raise issues of fairness, and questions about the extent to which extreme consequences truly contribute to either school safety or the improvement of student behavior. Videotapes of the event showed clearly that seven students engaged in a rolling brawl that cleared the stands and placed innocent bystanders at-risk. Yet the fact that all of those expelled were black, members of a racial group overrepresented in suspension and expulsion not only in Decatur, but in cities and towns across the country, created the appearance of an injustice that could not be ignored.

The Decatur incident and similar stories throughout the country reflect the profound ambivalence inherent in school disciplinary practice of the last ten years. Enshrined as federal policy, at least one component of a zero tolerance approach is currently in place in over 80% of our nation's schools (Heavyside, Rowand, Williams, & Farris, 1998). Each new outbreak of violence seems to yield a collateral increase in get-tough discipline. In turn, each new cycle of tougher policy-increased use of school security measures and a dramatic surge in school suspensions and

expulsions-yields a new round of controversy and charges of civil rights violations.

This paper explores the history and ever-expanding use of zero tolerance in our nation's schools, and the effects and side-effects of the policy. The analyses explore the use of school security measures that are not mandated, but appear nevertheless to be part and parcel of the zero tolerance approach to school safety. In addition, the paper reviews the use of exclusionary discipline strategies-suspension and expulsion-that are central to zero tolerance policy. The paper concludes with a consideration of evidence concerning the effects and side-effects of current disciplinary practices in the schools. How well do such strategies appear to work in changing students' behavior or guaranteeing the safety of schools? Do the positive benefits of such approaches outweigh the negative side-effects of punishment?

HISTORY, DEFINITION, AND PREVALENCE OF ZERO TOLERANCE

It is difficult to find a written definition of the term zero tolerance; certainly the use and meaning of the term have evolved over time. Yet from its inception in federal drug policy of the 1980's, zero tolerance has been intended primarily as a method of sending a message that certain behaviors will not be tolerated, by punishing all offenses severely, no matter how minor. Zero tolerance first received national attention as the title of a program developed in 1986 by U.S. Attorney Peter Nunez in San Diego, impounding seagoing vessels carrying any amount of drugs. U.S. Attorney General Edwin Meese highlighted the program as a national model in 1988, and ordered customs officials to seize the vehicles and property of anyone crossing the border with even trace amounts of drugs, and charge those individuals in federal court. The language of zero tolerance seemed to fire the public imagination and within months began to be applied to a broad range of issues, ranging from environmental pollution and trespassing to skateboarding, homelessness, and boom boxes.

Frightened by a seemingly overwhelming tide of violence, educators in the early 1990's were eager for a no-nonsense response to drugs, gangs, and weapons. Beginning in 1989, school districts in California, New

York, and Kentucky mandated expulsion for drugs, fighting, and gang-related activity. By 1993, zero tolerance policies had been adopted across the country, often broadened to include not only drugs and weapons, but also smoking and school disruption.

This tide swept zero tolerance into national policy when the Clinton Administration signed the Gun-Free Schools Act of 1994 into law. The law mandates a one year calendar expulsion for possession of a firearm, referral of law-violating students to the criminal or juvenile justice system, and the provision that state law must authorize the chief administrative officer of each local school district to modify such expulsions on a case-by-case basis. Originally, the bill covered only firearms, but more recent amendments have broadened the language of the bill to include any instrument that may be used as a weapon. The Jeffords Amendment to the Gun-Free Schools Act, and more recently the 1997 revisions of the Individuals with Disabilities Education Act, have attempted to bring special education legislation in line with federal zero tolerance policy. It is unclear, however, whether these amendments have resolved or merely fueled the controversy (see Skiba & Peterson, 2000).

Local school districts have broadened the mandate of zero tolerance beyond the federal mandates of weapons, to drugs and alcohol (Kumar, 1999), fighting (Petrillo, 1997), threats (Bursuk & Murphy, 1999) or swearing (Nancrede, 1998). Many school boards continue to toughen their disciplinary policies; some have begun to experiment with permanent expulsion from the system for some offenses ("Groups critical of no second chances", 1999). Others have begun to apply school suspensions, expulsions, or transfers to behaviors that occur outside of school (Seymour, 1999a). There is still considerable variation in local definition of zero tolerance: while some districts adhere to a zero tolerance philosophy of punishing both major and minor disruptions relatively equally, others have begun to define zero tolerance as a graduated system, with severity of consequence scaled in proportion to the seriousness of the offense.

Prevalence of Zero Tolerance

Since the passage of the Gun-Free Schools Act, some form of zero tolerance policy appears to have

become the norm in public schools. Defining zero tolerance as a policy that mandates predetermined consequences or punishments for specified offenses,¹ the National Center on Education Statistics report, *Violence in America's Public Schools: 1996-1997* (Heaviside et al., 1998), found that 94% of all schools have zero tolerance policies for weapons or firearms, 87% for alcohol, while 79% report mandatory suspensions or expulsions for violence or tobacco. Less stringent security measures are more widely used than more stringent measures. Visitor sign-in was reported in the 1996-97 school year for 96% of schools, closed campus for most students during lunch by 80% of schools, controlled access to the building was reported in 53% of schools. Less widely used measures included the presence of police or law enforcement representatives on campus for an hour or more per week (10%), mandatory school uniforms (3%), random metal detector checks (3%), and daily use of metal detectors (1%).

THE CONTROVERSY OF ZERO TOLERANCE

Zero tolerance policies purposely increase the intensity of consequences for all offenders. Yet the practice of punishing relatively minor incidents harshly has been consistently controversial. Almost from the inception of a national zero tolerance drug policy, the harsh punishments meted out for relatively minor infractions raised a host of civil rights concerns: The American Civil Liberties Union considered filing suit on behalf of those whose automobiles, boats, and even bicycles had been impounded with trace amounts of marijuana (Hansen, 1988). By 1990, the Customs Service boat

impoundment program was quietly phased out after a Woods Hole Oceanographic Institute research vessel was seized for a marijuana cigarette found in a seaman's cabin.

Similar controversy has attended a host of suspensions and expulsions associated with zero tolerance for relatively trivial incidents in school settings. Skiba and Peterson (1999) presented some of the suspensions and expulsions that received media attention from the passage of the Gun-Free Schools Act in 1994 until May, 1998, including school expulsions for reasons ranging from paper clips to minor fighting to organic cough drops. This review updates that analysis, looking at cases of suspension or expulsion due to zero tolerance reported in the national newspapers from May, 1998 to December, 1999.² The number of such cases appears, if anything, to be increasing, and a thorough description of all of those cases is certainly beyond the scope of this paper. The following is a representative sampling of such cases, in the categories of weapons, drugs, and other offenses.

Weapons

Consideration of zero tolerance tends to focus on the Gun-Free Schools Act of 1994 as its driving force. Yet, just as state and local zero tolerance policies predated federal law in this area, the following examples suggest that local practice often extends zero tolerance considerably beyond federal mandates.³

- October, 1999, Atlanta, Georgia: A 15 year old South Cobb High School sophomore found with an unloaded gun in his book bag was permanently expelled from the school district.

¹ Note that the definition of zero tolerance used in the NCES study is considerably different than the classic definition of zero tolerance. While the NCES study defines zero tolerance as the presence of any specified punishment for a specified behavior, more typical definitions have emphasized punishing a range of behaviors, both major and minor, equally severely. It is unclear how many districts would still qualify as zero tolerance if that term were limited in usage to those districts emphasizing a more inclusive definition of zero tolerance.

² The search was conducted using the Lexis-Nexus database entering the term zero tolerance under the category Major Newspapers, for dates ranging from May 1, 1998 to December 31, 1999.

³ In the interest of readability, citations of newspaper articles in this section will be presented in footnotes. For each category, sources are cited in the order of the incidents presented. For weapons incidents, the sources for each incident are:

Stepp, D. R. (1999, October 12). Cobb expels student for packing gun. *Atlanta Constitution*, p. 3C.

Fitzpatrick, T. Lilly, R., & Houtz, J. (1998, October 6). Schools reverse toy-gun decision: Boy, 11, who was expelled is back at Whitman today. *Seattle Times*, p. B1.

Suspended 7th-grader receives invitation to rocketry workshop. (1999, March 23). *Arizona Republic*, p. B1.; see also Gintonio, J. (1999, March 19). Rocket builder's suspension sticks: Boy's dad vows to appeal decision. *Arizona Republic*, p. A29.

Ruth, D. (1999, June 7). Zero tolerance for zero tolerance. *Tampa Tribune*, p. 2.

Neuman, K. (1998, November 12). Deer Lakes apologizes to firefighters for toy ax ban. *Pittsburgh Post-Gazette*, p. 3.

"That is the standard we have set in the past for anyone that has brought a weapon to school," said the district's associate superintendent. "It's extremely serious, dangerous for everybody involved." The youth was also charged in juvenile court with possession of a weapon.

- September, 1998, Seattle, Washington: A sixth-grader at Whitman Middle School in Seattle was expelled when a squirt gun, painted black and brown, fell out of his backpack in the lunchroom. Although the expulsion was upheld by a hearing officer, the Seattle School District reduced the expulsion to a suspension after the family's attorney cited state law requiring districts to provide a lesser punishment where toy weapons were not used with malice or in a threatening manner.
- February, 1999, Glendale, Arizona: Seventh-grade David Silverstein, inspired by the movie *October Sky*, brought a homemade rocket made from a potato chip canister to school. School officials, classifying the rocket as a weapon, suspended him for the remainder of the term. Later, David was invited as a special guest to Space Adventures' Annual Rocketry Workshop in Washington, D. C.
- May, 1999, Pensacola, Florida: When a sophomore loaned her nail clippers with an attached nail file to a friend, a teacher saw and confiscated the clippers. The girl, aspiring to be a doctor, was given a 10-day suspension and threatened with expulsion. Said the high school principal, "Life goes on. You learn from your mistakes. We are recommending expulsion."
- November, 1998, Deer Lakes, Pennsylvania: At Curtisville Elementary School, 5 year old Jordan Locke was suspended for wearing a 5-inch plastic ax as part of his firefighter's costume to a Halloween party in his classroom. After firefighters around the country contacted school officials complaining about the incident, school officials composed an "Open Letter to

Firemen Across the Country" stating that they never intended to offend firefighters by referring to the ax as a weapon, but defending the zero tolerance policy against weapons as fair.

These incidents underscore two sources of controversy inherent in zero tolerance incidents. In the first incident, involving a shotgun in a backpack, there can be little doubt of the seriousness of the offense; as in Decatur, however, it is not the necessity of the expulsion, but rather its length that makes the incident newsworthy. Other incidents appear to cause controversy by defining as a weapon an object, such as nail clippers or a toy ax, that poses little real danger to others. Yet it should be noted that this apparent overextension is consistent with the philosophical intent of zero tolerance, treating both major and minor incidents with severity in order to set an example to others. Indeed, the apparent lengthening of expulsions over time may be related to the use of harsh punishment for less severe offenses. If a student is expelled for a year for an object (e.g., a nail-file) that is a weapon only through interpretation, districts may feel a need to distinguish truly dangerous incidents by extending punishment even further for actual weapons.

Drugs

Although there is no federal mandate of suspension or expulsion for drug-related offenses, the application of zero tolerance to drugs or alcohol has become quite common (Heaviside et al., 1998). Again, the gravity of the events varies considerably.⁴

- June, 1998, Brookline, Massachusetts: Nine seniors caught with alcohol on a bus going to their senior prom were barred by the principal from attending their graduation, and two were not allowed to compete in the state baseball playoffs. Citing tragic accidents caused by alcohol abuse, Brookline High School Headmaster Robert Weintraub stated, "Every time there's a serious incident, a violation of drugs, alcohol, or weapons, I have taken a very hard line, because it's important for kids to get

⁴ Drugs and Alcohol citations: Abrahms, S. (1998, June 21). Discipline of 9 seniors is evaluated: Headmaster defends 'zero tolerance' stance. *Boston Globe*, p. 1.

Smith, A. C. (1998, November 14). Court casts doubt on 'zero tolerance' policy. *St. Petersburg Times*, p. 1B.

Gross, E. (1998, November 5). Teachers help suspended girl. *St. Petersburg Times*, p. 1B.

Student suspended for refusing to see nurse. (1999, February 13). *New York Times*, p. B6.

the message that if they do something that violates some of the fundamental rules we have here, they will be punished."

- June, 1998, Pinellas County, Florida: In their last month of school, two high school seniors skipped school and smoked marijuana with friends in the morning. School officials were tipped off and expelled the boys upon their arrival some hours later. A federal appeals court ruled against the district, however, stating that, in the absence of any actual drug test, the school had not "even a scintilla of evidence" that the two teens were under the influence at school.
- October, 1998, East Lake, Florida: High school senior Jennifer Coonce took a sip of sangria at a luncheon with co-workers as part of a school-sponsored internship. When her parents called the high school to complain about minors being served alcohol, the district suspended her for the remainder of the semester. Jennifer, an honors student, was offered the opportunity to take her college placement classes at home, over the telephone.
- February, 1999, Ewing, New Jersey: When a freshman dozed off in his social studies class, his teacher became suspicious he was using drugs and asked him to visit the school nurse for a check of his pulse and blood pressure. When the boy refused, the principal suspended him, and refused to readmit him until he had submitted to a drug test. Although the boy submitted to the test, his father considered filing a lawsuit challenging the policy.

The range of seriousness of these incidents, as compared with the relative consistency of punishment, may offer some insight into why zero tolerance creates controversy. A fairly stiff punishment for serious drinking or drug abuse at school-sponsored events seems fitting, and may well serve to prevent

more serious harm. In contrast, the long-term suspension of an honors student for a sip of sangria seems more likely to turn the offender into the perceived victim, as the St. Petersburg Times notes in an editorial:

Zero tolerance policies are inherently unjust and irrational because they conflate harms. Accepting a cup of sangria for a good-bye toast is punished as severely as a student who gets drunk on school property....Bringing a butter knife to school to cut an apple for lunch carries the same expulsion as toting a loaded magnum. Those harms are not equivalent, and if they are punished with equal severity, the system looks both unfair and nonsensical ("Zero Sense", 1998, p. 16a).

Strictures against cruel and unusual punishment are fundamental to our legal system. It may well be that school punishments greatly out of proportion to the offense arouse controversy by violating basic perceptions of fairness inherent in our system of law, even when upheld by the courts.

Other Offenses

Finally, zero tolerance has been extended beyond weapons and drugs to fighting, unauthorized use of pagers or laser pointers, and sexual harassment (Skiba & Peterson, 1999). Incidents reported in national newspapers since May, 1998 include:⁵

- February, 1999, Louisville, Kentucky: Two girls at Bernheim Middle School were expelled when they confessed to making a bomb threat that resulted in the evacuation of the school's 430 students. The girls were eligible to re-enter the district's public schools in January, 2000, but only after spending a semester in the district's day treatment program.
- February, 1999, Fairfax, Virginia: When a ninth-grader wrote a note to a classmate about her teacher stating, "I have a D. I'm grounded....I

⁵ Other Offenses: Baldwin, P. (1999, February 24). Bomb threat ousts 2 from school system: It's county's first use of state law. *Louisville Courier-Journal*, p. 1n.

Masters, B. A. (1999, February 27). Teen suspended for note about teacher: Fairfax schools overreacted by calling comment a death threat, girl's parents say. *Washington Post*, p. B1.

Henderson, J. (1999, November 4). Halloween essay lands 13-year-old behind bars: Boy released after news media called. *Houston Chronicle*, p. 1A.

Berselli, B. (1999, February 28). Student apologizes for remark, returns: Sophomore's parents say 10-day suspension too severe a response. *Washington Post*, p. M3.

want to kill that [expletive]....I want to die," the principal of Lake Braddock Secondary School recommended expulsion. While the 15 year-old girl and her father claimed the school overreacted, the vice chairman of the Fairfax School Board defended the action: "People are more concerned than they were five or 10 years ago, and with good reason. Teachers have been attacked. Teachers have been threatened."

- November, 1999, Ponder, Texas: When a 13 year old wrote a Halloween story for class that involved getting high on Freon, opening fire on a suspected intruder, and finally shooting his teacher and several classmates, the boy was ordered held in a juvenile detention facility for ten days (released after 5 days). Denton County District Attorney noted that the decision was based on a review of records indicating that the boy had been "a persistent discipline problem for this school, and the administrators there were legitimately concerned."
- February, 1999, Waldorf, Maryland: A Westlake High School sophomore was suspended for 10 days when he announced in the school's morning announcements that his French teacher was not fluent in the language. The student and his parents claimed that the incident was intended as a joke and did not warrant such a punishment. School officials, however, deemed the comments a "verbal attack" against the teacher.

These cases seem to have at their heart a conflict between two fundamental rights: the right of free speech, and the right of schools to protect students and staff from real or perceived harm. An important lesson of recent school shooting incidents appears to be that schools may place themselves at risk by ignoring serious threats of violence. Indeed, in some recent cases, schools and school districts may have averted serious incidents by swift reaction to verbalized threats (Garrett, 1999). Yet the furor created by some of these incidents suggests that there may be limits on what a school can or should do to protect staff and students. Despite the current emphasis on the key use of early warning signs in ensuring school safety (Dwyer, Osher, & Warger, 1998), it may be some time before consensus emerges concern-

ing what constitutes a threat, and the appropriate level of reaction to threats.

Summary

There is some tendency to assume that these suspensions or expulsions for trivial incidents are simply idiosyncratic or aberrations that occur in districts characterized by an overzealous administration. Yet the ubiquity of these "trivial incidents" across time and location suggests that the over-extension of school sanctions to minor misbehavior is not anomalous, but rather is inherent in the philosophy and application of zero tolerance. School disciplinary data at both the district (Skiba et al., 1997) and national (Heaviside et al., 1998) levels have shown that the serious infractions that are the primary target of zero tolerance (e.g., drugs, weapons, gangs) occur relatively infrequently. The most frequent disciplinary events with which schools wrestle are minor disruptive behaviors such as tardiness, class absence, disrespect, and noncompliance. A broad policy that seeks to punish both minor and major disciplinary events equally will, almost by definition, result in the punishment of a small percentage of serious infractions, and a much larger percentage of relatively minor misbehavior. We might expect then that the "trivial incidents" connected with zero tolerance will not abate, but may even accelerate as those policies continue to be extended by local districts.

In response, the number of lawsuits filed by parents in such incidents also appears to be increasing. The ruling of Judge Robert McLoskey against the defendants in the Decatur expulsion case is not unusual; in general, courts have tended to side with school districts in reviewing such cases, giving relatively broad leeway to district administrators in their interpretation of school disciplinary policy (Zirkel, 1998). Yet the courts have also begun to limit school district power in certain cases. In a case in Pennsylvania involving the expulsion of a 13 year old for using a Swiss Army knife as a nail-file, the court ruled against a school district's mandatory expulsion policy because it allowed no exceptions (Lee, 1999). In Costa Mesa, California, the 90 day suspension of a high school senior for a pipe found in his car by police officials off campus was overruled in court, since the action did not allow the student his due process right to present his side of the story

(Carney, 1998). Thus far, such decisions appear to be based primarily on procedural grounds, for violations of district policy or state law, or for a failure to provide opportunities for required due process.

What seems to differentiate the most visible of these cases is the unwillingness on the part of school boards and administrators to back down, regardless of parent or community pressure. Policymakers in these high profile incidents often claim that their "hands are tied," that they have little or no room for flexibility in the administration of district policy. It should be noted, however, that this intractability represents a local interpretation of zero tolerance that may go beyond the federal zero tolerance policy. Indeed, by requiring local districts to have in place a procedure allowing for case-by-case review, the Gun-Free Schools Act seems to mandate some degree of flexibility in the implementation of zero tolerance.

Reaction to these events leaves communities highly divided. On the one hand, proponents of zero tolerance argue that allowing flexibility in the administration of consequences will reduce the potency of school discipline, giving the message to potential violators that schools are "not really serious" about enforcement. Others have countered that when the punishment fails to fit the crime, students are learning nothing about justice, and much about what they must do to subvert rules and policies. But while these individual cases highlight the values conflicts inherent in the zero tolerance debate, a more fundamental question may concern the outcomes and effects of that policy. To what extent have the disciplinary practices associated with zero tolerance led to increased school safety or improved student behavior?

HOW EFFECTIVE IS ZERO TOLERANCE?

It has been more than ten years since school districts first began adopting zero tolerance policies, and over five years since the strategy was made national policy by the Gun-Free Schools Act. Given the current climate of educational accountability, one would expect some data to have emerged concerning the effects and effectiveness of zero tolerance approaches. The following sections provide a review of available literature for the school security measures often associated with a zero tolerance

approach, followed by a similar review of the literature concerning suspension and expulsion.

Effectiveness of School Security Measures

Judgement concerning the effectiveness of school security measures may depend to a certain extent on the sources of data being considered. A number of school districts that have adopted school security measures or comprehensive zero tolerance policies have testified to the efficacy of such approaches (see e.g., Burke & Herbert, 1996; Holmes & Murrell, 1995; Schreiner, 1996). It should be noted, however, that these reports are not objective evaluations, but rather program descriptions, often designed to showcase district efforts. The absence of an outside evaluator, coupled with a lack of information regarding the methodology, typically makes it impossible to judge the accuracy of these reports.

Aside from school district testimonials, there appear to be very few empirical evaluations of the efficacy of school security measures. In an attempt to review the efficacy of those measures, Skiba and Peterson (in press) conducted an extensive electronic literature search for published empirical evaluations of school security measures. Across both the ERIC and PsycInfo data bases, only four data-based evaluations of any school security measures were published in scholarly journals between 1988 and 1999. In contrast, there appears to be a considerably more extensive data base supporting the use of preventive measures. The same search located 35 data-based published articles using the term *conflict resolution*, and over 130 journal articles using the search term *classroom behavior management*.

For the present review, that search was updated, adding a search of the Sociological Abstracts and Criminal Justice Abstract data bases from 1988 to 1999. The terms *metal detector*, *locker search*, *surveillance or video camera*, and *school uniforms* were entered for each data base. Finally, the terms *zero tolerance* and *school security* were also entered to identify evaluations that may have cut across strategies. Across more than ten years of implementation, a search of four major data bases yielded only six empirical evaluations across all five categories of security measures. No published empirical evaluations were located for either locker searches or video surveillance cameras.

Among the handful of investigations of school security technology, the general quality of the reporting tended to be insufficient for allow firm conclusions about whether security technology can be effective. With some notable exceptions (e.g., Behling, 1994), all the published security technology studies were brief summaries of a quasi-experimental evaluation, omitting significant details about the characteristics of the population, implementation of the intervention, and statistical analyses performed. Without such data, there is no way of knowing whether any positive effects reported in the study were due to the security strategies themselves, or to characteristics of the schools, students, or other interventions. With this caveat, a brief review of the available data in each area of school security follows.

Metal Detectors

In the climate of fear created by dramatic incidents of school violence, school administrators have begun a consideration of metal detectors as a method for deterring weapon-carrying in schools. There are two types of metal detectors: Hand held metal detectors used for random sweeps of students, and fixed metal detectors, designed to scan all students as they enter school (Mackey, 1997). Advocates of such technology argue that metal detectors may keep weapons out of schools, thus making it less likely that conflicts will escalate into deadly violence. Opponents of metal detector technology argue that such systems are not cost effective, and that they may actually fail to prevent incidents, such as the shooting in Jonesboro, Arkansas, in which the violence is perpetrated outside the building, but on school grounds.

There appear to be no published investigations of the efficacy of fixed metal detectors placed in school entrances, and one of random weekly sweeps with hand-held metal detectors. Ginsberg and Loffredo (1993) compared self-reported rates of threats, physical fighting, or weapons-carrying for students in schools with and without hand-held metal detectors in the New York Public Schools. Students in schools using hand-held metal detectors reported a lower likelihood of carrying weapons at school or to and from school. No differences were found between schools with and without metal detectors in the frequency of reported threats or physical fights.

The results should be viewed with caution, however, since few details of the survey or analyses were provided in the report, and there were no controls for other interventions that may have been implemented during the time period of the study.

Locker Search

The literature on educational law has produced a fairly substantial dialogue about the circumstances under which locker searches are and are not legal (see e.g., Majestic, Blumberg, & Dowling, 1995). Yet there appear to be no empirical data regarding whether such searches are effective in either finding weapons or in reducing school violence. A search of the ERIC, Criminal Justice, PsycInfo, and Sociological Abstracts data bases produced no published evaluative reports on the efficacy of locker searches either for identifying weapons or reducing violence or disruption.

School Surveillance Cameras

Surveillance cameras have been recommended as a method of monitoring whether students are bringing weapons with them into school (Felder, 1997), as well as a method for deterring vandalism (Lebowitz, 1997). In the wake of the Columbine High School mass shooting, the presence of video surveillance cameras allowed the post-hoc review of the grisly details of the shooting, but clearly did not contribute to the prevention of violence. In order for surveillance cameras to be effective, it may well be necessary to hire staff to monitor the video received from those cameras, an additional expense for those schools choosing to use video cameras. In the four data-bases searched, there were no published evaluations of the use of video surveillance in school settings, with or without the presence of additional staff to monitor the video feed.

School Uniforms

The presence of school uniforms has been a favored response of the Clinton Administration in its approach to school violence (Smith & Levin, 1997). Advocates of school uniforms argue that school uniforms reduce problems associated with gangs, by making gang clothing nonexistent in schools, while reducing the fear of students who must travel through different gang territories (with associated differences in gang colors) on their way to school (Cohn, 1996). Others emphasize the contribution school uniforms

make toward increasing school pride and affiliation, and establishing a calm, businesslike school climate (Loesch, 1995). Finally, it has been suggested that school uniforms, especially if the policy is flexibly implemented, may prove more affordable to parents than the designer clothing often favored by adolescent students (Holloman, 1995).

There appears to be somewhat more research support for school uniforms than other security measures. The Long Beach Unified School District has informally reported decreases in occurrences of fighting, assaults, robberies, vandalism and weapons possession as a result of its district-wide implementation of a school uniform policy (Cohn, 1996), but there have also been more formal studies of the effects of school uniforms. Murray (1997) studied the impact of a district-wide school uniform policy on school climate in two middle schools in North Carolina. He reported higher student ratings of the quality of school climate in schools with a uniform policy on seven of ten dimensions surveyed.

Support for the hypothesis that school uniforms contribute to a more businesslike school environment was provided in an experimental study by Behling (1994). Two hundred and seventy sophomores and 20 teachers were asked to rate their perceptions of behavior, student achievement, and academic potential of students pictured as wearing different styles of dress. Both students and teachers tended to rate students in uniform, whether formal or more casual, as better behaved, more academically successful, and more likely to succeed academically. The authors suggest that uniform clothing can induce a halo effect that may induce a more positive image of school climate. Other survey research, however, suggests that teachers, but not students, believe that school uniforms have a positive influence on school safety (Sher, 1996; Stanley, 1996).

Thus, the research on school uniforms is somewhat stronger than other measures typically associated with a zero tolerance approach, though by no means comprehensive. Teachers and administrators clearly believe that uniforms contribute to school safety by creating a calmer and more businesslike school atmosphere, although it is unclear whether students share these beliefs. As yet, however, there are insufficient data to assess the extent to which these beliefs will translate into decreases in school disruption and violence.

Overall Effectiveness of School Security Measures

In addition to these reports on specific security measures, there are a limited number of more comprehensive investigations. These broad scale studies appear to raise troubling questions about the effectiveness of school security measures.

The most comprehensive data on school security approaches used as a component of zero tolerance appear to be the National Center on Education Statistics study of school violence (Heaviside, et al., 1998). The NCES survey asked principals to identify which of a number of possible components of a zero tolerance strategy (e.g., metal detectors, security guards, school uniforms) were employed at their school. Of schools with no reported crime, only 5% of principals reported moderate or stringent security measures; in contrast, 39% of schools with serious violent crimes reported using moderate to stringent security.

More sophisticated analysis of national data-bases has yielded evidence of a similar relationship between reliance on physical security and increased risk of school violence. Mayer and Leone (1999) re-analyzed data from the 1995 School Crime Supplement to the National Crime Victimization Survey, comprised of 9,854 interviews of students aged 12 to 19 throughout the United States. Students were interviewed regarding their personal knowledge and experience with violence, their perceptions of school rules, and their fear of being victimized. Results of structural modeling analyses suggested that reliance on rules was more effective in reducing school violence than were school security measures. Perceived enforcement and awareness of school rules was associated with decreased student reports of school violence. In contrast, school security measures, whether person-based or technology-based, were associated with increased reports of school violence. Increased reliance on strategies such as security guards, metal detectors, and locker searches tended to be associated with greater student experience with violence, and greater student fear of violence.

From one perspective, the relationships between school violence and increased use of security measures are unsurprising. Unsafe schools might well be expected to employ more extreme measures. Yet these data might also be interpreted as providing no

support for the hypothesis that security measures increase school safety: in both of these studies, schools that rely more heavily on school security measures continue to be less safe than those without such policies. Together with the notable absence of data evaluating the effectiveness of any individual security measure, these findings strongly suggest that there is as yet no solid evidence that such measures contribute to a safer school environment. The next section turns to a consideration of the data for strategies even more central to zero tolerance discipline: suspension and expulsion.

SUSPENSION AND EXPULSION: THE CORNERSTONE OF ZERO TOLERANCE

The use of school exclusion, suspension and expulsion, is a cornerstone of zero tolerance policy: one-year expulsions are written into federal and state regulations regarding zero tolerance. Applications of zero tolerance have dramatically increased school suspension and expulsion in school districts throughout the country (Civil Rights Project, 1999; Cummins, 1998; Seymour, 1999b).

What do we know of the effects and side-effects of school suspension and expulsion? In contrast to the paucity of research regarding school security measures, there has been a fairly substantial body of research that has emerged in recent years regarding school exclusion. In at least one area, the use of suspension with minority students, a sizable research base has produced consistent findings for over 25 years. In general, these data may raise troubling questions concerning the consistency, fairness, and effectiveness of school suspension and expulsion as disciplinary tools.

How are Suspension and Expulsion Used?

One would expect that suspension and expulsion, as more severe consequences, would tend to be reserved for more serious infractions. Yet zero tolerance policies that seek to punish all behaviors severely may to some extent have erased the notion of a graduated set of consequences geared to the severity of behavior. How frequently are suspension and expulsion used, and in response to what behaviors?

While more controversial, school expulsion appears to be used relatively infrequently as compared

to other disciplinary options (Sinclair, 1999). In one of the few studies examining school expulsion, Morrison and D'Incau (1997) reported that expulsion appears to be reserved for incidents of moderate to high severity, although there is some doubt as to whether students who are expelled are always those who are the most troublesome or dangerous. Zero tolerance policies, mandating expulsion for certain types of events, have apparently led to the expulsion of many children and youth who would be considered "good students."

Suspension, in contrast, is among the most widely used disciplinary techniques (Bowditch, 1993; Mansfield & Farris, 1992; Rose, 1988; Skiba et al., 1997; Uchitelle, Bartz, & Hillman, 1989). In one midwestern city, one third of all referrals to the office resulted in a one to five day suspension, and 21% of all enrolled students were suspended at least once during the school year (Skiba et al., 1997). Suspension appears to be used with greater frequency in urban areas than in suburban or rural areas (Massachusetts Advocacy Center, 1986; Wu et al., 1982).

As might be expected with such high rates of usage, school suspension is not always reserved for serious or dangerous behaviors. Fights or physical aggression among students are consistently found to be among the most common reasons for suspension (Costenbader & Markson, 1994; Dupper & Bosch, 1996; Imich, 1994; Menacker, Hurwitz, & Weldon, 1994; Skiba et al., 1997). Yet school suspension is also commonly used for a number of relatively minor offenses, such as disobedience and disrespect (Bain & MacPherson, 1990; Cooley, 1995; Skiba et al., 1997), attendance problems (Kaeser, 1979; Morgan D'Atrio et al., 1996), and general classroom disruption (Imich, 1994; Massachusetts Advocacy Center, 1986; Morgan D'Atrio et al., 1996). In fact, students are suspended for the most serious offenses (drugs, weapons, vandalism, assaults on teachers) relatively infrequently (Bain & MacPherson, 1990; Dupper & Bosch, 1996; Kaeser, 1979).

Consistency and Fairness of School Discipline

Common sense notions of justice demand that punishments in school or society be administered fairly and consistently. While it is not unreasonable that discipline policies will vary somewhat from school to school, in general, it is reasonable to ex-

pect that students will be disciplined in response to their behavior, not because of idiosyncratic characteristics of their school or classroom.

There can be little doubt that certain students are at a much greater risk for office referral and school suspension, and account for a disproportionate share of disciplinary effort. Wu et al. (1982) reported that students who were suspended were more likely to endorse statements indicating an antisocial attitude. Students who engage in harassment, bullying, or violent behavior appear to be at greater risk of future disciplinary action (Tobin, Sugai, & Colvin, 1996). Some students clearly account for a disproportionate share of disciplinary effort; in one study in 19 middle schools in a large midwestern urban district, 6% of students were responsible for 44% of all referrals to the office (Skiba et al., 1997).

Yet school disciplinary actions cannot be accounted for solely in terms of student behaviors, but are also a function of classroom and school characteristics. Skiba et al. (1997) reported that, in one middle school, two thirds of all disciplinary referrals came from 25% of the school's teachers. School factors also strongly influence rates of suspension. In multivariate analyses of factors predicting suspension, Wu and colleagues (1982) found that school suspension rate was associated with a number of school and district characteristics, including teacher attitudes, administrative centralization, quality of school governance, teacher perception of student achievement, and racial makeup of the school. Together, these school characteristics explained a greater proportion of the variance in school suspension than student attitudes and behavior, prompting the investigators to conclude:

One could argue from this finding that if students are interested in reducing their chances of being suspended, they will be better off by transferring to a school with a lower suspension rate than by improving their attitudes or reducing their misbehavior (Wu et al., 1982, pp. 255-256).

Racial Fairness in School Punishments

The suit brought by the Reverend Jesse Jackson and Operation PUSH on behalf of seven African-American students expelled for two years by the Decatur Public Schools represents the most publi-

cized incident to date involving racial disproportionality in school discipline. Yet minority over-representation in school punishments is by no means a new issue. Both racial and economic biases in school suspension and expulsion have been studied extensively for over 25 years, with highly consistent results.

Disproportionality Due to Socioeconomic Status

Studies of school suspension have consistently documented over-representation of low-income students in the use of that consequence (Brantlinger, 1991; Skiba et al., 1997; Wu et al., 1982). Brantlinger (1991) reported that both high- and low-income adolescents felt that disciplinary practices were unfairly weighted against poor students. While high-income students were more likely to receive more mild and moderate consequences (e.g., teacher lecture, moving desk), low-income students reported receiving more severe consequences, sometimes delivered in a less-than-professional manner (e.g., scorned in front of class, made to stand in hall all day, personal belongings searched).

Racial Disproportionality in Discipline

Of even greater concern is the overrepresentation of minorities, especially African-American students, in the use of punitive school discipline. In one of the earliest statistical studies of minority overrepresentation in school discipline, the Children's Defense Fund (1975), using Office for Civil Rights (OCR) data, found rates of suspension for black students that were between two and three times higher than suspension rates for white students at the elementary, middle, and high school levels. While 29 states suspended over 5 percent of their total black enrollment, only four states suspended over 5 percent of white students.

Since that report, racial disproportionality in the use of school suspension has been a highly consistent finding (Costenbader & Markson, 1994; Glackman et al., 1978; Kaeser, 1979; Lietz & Gregory, 1978; Massachusetts Advocacy Center, 1986; McCarthy & Hoge, 1987; McFadden, Marsh, Price, & Hwang, 1992; Skiba et al., 1997; Taylor & Foster, 1986; Thornton & Trent, 1988; Wu et al., 1982). Black students are also exposed more frequently to more punitive disciplinary strategies, such as corporal punishment (Gregory, 1995; Shaw & Braden, 1990), and

receive fewer mild disciplinary sanctions when referred for an infraction (McFadden et al., 1992). In a report on Tennessee schools' zero tolerance policies for 1997 (Tailor & Detch, 1998), the Tennessee Office of Education Accountability found overrepresentation of African American students in zero tolerance-related expulsions in the state's urban school systems. In the most recent study of racial disproportionality in discipline, the Applied Research Center of Oakland, California reported higher than expected rates of suspension and expulsion for black students in all 15 major American cities studied (Gordon, Piana, & Keleher, 2000).

One possible explanation of racial overrepresentation in school suspension is that overuse of suspension for black students is not racial bias per se, but is rather a corollary of the documented disproportionality in discipline for students from lower socioeconomic backgrounds. Yet race appears to make a contribution to disciplinary outcome independent of socioeconomic status. Controlling for socioeconomic status, Wu et al. (1982) reported that nonwhite students still received significantly higher rates of suspension than white students in all locales except rural senior high schools.

There is, of course, the possibility that the higher rates of school exclusion and punishment for African-American students are due to correspondingly high rates of disruptive behavior. In such a case, disproportionality in suspension or other punishments would not represent racial bias, but a relatively appropriate response to disproportionate misbehavior. Yet investigations of student behavior, race, and discipline have found no evidence that African Americans misbehave at a significantly higher rate (McCarthy & Hoge, 1987; Wu et al., 1982). If anything, available research suggests that black students tend to receive harsher punishments than white students, and that those harsher consequences may be administered for less severe offenses (McFadden et al., 1992; Shaw & Braden, 1992). In an analysis of the reasons middle school students in one urban district were referred to the office, white students were more often referred for vandalism, smoking, endangerment, obscene language, and drugs and alcohol. In contrast, black students were more often referred to the school office for loitering, disrespect, excessive noise, threats, and a catch-all category called conduct interference (Skiba, 1998). Thus, far

from engaging in higher levels of disruptive behavior, African-American students appear to be at risk for receiving a range of more severe consequences for less serious behavior.

These results are consistent with suggestions that cultural discontinuities may place African-American students, especially African-American male adolescents, at a disadvantage in many secondary schools. Townsend (2000) suggests that many teachers, especially those of European-American origin, may be unfamiliar and even uncomfortable with the more active and boisterous style of interaction that characterizes African American males. Fear may also play a role in contributing to over-referral. Teachers who are prone to accepting stereotypes of adolescent African-American males as threatening or dangerous may react more quickly to relatively minor threats to authority, especially if such fear is paired with a misunderstanding of cultural norms of social interaction.

Whatever the reason, racial disparities in school exclusion are not lost on students of color. Sheets (1996) interviewed students and teachers in an urban high school concerning their perceptions of school discipline. Both European-American and ethnically diverse students perceived sources of racism in the application of discipline. But while European American students perceived racial discrimination in discipline as unintentional or unconscious, students of color saw it as conscious and deliberate, arguing that teachers often apply classroom rules and guidelines arbitrarily to exercise control, or to remove students they dislike. In particular, African American students felt that contextual variables, such as a lack of respect, differences in communication styles, disinterest on the part of teachers, and "being purposefully pushed to the edge where they were expected and encouraged to be hostile" (Sheets, p. 175) were the primary causes of many disciplinary conflicts.

Suspension and Expulsion: How Effective?

In 1999, the U. S. Department of Education released its *Report on State Implementation of the Gun-Free Schools Act: School Year 1997-98* (Sinclair, 1999). The report focused on expulsions of students in 50 states and territories for bringing a weapon to school (the report did not include data on expulsions of students for offenses other than weapons). Of the 3,390 weapons-related expulsions reported for the 1997-98 school year, 61% were for handguns,

7% for rifles, and 32% for "other firearms;" the majority of reported expulsions (57%) occurred at the high school level. The number of reported expulsions for weapons showed an apparent decrease, from 5,724 in 1996-97 to 3,930 in 1997-98. The report cautions that the decrease may be due to differences in reporting across the two years, but also suggests that several states felt that "students were getting the message that they were not to bring firearms to school and that, as a result, fewer students were expelled for this offense" (Sinclair, 1999, p. 4).

Even accepting the veracity of the data, however, it remains very much unclear what increases or decreases in recovered weapons or expulsions mean in terms of evaluating overall school safety. Reports on zero tolerance programs have cited both increases (Crosby, 1994b) and decreases (Barzewski, 1997; Ginsberg & Loffredo, 1993) in weapons confiscation and expulsion as evidence of effectiveness. Trends in school expulsion represent an especially ambiguous measure. Although sometimes cited as evidence that a school or a district is "cracking down" on disruptive students, increased expulsion within a school or school district may well be indicative of a negative trend in school safety. Ultimately, increases or decreases in weapons confiscation or expulsion are meaningful measures of safety only if paired with direct measures of violence, disruption, or student misbehavior.

Unfortunately, there appears to be little evidence, direct or indirect, supporting the effectiveness of suspension or expulsion for improving student behavior or contributing to overall school safety. While there appear to be no investigations that have directly studied the effects of school exclusion on student behavior or school safety in general, indirect data suggest that suspension may be ineffective for those students most often targeted for disciplinary consequences. Studies of school suspension have consistently found that up to 40% of school suspensions are due to repeat offenders (Bowditch, 1993; Costenbader & Markson, 1994; Massachusetts Advocacy Center, 1986), suggesting that this segment of the school population is decidedly not "getting the message." Indeed, Tobin et al. (1996) found that, for some students, suspension is primarily a predictor of further suspension, prompting the authors to conclude that for these students "suspension functions as a reinforcer...rather than as a punisher" (p. 91).

Long-term outcomes associated with suspension appear to be even less reassuring. Analysis of data from the national High School and Beyond survey revealed that 31% of sophomores who dropped out of school had been suspended, as compared to a suspension rate of only 10% for their peers who had stayed in school (Ekstrom, Goertz, Pollack, & Rock, 1986). In a similar re-analysis reported by Wehlage and Rutter (1986), discipline emerged as part of a constellation of factors, along with poor academics and low SES, predicting school dropout. Among these variables, prior engagement with school discipline was among the strongest predictors of dropout.

Indeed, the relationship between school suspension and school dropout may not be entirely accidental. Ethnographic field studies of school discipline have noted that disciplinarians in troubled urban schools often view their role in large measure as dealing with persistent "troublemakers" who challenge the institution's authority (Bowditch, 1993). Over time, as such students develop a reputation, disciplinary contacts afford administrators the opportunity to rid the school of its most troublesome students:

In this high school, the practice of cleansing the school of 'bad kids' was quite widely acknowledged and equally appreciated by administrators, teachers, and counselors. Criticisms of the practice were voiced rarely, quietly, and confidentially behind closed doors. (Fine, 1986, p. 403)

In such a context, suspension often becomes a "pushout" tool to encourage low-achieving students and those viewed as "troublemakers" to leave school before graduation.

Research from the field of developmental psychopathology may shed additional light on the relationship between suspension and school dropout. Throughout the elementary school years, students at-risk for developing antisocial behavior exhibit disruptive behavior and social and academic deficits that leave them increasingly alienated from teachers and peers (Patterson, 1992). By middle school, these youngsters become less interested in school and begin to seek the company of other antisocial peers. At the same time, their families often fail to monitor their whereabouts, allowing more unsupervised time on the streets (Ramsey, Walker,

Shinn, & O'Neill, 1989). For an adolescent at-risk for antisocial behavior then, it seems unlikely that school suspension will successfully impact behavior. Rather, suspension may simply accelerate the course of delinquency by providing a troubled youth with little parental supervision more opportunities to socialize with deviant peers. As one student put it:

When they suspend you, you get in more trouble, cuz you're out in the street...And that's what happened to me once. I got into trouble one day cause there was a party and they arrested everybody in that party...I got in trouble more than I get in trouble at school, because I got arrested and everything. (Thorson, 1996, p. 9)

In summary, school suspension and expulsion appear to be effective primarily in removing unwanted students from school. For troublesome or at-risk students, the most well-documented outcome of suspension appears to be further suspension, and eventually school dropout.

There may well be unanticipated social costs to this spiral of school exclusion. Research in the field of juvenile delinquency suggests that the strength of the school social bond is an important predictor in explaining delinquency (Jenkins, 1997). From a developmental standpoint, one might well question the wisdom of school disciplinary strategies that are expressly intended to break that bond with troublesome students.

Unintended Consequences of Punishment: Student Behavioral and Emotional Reactions

As noted, student perceptions of the effectiveness of various school disciplinary actions are often significantly at odds with the perceptions of teachers and administrators. While school personnel see school disruption as primarily a student choice and discipline as a reaction to that choice, students, especially at-risk students, often see confrontational classroom management or school disciplinary strategies as playing a significant role in escalating student misbehavior. Gottredson (1989) reported that students viewed most disciplinary problems as resulting from rules that were unjust or unfairly applied. In particular, students who are already at-risk for disruption may see confrontational discipline as a challenge to escalate their behavior. As one student

interviewed by Thorson (1996) while in detention put it:

I figure if I'm going to get in trouble, I'm gonna annoy him as much as I can. I'm already going to get in trouble, he deserve it, if he gonna keep singling me out, so I get on his nerves!...If you know you're already getting in trouble, why shut up?" (p. 6).

Shores, Gunter, & Jack (1993) argue that this counter-reaction to coercive disciplinary or behavior management strategies may be fairly typical, and suggest that punishment-based approaches to school discipline may escalate rather than deter school disruption.

Beyond resentment and counter-coercion among students, there is some evidence that the more intrusive school security measures, such as strip searches or the use of undercover agents in schools, have the potential for creating short- or even long-term emotional damage among students. Case studies of students who had been subjected to such practices suggest that reactions of anger and acting-out are not uncommon. In some cases, extreme school disciplinary procedures such as strip search have produced stress symptoms serious enough to warrant a diagnosis of posttraumatic stress disorder (Hyman & Perone, 1998).

Many of these unintended effects on students may simply reflect the consistent findings of operant psychology that the application of punishment is unpredictable, and unlikely to lead to the learning of new behavior (Council for Exceptional Children, 1991; Skinner, 1953). A host of serious side-effects have been documented in the professional literature on punishment (Axelrod & Apsche, 1983; MacMillan, Forness, & Trumball, 1973; Wood & Braaten, 1983), including escape and counter-aggression, habituation to progressively stiffer consequences, and reinforcement of the punishing agent. Unless carefully monitored and accompanied by positive consequences or alternative goals, the application of harsh consequences appears to be as likely to lead to escape or counter-aggression as to meaningful alternative behavior (Axelrod & Apsche, 1983). The appropriate application of consequences at opportune moments is certainly one tool for teaching students that actions have consequences in a lawful society. Yet it is clear that the school punish-

ments that are central to zero tolerance policies have not been studied enough to determine whether they yield benefits sufficient to outweigh the well-documented and troubling side-effects of punishment procedures.

CONCLUSIONS

It is important to note that these analyses are in no way intended as a criticism of school administrators faced with complex and serious choices in responding to school violence. The brutal events that overtook suburban and rural schools in the late '90's have shattered the common belief that school violence is solely an urban problem, confined to bad neighborhoods and dysfunctional families in the inner-city (Prothrow-Stith & Weissman, 1991). Teachers, administrators and parents were, in the space of days and weeks, forced to the anxiety-charged realization that "it can happen here." Unprepared for serious violence, yet under intense pressure to do something, it is unsurprising that administrators choose remedies, such as zero tolerance and security technology, that they perceive as fast-acting. There are few who would disagree with the proposition that schools must take all possible actions to demonstrate their seriousness in deterring violence. Indeed, it is hard to argue with the stated goal of zero tolerance: to send a message that certain behaviors are simply not acceptable in school.

It is not the goals of zero tolerance, however, but more often the methods of its implementation that create controversy in schools and communities. There are few newspaper editorials condemning schools and school boards for expelling a student who carried a knife to school for the sole purpose of attacking another student. But the classic zero tolerance strategy of punishing minor or even trivial events severely, or dramatically extending the length of school suspension or expulsion, has led to cries of injustice across the country.

Inevitably, harsher punishments pit proponents of a strong zero tolerance stance against civil rights advocates. It is not surprising that organizations from both ends of the political spectrum—the American Civil Liberties Union and the conservative Rutherford Institute—have focused on civil rights concerns in defending students caught in the "web of zero tolerance" (Morrison & D'Incau, 1997). Inevitably,

plaintiffs against school districts claim their rights were violated by standard policies that allow for little or no flexibility in implementation. Defenders of the policies point to the larger threat posed by serious violence in our nation's schools, suggesting that civil rights violations may be an unfortunate but necessary compromise to ensure the safety of school environments.

Unfortunately, however, this latter argument is made somewhat moot by the almost complete lack of documentation linking zero tolerance with improved school safety. Despite more than ten years of implementation, there have been only a handful of studies evaluating the outcomes of security measures. Of these, only school uniform research appears to have enough support to be considered even promising in contributing to perceptions of safer school environments. The most extensive studies (Heaviside et al., 1998; Mayer & Leone, 1999) suggest a negative relationship between school security measures and school safety. At this point in time, there is little or no evidence supporting assertions that school security technology can contribute to the reduction of school violence.

Data on the centerpiece of zero tolerance approaches, suspension and expulsion, are both more extensive and less supportive. Analysis of school referral data confirms the perceptions of school personnel that a relatively small proportion of students may be responsible for much of the disruption and violence in a given school. Yet the contribution of student behavior to suspension or expulsion decisions is swamped by inconsistencies in administration at both the classroom and school level. More importantly for at-risk students, the most consistently documented outcome of suspension and expulsion appears to be further suspension and expulsion, and perhaps school dropout. These relationships are especially troubling in light of the highly consistent overuse of punishment for African-American students, an overrepresentation that cannot be explained away by behavior or the effects of poverty.

Since the publication of *A Nation at Risk* (National Commission on Excellence in Education, 1984), accountability of instruction has become a national priority. State minimum competency tests, designed to ensure academic accountability, have become almost universal. In such a context, national

support for a school disciplinary policy that has provided so little evidence of effectiveness is, at the very least, surprising. Without accountability data for evaluating school discipline, there is no assurance that the extensive national commitment of time and resources to zero tolerance strategies has in any way paid off. Indeed, there is the danger that reliance upon the more complex and costly of these measures may drain resources from potentially more effective long-term solutions.

Recent public reaction to school safety and school disciplinary issues may suggest that the public is no longer comfortable with a forced choice between school safety and civil rights. In recent media accounts, parental and community reaction to zero tolerance appears to fall into two divergent and equally vocal responses. In North Hollywood, California, 500 parents packed the auditorium of Grant High School to demand reassurance from the school board concerning the safety of their children in the wake of a lunchroom brawl between Latino and Armenian students (Blankstein, 1999). Meanwhile, in Hartford, Wisconsin, 550 parents and community members crowded a meeting of their school board to voice their opposition to zero tolerance policies mandating expulsion for drug and alcohol offenses. Said one parent, "To me, expulsion is not sharing responsibility. It's getting rid of the problem." (Davis, 1999, p. 1). Together, these incidents suggest that the community is seeking school disciplinary strategies that can ensure school safety without sacrificing civil rights. In response to these pressures, some districts have begun to replace strict one-size-fits-all models with more graduated systems of discipline in which severe consequences are reserved for the most serious offenses, while less serious offenses are met with more moderate responses.

To differentiate the approach from zero tolerance, these graduated response alternatives might well be termed an *early response* model of school discipline (Skiba & Peterson, 2000). This perspective shares with zero tolerance the philosophical stance that minor disruption will, if left unattended, predict more serious disruption and violence. In contrast to zero tolerance, however, an early response model relies upon a graduated system of consequences that encourages a more moderate response to less serious behavior. The models differ also in their goals. While zero tolerance intends to set an example for poten-

tial wrongdoers through harsh punishment, the goal of early response is to ensure that minor incidents are defused before escalating into more serious offenses, and in the long-term, to teach all students appropriate alternatives to disruption and violence for resolving personal and interpersonal problems. Toward that end, alternatives to zero tolerance shift the temporal locus of disciplinary effort from reaction to comprehensive preventive efforts. Professional opinion (APA, 1993; Dwyer et al., 1998; Skiba & Peterson, 2000; Walker et al., 1996) has begun to coalesce around a primary prevention model of school violence prevention emphasizing simultaneous intervention at each of three levels: creating a more positive school climate, attending to early warning signs, and effectively responding to disruption and violence with a broad array of strategies.

Yet consensus at the level of scholarly discourse in no way guarantees either an immediate or long-term shift in school practice. Faced with a choice between established but unproven practice and promising but emergent interventions for addressing school violence, many school disciplinarians may be reluctant to part with the sole tool they are familiar with, whether or not that tool is truly effective. Regardless of its actual value in maintaining order, the idea of zero tolerance is powerfully symbolic, reassuring staff, students and the community that something is being done (Noguera, 1995). Until school administrators become convinced of the efficacy and the feasibility of alternatives to suspension and expulsion, there is little likelihood that there will be a wholesale abandonment of exclusionary discipline. Research on effective preventive alternatives such as bullying prevention, conflict resolution/peer mediation, improved classroom behavior management, and early identification and intervention is thus critical in order to assist schools in developing sound alternatives to exclusionary discipline.

The dilemma of zero tolerance is profound and serious. One can in no way question the motives or sincerity of those who have drawn a battle line against violence in the schools. Yet however well-meaning those policies have been, the pages of national newspapers have been littered with the wreckage of young lives changed, perhaps irrevocably, by policies whose primary aim is to send a message to more serious offenders. Nor has it been substantiated that the antisocial and violent youth

who are the intended targets of zero tolerance have in any way received its message. The tragic violence that has befallen both urban and rural schools makes it incumbent upon educators to explore all available means to protect the safety of students and teachers. Yet faced with an almost complete lack of evidence that zero tolerance is among the strategies capable of accomplishing that objective, one can only hope for the development and application of more effective, less intrusive alternatives for preserving the safety of our nation's schools.

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In Classroom Discipline, a Soft Approach Is Harder Than It Looks

Restorative justice has been credited with slowing the "school-to-prison pipeline." Here's how to ensure it fulfills that promise.

By Ruben Brosbe



It was just a regular morning in my classroom in Manhattan's Hamilton Heights neighborhood. My third graders were heading back to their seats for math when John "accidentally" hit a classmate with a chair. John loudly and indignantly denied it.

I found myself faced with a few different responsibilities. I needed to send a message to John (not his real name) that this behavior was not acceptable. I also needed to let his classmate know that I would stand up for his safety. Finally, I wanted to let John know that I cared about him and trusted him (even though he's very "accident prone").

I suggested John take a break in our classroom's "relaxing area," a message to calm down so we could resolve the issue. This made John feel punished and under attack, so he gave me the middle finger and walked out the door.

According to the New York City Department of Education's (DOE) Code of Conduct and Discipline, John's behavior could be classified a few different ways. Since this wasn't his first offense, one option was to remove him from my classroom for one to three days—in other words, give him a Principal's Suspension.

This is a natural inclination for many teachers. Some opt to suspend a student based on their own schooling experiences, while others have run out of patience and ideas. In either case, most teachers use suspensions to send a clear message that an inviolable line has been crossed. But I found myself at a crossroads.

I asked myself whether a suspension would be the right consequence for John, or any other student that struggles to meet the behavioral expectations placed on them. I needed a serious intervention for John, because my other approaches—like giving him extra attention and creating an individualized behavior plan—weren't working. I also needed to safeguard the learning of John's classmates. Still, I knew a suspension for John could likely do more harm than good.

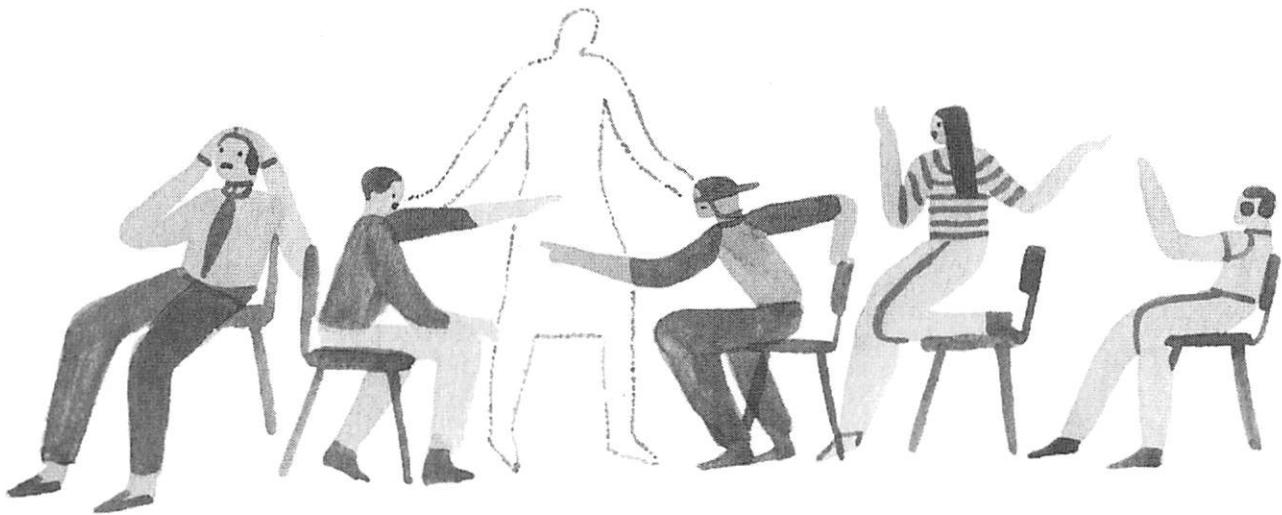
Recently, growing pressure has mounted to decrease, if not eliminate, the number of suspensions in schools. The frightening correlation between suspensions, dropouts, and incarcerations—particularly of Black and Latino youth—has been framed as the school-to-prison pipeline.

In response, the city announced School Climate Reforms this February, intended to promote “dignity and fairness” in schools. Included in this initiative is a \$1.2 million commitment to expand restorative justice practices, or practices that try to repair whatever is broken.

Restorative justice gained attention recently in response to the overreach, if not outright failure, of zero tolerance policies popularized in classrooms in the 1990s. Within the restorative framework, students who misbehave participate in one of several possible activities. There may be a community circle, collaborative negotiation, peer mediation, or a formal restorative conference. These activities are intended to build community, trust, and confidence.

However, despite being a worthy effort, money alone will not ensure the success of restorative justice efforts for New York City’s one million students. Rather, 70,000 teachers like me will need to know that it’s an effort worth undertaking—and be offered ongoing support to implement it properly.

Teachers tend to filter schooling through their own experiences as students—which often included suspension as a disciplinary measure. In addition to changing entrenched mindsets, restorative justice efforts will require intensive training for all school staff, including guidance counselors and school safety officers. Most importantly, it needs to legitimately help us be more effective teachers, and not just create a new metric to track.



What would restorative look like with my student John? A group—likely comprising John, me, some of John’s classmates, and a facilitator (which my school does not have)—would come together to talk through John’s actions. Together with John, we would create a plan to repair the harm.

With behavior like bullying or fighting, this may still result in a suspension. The difference, however, would be an intentional effort to discuss the root cause of John’s behavior and develop a shared plan to reduce future incidents. For example, if John’s behavior flared up during reading lessons, I would be responsible for planning specific supports to deal with his frustrations with this subject.

This approach to discipline has been credited in part or full for reducing suspensions by as much as 50%. According to a case study by UC Berkeley School of Law, restorative justice also helped students assume greater autonomy and responsibility.

Steven Brady, an assistant principal at East Bronx Academy for the Future, where restorative justice practices have been in place for three years, echoed this statement. In addition to helping students through conflicts, Brady said that restorative justice “allows the students to learn to become great listeners. It has become a maturing process as well.”

Some educators question whether restorative justice is truly disciplining the problem behaviors as effectively as suspensions, or if it is just a touchy-feely “talking circle...where [kids] can discuss their feelings.” In other words, does restorative justice send the message that disruptive behavior is acceptable?

For teachers, every reaction (or lack thereof) to student behavior sends an implicit message. It’s a constant push and pull in my own mind. Should I sweat the small stuff, like when my third graders don’t bother to put caps back on markers? Or should I chalk it up to typical eight-year-old behavior?

The weight of a teacher’s choice is much heavier when dealing with bullying or cursing in the classroom. Most teachers, including myself, fret over the message a student might receive when they “get away with something.” However, at a recent workshop on restorative justice, the facilitator reframed the issue: “What type of message are you sending [to a student] if you say you are not a part of this community because of their behavior?”

This implicit message is that some children—predominantly boys of color—are unwelcome in public schools. This is what scholars and activist groups like the Dignity in Schools Campaign believe drives the connection between suspensions, dropout rates, and too often, prison.

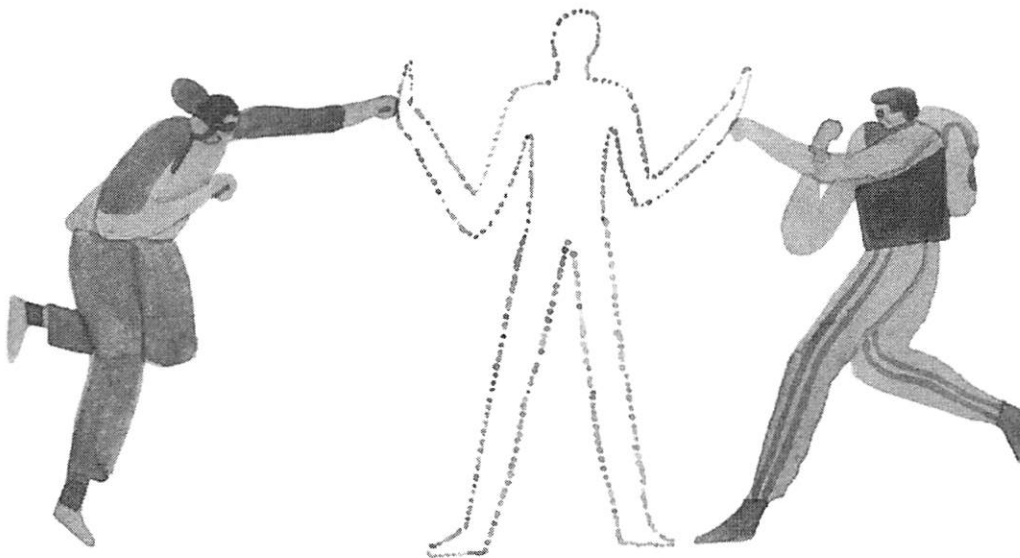
Jamaal Bowman, principal of Cornerstone Academy for Social Action (CASA) Middle School in the Bronx, instituted restorative justice at his school in 2009, largely to curtail the dropout rate. “Children are already alienated and disengaged from adults,” Bowman wrote to me. “Students come with a lot of baggage, so we have to be sensitive to [their] holistic needs.”

During the initial transition to restorative justice, CASA still relied heavily on suspensions to address, in Bowman’s words, a “particularly rambunctious student body.” Six years later, the school has cut suspensions by two-thirds. It no longer uses suspensions for insubordination, which is

particularly important because nationally, “willful defiance” is the most racially disproportionate cause for suspension.

Bowman believes the restorative justice effort is a still work in progress. Some teachers want to continue relying on suspensions because they don’t feel like they can address misbehavior effectively any other way. Bowman recognizes that these teachers still need more handholding to successfully implement restorative practices.

The city plans to expand restorative approaches to a hundred New York City schools by September 2015. CASA’s experience seems to be a clear sign that the DOE’s goal will be a heavy lift.



In a March 25th testimony to the New York City Council’s Education Committee, high school student Onyx Walker spoke about his school’s attempt to implement peer mediation. A teacher at Walker’s school launched this program, but due to other professional duties and a lack of funding, the program quietly folded.

There is a growing grassroots effort that advocates for training and additional support when implementing restorative practices. Activist group Teachers Unite is calling for a restorative justice coordinator position in all schools, along with changes in the discipline code and significant investment in professional development.

A standalone position like this would cost at least \$40,000 per school, substantially more than the DOE's current budget could afford. However, this position would provide crucial on-site support to make sure teachers have the time and coaching to make practices like restorative circles happen.

At this point, the DOE has, for the most part, only trained teachers in creating community circles. These circles don't help teachers to "respond to harm," like cursing, fighting or bullying. Furthermore, teachers receive little in the way of continued education of this practice. If teachers are expected to use restorative justice approaches in place of suspensions, but aren't given all of the tools, it will doom this promising idea to failure.

I teach at a small school where we don't even have a full-time guidance counselor. To run a restorative intervention we would need somebody—a counselor, dean or assistant principal—to facilitate. Currently, when students like John experience a crisis, it's left to teachers to resolve them the best we can. When we run out of ideas, suspension sometimes seems like all that's left.

I want to stop John from hurting others, but not by suspending him. I don't know how to keep him in the classroom and continue with my lessons. In the current system, I feel stuck between sending a message that his behavior must change and a message that he is welcome and valued in my classroom.

For restorative justice to succeed, teachers like me need to see that it offers an opportunity to send both messages at once. We will also need the support to fully realize this opportunity. This will require a more significant commitment than one dollar for each of New York City's public school

students. It will require the long-term, multi-faceted support that any worthwhile new practice deserves.

Illustrations by Monica Ramos



Bright is made possible by funding from the New Venture Fund, and is supported by The Bill & Melinda Gates Foundation.

From *The Challenge of Culture Change: Embedding Restorative Practice in Schools*. By Peta Blood and Margaret Thorsborne

What the process of conferencing *has* highlighted for schools and practitioners is that efforts which focus only on reactive responses to wrongdoing have limited impact in achieving these changes.

. This has allowed a more proactive approach in order to create the best environment for the development of healthy relationships across the school community, so critical for the delivery of improved student learning outcomes (See Lingard et al.2002, Blum et al. 2002, and Weare, 2004).

Schools practising a restorative philosophy have discovered that most of their restorative activities have fallen within a continuum of practices (Wachtel, 1999) which range from formal (eg conferencing) to informal responses (circles, classroom and corridor conferences, peer mediation etc). This continuum assists schools to more effectively manage conflict and disruptions in corridors, playgrounds and classrooms. These practices, while extremely effective in their response to wrongdoing, are still reactive. Effective behaviour management is the result of many interacting and complex factors, not the least of which are relevant, engaging curriculum and productive pedagogies. Restorative practice, with its emphasis on relationships, demands that schools attend to all aspects of the school culture and organisation and that they develop a range of relational practices that help prevent incidents of inappropriate behaviour from arising in the first place. To achieve these broader outcomes, we propose an extension of Wachtel's continuum of practices to include the relational building activities that need to precede and complement these practices. This in turn requires a shift away from punitive practice to a relational approach.

The authors (with a collective experience of 20 years between them in this field) and the schools they have worked with, have come to the conclusion that, while the implementation of carefully thought out strategy is vital, one of the critical issues for successful implementation and sustainability of a restorative philosophy is the realisation that this means organisational and cultural change.

Briefly, these levels of response form a continuum of responses, based on common principles. By way of analogy to a health care model, the universal level of intervention targets all members of the school community through an 'immunization' strategy; such that, all members of the school community develop social and emotional skills to resolve conflict in caring and respectful ways. The targeted level of intervention addresses conflict that has become protracted such that it is affecting others within the school community, as such a third party is often required to help facilitate the process of reconciliation. The intensive level of intervention typically involves the participation of an even wider cross section of the school community, including parents, guardians,

social workers, and others who have been affected or need to be involved, when serious offences occur within the school. A face-to-face restorative justice (community) conference is a typical example of this level of response. Taken together, these practices move from proactive to reactive, along a continuum of responses. Movement from one end of the continuum to the other involves widening the circle of care around participants. The emphasis is on early intervention through building a strong base at the primary level, which grounds a normative continuum of responsive regulation across the school community.

If we are to move beyond restorative practice being seen as a reactive response to significant issues of harm, then we must focus our attention on preventative and proactive strategies. It is not our intention to expand on these strategies in further detail here, but it is clear that any exploration of behaviour management will inevitably lead to discussions about curriculum and pedagogy.

Understanding the linkages between these three issues will become a critical part of implementation of restorative practice based on relational values. Proactive responses are often informed by what is happening within the school environment. Many of the problems encountered in a typical school day are frequently misdiagnosed if not viewed through a relational lens and its exploration of factors contributing to relationship breakdown. For example: problems on playgrounds are often personalised and viewed as non-compliance by an individual or groups of students. Restorative dialogue with the 'offending' parties often reveals factors which can be remedied without resorting to punishment (eg. a lack of social skills, not knowing the game rules, boredom, poor allocation of play space or the lack of equipment etc).

Part of the leadership commitment to change must therefore be to provide adequate resources for high quality *ongoing* professional development and dialogue. Engaging all staff at this level and maintaining an ongoing dialogue about the issues which emerge will assist in the development of a climate of cooperation and collaboration, so necessary for cultural change.

If we are to heed the lessons of the past decade of pioneering work in schools, then we must approach the implementation of restorative practices with a broad and deep understanding of what makes a difference. It is not simply a case of overlaying a justice model of conferencing and expecting it to work in a school setting. Restorative practice in schools is much more than conferencing serious misconduct. We are working in a community that has long term and deep relationships between all its members who need to co-exist in a healthy way for learning outcomes to be met. This requires a range of proactive and responsive processes which strengthen relationships and take a relational approach to problem solving. The implementation of restorative practice risks the fate of many other well intentioned programs unless we understand what it takes to change the hearts and minds of our school communities and are prepared to learn from our past.

Discipline Disparities:

A Research-to-Practice Collaborative

Supported by:



Discipline Disparities Series

DISCIPLINE DISPARITIES: MYTHS AND FACTS

While the extent of and reasons for disciplinary disparities have been well documented for at least the last 40 years, a number of inaccurate assumptions and myths remain popular but lack research support. This fact sheet describes many of the most common claims about disciplinary disparities, and what research actually says about them.¹

| MYTHS | FACTS ¹ |
|---|--|
| Disparities aren't really due to race, class, or sexual orientation; they are really about the challenges of poverty, inadequate home lives, and violent communities. | <ul style="list-style-type: none">Poverty does not fully explain racial disparities (<i>New Research Brief</i>, p. 2).School factors are stronger predictors of disparities than individual student factors or the reasons students are suspended for (<i>New Research Brief</i>, p. 3). |
| Racial disparities are really due to worse behavior among students of color. | <ul style="list-style-type: none">There is no evidence that racial disparities in discipline are due to higher rates of misbehavior by Black students (<i>New Research Brief</i>, p. 2).If anything, those students are punished more severely for similar or less serious behaviors than their peers (<i>New Research Brief</i>, p. 2). |
| Suspension and expulsion are used infrequently and to prevent or punish series acts of misbehavior. | <ul style="list-style-type: none">Exclusionary discipline is actually used extensively, especially for Black males: 1/3 to 1/2 of all students will experience at least one suspension or expulsion during their K-12 careers; moreover, nearly 70% of Black males will experience at least one suspension or expulsion while in school (<i>Policy Brief</i>, p. 2).Suspension is used mostly for non-safety threatening incidents (<i>Policy Brief</i>, p. 1).The greatest disproportionality in discipline for Black students is based on subjective and relational-based issues such as "defiance" and "disruptive behavior" (<i>Policy Brief</i>, p. 5). |
| Disciplinary disparities are evident only for Black students. | <ul style="list-style-type: none">Disparities have been documented most often for Black students, and are the most extreme for Black males (<i>New Research Brief</i>, p. 2).There is consistent evidence of disparities for students with disabilities, Native American students, and Hispanic/Latino students (at the middle and high school level), and emerging evidence of disparities for LGBT students, girls of color, and English language learners (<i>New Research Brief</i>, p. 2).Most extreme differences are at the intersection of these groups, e.g., Black males with a disability (<i>Policy Brief</i>, pp. 3-4). |

| MYTHS | FACTS |
|--|--|
| While a powerful symbol, there is really no evidence that the “school-to-prison pipeline” actually exists. | <ul style="list-style-type: none"> The consequences of school exclusion are devastating—lower academic achievement, higher truancy, higher dropout, higher contact with the juvenile justice system, and lower local and state economic growth. Disparities in discipline mean that certain students are more likely to experience these negative outcomes (<i>Policy Brief</i>, pp. 4-5). |
| Disparities are solely due to individual teachers and principals | <ul style="list-style-type: none"> Disparities in discipline are systemic and determined by a number of policy and practice factors (<i>Overview Brief</i>, p. 2; <i>Interventions Brief</i>, p. 2). The context of schooling and conditions for learning—including policy decisions at the national, state, and local levels; educator philosophies and practices; and unequal access to quality teaching, a rigorous and meaningful curriculum, and resources—determine disparities and should be prioritized in disparity reduction efforts (<i>Interventions Brief</i>, p. 2). |
| There is very little schools can do to eliminate disparities. | <ul style="list-style-type: none"> There are a number of promising strategies schools can and are using for disparity reduction, including: <ul style="list-style-type: none"> Offering supportive relationships among and within school staff and students, including repairing relationships caused by misbehavior (<i>Interventions Brief</i>, pp. 3, 8-9), Enhancing academic rigor for all students (<i>Interventions Brief</i>, p. 4), Engaging in culturally relevant and responsive instructions and interactions (<i>Interventions Brief</i>, pp. 4-5), Establishing bias-free classrooms and respectful school environments (<i>Interventions Brief</i>, pp. 5-6), Using teacher professional development systems to focus on improving teacher-student relationships (<i>Interventions Brief</i>, p. 4), Employing structured decision-making processes to student threats of violence (<i>Interventions Brief</i>, p. 7), and Changing disciplinary codes of conduct to be aligned with positive school climates (<i>Policy Brief</i>, p. 7). |
| There is really very little community organizations; advocates; and local, state, and federal policymakers can do to reduce disparities. | <ul style="list-style-type: none"> Community leaders and policymakers can demand or require annual collection of disaggregated disciplinary data be made publicly available (<i>Policy Brief</i>, p. 8). Policymakers at the local, state, and federal levels can prioritize financial and human capital resources to approaches that reduce disparities (<i>Policy Brief</i>, pp. 8-9). Local community organizations can organize and advocate for policy and practice changes in their communities, similar to those occurring in many states and districts across the country (<i>Overview Brief</i>, pp. 2-3; <i>Policy Brief</i>, pp. 3, 8). |

¹ Each of the facts is supported by research cited in one of the four Discipline Disparities Collaborative briefing papers, which can be found online at: rtpcollaborative.indiana.edu. *Overview Brief* refers to *Discipline Disparities Series: Overview* (Carter, Fine, & Russell), *Interventions Brief* refers to *How Educators Can Eradicate Disparities in School Discipline* (Gregory, Bell, & Pollock), *Policy Brief* refers to *Eliminating Excessive and Unfair Exclusionary Discipline in Schools* (Losen, Hewitt, & Toldson), and *New Research Brief* refers to *New and Developing Research on Disparities in Discipline* (Skiba, Arredondo, & Rausch).

CONFERENCE FACILITATOR SCRIPT

Questions Only

1. Introduce yourself as the facilitator and everyone present
 2. Welcome everyone and thank people for attending the conference
Agree on guidelines
 3. State the purpose of the conference
 4. Reiterate that conferences are voluntary
 5. Questions to person/s who harmed:
 - *What happened?*
 - *What were you thinking at the time?*
 - *What have your thoughts and feelings been since that time?*
 - *Who do you think has been affected by your actions? In what way?*
 6. Questions to person/s who was/were harmed:
 - *What was your reaction at the time of the incident?*
 - *How were you impacted?*
 - *How do you feel about what happened?*
 - *What has been the hardest thing for you?*
 - *How did your family and friends react when they heard about the incident?*
7. Questions to supporters of person/s who was/were harmed:
 - *What did you think when you heard about what happened?*
 - *How do you feel about what happened?*
 - *What has been the hardest for you?*
 - *What do you think are the main issues?*
 8. Questions to supporters of person/s who harmed:
 - *What did you think when you heard about what happened?*
 - *How do you feel about what happened?*
 - *What has been the hardest thing for you?*
 - *What do you think are the main issues?*

9. Say to person who harmed:

You have just heard how (b) [name] has been affected by what you did and how what you did has caused harm. Is there anything you would like to say at this time?

10. Questions to person/s who was/were harmed:

- ***What would you like to get out of today's conference? or***
- ***What do you need to repair the harm/make things right?***
- ***What do you think needs to happen to make things better?***
- ***Is there anything more you'd like to add?***

11. Questions to person/s who harmed:

- ***What are your thoughts about this? or***
- ***What do you think you need to do to make things better?***
- ***Would you like to respond to what (b) [name] just shared***

- ***What do you think (b) [name] might need to feel safe again?***

You may also ask the person who harmed:

- ***What do you think you can you do to repair/make things right?" or***
- ***What do you think you need to do to repair the harm/make things right?***
- ***Is there anything more you'd like to add?***

To find out who might be able to support and assist the young person in honoring their commitments:

- ***Is there anyone else who can support you in this?***
- ***How could others provide support?***

12. Question to person/s who was harmed:

- ***How do you feel about that offer? or***
- ***What do you think about that?***

13. Final question/comment to all participants in the conference:

- ***Before I prepare the written agreement, I'd like to make sure that I have accurately recorded what was decided [read out what was decided]***

- ***Before I formally close this conference, I would like to provide everyone with a final opportunity to speak. Is there anything else anyone would like to say?***

Thank you for your contributions in dealing with this difficult matter. Congratulations on the way you have worked through these issues.

14. Question to person/s who harmed:

On [date] you made the choice to [summarise the incident] and today you have made another choice and have agreed to [summarise reparation offered]. Which choice do you feel better about? or

You have said that you have taken responsibility for what you did and that you are going to put things right by [sum up agreement]:

How do you feel now?

How will [other participants] feel if you do not keep to the agreement?

How will s/he feel if you keep to the agreement?

How will you feel if you keep to the agreement?

15. Question to person/s harmed:

You have heard (a) [name] say how his/her behaviour has caused harm and what s/he will do to put this right. How do you feel now?

Say something about the follow up meeting.

Thank everyone for coming!